



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

Board of County Commissioners (BCC) Meeting

March 20, 2018
9:30 A.M.
Commission Chambers

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Research Notes**

**Item No. 3B1
File No. 180389**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING EXECUTION OF A STATE FUNDED GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE \$5,000,000.00 IN STATE LOCAL TRANSPORTATION PROJECTS PROGRAM FUNDS FOR CONSTRUCTION COSTS OF THE UNDERLINE – PHASE 3 PROJECT; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS AS SPECIFIED IN THE AGREEMENT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE STATE FUNDED GRANT AGREEMENT, ENTER INTO TIME EXTENSIONS, MODIFY THE TERMINI OF THE PROJECT, AND TO RECEIVE AND EXPEND ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE

ISSUE/REQUESTED ACTION

Whether the Board should approve the execution of a State Funded Grant Agreement between Miami-Dade County and the Florida Department of Transportation (FDOT) to provide \$5 million in state Local Transportation Projects Program Funds for construction of The Underline's Phase 3 project, extending from SW 19th Avenue to SW 23rd Avenue.

APPLICABLE LEGISLATION/POLICY

Section 334.044 Florida Statutes, specifying the powers and duties of the Department of Transportation, including the power to enter into contracts and agreements.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&Appmode=Display_Statute&Search_String=334.044&URL=0300-0399/0334/Sections/0334.044.html

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation & Public Works

This item has no procedural history.

FISCAL IMPACT

The 2016-2017 State Legislature approved \$5 million in funding for The Underline in HB 3457, which was ultimately included in The General Appropriations Act, SB 2500—signed by the Governor and enacted into law on June 2, 2017. The \$5 million allocated originally for Phase 3 of the project is 27.5% of the \$18,189,400 total FY 2017-2018 costs for The Underline. The funding allocated to this project by the Legislature will lose its legal effect if the State Funded Grant Agreement is not fully executed with FDOT by June 30, 2018.

The Underline is expected to become a signature linear park and urban trail improving the quality of life for Miami-Dade County residents, and generate economic benefits to thousands of residents, businesses and properties. It is anticipated that the project will catalyze new real estate development and increase the value and fiscal potential of surrounding properties. The Underline will become a valuable amenity for surrounding neighborhoods, creating \$300-\$485 million in incremental assessed value for property owners. Increased property values will equate to \$6 to \$10 million in new annual tax revenue for Miami-Dade County and the cities of Miami, Coral Gables and South Miami. The project as a whole is expected to create more than 1,000 jobs during construction and 400 permanent jobs during operations of the park, with the finish product enhancing connectivity, mobility, and biking safety for hundreds of thousands of Miami-Dade residents and visitors. The total cost is \$110-\$120 million which includes: \$80 Million for

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the two trails, lighting, seating, and other amenities; \$20 million for intersection improvements (over 30 intersections); and \$20 million for destination parks.

ANALYSIS

The Underline is a project to transform the underutilized land below Miami's Metrorail into a 10-mile neighborhood park, urban trail and living art destination, ultimately creating a safer, healthier, more connected, mobile, and engaged community. The refurbishment will occur on County-owned land stretching from the Miami River in Downtown Miami to the Dadeland South Metrorail station. This Resolution seeks to approve the execution of a State Funded Grant Agreement between Miami-Dade County and the Florida Department of Transportation (FDOT) to provide \$5 million in state Local Transportation Projects Program Funds for construction of The Underline's Phase 3 project, extending from SW 19th Avenue to SW 23rd Avenue.

While this funding was initially planned for Phase 3, there was a legislative request to the 2017-2018 State Legislature to re-program these funds from Phase 3 to Phase 2. Phase 2 of the project extends approximately 2.14 miles from SW 13th Street to SW 19th Avenue. That request has been approved by the State Legislature in its appropriations bill, HB 5001, as of March 11, 2018 and was signed by officers and presented to the Governor on March 14, 2018. The Governor now has 15 days from the March 14th date to issue his veto message and sign the appropriations legislation, in which the following language is included:

The unexpended balance of funds provided to the Department of Transportation in Specific Appropriation 1921A of Chapter 2017-70, Laws of Florida, for the project titled The Underline (HB 3457), shall revert and is appropriated for Fiscal Year 2018-2019 to the department for the Underline Phase 2 to support design and construction from 13th Street to 19th Avenue.

FDOT will provide a Supplemental Agreement should the request to change the termini (term) be approved by the State.

Under the Agreement, Miami-Dade County must complete the project on or before December 31, 2022. Construction of Phase 3 is anticipated to begin in January 2020 and to be completed by December 2022. If the County does not complete the Project within this time period, this Agreement will expire on the last day of the scheduled completion unless an extension of the time period is requested by the County and granted in writing by FDOT prior to the expiration of the Agreement. Expiration of the Agreement is considered termination of the Project.

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ADDITIONAL INFORMATION

The Underline intends to improve pedestrian and bicyclist safety; create over one hundred acres of open space with restored natural habitats; encourage a healthy lifestyle and active transportation; create a mobility corridor that integrates transit, car, biking and walking; connect people to place with engaging art and programming; facilitate sustainable development along the corridor, and generate significant economic impact.

<https://www.theunderline.org/>

This project is part of the “High Line Network” which consists of 19 infrastructure reuse projects in the U.S. that are intended to positively transform their cities. Some of the projects include: The High Line in New York, the Beltline in Atlanta, and The 606 in Chicago.

The High Line in New York City: In 1999, residents in the Chelsea neighborhood of Manhattan started a community group, Friends of the High Line, dedicated to turning the High Line (a 1930s elevated train track) into an elevated park-greenway. The opening of the first half-mile section in 2009 was the culmination of more than three years of construction and ten years of planning. Much of the park lies within the West Chelsea special District, a zoning area specially created by the City in June 2005 that has fostered development along the High Line and in the West Chelsea neighborhood. The rezoned area has provided opportunities for new residential and commercial development, facilitated the reuse of the High Line as a unique park, created and maintained affordable housing, and enhanced the neighborhood’s art gallery district. <https://www.nycedc.com/project/high-line>

The Atlanta BeltLine: The Atlanta BeltLine is a sustainable redevelopment project that is transforming the city. It will ultimately connect 45 in-town neighborhoods via a 22-mile loop of multi-use trails, modern streetcar, and parks – all based on railroad corridors that formerly encircled Atlanta. The plan for the Atlanta Beltline includes a 22-mile transit system, 33-mile trail network, 1,300 acres of new and 700 acres of restored greenspace, public art, historic preservation, 28,000 new and 5,600 affordable housing units, 30,000 permanent and 48,000 construction jobs, and up to \$20 billion in total projected economic development. <https://beltline.org/about/the-atlanta-belt-line-project/>

The Chicago 606 Elevated Trail: The 606 has the elevated Bloomingdale Trail at its centerpiece, connected to four neighborhood parks at ground level, an observatory, art installations, educational programming and other amenities. Official plans for converting the Bloomingdale Line into a public space date back to the late 1990s, when it was included in the City’s Bike Plan. The 2004 Logan Square Open Space Plan called for an ambitious reuse of the former industrial rail corridor. This spurred the formation of the Friends of the Bloomingdale Trail, a group of residents who would champion the project for the next decade, dedicated to making the vision become a reality. The project broke ground in August 2013. The first phase of the project opened on June 6, 2015. At that time, the elevated Bloomingdale Trail and four of the connected parks were open and accessible. Additional parks, further arts integration and enhanced landscaping followed since then. <https://www.the606.org/>

The full report on the Economic Impacts of the Underline is available at the link below.

https://www.theunderline.org/wp-content/uploads/2016/01/Miami_Underline_Economic_Impact_Study_FINAL.pdf

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**Item No. 3B2
File No. 180426**

Researcher: MF Reviewer: PGE

RESOLUTION RATIFYING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE'S ACTION, AS FISCAL AGENT FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA IN ACCORDANCE WITH RESOLUTION NO. R-79-03, IN APPLYING FOR GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION IN THE AMOUNT OF \$2,125,000.00 FOR THE DEPENDENCY DRUG COURT RESPONSE TO FAMILY TREATMENT NEEDS PROJECT; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS TO THE GRANT APPLICATION, TO RECEIVE ANY GRANT FUNDS THAT ARE AWARDED, AND TO EXECUTE SUCH CONTRACTS, AGREEMENTS, AND MEMORANDA OF AGREEMENTS AS MAY BE REQUIRED BY PROGRAM GUIDELINES AND FOR THE COUNTY TO ACT AS THE FISCAL AGENT FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA IN ASSOCIATION WITH THE GRANT, AND TO EXERCISE TERMINATION AND MODIFICATION PROVISIONS CONTAINED THEREIN; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, AS FISCAL AGENT FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, TO APPLY FOR AND RECEIVE ADDITIONAL FUTURE FUNDS THAT MAY BECOME AVAILABLE FOR THIS PROJECT AND EXECUTING ANY CONTRACTS, AGREEMENTS, OR MEMORANDA OF AGREEMENTS THAT MAY BE NECESSARY FOR THE RECEIPT OF SUCH FUTURE AVAILABLE FUNDS

ISSUE/REQUESTED ACTION

Whether the Board should do the following: (1) ratify County Mayor or the County Mayor's designee's action, acting as the fiscal agent for the Eleventh Judicial Circuit of Florida, in applying for grant funds from the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) in the amount of \$2,125,000, for the Miami-Dade County Dependency Drug Court Response to Family Treatment Needs Project; (2) authorize the County Mayor or the County Mayor's designee to execute any amendments to the grant application, to receive any grant funds that are awarded in response to this application, and to execute any contracts and amendments thereto as may be required and to act as fiscal agent for the Eleventh Judicial Circuit; and (3) authorize the County Mayor or the County Mayor's designee, as fiscal agent for the Circuit, to apply for and receive additional future funds that may become available under this program.

APPLICABLE LEGISLATION/POLICY

Resolution N. R-79-03, adopted by the Board on January 23, 2003, approved the designation of Miami-Dade County as the fiscal agent for the Eleventh Judicial Circuit of Florida in connection with certain grants provided to the Circuit. <http://intra/gia/matter.asp?matter=030133&file=false&yearFolder=Y2003>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Office of Management and Budget

The proposed resolution has no procedural history.

FISCAL IMPACT

The grant request is for \$2,125,000. According to the Fiscal Impact Statement, there is no fiscal impact to the County to serve as the fiscal agent of the Eleventh Judicial Circuit of Florida for this grant project, as existing staff will facilitate this project.

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ANALYSIS

Since July 2001, the County has acted as fiscal agent for the Eleventh Judicial Circuit (Circuit) of Florida, in connection with certain grant funded programs, as the Florida Supreme Court Office of the State Courts Administrator's (OSCA) was unable to continue to serve in this capacity. The Circuit is in need of the County's continued assistance with regard to receiving and disbursing grant funds from various funding sources, as well as maintaining an accounting of all such funds.

The County, through the Office of Management of Budget, Grants Coordination Division (OMB-GCD), on behalf of the Eleventh Judicial Circuit, applied for a grant from SAMHSA in the amount of \$2,125,000 for the Dependency Drug Court's Response to Family Treatment Needs Project. The Circuit, as lead partner, formed a collaborative partnership with the Family Resource Center of South Florida, Inc., to implement the project. The SAMHSA grant project will serve to strengthen the child welfare continuum of care's capacity to respond to the effects of trauma exposure on families affected by substance abuse disorder and who are involved in the child welfare system.

The purpose of SAMHSA's Family Treatment Drug Courts (FTDC) program is to expand substance use disorder (SUD) treatment services in existing family treatment drug courts, which use the family treatment drug court model in order to provide alcohol and drug treatment to parents with a SUD and/or co-occurring SUD and mental disorders who have had a dependency petition filed against them or are at risk of such filing. Services must address the needs of the family as a whole and include direct service provision to children (18 and under) of individuals served in this project. This program is intended to help reduce the pervasive, harmful, and costly health impact of violence and trauma in families by integrating trauma-informed approaches throughout health, behavioral health, and related systems and addressing the behavioral health needs of parents and children.

The expectations of the grant are to provide funding for Family Treatment Drug Courts to assist participants in reducing the rates of substance misuse, the severity of SUDs and co-occurring disorders, and decreasing out of home placements for children through family reunification and preservation. This, in turn, should decrease the number of parents or guardians whose parental rights have been or will be terminated. The award will allow current FTDCs to enhance and sustain programing by implementing evidence-based practices and wraparound approaches to services in order to serve participants and their families.

Eligible applicants include state and local governments, such as the Administrative Office of the Courts, the Single State Agency for Alcohol and Drug Abuse, the designated State Drug Court Coordinator, or local governmental units such as county or city agencies with direct involvement with the drug court; Tribal Court Administrator; and federally recognized American Indian/Alaska Native tribes and tribal organizations.

<https://www.samhsa.gov/grants/grant-announcements/ti-17-004>

Since 1999, the Miami-Dade County Dependency Drug Court program has offered eligible participants intensive court supervision, access to trained child welfare counselors, risk and health assessments, individualized case management, and timely referrals to therapeutic crisis intervention services delivered by community-based service providers. However, the County has a significant shortage of trauma-informed and trauma-specific therapeutic services available to adequately address the recovery needs of both parents and children.

If awarded the grant by SAMHSA, the Dependency Drug Court will use the five-year grant to expand and enhance the capacity of the local child welfare continuum of care by: (1) referring parents to trauma-informed cognitive behavioral therapy, children to therapists trained in early childhood development, and cognitive behavioral therapy for older children; (2) training five to ten cognitive behavioral therapists per year; (3) training the Dependency Drug Court's

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multi-disciplinary team in the principles of trauma-informed care; and (4) strengthening the bridge of communication between the children's therapists and parents' therapists to ensure that the best approach is taken.

