Memorandum

MIAMI-DADE COUNTY

Date:	October 7, 2008
To:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners
From:	George M. Burgess County Manager
Subject:	Resolution Authorizing a Memorandum of Agreement between Miami-Dade County and the City of Sweetwater for the purchase and delivery of trees (not to exceed $20,000 from the Community Image Advisory Board), tree planting within the City limits and Training of Tree Care Specialists

Agenda Item No. 8(P)(1)(F)

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing a Memorandum of Agreement (MOA) between the City of Sweetwater and Miami-Dade County in which the County will purchase and deliver trees for planting within the city limits for a cost not to exceed $20,000, and facilitate the training of Tree Care Specialists through the Institute of Food and Agricultural Sciences Extension (IFAS).

Scope

This agreement impacts the City of Sweetwater which is entirely located within Commission District 12.

Fiscal Impact/Funding Source

The project cost will not exceed $20,000 and will be funded by Miami-Dade County through the Community Image Advisory Board (CIAB). This project will be funded by the CIAB Capital Outlay Reserve (COR) fund.

Background

Miami-Dade County has had historical losses in tree canopy cover due to hurricanes, citrus canker and urban development. In order to address such losses the Street Tree Master Plan (STMP) was developed by a working group comprised of representatives from various organizations. Said plan addresses the need to increase tree canopy along our roadways and serves as a reference for urban street tree projects. The STMP also describes the procedures for planting and maintaining trees throughout Miami-Dade County and encourages partnerships with municipalities for the implementation of the plan.

The City of Sweetwater has an ongoing effort to improve the aesthetics of their community and was of one of the first cities to approach the CIAB regarding the adoption of the STMP with their commitment of increasing the tree canopy. The CIAB unanimously agreed to assist the City with this project and directed the Office of Community Image to establish a partnership between the City and the County to accomplish this effort. As a result, the attached MOA stipulates that the CIAB will purchase and deliver trees up to a value of $20,000 for planting in parks, medians, and public rights-of-way within the City limits.

The City of Sweetwater has agreed to plant and assume maintenance for these trees utilizing the best tree care standard practices. It is anticipated that the project will be completed by February 28, 2009.

The City of Sweetwater approved an earlier version of the attached MOA City Resolution No. 3283 that was revised by the County to include a clarification that the City of Sweetwater would be responsible for planting the trees and also revised the project completion date to February 28, 2009 from October 31, 2008. The City of Sweetwater will be amending the MOA and presenting it to their City Council on September 8, 2008.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 7, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(P)(1)(F)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(P)(1)(F)
10-7-08

RESOLUTION NO. _____

RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF SWEETWATER FOR THE PURCHASE AND DELIVERY OF TREES (NOT TO EXCEED $20,000 FROM THE COMMUNITY IMAGE ADVISORY BOARD), TREE PLANTING WITHIN THE CITY LIMITS AND TRAINING OF CITY TREE CARE SPECIALISTS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, Miami-Dade County (County) and the City of Sweetwater (City) wish to restore recent tree losses due to hurricanes, citrus canker, and urban development; and

WHEREAS, the County, through the Community Image Advisory Board (CIAB), has agreed to assist municipal governments and train their personnel in best practices for tree planting and maintenance; and

WHEREAS, the County is willing to purchase and deliver trees (up to a value of $20,000) for planting in parks, medians and public rights-of-way within the City limits; and

WHEREAS, the City will plant and maintain the trees planted in accordance with the Memorandum of Agreement (MOA) using the best tree care standard practices set by one of the organizations that certify arborists,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the Mayor or his designee to execute the MOA between the City of Sweetwater and Miami-Dade County for the purchase and delivery of trees (not to exceed $20,000 provided by the CIAB), tree planting in the parks, medians and public rights-of-way within the city limits, and training of the City's tree care specialists.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jorge Martinez-Esteve

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MEMORANDUM OF AGREEMENT

This **AGREEMENT,** made and entered into this ____ day of_____, 2008, by and between the **CITY OF SWEETWATER, FLORIDA,** a political subdivision of the STATE OF FLORIDA, hereinafter referred to as the "**CITY**", and **MIAMI-DADE COUNTY**, a political subdivision of the STATE OF FLORIDA, hereinafter referred to as the "**COUNTY**".

WITNESSETH

WHEREAS, the **CITY** and **COUNTY** are concerned that recent losses in tree cover due to hurricanes, citrus canker, and urban development have had a negative impact on the green infrastructure and its ability to mitigate pollution and enhance air and water quality, and

WHEREAS, the **COUNTY** through the Community Image Advisory Board (CIAB) Street Tree Master Plan (STMP) has committed to assisting municipal governments improve the percentage of canopy cover in their cities, and

WHEREAS, the **COUNTY** through the CIAB has agreed to assisting municipal governments train their personnel in best practices for tree planting and maintenance, and

WHEREAS, the **CITY** Commission has by proper resolution attached hereto as attachment "A" and by reference made a part thereof, authorized its City Manager/Mayor or his designee to enter into this **AGREEMENT**.

