



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Recreation, Culture & Tourism Committee**

July 12, 2010

2:00 PM

Commission Chamber

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

**Legislative Analysis  
Recreation, Culture and Tourism  
Meeting Agenda**

**July 12, 2010**

Written legislative analyses for the below listed items are attached for your consideration in this Legislative Analysis.

**Item Number(s)**

4(B)
4(C)

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:  
Mia B. Marin, Legislative Analyst

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item:** 4(B)  
**File Number:** 101571  
**Committee(s) of Reference:** Board of County Commissioners  
**Date of Analysis:** July 8, 2010  
**Type of Item:** Retroactive Change Order

**Summary**

This is a retroactive change order No. one (1) and final on a contract between Recreational Design & Construction, Inc. (RDC) and Miami-Dade County. The Park and Recreation Department recommends a retroactive time extension of eighty-eight (88) calendar days inclusive of the time contingency allowance account.

**Background and Relevant Legislation**

According to the Office of Capital Improvements Information System (CIIS), the following information can be derived about RDC:

- Submitted 252 bids in total;
- Awarded 2 contracts;
- 2 Evaluations on file (3.5 out of 4.0 rating);
- No notice of violations according to the Department of Small Business Development.

The retroactive time extension is inclusive of the time contingency allowance account. The contractor's entitlement for compensable delays was validated for a potential maximum amount of \$51,849 but the contractor settled for \$31,849 which was paid from the contingency allowance.

**The Park and Recreation Department is evaluating the contractual obligations and will coordinate with the County Attorney's Office for the potential recovery of damages.**

**Prepared By: Mia B. Marin**

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
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Legislative Notes

**Agenda Item:** 4(C)  
**File Number:** 101638  
**Committee(s) of Reference:** Recreation, Culture & Tourism  
**Date of Analysis:** July 8, 2010  
**Type of Item:** Lease Agreement

**Summary**

This is a Ground Site Lease Agreement between Clear Wireless, LLC (CW) and Miami-Dade County Fair and Exposition, Inc (Fair) for the construction, maintenance and operations of communications facilities on County owned land leased to the Fair.

**Background and Relevant Legislation**

Article 7, Section 7.01 of the Miami-Dade County Code of Ordinances (Code) provides for policy that excludes parks, aquatic preserves and lands acquired by Miami-Dade County (County) for preservation to be held in Trust for education, pleasure and recreation. Additionally, Section 7.01 of the Code protects such lands from commercial development and exploitation. However, Section 7.02 of Article 7 provides exceptions for such lands to include agreements with cable, internet, telephone, electric or similar service providers or utilities, so long as any installations are underground or do not adversely impact natural resources, or parks and facilities and uses.

According to Article 7, Section 7.02, the restrictions do not apply to the following:

- Dade County Youth Fair site;
- Metro Zoo;
- Tamiami Stadium;
- Haulover Fishing Pier;
- Dade County Auditorium;
- Museum of Science;
- Gold Cost Museum;
- Viscaya Museum and Gardens;
- Trail Glades Range;
- Orange Bowl;
- Commodore Ralph Munroe Marine Stadium;
- Seaquarium;
- Curtis Park Track and Stadium;
- Fairchild Tropical Gardens; and
- Mini and Neighborhood Parks except that no mini or neighborhood parks may be leased unless a majority of the residents residing in voting precincts within one (1) mile of the park authorize such sale or lease by majority vote in an election.

The last sublease agreement between a cell phone company and the County was approved on October 12<sup>th</sup> 2006 through R-1196-06 with Verizon Wireless. Terms of this agreement was for five (5) years with four (4) additional five (5) year renewals, annual revenue is \$18,000, three (3) percent increases per year by up to 15% to total \$31,462 during the five (5) year term.

The County has worked cooperatively with the Fair to develop and operate facilities and activities on land adjacent to Tamiami Park. The County entered into an Amended and Restated lease of County Lands to the Fair to provide exclusive rights to make improvements to the lands it leases from the County. The County authorized the installation of a cell tower at the Fairgrounds, which include seven cell phone providers through sublease agreements. The providers are: Bellsouth Mobility, Nextel Communication, Inc., Spectrum, AT & T Wireless, Omnipoint Holdings, Inc., Metro PCS California/Florida, Inc., and Verizon.

**Budgetary Impact**

The proposed Ground Lease Agreement will generate a positive revenue source for the Miami-Dade County totaling \$10,000 annually. The terms of the agreement account for three (3) percent increase per year for five years.

According to Park and Recreation Department staff, the annual revenues (for the last five years) derived from the sublease agreements for the seven cell phone carrier providers are as follows:

Miami-Dade Park and Recreation Revenue Summary  
for the The Fair's Monopole at Tamiami Park

July 1st thru June 30th	2005-06	2006-07	2007-08	2008-09	2009-10
BELLSOUTH	\$18,000.00	\$18,000.00	\$21,600.00	\$21,600.00	\$ 21,600.00
AT&T	\$18,000.00	\$18,000.00	\$18,000.00	\$18,000.00	\$ 18,000.00
METRO PCS	\$10,000.00	\$10,514.10	\$11,795.58	\$13,174.41	\$ 15,759.04
NEXTEL-SPRINT	\$18,000.00	\$18,000.00	\$21,600.00	\$39,280.64	\$ 39,600.00
SPRINT	\$18,000.00	\$18,000.00	\$18,000.00	See notes	See notes
T-MOBILE	\$10,000.00	\$11,255.04	\$13,741.27	\$16,586.25	\$ 15,759.04
VERIZON	See notes	\$12,000.00	\$18,000.00	\$18,000.00	\$ 18,000.00
Total	\$92,000.00	\$105,769.14	\$122,736.85	\$126,641.30	\$128,718.08
Miami-Dade Park and Recreation Revenue @50%	\$46,000.00	\$52,884.57	\$61,368.43	\$63,320.65	\$ 64,359.04

NOTES:
Nextel and Sprint merged 2008-09
Verizon started in 2006

Prepared by: Mia B. Marin