ADDITIONAL INFORMATION

The Dependency Drug Court of the 11th Judicial Circuit of Florida is a voluntary program that addresses the underlying substance abuse problems that often co-exist with parents involved in Dependency Court. The goal of DDC is to help parents live a drug-free life and assume full responsibilities of parenthood.

<https://www.jud11.flcourts.org/Dependency-Drug-Court>

Since 1978, the Family Resource Center of South Florida has been championing the rights of children to grow up in a healthy and safe environment. The agency was founded by a group of concerned citizens, with the mission to help prevent and treat child abuse and neglect through the strengthening of families. Today, the agency is a leader in child welfare services, providing a full continuum of services that help prevent and treat child abuse and neglect through the strengthening of families.

<http://frcflorida.org/>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), the Family Resource Center of South Florida, Inc., has an active status as a Florida not-for-profit corporation and first filed and registered on 02/01/1978. Its principal address is 1393 S.W. 1st Street, Miami, FL 33135. Its registered agent is Family Resource Center, 1393 S.W. 1st Street, Miami, FL 33135.

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

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Item No. 3B3

File No. 180449

Researcher: MF Reviewer: PGE

RESOLUTION RATIFYING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE'S ACTION IN APPLYING FOR, ACCEPTING, AND EXECUTING A GRANT AGREEMENT FOR GRANT FUNDS AS THE FISCAL AGENT FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, PURSUANT TO RESOLUTION NO. R-79-03, FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF VIOLENCE AGAINST WOMEN, IN THE AMOUNT OF \$75,000.00 FOR THE DOMESTIC VIOLENCE MENTOR COURT TECHNICAL ASSISTANCE INITIATIVE; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH CONTRACTS, AGREEMENTS, AND MEMORANDA OF AGREEMENTS AS ARE REQUIRED FOR THE COUNTY TO ACT AS THE FISCAL AGENT FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA IN ASSOCIATION WITH THE GRANT FOR THE DOMESTIC VIOLENCE MENTOR COURT TECHNICAL ASSISTANCE INITIATIVE AND TO EXERCISE TERMINATION AND AMENDMENT PROVISIONS CONTAINED THEREIN; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO ACT AS FISCAL AGENT FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA IN APPLYING FOR AND RECEIVING ADDITIONAL FUTURE FUNDS THAT MAY BECOME AVAILABLE FOR THE DOMESTIC VIOLENCE MENTOR COURT TECHNICAL ASSISTANCE INITIATIVE AND EXECUTING ANY CONTRACTS, AGREEMENTS, OR MEMORANDA OF AGREEMENTS THAT MAY BE NECESSARY FOR THE RECEIPT OF SUCH FUTURE AVAILABLE FUNDS

ISSUE/REQUESTED ACTION

Whether the Board should approve the following: (1) ratify the County Mayor or the County Mayor's designee's action in acting as the fiscal agent for the Eleventh Judicial Circuit of Florida (Circuit) in applying for, accepting, and executing a grant agreement for grant funds from the United States Department of Justice (DOJ), Office of Violence Against Women, in the amount of \$75,000 for the Domestic Violence Mentor Court Technical Assistance Initiative Grant; (2) authorize the County Mayor or the County Mayor's designee to execute such contracts, agreements, memoranda of agreements, and amendments as may be required by program guidelines and for the County to act as fiscal agent; and (3) authorize the County Mayor or the County Mayor's designee to act as fiscal agent for the Circuit in applying for and receiving additional future funds that may become available under this program.

APPLICABLE LEGISLATION/POLICY

Resolution N. R-79-03, adopted by the Board on January 23, 2003, approved the designation of Miami-Dade County as the fiscal agent for the Eleventh Judicial Circuit of Florida in connection with certain grants provided to the Circuit.
<http://intra/gia/matter.asp?matter=030133&file=false&yearFolder=Y2003>

In March 2013, President Obama signed the "Violence Against Women Re-authorization Act of 2013, enacted by Congress in January 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a non-discrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity
<https://www.gpo.gov/fdsys/pkg/BILLS-113s47enr/pdf/BILLS-113s47enr.pdf>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Office of Management and Budget

The proposed resolution has no procedural history.

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FISCAL IMPACT

The grant request is for \$75,000. According to the fiscal Impact Statement, there is no fiscal impact to the County to serve as the fiscal agent of the Eleventh Judicial Circuit of Florida (Circuit) in this grant project as existing staff will be used to facilitate this grant.

ANALYSIS

The Eleventh Judicial Circuit created a specialized Domestic Violence Division in 1991, which ultimately resulted in the Domestic Violence Court and a domestic violence intake center staffed with court advocates to assist petitioners seeking protection orders. In the last 25 years, the Domestic Violence Court has grown tremendously from its early beginnings as a docket that was covered by two alternating judges, no administrative staff, and limited community resources. The Domestic Violence Court has concurrent jurisdiction over civil injunctions/orders for protection, injunction violations, and misdemeanors involving domestic violence. Seven full-time judges are assigned to the Division and handle a caseload consisting of both civil and criminal cases.

<https://www.jud11.flcourts.org/About-the-Court/Court-Divisions/Domestic-Violence>

Created in 1995 the Department of Justice's Office on Violence Against Women implements the Violence Against Women Act (VAWA) and subsequent legislation and provides national leadership on issues of sexual assault, domestic violence, dating violence, and stalking. Since its inception, the Office on Violence Against Women has supported a multi-faceted approach to responding to these crimes through implementation of grant programs authorized by VAWA. One such program is the Technical Assistance Initiative, which is designed to build the national capacity of justice system professionals and victim services organizations to respond effectively to sexual, domestic violence, dating violence and stalking and fostering partnerships among organizations that have not traditionally worked together to address violence against women.

Since Fiscal Year 2013, the Office on Violence Against Women has been engaged in an effort to develop and spread best practices for domestic violence courts by funding mentor court sites. This initiative creates a unique opportunity to recognize well-established specialized courts and enable them to guide other courts and court-based programs that wish to significantly improve their court responses to domestic violence cases and ensure victim safety and offender accountability. With years of experience honing strategies that enhance offender accountability and improve victim safety in domestic violence cases, these well-established courts have successfully served as national models and share their expertise by hosting site visits, linking courts with peers facing similar challenges and assisting other domestic violence courts to implement best practices to respond effectively to these difficult cases.

<https://www.justice.gov/ovw/file/928741/download>

The County, through the Office of Management of Budget, Grants Coordination Division (OMB-GCD), on behalf of the Eleventh Judicial Circuit, received a grant award from the United States DOJ's Office of Violence Against Women in the amount of \$75,000 in funding for the Domestic Violence Mentor Court Technical Assistance Initiative. The project period runs from October 1, 2017 to September 30, 2019. All recipients of federal financial assistance are subject to prohibitions against unlawful discrimination, and must comply with regulations that relate to equality employment opportunity.

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According to the grant award agreement, the Office on Violence Against Women (OVW) will:

- Provide the services of a federal program manager as a single point of contact for administration of this cooperative agreement;
- Plan and host a Mentor Court All Sites Meeting in coordination with OVW technical assistance providers;
- In conjunction with OVW technical assistance providers, assist the site in identifying OVW grantee jurisdictions to be mentored and receive technical assistance;
- Monitor program development and implementation.

Miami-Dade County will comply with all terms and conditions in this cooperative agreement, including those described below:

- Host site visits from jurisdictions planning domestic violence courts;
- Provide on-site technical assistance to other jurisdictions that wish to significantly improve their court responses to domestic violence cases and ensure victim safety and offender accountability;
- Share court-related forms, procedures and protocols with other jurisdictions and OVW technical assistance providers;
- Participate in the Mentor Court All Sites Meeting;
- Participate in the OVW Judicial Engagement Network Summit;
- Host and/or participate in OVW-sponsored judicial forums and roundtable discussions;
- Respond to technical assistance inquiries from other courts;
- Collaborate with OVW technical assistance providers, including the Center for Court Innovation and the National Council of Juvenile and Family Court Judges.

The Circuit, as lead partner, formed collaborative partnerships with the Coordinated Victims Assistance Center and the Advocate Program, Inc., to support the project. The Domestic Violence Court Division of the Circuit will implement the project. This initiative will serve to enhance the efficiency and performance of the Domestic Violence Court Division through training, workshops and outreach.

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ADDITIONAL INFORMATION

According to United States Code, Title 42, Chapter 136, Section 13925, the term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

<https://law.justia.com/codes/us/2009/title42/chap136/subchapiii/sec13925/>

The Coordinated Victims Assistance Center is a walk-in center for all domestic violence and sexual abuse victims and their children. It was created to eliminate the barriers faced by victims and is currently comprised of 33 on-site partners.

<http://casa-us.org/cvac-office/>

The Advocate Program, Inc., is a private, not-for-profit justice agency that has been in existence for over 40 years. It offers probation, diversion, community service, DUI and traffic programs, domestic violence programs, substance abuse and mental health evaluations and treatment to court-ordered individuals. It has collaborated with the community to develop Victim Response, Inc., Miami-Dade County’s first privately-run domestic violence and sexual assault women’s shelter.

<http://advocateprogram.com/about/>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), the Coordinated Victims Assistance Center is not registered.

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

According to the Florida Department of State Division of Corporations website (Sunbiz.org), the Advocate Program, Inc., has an active status as a Florida not-for-profit corporation and first filed and registered on 12/31/1975. Its principal address is 1150 N.W. 72nd Ave., Suite 200, Miami, FL 33126. Its registered agent is Mc. Griff, David, 1150 N.W. 72nd Ave., Suite 200, Miami, FL 33126.

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

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**Item No. 3B4
File No. 180492**

Researcher: NR Reviewer: PGE

RESOLUTION APPROVING CONFIDENTIAL PROJECT PEAK AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO SECTION 288.106, FLORIDA STATUTES; CONFIRMING THAT THE COMMITMENTS OF LOCAL FINANCIAL SUPPORT NECESSARY FOR CONFIDENTIAL PROJECT PEAK EXISTS; AND PROVIDING THAT LOCAL SUPPORT OF UP TO \$15,000.00 FROM GENERAL REVENUE FUNDS WILL BE AVAILABLE AS LOCAL PARTICIPATION IN THE STATE OF FLORIDA QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM FOR FISCAL YEARS 2019-20 THROUGH 2024-25 INCLUSIVE, OR OVER A PERIOD AS DETERMINED BY THE STATE OF FLORIDA IN ITS APPROVAL OF CONFIDENTIAL PROJECT PEAK

ISSUE/REQUESTED ACTION

Whether the Board should approve Confidential Project Peak, an aviation maintenance company, as a Qualified Target Industry Business, pursuant to section 288.106, Florida Statutes, entitling Confidential Project Peak to be recognized as a State of Florida Qualified Target Industry (QTI) business, eligible to receive the financial benefits afforded under the QTI Tax Refund Program.

APPLICABLE LEGISLATION/POLICY

Section 288.106, Florida Statutes (Tax Refund Program for Qualified Target Industry Businesses): the Legislature declares that it is the policy of the state to encourage the growth of higher-wage jobs and a diverse economic base by providing state tax refunds to qualified target industry businesses that originate or expand in the state or that relocate to the state.

<http://www.leg.state.fl.us/statutes/Sections/0288.106.html>

Section 288.1201, Florida Statutes (State Economic Enhancement and Development Trust Fund) created within the Department of Economic Opportunity the State Economic Enhancement and Development Trust Fund. Moneys deposited in the trust fund shall be used for infrastructure and job creation opportunities and for the following purposes or programs:

- (a) Transportation facilities that meet a strategic and essential state interest with respect to the economic development of the state;
- (b) Affordable housing programs and projects in accordance with chapter 420;
- (c) Economic development incentives for job creation and capital investment;
- (d) Workforce training associated with locating a new business or expanding an existing business

<http://www.leg.state.fl.us/statutes/index>

Pursuant to Resolution No. R-1175-16, approved on December 6, 2016, the Board sets as its policy a requirement that Qualified Target Industry businesses fill not less than 20 percent of the jobs created on a project with residents of the County as a condition of this Board adopting a resolution recommending that the project be approved as a qualified target industry business.

<http://intra/gia/matter.asp?matter=162493&file=true&yearFolder=Y2016>

PROCEDURAL HISTORY

Prime Sponsor: Jose “Pepe” Diaz

Requester: Regulatory and Economic Resources

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FISCAL IMPACT

Confidential Project Peak has applied for a total of \$75,000 in QTI Tax Refund Program incentives, of which 80 percent (\$60,000) would be provided by the State and 20 percent (\$15,000) is the local match to be provided by the County from Countywide General Fund revenues to be paid over a six-year period beginning in FY 2019-20.

Based on the projected capital investment of \$6,300,000 in new real property, the project will generate \$132,933 (over a six-year period) in Countywide General Fund ad valorem revenues, which results in a net positive fiscal impact of \$117,933 to the County. In addition, based on the job creation of 25 new jobs with an average salary of \$58,000, this project will generate \$9,098,563 in direct and indirect wages over the six-year period the project is eligible for the award. The job incentive per job is \$3,000 with a maximum \$75,000 incentive award.

This is a performance-based incentive. No funds will be provided to the Company until it meets all program and job creation requirements. The incentive that is provided is not a cash grant; rather it is an after-the-fact, performance-based refund.