NOW, THEREFORE, in consideration of the promises and the covenants contained herein, the parties agree:

1. The **COUNTY** shall purchase and deliver trees (up to a value of $20,000) for planting in parks, medians and public rights-of-way within the **CITY** limits, see exhibit A-1.
2. The **COUNTY** shall arrange for training **CITY** employees on best practices for tree care and arborist certification.
3. The **CITY** will plant and maintain the trees planted as part of this **AGREEMENT** using the best tree care standard practices set by one of the organizations that certify arborists.

4. The **CITY** shall identify and obtain all necessary permits, utility adjustments and right-of-way to perform the project tree plantings in accordance with applicable State, Federal, and local laws and ordinances, and shall not commence the work described in this **AGREEMENT** until all necessary permits have been obtained.
5. The **CITY** shall clear all utilities within the planting areas at least forty-eight (48) hours prior to any tree installation activities.
6. The **CITY** shall not allow trees to obstruct the view of the **COUNTY'S** Public Works or Florida Department of Transportation's roadway signs.
7. The **CITY** shall be responsible for the inspection of the tree installations, see exhibit A1. Plantings shall be completed prior to February 28, 2009.
8. The **CITY** commits to adopting the principles of Street Tree Master Plan by approving the **COUNTY'S** plan or preparing an original plan that complements the concepts presented in the **COUNTY'S** plan.
9. To the extent permitted by law, the **CITY** shall indemnify and hold harmless the **COUNTY** its officers and employees, from all suits, actions, claims of liability arising out of the **CITY'S** negligent performance of the work under this **AGREEMENT**, due to the failure of the **CITY** to construct and maintain the tree plantings in conformance with the standards described in this **AGREEMENT**.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day and year first above written.

CITY OF SWEETWATER

By:_____
City Manager/Mayor

ATTEST:_____**(SEAL)**
City Clerk

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By:_____
Mayor or his designee

ATTEST:_____**(SEAL)**
County Clerk

APPROVED AS TO LEGAL FORM

By:_____
CITY Attorney

By:_____
County Attorney

ATTACHMENT "A"
CITY RESOLUTION

CITY Resolution No. 3283 dated April, 2007, attached hereto and incorporated herein.

RESOLUTION NO. 3283

A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AGREEMENT WITH MIAMI-DADE COUNTY FOR PURCHASE OF TREES ; PROVIDING FOR TRANSMITTAL AND EFFECTIVE DATE.

WHEREAS, The City of Sweetwater has been notified that it will receive from the County up to a value of $20,000 for the purchase of trees, for planting in parks, medians and public rights-of way within the CITY limits in the City of Sweetwater. Planting shall be completed prior to October 31, 2008; and,

WHEREAS, The Mayor and Commission believe it is in the best interest of the City and its residents to accept:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA AS FOLLOWS:

SECTION 1. That the Mayor and City Clerk are hereby authorized to execute all documents required to accomplish receipt of the foregoing funding for trees purchase.

SECTION 2. That this resolution shall become effective upon its adoption by the City Commission and approval by the Mayor or if vetoed, upon its re-enactment by the City Commission as provided by the Charter of the City of Sweetwater.

PASSED AND ADOPTED this 2nd day of April, 2007.

MANUEL MAROÑO, MAYOR

ARIEL J. ABELAIRAS, COMMISSION PRESIDENT

Resolution # 8283

ATTEST:

Deputy

~~MARIE O. SCHMIDT~~, CITY CLERK
Carmen J. Garcia

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

RALPH VENTURA, CITY ATTORNEY

VOTE UPON ADOPTION:

ARIEL J. ABELAIRAS, COMMISSION PRESIDENT	yes
JOSE BERGOUIGNAN, JR., COMMISSION VICE PRESIDENT	yes
PRISCA BARRETO, COMMISSIONER	Absent
JOSE M. DIAZ, COMMISSIONER	yes
MANUEL DUASSO, COMMISSIONER	yes
JOSE M. GUERRA, COMMISSIONER	yes
ORLANDO LOPEZ, COMMISSIONER	yes

EXHIBIT A-1

Project Locations: City of Sweetwater

SW 115th Avenue from Flagler to 8th Street
SW 109th Avenue from Flagler to 8th Street
Linear Park north of 8th Street from SW 107th Avenue to 115th Avenue

Design: Miami-Dade County will prepare landscape plans depicting proposed planting location, installation details and notes; as well as, a plant list showing species, quantity, specifications, etc. Development of these plans will be coordinated with the City of Sweetwater.
Estimated Design Timeframe: 30 calendar days