ANALYSIS

The Beacon Council, on behalf of Confidential Project Peak, has submitted an application for economic development incentives from the State of Florida (State) and the County that require approval from the Board. This item seeks that the Board authorize Confidential Project Peak to be recognized by the State as a QTI business and entitled to the financial benefits afforded under the QTI Tax Refund Program.

Confidential Project Peak is expanding its international headquarters in the County to provide a full range of aviation maintenance, repair and overhaul (MRO) services. It is currently seeking to add an additional 135,000 square feet of leasehold improvements to accommodate its expanding MRO operations to domestic and international clients. The proposed permanent location for this project is confidential at this time, but is located in Commission District 12, which is represented by Jose "Pepe" Diaz.

The company plans to commence construction during FY 2018. If the business expands in the County the potential employment gain is 25 direct jobs and 8 indirect jobs over a projected six year period. Further, the project will retain 136 jobs, create 25 direct new jobs with an average annualized salary of \$58,000, which is at least 115 percent of the average annual wage in the County. Employee benefits associated with each newly created job will be \$5,000. In addition, the company will make a capital investment of \$6,300,000 in the County over a 3-year period.

Confidential Project Peak has applied for a total of \$75,000 in QTI Tax Refund Program incentives, of which 80 percent is to be provided by the State and 20 percent is the local match to be provided by the County. The County's 20 percent local match is required when the State determines that the 25 new jobs have been created and have met the average salary threshold required in the State's QTI Tax Refund Program.

Pursuant to Resolution No. R-1175-16, the Board sets as its policy a requirement that Qualified Target Industry businesses fill not less than 20 percent of the jobs created on a project with residents of the County as a condition of this Board adopting a resolution recommending that the project be approved as a qualified target industry business.

According to the Qualified Target Industry Local Jobs Commitment Agreement (attached to Mayoral Memorandum dated March 20, 2018):

- The Business will ensure that twenty (20) percent of new hires created on the Project are residents of Miami-Dade County.

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- The Business will allow County staff to conduct annual site visits, and such other site visits as the County deems necessary, to ensure compliance with local residency requirement.
- The Business will provide the County with such documentation as requested by the County to evidence that the Business is in compliance with the requirement that twenty percent of new hires are County residents.
- The Business understands and agrees that County shall have no obligation to pay the Local Financial Support until such time as the Business has met the local residency requirement and proven such compliance to the satisfaction of County.
- The Business understands and agrees that in the event the County is required by the State of Florida to pay the Local Financial Support before the Business has complied with the local residency requirement or notwithstanding Business' failure to comply with the local residency requirement, the Business will refund directly to County all amounts expended by County for the Local Financial Support.
- The Business understands and agrees that in the event Business fails to comply with the local residency requirement and provide documentation or such other proof satisfactory to County to evidence such compliance, Business shall pay to the County an amount equal to the total Local Financial Support.

ADDITIONAL INFORMATION

According to the State Tax Incentives and Grants website:

Qualified Target Industry Tax Refund incentive is available for companies that create high wage jobs in targeted high value-added industries. This incentive includes refunds on corporate income, sales, ad valorem, intangible personal property, insurance premium, and certain other taxes.

Pre-approved applicants who create jobs in Florida receive tax refunds of \$3,000 per net new Florida full-time equivalent job created; \$6,000 in a Rural Community. For businesses paying 150 percent of the average annual wage, add \$1,000 per job; for businesses paying 200 percent of the average annual salary, add \$2,000 per job; businesses falling within a designated high impact sector or increasing exports of its goods through a seaport or airport in the state by at least 10 percent in value or tonnage in each year of receiving a QTI refund, add \$2,000 per job; projects locating in a designated Brownfield area (Brownfield Bonus) can add \$2,500 per job.

The selected local community contributes 20 percent of the total tax refund. No more than 25 percent of the total refund approved may be taken in any single fiscal year. New or expanding businesses in selected targeted industries or corporate headquarters are eligible.

<https://www.enterpriseflorida.com/why-florida/business-climate/incentives/>

The Beacon Council helps companies determine their eligibility for local and state business incentives related to job creation and workforce training, and then help qualified companies navigate the application process for these business benefits.

<http://www.beaconcouncil.com/business-miami-dade-county/relocation-and-expansion-services/business-incentives>

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**Item No. 4A
File No. 180508**

Researcher: MF Reviewer: PGE

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ALLOWING WHEELCHAIR ACCESSIBLE TAXICABS TO BE INITIALLY PLACED INTO SERVICE IF THEY HAVE BEEN PREVIOUSLY USED AS A TAXICAB WITHIN THE COUNTY; REVISING VEHICLE AGE REQUIREMENTS FOR WHEELCHAIR ACCESSIBLE TAXICABS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve amending Chapter 31 of the Miami-Dade County Code (Vehicles for Hire) to adjust the vehicle age limit requirement for wheelchair-accessible taxicabs from 10 model years to 15 model years and proscribe from being placed into service wheelchair-accessible cabs previously used as a taxicab outside of Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 31-82, regulates for hire licenses.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI

Miami-Dade County Code, Section 31-89, regulates taxicab vehicle standards.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-89VEST

PROCEDURAL HISTORY

Prime Sponsor: Bruno A. Barreiro, District 5

The proposed resolution has no procedural history.

FISCAL IMPACT

As of March 16, 2018, the posted preliminary March 20, 2018 Board Agenda does not include the required Fiscal Impact Statement for this item.

ANALYSIS

On January 10, 2018, the Miami-Dade County Taxicab Advisory Group recommended an adjustment of the vehicle age limit requirement for wheelchair-accessible taxicab vehicles from 10 model years to 15 model years. Accordingly, the following amendments (in bold letters) are therefore being recommended, effectively revising Chapter 31 of the Miami-Dade County Code:

“... any vehicle initially placed into service shall not have been previously used as a taxicab **outside of Miami Dade County** and shall not be greater than **fifteen (15)** model years of age. Any vehicle over **fifteen (15)** model years of age shall not be operated as a taxicab”.

“... any taxicab that operates as a Wheelchair Accessible Cab initially placed into service shall not have been previously used as a taxicab **outside of Miami-Dade County** or have a “rebuilt” or “salvage” title and shall be no greater than

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fifteen (15) model years of age. Any vehicle over **fifteen (15)** years of age shall not operate as a Wheelchair-Accessible Cab”.

Chapter 31

VEHICLES FOR HIRE

Article II. LICENSING AND REGULATION OF FOR-HIRE MOTOR VEHICLES

Sec. 31-82. For-hire licenses.

(l) In order to assure the development and maintenance of adequate wheelchair accessible taxicab service, Miami-Dade County shall strive to ensure that at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles by December 31, 2006.

* * *

(4) Notwithstanding any provision to the contrary, all for-hire taxicab licenses ordered by the Director to operate using accessible vehicles pursuant to Section 31-82(l)(1) or 31-82 (o)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall not be greater than ten (10) model years of age. Any vehicle over ten (10) model years of age shall not be operated as a taxicab. Notwithstanding the vehicle age limits required by this subsection, any properly permitted and inspected accessible taxicab scheduled for retirement on December 31, 2011, shall be allowed to be operated for an additional one-year period.

Sec. 31-82. For-hire licenses.

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* * *

(4) Notwithstanding any provision to the contrary, all for-hire taxicab licenses ordered by the Director to operate using accessible vehicles pursuant to Section 31-82(l)(1) or 31-82 (o)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab >>**outside of Miami-Dade County**<< and shall not be greater than [[ten (10)]] >>**fifteen (15)**<< model years of age. Any vehicle over [[ten (10)]] >>**fifteen (15)**<< model years of age shall not be operated as a taxicab. Notwithstanding the vehicle age limits required by this subsection, any properly permitted and inspected accessible taxicab scheduled for retirement on December 31, 2011, shall be allowed to be operated for an additional one-year period.

Sec. 31-89. -Vehicle standards.

(f) Taxicab vehicle age limits and inspection schedules. Taxicab vehicle age limits and frequency of for-hire inspections are as follows provided, however, that the RER may inspect a for-hire vehicle at any time. Any

Sec. 31-89. -Vehicle standards.

(f) Taxicab vehicle age limits and inspection schedules. Taxicab vehicle age limits and frequency of for-hire inspections are as follows provided, however, that the RER may inspect a for-hire vehicle at any time. Any

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vehicle initially placed into service, shall not have been previously used as a taxicab outside Miami-Dade County, or have a “rebuilt” or “salvage” title and shall not be greater than ten (10) model years of age. Any vehicle over ten (10) model years of age shall not be operated as a taxicab. Notwithstanding the foregoing, any taxicab:

(1) That operates as a Wheelchair Accessible Cab initially placed into service shall not have been previously used as a taxicab or have a “rebuilt” or “salvage” title and shall be no greater than ten (10) model years of age. Any vehicle over ten (10) model years of age shall not operate as a Wheelchair Accessible Cab;

vehicle initially placed into service, shall not have been previously used as a taxicab outside Miami-Dade County, or have a “rebuilt” or “salvage” title and shall not be greater than ten (10) model years of age. Any vehicle over ten (10) model years of age shall not be operated as a taxicab. Notwithstanding the foregoing, any taxicab:

(1) That operates as a Wheelchair Accessible Cab initially placed into service shall not have been previously used as a taxicab >>**outside of Miami-Dade County**<< or have a “rebuilt” or “salvage” title and shall be no greater than [[ten (10)]] >>**fifteen (15)**<< model years of age. Any vehicle over [[ten (10)]] >>**fifteen (15)**<< model years of age shall not operate as a Wheelchair Accessible Cab;

Words [[double bracketed]] shall be deleted. **Words in bold**, constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

ADDITIONAL INFORMATION

The official passenger website for the London taxi states that every licensed London taxi is wheelchair accessible and features a host of accessibility aids.

http://www.the-london-taxi.com/london_taxi_accessibility

New York Post article dated December 6, 2013, entitled “Half of NYC taxis to be wheelchair accessible by 2020”.

<https://nypost.com/2013/12/06/half-of-nyc-taxis-to-be-wheelchair-accessible-by-2020/>

An article from the Massachusetts Community Transportation Series, dated October 2013, entitled “Wheelchair-Accessible Taxicabs” concludes that in London, 100 percent of taxicabs are wheelchair-accessible. While Massachusetts is far from that level, local communities can take steps to make more wheelchair-accessible cabs available. Regulation, incentives, pilot programs, partnerships, and voucher programs can all help people with disabilities access taxis – and taxis can help individuals participate in community life.

<http://www.mass.gov/eohhs/docs/hst/accessible-taxicabs.pdf>

According to the Broward County Environmental and Consumer Protection website, the Broward County Commission has determined that 3.5 percent of total taxicab certificates shall be for wheelchair-accessible taxicabs.

<http://www.broward.org/Consumer/ConsumerProtection/VehicleForHire/Pages/default.aspx>

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**Item No. 4B
File No. 180540**

Researcher: JFP Reviewer: PGE

ORDINANCE RELATING TO THE FIXED-GUIDEWAY RAPID TRANSIT SYSTEM-DEVELOPMENT ZONE; CREATING SECTION 33C-10 AND AMENDING SECTIONS 33C-2, 33C-3, 33C-4, AND 33C-9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR EXPANSION OF THE RAPID TRANSIT ZONE AND CREATING THE BRICKELL STATION SUBZONE; PROVIDING USES, SITE PLAN REVIEW STANDARDS, AND PROCEDURES FOR APPROVAL OF SUCH SITE PLAN IN THE SUBZONE; REQUIRING SUPERMAJORITY VOTES BY THE BOARD IN CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the proposed ordinance creating Section 33C-10 of the County Code, related to the Fixed-Guideway Rapid Transit System-Development Zone and amending Sections 33C-2, 33C-3, 33C-4, and 33C-9 of the County Code, in effect creating the Brickell Station Subzone and providing for expansion of the Rapid Transit Zone.

APPLICABLE LEGISLATION/POLICY

Section 33C of the County Code establishes and governs the Rapid Transit System for the Metrorail Transit System.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33CFIIDRATRSYEVZO

Section 33-314 of the County Code addresses direct applications and appeals to the County Commission, delineating which applications are within the jurisdiction of the County Commission.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-314DIAPAPCOCO

PROCEDURAL HISTORY

Prime Sponsor: Chairman Esteban L. Bovo, District 13

Department/Requester: None

This item has no procedural history.

FISCAL IMPACT

The Fiscal Impact Statement for this item has not yet been published and is therefore unknown at this time.

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ANALYSIS

This item seeks to provide uniform regulation to the properties surrounding the Brickell Metrorail Station which the Ordinance includes within the Rapid Transit Zone.

The following are the proposed amendments to the County Code. The proposed changes are underlined.

The County Code as it Currently Reads	Proposed Changes to the County Code
<p>Sec. 33C-2. - Rapid Transit Zone.</p> <p>(B) <i>Designation of lands included.</i> The Board of County Commissioners hereby designates all land areas (including surface, subsurface, and appurtenant airspace) shown on Exhibits 1 through 16, bearing the following effective dates: Exhibit 1, July 31, 1998, Exhibits 2 through 9 and Exhibits 11 through 16, July 13, 1979, Exhibit 10, May 26, 1983, and Exhibit 17, February 13, 2014 as superseded by Ordinance No. 16-122, effective November 11, 2016, certified by the Clerk of the Board as a portion of this Chapter, incorporated hereby by reference, and transmitted to the custody of the Department of Regulatory and Economic Resources or its successor Department, as the Rapid Transit Zone for the Stage I Fixed-Guideway Rapid Transit System. The Director of the Department of Regulatory and Economic Resources or its successor Department shall submit to each affected municipality an official map or maps designating the Rapid Transit Zone which may from time to time be altered, enlarged, added to, amended or deleted by ordinance, after a public hearing within each municipality affected.</p> <p style="text-align: center;">* * *</p> <p>(D) <i>Uses.</i> No land, body of water, or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, structurally altered, or maintained for any purpose in the Rapid Transit Zone, except as provided in this article.</p> <p style="text-align: center;">* * *</p> <p style="padding-left: 40px;">(2) <i>Other uses; procedures for approval of such uses within the Rapid Transit Zone.</i> The following additional uses shall be permitted in conformance with the requirements set forth herein:</p> <p style="text-align: center;">* * *</p> <p style="padding-left: 40px;">(e) <i>Process for City of Miami.</i></p> <p style="text-align: center;">* * *</p>	<p>Sec. 33C-2. - Rapid Transit Zone.</p> <p>(B) <i>Designation of lands included.</i> The Board of County Commissioners hereby designates all land areas (including surface, subsurface, and appurtenant airspace) shown on Exhibits 1 through 16, bearing the following effective dates: Exhibit 1, July 31, 1998, Exhibits 2 through 9 and Exhibits 11 through 16, July 13, 1979, Exhibit 10, May 26, 1983, Exhibit 17, February 13, 2014, <u>and Exhibit 18, [insert effective date]</u> certified by the Clerk of the Board as a portion of this chapter, incorporated hereby by reference, and transmitted to the custody of the Department of Regulatory and Economic Resources or its successor Department, as the Rapid Transit Zone for the Stage I Fixed-Guideway Rapid Transit System. The Director of the Department of Regulatory and Economic Resources or its successor Department shall submit to each affected municipality an official map or maps designating the Rapid Transit Zone which may from time to time be altered, enlarged, added to, amended or deleted by ordinance, after a public hearing within each municipality affected.</p> <p style="text-align: center;">* * *</p> <p>(D) <i>Uses.</i> No land, body of water, or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, structurally altered, or maintained for any purpose in the Rapid Transit Zone, except as provided in this article.</p> <p style="text-align: center;">* * *</p> <p style="padding-left: 40px;">(2) <i>Other uses; procedures for approval of such uses within the Rapid Transit Zone.</i> The following additional uses shall be permitted in conformance with the requirements set forth herein:</p> <p style="text-align: center;">* * *</p> <p style="padding-left: 40px;">(e) <i>Process for City of Miami.</i></p> <p style="text-align: center;">* * *</p>

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(3) Brickell Station Subzone. Notwithstanding any other provision of this code to the contrary, whenever uses authorized by subparagraphs (D)(2)(a) and (D)(2)(b) above are proposed within the Brickell Station Subzone of the Rapid Transit Zone as designated in subsection 33C-10 herein, the procedures and development standards adopted pursuant to subsection 33C-10 shall control.

Sec. 33C-3. - Rapid Transit Developmental Impact Committee.

(a) There is hereby established a Rapid Transit Developmental Impact Committee Executive Council composed of the County's Developmental Impact Committee Executive Council (established by Section 33-303.1, Miami-Dade County Code) and two (2) representatives from each of the following municipalities: City of South Miami, City of Coral Gables, City of Miami, and the City of Hialeah. It is provided, however, that for developments located within the Downtown Intermodal District Corridor Subzone established by subsection 33C-9, however, the Rapid Transit Developmental Impact Committee shall be composed of the County's Developmental Impact Committee Executive Council and three (3) representatives from the City of Miami. In addition, there shall be an RTDIC Staff Council composed of members of the County Departments identified in Section 33-303.1(A) of this Code and three (3) representatives from the City of Miami. The Rapid Transit Developmental Impact Committee shall, subject to the procedures specified in 33-303.1, Miami-Dade County Code, perform the duties specified in Section 33C-2 and Section 33C-4 of this chapter.

Sec. 33C-3. - Rapid Transit Developmental Impact Committee.

(a) There is hereby established a Rapid Transit Developmental Impact Committee Executive Council composed of the County's Developmental Impact Committee Executive Council (established by Section 33-303.1, Miami-Dade County Code) and two (2) representatives from each of the following municipalities: City of South Miami, City of Coral Gables, City of Miami, and the City of Hialeah. It is provided, however, that for developments located within the Downtown Intermodal District Corridor Subzone established by section 33C-9 and the Brickell Station Subzone established by section 33C-10, however, the Rapid Transit Developmental Impact Committee shall be composed of the County's Developmental Impact Committee Executive Council and three (3) representatives from the City of Miami. In addition, there shall be an RTDIC Staff Council composed of members of the County Departments identified in Section 33-303.1(A) of this Code and three (3) representatives from the City of Miami. The Rapid Transit Developmental Impact Committee shall, subject to the procedures specified in section 33-303.1, Miami-Dade County Code, perform the duties specified in Section 33C-2 and Section 33C-4 of this chapter.

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(b) Except for the Downtown Intermodal District Corridor Subzone established by subsection 33C-9 herein, mailed notice of hearings before the Rapid Transit Development Impact Committee pursuant to Section 33C-2(D)(2)(d) shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to Section 33-310(d)(3) for the special exceptions expressly enumerated in that subsection. Mailed notice of the hearing shall also be provided simultaneously to the municipality in which the application site is located. Applications shall comply with the procedural requirements of Section 33-304.

(c) Notwithstanding any other provision of this code to the contrary, for the Downtown Intermodal District Corridor Subzone established by subsection 33C-9 herein, notice of meetings before the Rapid Transit Developmental Impact Committee shall comply with the procedures set forth in 33C-9.

Sec. 33C-4. - Rapid Transit Development Impact Zone.

* * *

(b) Except for the Downtown Intermodal District Corridor Subzone established by subsection 33C-9 herein, and notwithstanding anything to the contrary herein, mailed notice of hearings before the Rapid Transit Development Impact Committee pursuant to Section 33-2(D)(2)(e)(1) shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to Section 33-310(d)(3) for the special exceptions expressly enumerated in that subsection. Mailed notice of hearings shall also be provided simultaneously to the municipality in which the application site is located. Applications shall comply with the procedural requirements of Section 33-304.

(b) Except for the Downtown Intermodal District Corridor Subzone established by subsection 33C-9 and the Brickell Station Subzone established by section 33C-10 herein, mailed notice of hearings before the Rapid Transit Development Impact Committee pursuant to Section 33C-2(D)(2)(d) shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to Section 33-310(d)(3) for the special exceptions expressly enumerated in that subsection. Mailed notice of the hearing shall also be provided simultaneously to the municipality in which the application site is located. Applications shall comply with the procedural requirements of Section 33-304.

(c) Notwithstanding any other provision of this code to the contrary, for the Downtown Intermodal District Corridor Subzone established by section 33C-9 and the Brickell Station Subzone established by section 33C-10 herein, notice of meetings before the Rapid Transit Developmental Impact Committee shall comply with the procedures set forth in those respective sections.

Sec. 33C-4. - Rapid Transit Development Impact Zone.

* * *

(b) Except for the Downtown Intermodal District Corridor Subzone established by section 33C-9 and the Brickell Station Subzone established by section 33C-10 herein, and notwithstanding anything to the contrary herein, mailed notice of hearings before the Rapid Transit Development Impact Committee pursuant to Section 33-2(D)(2)(e)(1) shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to Section 33-310(d)(3) for the special exceptions expressly enumerated in that subsection. Mailed notice of hearings shall also be provided simultaneously to the municipality in which the application site is located. Applications shall comply with the procedural requirements of Section 33-304.

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Sec. 33C-10. Brickell Station Sub-Zone.

(A) Purpose and Intent. The following development review standards and criteria shall govern applications for Initial Plan Approval of the general site development plan and applications for Final Site Plan Review for all development to be located within the boundaries of the Brickell Station Sub-Zone established in this section. The standards set forth herein further the unique land use characteristics of this area, which lies within the City of Miami Urban Core, as defined in section 33-84, and within the Downtown Regional Urban Center, as designated on the Land Use Plan Map of the County's Comprehensive Development Master Plan, and are consistent with, and support the City's commitment to, principles of urban planning, including responding to the existing conditions of the City, its downtown corridor, and its natural features, infrastructure, and buildings, improved mobility, enhanced pedestrian environment, and the reduction of urban sprawl. Development in this sub-zone also addresses government service and infrastructure needs of this quickly growing area, and therefore projects within this sub-zone are encouraged to incorporate public service, public infrastructure, or public benefit components, including, but not limited to, a police or fire station, regional sewer pump station, and affordable housing.

(B) Boundaries. The Brickell Station Sub-zone of the Rapid Transit Zone is hereby established; the boundaries of the Sub-zone are identified in Exhibit 18 of section 33C-2(B). The legal description and a full-scale map of the boundaries are on file with the Miami-Dade County Department of Regulatory and Economic Resources or its successor Department (the "Department").

(C) Permitted Uses: The following uses shall be permitted in the Brickell Station Sub-zone, either alone or as mixed uses in horizontal or vertical integration. "Vertical integration" means any combination of primary uses (such as passenger transit systems or businesses) located on the ground floor, and residential and accommodation uses such as hotels on the upper floors. "Horizontal integration" means any combination of parcels or buildings and structures with different primary uses within the same development.

- (1) hotels;
- (2) commercial/retail;

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- (3) offices;
- (4) residential;
- (5) bars and restaurants;
- (6) rental car facilities;
- (7) parking lots and parking structures, including commercial parking lots and garages that charge fees for parking;
- (8) governmental;
- (9) convention halls and showrooms;
- (10) institutional;
- (11) health care facilities, except hospitals;
- (12) public parks and open spaces; and
- (13) other similar uses, as approved by the Director of the Department.

(D) Pre-application conference. The applicant shall participate in at least one pre-application conference with the Rapid Transit Development Impact Committee (RTDIC) prior to filing the application. The applicant shall provide a general outline of the proposal through schematics and sketch plans including narrative information sufficient for the understanding of the proposed development.

(E) Initial Review.

(1) Application. Following the pre-application conference, a request for approval of a general site development plan for development within the Brickell Station Sub-zone, shall be made by filing an application with the RTDIC in accordance with the provisions of section 33-304. Said application shall be considered a special exception for approval of a general site development plan to be considered and acted upon directly by the Board of County Commissioners pursuant to the development regulations established in this section. Applications shall comply with the procedural requirements of section 33-304 of this code.

(2) RTDIC recommendation. Within 60 days after the filing of the application, the RTDIC Staff Council shall review the application, and the RTDIC shall issue a recommendation upon such application. The recommendation shall reflect the consensus of the members present. In the event that the City representatives present do not concur with a recommendation for approval, the recommendation shall be for denial. The recommendation shall be

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transmitted to the Board of County Commissioners for final action. In the event of a recommendation of denial by the RTDIC, approval of the application shall require the affirmative vote of 9 members of the Board of County Commissioners.

(3) *Phased development.* Projects within the sub-zone may be constructed in phases, and the construction of public buildings and infrastructure to serve future development may accordingly need to be completed in phases. Where a phased development is requested, the Board of County Commissioners, in approving a phased site plan, shall specify building footprints, heights, density, intensity, and gross square footage of buildings as future development parameters. The RTDIC may review and approve specific land uses and design details of said future development in subsequent phases pursuant to the Final Review criteria enumerated herein, provided that the development parameters approved by the Board of County Commissioners in the phased site plan are not exceeded and that the development regulations set forth herein are met.

(4) *Required exhibits for Initial Development.* The following exhibits shall be submitted with the application for a general site development plan:

(a) A narrative describing the project's scope, including but not limited to: vision statement, the project's consistency with the intent and purpose of these regulations, size of project and location, and prominent components of the development; phasing of the development if necessary; scale; relevance to the region; its connection to the surrounding urban context; economic impact on the local economy; design concept(s); significance of the project as a gateway to the community; and any additional information necessary to explain the development.

(b) Schematic site plan(s), at a scale of not less than 1 inch equals 100 feet, indicating: prominent structural components of the

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development; permitted land uses; existing and proposed streets; major points of egress/ingress of the development; public open space locations and area in square feet; floor area ratio; pedestrian circulation; residential density; and square feet of retail, office, institutional, governmental, and other proposed land uses, not to exceed the development thresholds contained in the administrative site plan development parameters included herein.

(c) Information on adjoining and adjacent uses, on a plan at a scale no less than 1 inch equals 100 feet, to indicate the relationship(s) between the proposed development and adjacent areas including, but not limited to: existing land uses and their intensities; densities, vehicular and pedestrian circulation systems, blocks and lots, and unique geographical features.

(d) Perspectives, isometrics, elevations and other drawings illustrating proposed development.

(e) Any additional information specified by the RTDIC at the pre-application conference to evaluate the character and impact of the proposed development.

(F) Final Review.

(1) Final Review for development of the Brickell Subzone. Following approval of the special exception, final review for all or a portion of the development, including phased development, shall be made and approved administratively by the RTDIC in accordance with the plans and documents approved by the Board of County Commissioners. The RTDIC review shall be guided by development standards established in this section. Applications to modify a site plan approved pursuant to this section, including applications to approve a subsequent phase of a previously-approved phased site plan, shall be considered and acted upon administratively by the RTDIC without the necessity of public hearing.

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(2) In the event that the City representatives present do not concur with approval of the application, the decision of the RTDIC shall be for denial. The affirmative vote of 9 members of the Board of County Commissioners shall be required to reverse a decision of denial by the RTDIC.

(3) Notice.