Permitting: The project locations are along city roads. The City of Sweetwater will process any necessary plans and permit applications.
Estimated Permitting Timeframe: 30 calendar days

Construction: The Miami-Dade County Office of Community Image has agreed to design, select, and procure plant material for the implementation of the landscape enhancements. Based on the permit requirements, the City will be required to coordinate with utility companies, governmental agencies having jurisdiction and calling for inspections as required. The City will accept plant material and account for quantities, quality and size as specified on landscape plans provided by the County. No substitutions of plant material shall be accepted unless mutually agreed upon by City the and the County and documented in writing. The County will perform a final inspection once material is installed.
Estimated Construction Timeframe: 30 calendar days

Plant Selection: The medians will be planted with drought tolerant species to minimize water use. The plans will include species mutually agreeable to the City of Sweetwater and Miami-Dade County that minimize water use and maintenance costs, decrease the likelihood of theft, are suitable to the location(s) for sun/shade adaptability, continuity of design to adjacent areas, and provide vibrant colors wherever possible.

Cost: Miami-Dade County's contribution of the purchase and delivery of plants, and the initial planting soil and mulch shall not to exceed $20,000.

MEMORANDUM OF AGREEMENT

This **AGREEMENT,** made and entered into this ____ day of_____, 2007, by and between the **CITY OF SWEETWATER, FLORIDA,** a political subdivision of the STATE OF FLORIDA, hereinafter referred to as the "**CITY**", and **MIAMI-DADE COUNTY**, a political subdivision of the STATE OF FLORIDA, hereinafter referred to as the "**COUNTY**".

WITNESSETH

WHEREAS, the **CITY** and **COUNTY** are concerned that recent losses in tree cover due to hurricanes, citrus canker, and urban development have had a negative impact on the green infrastructure and its ability to mitigate pollution and enhance air and water quality, and

WHEREAS, the **COUNTY** through the Community Image Advisory Board (CIAB) Street Tree Master Plan has committed to assisting municipal governments improve the percentage of canopy cover in their cities, and

WHEREAS, the **COUNTY** through the CIAB has agreed to assisting municipal governments train their personnel in best practices for tree planting and maintenance, and

WHERAS, the **CITY** Commission has by proper resolution attached hereto as attachment "A" and by reference made a part thereof, authorized its City Manager/Mayor or his designee to enter into this **AGREEMENT**.

NOW, THEREFORE, in consideration of the promises and the covenants contained herein, the parties agree:

1. The **COUNTY** shall purchase and deliver trees (up to a value of $20,000) for planting in parks, medians and public rights-of-way within the **CITY** limits.
2. The **COUNTY** shall arrange for training **CITY** employees on best practices for tree care and arborist certification.
3. The **CITY** will maintain the trees planted as part of this **AGREEMENT** using the best tree care standard practices set by one of the organizations that certify arborists.

4. The **CITY** shall identify and obtain all necessary permits, utility adjustments and right-of-way to perform the project tree plantings in accordance with applicable State, Federal, and local laws and ordinances, and shall not commence the work described in this **AGREEMENT** until all necessary permits have been obtained.
5. The **CITY** shall clear all utilities within the planting areas at least forty-eight (48) hours prior to any tree installation activities.
6. The **CITY** shall not allow trees to obstruct the view of the **COUNTY's** Public Works or Florida Department of Transportation's roadway signs.
7. The **CITY** shall be responsible for the inspection of the tree installations. Plantings shall be completed prior to October 31, 2008.
8. The **CITY** commits to adopting the principles of Street Tree Master Plan by approving the **COUNTY'S** plan or preparing an original plan that complements the concepts presented in the **COUNTY'S** plan.
9. To the extent permitted by law, the **CITY** shall indemnify and hold harmless the **COUNTY** its officers and employees, from all suits, actions, claims of liability arising out of the **CITY'S** negligent performance of the work under this **AGREEMENT**, due to the failure of the **CITY** to construct and maintain the tree plantings in conformance with the standards described in this **AGREEMENT**.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day and year first above written.

CITY OF SWEETWATER

By:_____
City Manager/Mayor

ATTEST:_____(SEAL)
Deputy **City Clerk**

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By:_____
County Manager

ATTEST:_____(SEAL)
County Clerk

APPROVED AS TO LEGAL FORM

By:_____
CITY Attorney

By:_____
County Attorney

ATTACHMENT "A"
CITY RESOLUTION

CITY Resolution No._____dated_____, 20_____, attached hereto and incorporated herein.