(a) Mailed notices of the RTDIC Executive Council meeting shall be accomplished by placing in the United States mail a written notice to all property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated, within 500 feet of the subject property. Such mailed notices shall contain general information, including, but not limited to, the date, time and place of the meeting, the property's location (and street address, if available), and nature of the application shall be sent no sooner than 30 days and no later than 20 days prior to the meeting.

(b) The property shall be posted no later than 20 days prior to the meeting in a manner conspicuous to the public, by a sign or signs containing information including, but not limited to, the applied for zoning action, application number, and the time and place of the public meeting. The property owner shall be responsible for ensuring that the sign is maintained on the site until completion of the public meeting and for removal of the sign within two weeks following completion of the public meeting.

(c) In addition, notice shall be published in a newspaper of general circulation in Miami-Dade County, as follows: a full legal notice, to be published no later than 20 days and no earlier than 30 days prior to the meeting, to contain the date, time and place of the meeting, the property's location and street address, if available.

(3) Required Exhibits. The following exhibits must

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be included with an application. It is provided, however, that the Director of the Department shall have the authority to waive any of the items because of the nature or timing of the development or because the information cannot be furnished at the time of this review. The application shall be deemed complete if all items in this subsection are included in the application.

(a) Master plan, at a scale of not less than 1 inch equals 100 feet, which shall include the following information:

(i) Lot lines and setbacks.

(ii) Proposed floor area of all permitted uses.

(iii) Height, size, shape, and location of existing and proposed buildings.

(iv) Location of off-street parking and layouts showing number of parking spaces required and provided.

(v) Proposed grades if significantly altered.

(vi) Signage, street and lot lighting, and street and lot furniture.

(vii) Total number of dwelling units and hotel rooms, if applicable.

(viii) Location and amount of open space required and provided.

(ix) Phase lines, if applicable.

(x) Figures indicating gross and net acreage, and areas to be dedicated for public rights-of-way.

(xi) Vehicular and pedestrian circulation system, including blocks, streets, major points of access into and out of the development, pedestrian crosswalks, medians, and on-street parking.

(xii) Location of pedestrian access points, including connections to existing or proposed bridges, roadways, or sidewalk areas.

(xiii) Location of loading facilities, waste collection areas, and other service areas.

(b) Floor plans and elevations of all structures, including gross square footage of each floor.

(c) Sections of major structures.

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- (d) Isometrics or perspectives of the proposed development.
- (e) Landscape plan(s) in accordance with Chapter 18(A), except as modified herein.
- (f) Such other design data as may be specified to satisfy a condition of approval of the Initial Review.

(G) Administrative Site plan development parameters. The following development regulations shall apply to all development within the sub-zone.

(1) Parking: The table below indicates minimum parking for each type of use.

<u>Use</u>	<u>Minimum Parking Requirements</u>
<u>Commercial/Retail, Restaurants, Bars, Convention Halls and Showrooms</u>	<u>1.8 spaces / 1000 SF</u>
<u>Office, Government, Institutional, Health Care Facilities</u>	<u>0.6 spaces / 1000 SF</u>
<u>Residential</u>	<u>0 spaces per unit</u>
<u>Hotels</u>	<u>0.3 spaces / room</u>
<u>Transit systems including Maintenance Facilities</u>	<u>0.6 spaces / 1000 SF (excluding platform)</u>
<u>Other Uses</u>	<u>50% of the required parking indicated in Section 33-124</u>

- (a) To minimize adverse visual effects of the structure(s), multi-story parking garages facing public and private streets, rights-of-way, and/or public open space shall use screening methods, including, without limitation: liner buildings; glazing; building wall extensions; vertical planted walls; berms; landscaping; architectural fenestration; sculpture; design features; and/or other innovative screening methods.
- (b) Surface parking lots fronting streets shall be located a minimum of 10 feet from the right-of-way and screened at the 10-foot line with a wall

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having a maximum height of 3'6". The setback shall incorporate a combination of hard-scape and landscape elements finished to match the existing sidewalk.

- (c) Mechanized parking shall be allowed and, when provided, shall be exempt from the provisions of Section 33-122. For the purpose of this sub-zone, mechanized parking shall be defined as a mechanism with vertical and horizontal transport capability that provides for automobile storage and retrieval. A mechanized parking space shall be counted toward the parking requirements of this Section. Mechanized parking may not be provided unless a queuing analysis is submitted and approved during the Administrative Site Plan Review process.
- (d) Required off-street parking for uses located within this Sub-zone may be located within one mile of the boundaries of the sub-zone. An applicant for approval of development with off-site parking shall execute and record in the public records of this County a declaration of restrictions, approved by the Director of the Department, covenanting that such development shall cease and terminate upon the elimination of such parking area, and that no development requiring such parking shall be made of such property until the required parking area is available and provided.

(2) Setbacks, cubic content, and lot size:

- (a) Due to the unique characteristics associated with the high-density or high-intensity, mixed-use developments contemplated for this sub-zone, there shall be no minimum setback from streets at grade and above the eighth floor, interior/rear property lines, and park rights-of-way.
- (b) There shall be no maximum or minimum limitation on the size of a floor plate.
- (c) The minimum lot size required to develop pursuant to these regulations is 32,000 square feet.

(3) Encroachments:

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- (a) Buildings and structures above the ground floor may be built above colonnades and/or encroach into street setbacks but shall not extend into the public or private right-of-way unless permitted by State law and approved by the Miami-Dade County Department of Transportation and Public Works or successor agency (“DTPW”) or by other agency with authority over the right-of-way. It is provided, however, that, to the extent permitted by State law and subject to the approval of DTPW or other agency with authority over the right-of-way, and for the transportation purpose of providing a connecting pedestrian or vehicular corridor, the street may be covered above the first floor with publicly-accessible structures connecting buildings, including: platforms fitted with trains and passenger waiting areas; roofs; upper story terraces, pedestrian bridges, and automobile bridges between parking garages. Adequate clearance for structures above streets shall be maintained.
- (b) Cantilevered balconies, awnings, weather protection elements and similar features with adequate vertical clearance may encroach into street rights-of-way but shall not extend closer than six (6) inches from the curb face.

(4) Floor Area Ratio and lot coverage: The floor area ratio, lot coverage, and maximum square footage of buildings to be developed within the sub-zone shall not be limited.

(5) Building Height: The maximum building height shall be the maximum allowed by the Federal Aviation Administration.

(6) Open Space: The minimum open space requirement shall be 15 percent of the gross development area. Open space shall include parks, plazas, balconies, terraces, courtyards, arcades/colonnades, pedestrian paths, rooftop green spaces above buildings and parking garages, and transit platform areas improved for pedestrian comfort.

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(7) Signs: Signs visible from public rights-of-way or public areas shall comply with section 33-284.87 of this Code, except that Class C signs may be permitted in accordance with section 33-107 of this Code. The signage plan submitted with the application for final site plan review shall contain criteria, locations and sizes of signs.

(8) Density: Residential density shall not exceed 500 units per gross acre.

(9) Architectural Expression: Building facades facing public and private street rights-of-way or public open space or both shall be a minimum 40 percent glazed. Glazing is not required for building facades that face the Metrorail or Metromover rights-of-way or for above-grade parking garage structures that face public and private street rights-of-way or public open space; however, parking garages shall conform to the parking standards included herein. Blank walls facing public and private street rights-of-way and public open space shall be prohibited unless furnished with some type of artistic expression, such as sculpture, mosaic and similar features.

(10) Landscaping: Landscaping shall conform to the standards set forth in section 18A-6, Code of Miami-Dade County, as applicable to non-residential development, with the following exceptions:

- (a) A minimum of 30 trees per net acre of open space shall be provided. Trees may be placed in the lot, or in greens, squares, plazas and street medians within or in close proximity to this sub-zone. Lot trees shall have a minimum 2-inch diameter at breast height.
- (b) Street trees shall be planted at a maximum of 30 feet average on center, with a minimum 3-inch diameter at breast height. Street trees shall be placed inside landscaped strips, tree planters, and in medians in the right-of-way or on private property where demonstrated to be necessary due to right-of-way obstructions, as determined by the Department of Transportation and Public Works or its

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successor Department or other agency with jurisdiction.

(11) Service areas and mechanical equipment: Service areas and fixtures shall be screened and located so as not to be visible from public and private rights-of-way or public open space. Mechanical equipment installed on roofs shall be screened from view by parapets or other architectural elements. Fixtures, including but not limited to backflow preventers, pumps, underground ventilation exhausts, and electrical vaults, shall be located within or to the side or rear of buildings; such fixtures shall not be located within the street setback area. Backflow preventers shall be shielded from view, as required by section 32-157(d).

(12) Alcoholic Beverages: The restrictions on premises used for the sale of alcoholic beverages set forth in chapter 33, article X of this code regarding hours and days of sale, distance from other premises used for the sale of alcoholic beverages, and distance from schools or religious facilities shall not apply in this sub-zone.

(H) Plan Review Standards. The purpose of the plan review standards is to encourage the creation of development within the Brickell Subzone that is consistent with the intent and purposes of these regulations, acts as a significant gateway for and destination to the Brickell area, and facilitates its future growth by designing and arranging buildings, public open space, transit, and street circulation in a manner that fosters around-the-clock pedestrian activity, serves the local and regional transit demands of the community, contributes to the urban revitalization of the City of Miami, and encourages public service, infrastructure, or public benefit components to address the needs of a growing population.

(1) A mix of uses in the design of development projects is encouraged to the maximum extent possible. Mixed-use buildings, including, without limitation, residential, commercial, office, hotel, and restaurants, are highly encouraged in combination with transit and other governmental facilities.

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- (2) Developments shall provide direct pedestrian and vehicular connections to the adjacent block and street network. Pedestrian crosswalks providing safe passage from adjoining streets and blocks into the development project of the sub-zone shall be installed at street corners and, if practicable, midblock locations. Crosswalks shall be distinguished from other street elements by the use of conspicuous materials, texture and color.
- (3) Public open space in the form of plazas, squares, greens, and landscaped areas shall be incorporated in the design of all development projects at grade or on above-grade surfaces. The public open spaces should have a scale that is compatible and complementary with the intensity of proposed development, and their design should relate to the development's concept. Landscaping, furniture, art, paved pedestrian paths, and lighting, among other features, should be used to enhance the open spaces pedestrian experience.
- (4) Consideration should be given to providing landscaping in a manner that reduces the heat island effect of the development on the urban environment.
- (5) All new development shall strive to meet certification standards from Florida Green Building Coalition or a similar organization.
- (6) Developments shall be designed with a coordinated outdoor lighting and signage system that is an integral part of the project and compatible and harmonious with existing and proposed development in the sub-zone and with surrounding uses. Signage should clearly indicate locations of, and guide pedestrians and vehicles to, proposed parking areas, transit facilities, permitted uses, and surrounding activities and uses.
- (7) Proposed building scale should be in harmony with building scales allowed by applicable City of Miami regulations for surrounding properties. Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural

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elements at street level shall have abundant fenestration, windows and doors and design elements that create interest for the pedestrian.

(8) Proposed development in the sub-zone shall provide connections via bridges, paths, sidewalks, or a combination of such features to adjacent or nearby Metrorail and Metromover systems.

(I) Platting. Separate parcels located within the sub-zone and made subject to a unity of title or covenant in lieu of unity of title shall not be deemed a subdivision and shall be exempt from the platting requirements of chapter 28.

(J) Conflicts. The development review procedures, standards, and criteria set forth in this section 33C-10 shall govern in the event of conflicts with other zoning, subdivision, or landscape regulations of the Miami-Dade County Code or with the Miami-Dade County Public Works Manual.

(K) Amendments. At least six weeks prior to the scheduled public hearing of any amendments to this section 33C-10, the County shall mail or e-mail a copy of the proposed ordinance to the City Clerk and the City Attorney of the City of Miami. The communication to the City shall include the date of the scheduled public hearing.

Sec. 33-314. Direct applications and appeals to the County Commission.

* * *

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

* * *

(9) Upon application for, hear and decide appeals of decisions of the Rapid Transit Developmental Impact Committee pertaining to site plan approvals and related zoning actions issued pursuant to Section 33C-2(D)(2)(d) and (2)(e) or Section 33C-9 of the Code of Miami-Dade County.

Sec. 33-314. Direct applications and appeals to the County Commission.

* * *

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

* * *

(10)* Upon application for, hear and decide appeals of decisions of the Rapid Transit Developmental Impact Committee pertaining to site plan approvals and related zoning actions issued pursuant to section 33C-2(D)(2)(d) and (2)(e) section 33C-9, or section 33C-10.

*In its reference to the amendments to Section 33-314 of the County Code, the Ordinance erroneously refers to subpart 10 in subsection C, when the amendment is proposed to the language in subpart 9.

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Item No. 4C

File No. 180542

Researcher: BM Reviewer: TD

ORDINANCE RELATING TO THEFT OF PLANTS AND FRUITS AND TRESPASS; AMENDING SECTION 21-118 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT VIOLATIONS OF SECTION 21-118 ARE SUBJECT TO CIVIL ENFORCEMENT PROCEEDINGS UNDER SECTION 8CC, RATHER THAN GENERAL PENALTIES; REMOVING INTENT TO INJURE OR DEFRAUD AS AN ELEMENT FOR VIOLATIONS OF SECTION 21-118; CONSOLIDATING CURRENT SEPARATE TRESPASS VIOLATIONS UNDER 21-118(B) AND (C) INTO SINGLE OFFENSE; AMENDING SECTION 8CC; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the proposed ordinance that would amend Section 21-118, Theft of plants and fruits and trespass, of the County Code in the following ways: (1) provides that violations on section 21-118 are subject to civil enforcement proceedings under section 8CC instead of general penalties; (2) removes intent to injure or defraud as an element for violations of section 21-118; (3) consolidates the current separate trespass violations under sections (b) and (c) into a single offense. It also amends section 8CC providing for enforcement and penalties.

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 812.04, Relates to Theft, Robbery, and Related Crimes. It provides the definitions and degrees of thefts and the amounts of penalties.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0800-0899/0812/Sections/0812.014.html

Section 8CC-10 of the County Code, provides the Schedule of Civil penalties.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH8CCCOEN_S8CC-10SCCIPE

Section 21-118 of the County Code relates to Thefts of plants and fruits and trespass.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH21OFMIPR_ARTIXWEOPIRHOAGFIOPPU_S21-118THPLFRTR

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8

This item has no procedural history.

FISCAL IMPACT

Implementation of this item will not have a negative fiscal impact on the County.

ANALYSIS

The purpose of this proposed ordinance is to seek the Board's approval to amend Section 21-118 and Section 8CC as it relates to thefts of plants and fruits and trespass. The recommendation is supported by a unanimous vote, on March 7, 2018, of the Miami-Dade Agricultural Practices Advisory Board. Currently, only criminal proceedings against

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persons are available to violators. The amendment would provide that these violations be treated as civil in nature. The table below summarizes the proposed amendments to Section 21-118 and Section 8CC:

Section 21-118 of the Code of Miami-Dade County as it currently reads:			Proposed amendment to Section 21-118 of the Code of Miami-Dade County:																
<p>a) It is unlawful for any person, with the intent to injure or defraud, to take, carry away, or damage any plants, fruits, plant products, or nursery stock contained within any nursery or private or public property without the consent of the owner of the property or his agent.</p> <p>(b) It is unlawful for any person to enter upon the premises of any nursery or upon private or public property with the intent to injure, damage, take or carry away any plant, fruit, plant product or nursery stock, without the written or oral consent of the owner of the property or his agent.</p> <p>(c) It is unlawful for any person to enter the premises of any plant or fruit nursery, whenever the nursery is not open for business, without the written or oral consent of the owner of the nursery or his agent.</p> <p>(d) All violations of this section shall be punished as provided by Section 1-5 of the Code of Miami-Dade County.</p>			<p>a) It is unlawful for any person to take, carry away, or damage any plants, fruits, plant products, or nursery stock contained within any nursery or private or public property without the consent of the owner of the property or his agent.</p> <p>(b) It is unlawful for any person to enter the premises of any plant or fruit nursery, whenever the nursery is not open for business, without the consent of the owner of the nursery or his agent.</p> <p>(c) Any person who violates a provision of this section shall be subject to penalties, civil liability, attorney's fees and enforcement proceedings as set forth in chapter 8CC of the Code and shall be subject to any other such enforcement proceedings as may be allowed by law.</p>																
Section 8CC-10 of the Code of Miami-Dade County as it currently reads:			Proposed amendment to Section 21-118 of the Code of Miami-Dade County:																
<table border="1"> <thead> <tr> <th>Code Section</th> <th>Description of Violation</th> <th>Civil Penalty</th> </tr> </thead> <tbody> <tr> <td>21-116</td> <td>Failure to post four (4) signs in areas of self-harvest field closed to the public</td> <td>500.00</td> </tr> <tr> <td align="center">**</td> <td align="center">**</td> <td align="center">**</td> </tr> </tbody> </table>	Code Section	Description of Violation	Civil Penalty	21-116	Failure to post four (4) signs in areas of self-harvest field closed to the public	500.00	**	**	**	<table border="1"> <thead> <tr> <th>Code Section</th> <th>Description of Violation</th> <th>Civil Penalty</th> </tr> </thead> <tbody> <tr> <td>21-116</td> <td>Failure to post four (4) signs in areas of self-harvest field closed to the public</td> <td>500.00</td> </tr> <tr> <td>21-118</td> <td>Theft of plants and fruits and trespass</td> <td>200.00</td> </tr> </tbody> </table>	Code Section	Description of Violation	Civil Penalty	21-116	Failure to post four (4) signs in areas of self-harvest field closed to the public	500.00	21-118	Theft of plants and fruits and trespass	200.00
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**Item No. 4D
File No. 180535**

Researcher: SM Reviewer: TD

ORDINANCE RELATING TO THE NORTH CENTRAL DADE MUNICIPAL ADVISORY COMMITTEE CREATED TO STUDY THE POSSIBLE INCORPORATION OF A MUNICIPALITY IN THE NORTH CENTRAL DADE AREA; EXTENDING THE SUNSET DATE OF THE MUNICIPAL ADVISORY COMMITTEE, NOTWITHSTANDING ORDINANCE NO. 15-32 WHICH PROVIDED FOR THE SUNSET OF SAID COMMITTEE AND ANY OTHER ORDINANCE TO THE CONTRARY; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve this item relating to the North Central Dade municipal advisory committee created to study the possible incorporation of a municipality in the North Central Dade area; extending the sunset date of the municipal advisory committee (MAC).

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1445-01 adopted December 18, 2001 relates to a Resolution creating and establishing the North Central Dade municipal advisory committee; directing county staff to prepare a study of the possible creation of a new municipality in the area of North Central Dade.

<http://www.miamidade.gov/govaction/matter.asp?matter=020090&file=false&yearFolder=Y2002>

Ordinance No. 07-120 adopted May 8, 2007 relates to an Ordinance relating to incorporations; suspending consideration of proposed incorporations until receipt and consideration of the County Manager's Report.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2007/071165.pdf>

Ordinance No. 03-42 adopted March 3, 2003 relates to an Ordinance creating and establishing the North Central Dade municipal advisory committee, directing staff to prepare a study of the possible creation of a new municipality in the area of North Central Dade, providing severability, exclusion from the code, and an effective date.

<http://www.miamidade.gov/govaction/matter.asp?matter=030112&file=false&yearFolder=Y2003>

Ordinance No. 12-24 adopted January 24, 2012 is an Ordinance relating incorporation; repealing Ordinance No. 07120 of Miami-Dade County; deleting provisions that suspended processing and consideration of proposed incorporations.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2011/112543.pdf>

Ordinance No. 05-140 adopted July 7, 2005 is an Ordinance relating to incorporation; amending sections 20-20, 20-21, 20-22 and 20-29 of the code of Miami-Dade County, Florida; increasing the percentage of electors required to consent to a petition for incorporation; requiring municipal advisory committees created pursuant to section 20-29 of the code to review and study petitions for incorporation; revising process pertaining to incorporation petitions and creation of municipal advisory committees; applicability to petitions completed prior to effective date of this ordinance; requiring consent of no less than twenty-five percent of resident electors to create certain municipal advisory committees.

<http://www.miamidade.gov/govaction/matter.asp?matter=052009&file=false&yearFolder=Y2005>

Ordinance No. 15-32 adopted February 3, 2015 is an Ordinance relating to the North Central Dade Municipal Advisory Committee created to study the possible incorporation of a municipality in the North Central Dade area.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2015/150175.pdf>

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Section 20-29(E) of the Code of Miami-Dade County governs the creation and limitation of study area, it further mentions that a Municipal Advisory Committee may only be created by ordinance of the Board in accordance with the provisions of this section to study and give advice to the County Commission regarding the creation of a proposed municipality. However, as of the effective date of this ordinance, no Municipal Advisory Committee shall be created by the County Commission, unless no less than twenty-five (25) percent of the resident electors in the area to be studied consent to the creation of a Municipal Advisory Committee on a consent form which shall be approved by the Office of Strategic Business Management.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch20_artii_sec20-29

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

This Item does not have procedural history.

FISCAL IMPACT

The original Ordinance 15-32 which can be referred back to in the applicable legislation/policy section, states that the implementation of this ordinance will not have a fiscal impact to the County.

ANALYSIS

This item seeks to extend the sunset date of the Municipal Advisory Committee as it relates to the North Central Dade Municipal Advisory Board. The new language which speaks about the extended date will be incorporated into this proposed Ordinance which will read as follows:

- Notwithstanding any provisions in Ordinance No. 15-32 or any ordinance or provisions of the Code of Miami-Dade County, Florida to the contrary, the North Central Dade Municipal Advisory Committee shall remain in existence or otherwise re-constituted until the earlier of (i) the date that the Board of County Commissioners votes to defer, approve or deny a resolution submitting the incorporation question to the resident electors of the North Central Dade area or (ii) two years from the effective date of this Ordinance.

Resolution No. 1445-01 which can be referred back to the applicable legislation/policy section, mentions the group of resident that expressed an interest in creating a new municipality, the Board subsequently adopted the aforementioned Resolution No. R-1445-01 which created the North Central Dade Municipal Advisory Committee and directed the committee to study the possible incorporation of a Municipality. The area of North Central Dade includes generally the area:

- North: Cities of Opa-Locka and North Miami - 125 Street east to 27 Avenue; north to 135 Street; east to 17 Avenue; south to 119 Street; east to I-95
- East: Interstate 95 and City of Miami - I-95 south to 79 Street; west to 7 Avenue; south on 7 Avenue to 71 Street; west on 71 Street to 17 Avenue to 62 Street; then west on 62 Street to 32 Avenue; then south to 54 Street; then west to 37 Avenue
- South: N.W. 54 Street
- West: City of Hialeah - 37 Avenue north to City of Opa-locka

In June of 2013 is when the Advisory Board was reorganized to meet again, this is after the suspension of the processing of incorporation proposals. The Code Section 20-29 (E) which of the Code of Miami-Dade County which can be

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referred back to the applicable legislation/policy section, mentions that a Municipal Advisory Committee has a period of 24 months to complete their study.

The Ordinance 15-32 which was adopted February 3, 2015 states that further time is needed for the North Central Dade Municipal Advisory Board Committee to conduct required public hearings and complete its study, after completing its report, to remain in existence to be able to respond to inquiries from the Board.

This proposed Ordinance states that additional time is needed for the North Central Dade Municipal Advisory Committee to conduct its public hearings and attend to other requires duties. The item does not state what other duties are required.

ADDITIONAL INFORMATION

The office of Management & Budget has on their website a description of what a Municipal Advisory Committee is. It states the following: Municipal Advisory Committees (MACs) are organizations composed of elected or appointed members whose purpose is to study and give advice to the County Commission regarding the creation of a proposed municipality. The Board of County Commissioners creates Municipal Advisory Committees.

MACs are charged with studying the feasibility of incorporating a specific area into a municipality. All meetings are free and open to the public. Residents are encouraged to attend the meetings to find out more information and/or express their opinions.

<http://www.miamidade.gov/incorporationandannexation/municipal-advisory-committees.asp>

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**Item No. 5D
File No. 180503**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING THE PROPOSED DEVELOPMENT OF A PARK AND RIDE/BUS TERMINAL FACILITY, KNOWN AS TAMIAMI STATION, TO BE LOCATED AT THE SOUTHWEST CORNER OF SW 8 STREET AND SW 147 AVENUE, AS A GOVERNMENT FACILITY IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY

ISSUE/REQUESTED ACTION

Whether the Board should approve the plan for development of Tamiami Station, a Park and Ride/Bus Terminal Facility, to be located at the southwest corner of SW 8th Street and SW 47th Avenue and designate Tamiami Station as a Government Facility.

APPLICABLE LEGISLATION/POLICY

Section 33-303 of the Code of Miami-Dade County delineates the exclusive procedure for zoning in unincorporated areas or where the County retains zoning jurisdiction in incorporated areas, and provides an exception for governmental facilities.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-303EXPRZOUNARWHCOREZOJUINAREXAPGOFA

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Joe A. Martinez, District 11
Department/Requester: Regulatory and Economic Resources**

This item has no procedural history.

FISCAL IMPACT

While approval of the plan to designate the Tamiami Station Park and Ride/Bus Terminal Facility as a Government Facility does not create a fiscal impact to Miami-Dade County, there is a cost to construct, operate, and maintain the Tamiami station. The funding for this facility is as follows:

Funding Source	Amount
Federal Transit Administration	\$4 million
People's Transportation Plan (FY2017-18)	\$5,935,343
Florida Department of Transportation (FDOT)	\$897,640

ANALYSIS

This item brings forward the plan for the Department of Transportation and Public Works' Tamiami Park and Ride/Bus Terminal Facility for approval as a Government Facility. Tamiami Station is anticipated to help support the planned State Road 836 Express Bus Service in addition to providing a potential terminal for several bus routes serving western portions of Miami-Dade County. The station will be located on a 7.98 acre site adjacent to residential areas in western Miami-Dade County and include: more than 450 parking spaces, bus bays and layover bays, a continuous pedestrian canopy over bus loading and unloading areas, a driver's break room, ticket vending machines, motorcycle parking, bicycle racks, perimeter fencing/privacy wall for the residential area to the south, and drought-tolerant landscaping.

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DTPW describes this project is an integral component of the East-West corridor—which connects the largest employment areas of Miami-Dade County (Florida International University, Doral, Miami Health District, Downtown Miami and Brickell)—that will provide a much needed transit terminal facility and offer a viable transportation alternative for the potential transit riders from adjacent residential areas.

Below is a diagram of the land designated for development of Tamiami Station:



The Miami-Dade County Site Review Committee reviewed this project per its obligation to review projects subject to Section 33-303 of the Code of Miami-Dade County, and assessed the public need for Tamiami Station and its impact upon the surrounding community, and recommends approval of the facility. The planned use for the land was found to be consistent with the Comprehensive Development Master Plan.