Supplement to
Agenda Item 2(U)
9/9/08

RESOLUTION NO. 3362

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SWEETWATER AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH MIAMI-DADE COUNTY TO ASSIST IN IMPROVING THE PERCENTAGE OF CANOPY COVER IN THE CITY; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, It is the desire of the City to improve its street tree canopy; and,

WHEREAS, Miami-Dade County, through its Community Image Advisory Board has agreed to assist municipalities in their endeavors:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA AS FOLLOWS:

SECTION 1. That the Mayor and City Clerk are hereby authorized to enter into a Memorandum of Agreement with Miami-Dade County to assist in the city's endeavors to expand its tree canopy, a copy of which is attached to and made part of this resolution.

SECTION 2. That this resolution shall become effective upon its adoption by the City Commission and approval by the Mayor or if vetoed, upon its re-enactment by the City Commission as provided by the Charter of the City of Sweetwater.

PASSED AND ADOPTED this 8th day of September, 2008.

MANUEL MAROÑO, MAYOR

ORLANDO LOPEZ, COMMISSION PRESIDENT

ATTEST:

Marie O. Schmidt

MARIE O. SCHMIDT, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

RALPH VENTURA, CITY ATTORNEY

VOTE UPON ADOPTION:

ORLANDO LOPEZ, COMMISSION PRESIDENT	YES
JOSE M. DIAZ, COMMISSION VICE PRESIDENT	YES
ARIEL J. ABELAIRAS , COMMISSIONER	YES
PRISCA BARRETO, COMMISSIONER	YES
JOSE BERGOUIGNAN, JR., COMMISSIONER	YES
MANUEL DUASSO, COMMISSIONER	YES
JOSE M. GUERRA, COMMISSIONER	YES

MEMORANDUM OF AGREEMENT

This **AGREEMENT,** made and entered into this ____ day of_____, 2008, by and between the **CITY OF SWEETWATER, FLORIDA,** a political subdivision of the STATE OF FLORIDA, hereinafter referred to as the "**CITY**", and **MIAMI-DADE COUNTY**, a political subdivision of the STATE OF FLORIDA, hereinafter referred to as the "**COUNTY**".

WITNESSETH

WHEREAS, the **CITY** and **COUNTY** are concerned that recent losses in tree cover due to hurricanes, citrus canker, and urban development have had a negative impact on the green infrastructure and its ability to mitigate pollution and enhance air and water quality, and

WHEREAS, the **COUNTY** through the Community Image Advisory Board (CIAB) Street Tree Master Plan (STMP) has committed to assisting municipal governments improve the percentage of canopy cover in their cities, and

WHEREAS, the **COUNTY** through the CIAB has agreed to assisting municipal governments train their personnel in best practices for tree planting and maintenance, and

WHEREAS, the **CITY** Commission has by proper resolution attached hereto as attachment "A" and by reference made a part thereof, authorized its City Manager/Mayor or his designee to enter into this **AGREEMENT**.

NOW, THEREFORE, in consideration of the promises and the covenants contained herein, the parties agree:

1. The **COUNTY** shall purchase and deliver trees (up to a value of $20,000) for planting in parks, medians and public rights-of-way within the **CITY** limits, see exhibit A-1.
2. The **COUNTY** shall arrange for training **CITY** employees on best practices for tree care and arborist certification.
3. The **CITY** will plant and maintain the trees planted as part of this **AGREEMENT** using the best tree care standard practices set by one of the organizations that certify arborists.

4. The **CITY** shall identify and obtain all necessary permits, utility adjustments and right-of-way to perform the project tree plantings in accordance with applicable State, Federal, and local laws and ordinances, and shall not commence the work described in this **AGREEMENT** until all necessary permits have been obtained.
5. The **CITY** shall clear all utilities within the planting areas at least forty-eight (48) hours prior to any tree installation activities.
6. The **CITY** shall not allow trees to obstruct the view of the **COUNTY'S** Public Works or Florida Department of Transportation's roadway signs.
7. The **CITY** shall be responsible for the inspection of the tree installations, see exhibit A1. Plantings shall be completed prior to February 28, 2009.
8. The **CITY** commits to adopting the principles of Street Tree Master Plan by approving the **COUNTY'S** plan or preparing an original plan that complements the concepts presented in the **COUNTY'S** plan.
9. To the extent permitted by law, the **CITY** shall indemnify and hold harmless the **COUNTY** its officers and employees, from all suits, actions, claims of liability arising out of the **CITY'S** negligent performance of the work under this **AGREEMENT**, due to the failure of the **CITY** to construct and maintain the tree plantings in conformance with the standards described in this **AGREEMENT**.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day and year first above written.

CITY OF SWEETWATER

By: _____
City Manager/Mayor

ATTEST: _____ (SEAL)
City Clerk

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Mayor or his designee

ATTEST: _____ (SEAL)
County Clerk

APPROVED AS TO LEGAL FORM

By: _____
CITY Attorney

By: _____
County Attorney