The Tamiami Station is also listed in the Miami-Dade County Transportation Planning Organization's (TPO) adopted 2040 Long Range Transportation Plan (LRTP) as a Priority I project with funding for construction in 2015-2020. http://www.miamidade2040lrtp.com/PDF/2040_LRTP_Plan.pdf

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The table below lists existing and future bus routes serving the Tamiami Station:

Route	Bus Service Type	Notes
8	Local	Existing local bus service
24	Local	Existing local bus service
40	Local	Existing local bus service
51 (Flagler MAX)	Limited Stop	Existing limited stop bus service
SR 836 Express – Line A (future service)	Express	Express from the Tamiami Station (SW 147 Ave and SW 8 Street) to the Miami Intermodal Center (MIC) via SR 836
SR 137 Avenue Enhanced Bus Service (future service)	Enhanced	Provide premium limited-stop transit services along SW 137 th Avenue from the Tamiami Park-and-Ride Terminal to Caribbean Blvd./US-1
Flagler Corridor BRT* (future service)	Bus Rapid Transit	BRT service from the Tamiami Station to the Downtown Intermodal Terminal via SW 8 th Street, SW 107 th Avenue, and W Flagler Street

*The Flagler Corridor BRT, once implemented, will replace the 51 Flagler MAX service.

**BCC Meeting: March 20, 2018
Research Notes**

Item No. 5J

File No. 180497

Researcher: SM Reviewer: TD

RESOLUTION APPROVING LOANS TO CARIBBEAN VILLAGE, LTD. OR RELATED ENTITY OF \$1,678,973.00 OF DOCUMENTARY STAMP SURTAX FUNDS, \$250,000.00 OF STATE HOUSING INITIATIVES PROGRAM (SHIP) FUNDS, AND \$500,000.00 OF FY 2017 HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM FUNDS, ALL BASED UPON PREPAYMENT BY DOUGLAS POINTE ASSOCIATES, LTD. AND WYNWOOD TOWER APARTMENTS, LTD. OF PREVIOUS LOANS IN THOSE SAME AMOUNTS, FOR DEVELOPMENT OF THE CARIBBEAN VILLAGE, LTD. ELDERLY AFFORDABLE HOUSING PROJECT; AUTHORIZING THE FILING OF SUBSTANTIAL AMENDMENTS TO THE FY 2013-2017 CONSOLIDATED PLAN AND FY 2017 ACTION PLAN WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE ALLOCATION OF HOME FUNDS IN THIS ITEM; AND AUTHORIZING THE EXECUTION OF CONDITIONAL LOAN COMMITMENTS AND OTHER AGREEMENTS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS RESOLUTION

ISSUE/REQUESTED ACTION

Whether the Board should approve this Item which subsequently would approve loans to Caribbean Village, Ltd. or related entity of \$1,678,973.00 of documentary stamp surtax funds, \$250,000 of state housing initiatives program (SHIP) funds, and \$500,000.00 of FY 2017 home investment partnerships (HOME) program funds, all based upon prepayment by Douglas Pointe Associates, Ltd. and Wynwood Tower Apartments, Ltd. of previous loans in those same amounts, for development of the Caribbean Village, Ltd. elderly affordable housing project.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-332-14 adopted April 8, 2014 relates to a Resolution approving FY 2014 request for applications proposed funding recommendations for up to \$48,569,560 of Documentary Stamp Surtax funding for affordable rental housing development, mortgage assistance and homeowner rehabilitation activities.

<http://intra/gia/legistarfiles/Matters/Y2014/140775.pdf>

Section 17-02 of the Code of Miami Dade County governs refinancing of affordable housing loans made to developers. Any developer or other entity that has received a loan from Miami-Dade County for affordable housing and repays such loan in full before the date on which the loan is due in full, may upon approval of the Board of County Commissioners, have the repaid funds loaned to it, or a related entity, for additional eligible affordable housing projects. Developers must be in compliance with all County contracts and regulations.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTIINGE_S17-02REAFHOLOMADE

Resolution No. R-1331-99 adopted January 11, 2000 is a Resolution approving the FY 2000 funding recommendations for the state housing initiative partnership and surtax programs; authorizing the filing with U.S. HUD of Miami-Dade county's FY 2000 action plan with projected uses of funds for the county's community development block grant, home investment partnership and emergency shelter grant programs.

<http://intra/gia/matter.asp?matter=000095&file=false&yearFolder=Y2000>

Resolution No. R-789-99 adopted July 13, 1999 is a Resolution authorizing the allocation of additional 1999 surtax funds from the incentive pool to developers for multi-family developments.

<http://intra/gia/matter.asp?matter=991746&file=false&yearFolder=Y1999>

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Resolution No. R-1287-98 adopted January 14, 1999 is a Resolution approving the funding recommendations for the state housing initiative partnership and surtax programs; authorizing the filing with U.S. HUD of Miami-Dade County's FY 1999 action plan with projected uses of funds for the county's community development block grant, home investment partnership and emergency shelter grant programs.

<http://intra/gia/matter.asp?matter=990099&file=false&yearFolder=Y1999>

Resolution No. R-808-00 adopted July 25, 2000 is resolution authorizing the allocation of \$4,350,000 of documentary surtax funds from incentive pool to developers authorizing county manager to execute agreements.

<http://intra/gia/matter.asp?matter=001632&file=false&yearFolder=Y2000>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

This Item was forwarded to the BCC with favorable recommendation at the March 12, 2018 HSSC meeting.

FISCAL IMPACT

This Item as stated by the mayoral memo, allocates Surtax pre-paid loan funds of two surtax loans of \$500,000 each and one SHIP pre-paid loan in the amount of \$250,000 from Douglas Pointe Associates, LTD. Douglas Pointe Associates, LTD, will furthermore receive an allocation amount of \$678,973 which consists of two Surtax loans, and one HOME loan of \$500,000. This has been prepaid by Wynwood Towers Apartments, LTD. As the mayoral memo states, this item will not have a negative impact on the County since it derives from previously issued County loans to Douglas Pointe Associates, LTD.

The following Table shows the amounts which have been prepaid in full by Douglas Pointe Associates, LTD.

Loan Number	Project Name	Funding Source	Loan Amount
15981	Douglas Pointe	Surtax	\$500,000
15981	Douglas Pointe	Surtax	\$500,000
20122	Douglas Pointe	SHIP	\$250,000
		Total	\$1,250,000

The following Table shows the amounts which have been prepaid in full by Wynwood Tower Apartments, LTD.

Loan Number	Project Name	Funding Source	Loan Amount
15979	Wynwood Tower	Surtax	\$678,973
15981	Wynwood Tower	HOME	\$500,000
		Total	\$1,178,973

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Research Notes**

ANALYSIS

As previously mentioned, if this Item receives Board approval, it will have amounts consisting of 1,250,000 in both Surtax and SHIP funding allocated to Douglas Pointe Associates, LTD and an amount of \$1,178,973 to Wynwood Tower Apartments LTD. These amounts has been previously pre-paid by the Borrowers, therefore as stated in the aforementioned Code Section of Miami-Dade County 17-02, the borrowers may by Board approval, have the prepaid amounts loaned back to them for projects that relate to affordable housing without the need of going through additional process.

The purpose of these allocations allows the Caribbean Village elderly affordable housing project can proceed. As the mayoral memo states, it will consist of 123 units with both one bedroom and two bedroom availability for seniors. The land where it is being developed is owned by Miami-Dade Transit. The County wishes to promote affordable housing constructed near the County's transit system.

As the Miami-Dade County Conditional Loan Commitment states, the borrower will enter into a funding contract and loan agreement with the County. This loan must be evidenced by a promissory note and secured by a construction/permanent mortgage with assignments of leases and rents, a collateral assignment of leases and rents, a collateral assignment of construction documents, a rental regulatory agreement, and any other security or collateral as deemed necessary.

The term of the loan will be for 30 years, and there will not be any penalty for early repayment. The repayment of the loan and the terms of early repayment, are stated in the aforementioned Code Section of Miami-Dade County 17-02.

The agreement further states that the interest rate and loan terms are set forth in the FY 2014 Surtax Request for applications for repaid loans funds. Those terms are zero percent interest during the construction years one and two. There will be a .75 percent interest only payments for years three through 30.

ADDITIONAL INFORMATION

Founded in 2001, Douglas Pointe Associates Ltd. is a small organization in the management consulting services industry located in Miami, FL. It has approximately 4 full time employees and generates an estimated \$350,000 USD in annual revenue.

<http://listings.findthecompany.com/1/27318623/Douglas-Pointe-Associates-Ltd>

Wynwood Tower Apartments, LTD has a status of Active and filing date of July, 28, 1999 with a principal address of 9400 South Dadeland Blvd Suite 100, Miami, FL 33156.

https://visulate.com/rental/visulate_search.php?CORP_ID=A98000001789

**BCC Meeting: March 20, 2018
Research Notes**

**Item No. 8A1
File No. 180491**

Researcher: BM Reviewer: TD

RESOLUTION RATIFYING THE ACCEPTANCE AND EXECUTION OF SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NO. 1 TO JOINT PARTICIPATION AGREEMENT NO. 429271-1-94-01 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$5,536,000.00 FOR THE REALIGNMENT OF PERIMETER ROAD AND THE REPLACEMENT OF THE CANAL BRIDGE AT MIAMI INTERNATIONAL AIRPORT, AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING THE TERMINATION PROVISIONS

ISSUE/REQUESTED ACTION

Whether the Board should ratify the County Mayor's acceptance and execution of the Supplemental Joint Participation Agreements (SJPA) between the County and Florida Department of Transportation (FDOT) to Joint Participation Agreements (JPA) No. 429271-1-94-01 for a value of \$5,536,000 for the realignment of Perimeter Road and replacement of the existing Canal Bridge at Miami International Airport (MIA).

JPA	Amount	Purpose
429271-1-94-01	\$5,536,000	Realignment of Perimeter Road and replacement of the existing Canal Bridge at Miami International Airport (MIA)

APPLICABLE LEGISLATION/POLICY

Section 332.006(6) of the Florida Statutes (Duties and Responsibilities of the Department of Transportation) authorizes FDOT to "administer department participation in the program of aviation and airport grants."

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0332/Sections/0332.006.html

Section 2-285 (6) of the County Code prescribes the power of the County Mayor to execute state joint participation agreements subject to Board ratification.

http://miamidade.fl.elaws.us/code/coord_ptiii_ch2_artxxxii_sec2-285

Resolution No. R-806.17, adopted by the Board on October 3, 2017, approved JPA no. 429271-1-94-01 in the amount of \$800,000 in FDOT funding.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-806-17.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester: Aviation Department

This item has no procedural history.

**BCC Meeting: March 20, 2018
Research Notes**

FISCAL IMPACT

JPA	Fiscal Impact
429271-1-94-01	SJPA No. 1 provides additional FDOT funding in the amount of \$5,536,000. Added to the \$800,000 in the original JPA approved in October 2017 (R-806-17), this Supplement brings the total FDOT funding to \$6,336,000. The total project cost estimate is \$24,000,000. MDAD’s Reserve Maintenance budget will cover any costs in excess of grant funds. The Funds will be used to fund the realignment of Perimeter Road and the replacement of the Canal Bridge at MIA.

ANALYSIS

This item seeks ratification of the County Mayor’s acceptance and execution of four FDOT JPAs for the realignment of Perimeter Road and the replacement of the Canal Bridge at (MIA).

On October 3, 2017, the Board adopted Resolution No. R-806-17, ratifying the acceptance and execution of Joint Participation Agreement No. 429271-1-94-01 with the Florida Department of Transportation in the amounts of \$800,000, for the realignment of Perimeter Road and the replacement of the Canal Bridge at (MIA).

The MDAD identified the need to provide continuous and unimpeded public-access to MIA’s Terminal building via a fully realigned Perimeter Road and a replaced bridge that connects the employee parking to the road. Originally, the estimated project total was \$22,672,000.

Below is a summary of the JPA relating to the Department’s obligation:

7.20 The Department’s Obligations – Subject to other provisions of the Agreement, MDAD will honor requests for reimbursement to the Agency pursuant to the Agreement. However, notwithstanding any other provision of the Agreement, MDAD may elect by notice in writing not to make a payment if:

- a) The Agency shall have made misrepresentation of a material nature in its application, or any supplement or amendment to its application, or with respect to any document or data furnished with its application or pursuant to the Agreement.
- b) There is any pending litigation with respect to the performance by the Agency of any duties or obligation which may jeopardize or adversely affect the Project, the Agreement, or payments to the Project;
- c) The Agency shall have taken any action pertaining to the Project which, under this Agreement, requires the approval of the Department or has made related expenditures or incurred related obligations without having been advised by the Department that same are approved.
- d) There has been any violation of the conflict of interest provisions contains in this Agreement.
- e) The Agency has been determined by the Department to be in default under any of the provisions of the Agreement; or
- f) Any federal agency providing federal financial assistance to the Project suspends or terminates federal financial assistance to this Project. In the event of suspension or termination of federal financial assistance, the Agency will reimburse the Department for all disallowed costs, including any and all federal financial assistance.

**BCC Meeting: March 20, 2018
Research Notes**

**Item No. 8F1
File No. 180433**

Researcher: BM Reviewer: TD

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF ADDITIONAL TIME OF UP TO ONE YEAR FOR CONTRACT NO. BW7289-4/08 FOR THE PURCHASE OF ORACLE LICENSES, SOFTWARE, PRODUCTS, TRAINING, AND TECHNICAL SUPPORT SERVICES FOR MIAMI-DADE COUNTY IN AN AMOUNT NOT TO EXCEED \$3,265,000.00 FOR THE INFORMATION TECHNOLOGY 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 a Designated Purchase with Oracle America, Inc. for a one-year extension of Contract No. BW7289-4/08 – Oracle, Licenses, Maintenance, Training, and Technical Services – for the Information Technology Department (ITD), at an increase of expenditure authority of \$3,265,000 for multiple departments.

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. Any recommendation by the Mayor for the award of a Designated Purchase shall at a minimum: (i) provide a written explanation of why the purchase through formal sealed bids would not be practicable under the circumstances and is in the best interest of the County, (ii) provide a written explanation of the process followed resulting in the recommendation for a Designated Purchase, and (iii) provide a written description of any informal competition conducted and any and all efforts to obtain a valuation of the recommended purchase. 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

Implementing Order 3-38 governs the County's processes and procedures for the purchase of goods and services including professional services. It establishes the roles and responsibilities of the Internal Services Department, methods of purchasing goods and services, and the authority to award contracts. Contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

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

Resolution No. R-187-12 adopted February 21, 2012 directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&yearFolder=Y2012>

**BCC Meeting: March 20, 2018
Research Notes**

Resolution No. R-391-17, relates to expansion of services under existing contracts with written justification of why competitive process is not feasible. This resolution was adopted by the Board on April 4, 2017.

The link below relates to Resolution No. R-391-17:

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-391-17.pdf>

Resolution No. R-226-03, adopted by the Board on March 11, 2003, established the contract with Oracle for software licenses, training and technical support.

<http://intra/gia/matter.asp?matter=030283&file=false&yearFolder=Y2003>

Resolution No. R-843-08, adopted by the Board on July 17, 2008, extended the initial contract for an additional three-year term, with a two-year option to renew.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2008/R-843-08.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Internal Services Department

This item has no procedural history.

FISCAL IMPACT

The fiscal impact is for a one-year extension, until March 31, 2019, of the current contract is \$3,265,000. The extension of the contract will be funded by ISD.

Per information found in the Bid Tracking System on March 16, 2018, the current contract, Contract No. BW7289-4/08-7, has a current cumulative allocation of \$21,875,000, \$15,799,397 has been released leaving a balance of \$6,075,603. The contract expires on March 31, 2018.

The existing cumulative allocation is \$96,375,000, if the request for additional expenditure authority of \$3,265,000 is approved, the contract will have a modified cumulative value of \$99,639,000. The requested additional expenditure is based on a one-year extension of the current contract until March 31, 2019.

ANALYSIS

This item is a designated purchase for an extension of the current contract with Oracle America, Inc. for a one-year extension of Contract No. BW7289-4/08 – Oracle, Licenses, Maintenance, Training, and Technical Services – for the Information Technology Department (ITD), at an increase of expenditure authority of \$3,265,000 for multiple departments.

The contract was established on March 11, 2003 through a resolution adopted by the Board. The contract was established as a one-year term, with four, one-year option to renew terms. The Board then approved a resolutions extending the period for an additional three-year term, with three two-year options to renew. It is currently in its final option-to-renew.

The current contract expires on March 31, 2018. The department is currently working on finalizing a replacement Master Agreement with the Vendor and is expected to present the agreement to the Board within the requested one-year time extension period. The requested extension will increase the term until March 31, 2019.

**BCC Meeting: March 20, 2018
Research Notes**

The request for the designated purchase is due to the fact that the vendor, Oracle America Inc., is the proprietary owner of the software licenses and the sole authorized provider of maintenance and support for the software used by the County. Initiating a procurement of alternate solution could lead to disruption of critical County operations. The licenses provided by Oracle support the following County systems:

- 311 Call Center,
- PeopleSoft Enterprise Resource Planning System,
- Water and Sewer Customer Information Billing System, and
- Enterprise Asset Management System

The vendor, Oracle America, Inc. has their headquarters in California. However, they have a field office in Miami-Dade County located at: 6505 Blue Lagoon Dr #400, Miami, FL 33126. The company currently employs approximately 190 employees from its Miami-Dade field office.

A search of the Miami-Dade County Small Business Enterprise Certified Firms list, as March 16, 2018, resulted in the following local vendors under Commodity Code 20562 – Software, Data Base Management Control - Preprogram:

- Network & Communication Services, Inc.
- The Ashvins Group, Inc.
- Visual Data Solutions, Inc.

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Oracle America, Inc., has an active status as a Foreign for Profit Corporation, headquartered in Maryland, and first filed and registered on 11/12/1987. The vendor has a Registered Agent based out of St. Tallahassee, Florida.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=ORACLEAMERICA%20P167821&aggregateId=forp-p16782-37686a6c-f395-4aec-a2a1-5ac747289440&searchTerm=oracle%20america&listNameOrder=ORACLEAMERICA%20P167821>

**BCC Meeting: March 20, 2018
Research Notes**

**Item No. 8M1
File No. 180385**

Researcher: NR Reviewer: PGE

RESOLUTION APPROVING CONTRACT AWARD TO COMANCO ENVIRONMENTAL CORPORATION FOR SOUTH DADE LANDFILL CELL 5 CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$17,242,500.00 FOR CONTRACT NO. 14S003 TO BE FUNDED IN PART FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 505480; AUTHORIZING COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE CONTRACT AND EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve award of Contract No. 14S003, South Dade Landfill Cell 5 Construction, to Comanco Environmental Corporation, the lowest responsive and responsible bidder, in an amount not to exceed \$17,242,500 for a total contract period of 365 days.

APPLICABLE LEGISLATION/POLICY

Miami Dade Code Section 2-8.1 Contracts and Purchases, Generally - Requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved; establishes requirements for legacy purchases, designated purchases, and single vehicle leases; provides that procurement procedures shall be established by I.O. and approved by the Board.

Section 2-8.1 (g) states: The County Manager shall include language in the specifications for all County contracts providing that a bidder's or proposer's performance as a prime contractor or subcontractor on previous County contracts shall be taken into account in evaluating bids and proposals received for County contracts.

Section 2-8.1 (h) states: Dedicated allowances, contingency allowances and additional service allowances on contracts involving the expenditure of more than \$500,000. For any contract for the construction of public improvements and any professional service agreement involving the expenditure of more than \$500,000, an item shall be added to the advertisement recommendation memorandum presented by the County Manager to the Board of County Commissioners

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

Implementing Order IO 2-13 states: it is the policy of the Board that the procedures expressed in this Implementing Order shall be applicable to and shall govern administrative requests for and opinions rendered by the County Attorney's Office in connection with any competitive process of the County, its agencies and administrative boards, including the Public Health Trust. The opinions covered shall include any relating to the responsiveness of any bidder or proposer where the determination may affect the outcome of the solicitation.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-13.pdf>

Chapter 2010-205, Laws of Florida, includes a new requirement that all construction and demolition debris landfills be constructed with liners and leachate control systems.

<https://www.flrules.org/gateway/RuleNo.asp>

Florida Statutes Chapter 403 states: it is the intent of the Legislature to promote more efficient, effective, and economical operation of certain environmental agencies by transferring decision making authority to environmental district centers and delegating to the water management districts permitting functions related to water quality. Further, it is the intent of this act to promote proper administration of Florida's landmark environmental laws.

<https://law.justia.com/codes/florida/2016/title-xxix/chapter-403/part-v/section-403.802/>

**BCC Meeting: March 20, 2018
Research Notes**

Title 40 CFR Part 258 states: the purpose of this part is to establish minimum national criteria under the Resource Conservation and Recovery Act (RCRA or the Act), as amended, for all municipal solid waste landfill (MSWLF) units and under the Clean Water Act, as amended, for municipal solid waste landfills that are used to dispose of sewage sludge. These minimum national criteria ensure the protection of human health and the environment
<https://www.law.cornell.edu/cfr/text/40/258.1>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester: Solid Waste Management Department

FISCAL IMPACT

The South Dade Landfill Cell 5 Construction project is budgeted for an amount not to exceed \$17,242,500, funded by the Waste Disposal Operating Fund in the amount of \$16,522,500 and by Building Better Communities General Obligation Bond funds in the amount of \$720,000.

ANALYSIS

This item seeks approval of a contract award to Comanco Environmental Corporation, Contract No. 14S003, for the South Dade Landfill Cell 5 Construction project located at 23707 SW 97 Avenue, Miami in District 8, which is represented by Commissioner Daniella Levine Cava. The construction of Cell 5 will occupy approximately 50 acres, of which about 45 acres are for waste disposal. The project includes final grading of the site, construction and/or re-shaping of berms, installation of a stormwater management system, installation of an approximately 2 million square feet liner system, and installation of a leachate collection/detection and transmission system. The contract period is 365 days and the estimated notice to proceed is May 1, 2018. There is a contingency period of 37 days and the contingency amount is \$1,567,500 which represent 10% of base contract amount.

The South Dade Landfill (SDLF) is a 320-acre Class I Municipal Solid Waste (MSW) facility. The SDLF consists of Cells 1 through 4: Cells 1, 2, and 3 are closed; and Cell 4 is currently active and receiving Class I waste. The proposed Cell 5 occupies approximately 50 acres, with the inclusion of the storm water management system.

A Type I (one) MSW landfill is a facility that can accept all types of municipal solid waste, including putrescible waste (waste that can cause foul odors when decomposing), household waste, construction and demolition waste, household hazardous waste, special waste, and some industrial wastes.

Two landfills are available in the County for permitted private haulers, municipal waste haulers and permitted landscapers.

Though Comanco Environmental Corporation (Comanco) has never received a County contract, it has been in business for 28 years, and has provided evidence of many years of experience as a general contractor in very specialized construction work such as the on subject of this solicitation. Comanco is an active Florida Profit Corporation according to the State of Florida Division of Corporations.

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

The method of award used was an invitation to bid and contract award to the lowest responsive, responsible bidder. An invitation to bid was issued under full and open competition on March 24, 2017. On May 10, 2017, the County received four (4) proposals, which were subsequently reviewed to determine the lowest responsive and responsible bidder. The four (4) proposals were from: The Redland Company, Comanco Environmental Corporation, Thalle Construction Company, Inc., and H&R Paving, Inc.

**BCC Meeting: March 20, 2018
Research Notes**

The ISD's Small Business Development Memorandum dated June 2, 2017 found the four bidders compliant with the Small Business Enterprise (SBE/Cons) Program for Construction Services and Small Business Enterprise Goods and Services (SBE/G&S). The contract measures established for the project are a 13.13% SBE/Cons goal and a 4% SBE/G&S goal.

The Community Workforce Program (CWP) was established and approved by the Board on January 23, 2003. The Program, which was designed to provide job opportunities to local residents of traditionally underserved and underdeveloped neighborhoods, went into effect May 5, 2003

Comanco will utilize the following SBEs to fulfill the contract measures: Biscayne Engineering Company, Inc., to provide (NIGP) category, 96460 (Land Surveying) and 92500 (Engineering Services, Professional) at 0.19%, and Corel Corp. to provide (NIGP) category 65800 Pipe, Tubing, and Accessories - Not Fittings), 65900 (Pipe and Tubing Fittings) and 67000 (Plumbing Equipment, Fixtures, and Supplies) at 3.14%; and Sunset Sod, Inc. to provide (NIGP) category, 79000 (Seed, Sod, Soil, and Inoculants) at 1.1% in satisfaction of the 4% SBEIG&S goal.

The lowest bidder was H&R Paving, Inc. However, a responsibility review of its submission, by the DSWM consultant and DSWM staff, revealed that H&R Paving, Inc. lacked the necessary experience in landfill projects. None of the projects listed in its bid was related to landfills - therefore failing to meet the required five-year experience. As a result, H&R was deemed non-responsible.

Subsequently, the same responsibility review was conducted on the submission of the next lowest bidder, Comanco Environmental Corporation. The County's Responsibility Review Memorandum dated August 7, 2017 indicates that the Comanco team has the technical and financial resources and capacity required to carry out the contractual responsibilities to complete this contract effectively.

According to the Mayoral Memorandum, the responsibility review for Comanco concluded the following:

- Although found responsible, during the review, staff discovered a discrepancy between the numerical bid price (\$15,675,000) and the written bid price (\$15,000,675).
- Staff sought a legal opinion for responsiveness from the County Attorney's Office, which advised that such an error was not necessarily disqualifying, if supporting documentation and attestation were obtained.
- ISD contacted Comanco Environmental Corporation to obtain clarification on its bid price and requested a Schedule of Values from the vendor for review. The documents supported the vendor's numerical bid price (\$15,675,000) and suggested that the written bid price was a scrivener's error.
- The Department faced three options: accept the clarified bid price, move to the next lowest bidder, or reject all bids.
- DSWM determined that it was in the best interest of the County to accept the clarified bid price.
- Moving to the next lowest bidder would cost the County an additional \$200,000 in project costs, assuming that the next lowest bidder would be deemed responsible.
- The time required to reject all bids and rebid the project could compromise the County's permit with the State of Florida because of the amount of Hurricane Irma debris disposed of at DSWM's landfills in its aftermath.

**BCC Meeting: March 20, 2018
Research Notes**

ADDITIONAL INFORMATION

According to Comanco Environmental Corporation website:

- Comanco is an environmental and civil construction company specializing in the construction of containment facilities for Industrial Chemical Plants, Solid Waste Companies, Power Generation, Mining Operations, Municipalities, and Utilities, providing geosynthetic lining and HDPE piping products and services.
- Comanco has been recognized annually, since 2004, as one of the Top 200 Environmental Firms in the country by Engineering News Record.

<http://comanco.com/>

Per the Prime Contractor, Comanco, Responsibility Requirement form, the company referenced project they completed in North Central Landfill located in Winter Haven, FL