

**Date:** March 3, 2009

**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

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

**From:** George M. Burgess  
County Manager



**Subject:** Resolution Authorizing Execution of a Memorandum of Agreement between Miami-Dade County and the City of Sunny Isles Beach to Participate in Funding an Amount not to Exceed \$200,000 for Landscaping Improvements Along Collins Avenue from 186 Street to 192 Street and at the Intersection of Collins Avenue and Sunny Isles Boulevard

**RECOMMENDATION**

It is recommended that the Board of County Commissioners approve the attached resolution authorizing the execution of a Memorandum of Agreement with the City of Sunny Isles Beach (City) to participate in funding an amount not to exceed \$200,000 for landscaping improvements along Collins Avenue from 186 Street to 192 Street and at the intersection of Collins Avenue and Sunny Isles Boulevard. Funds are being provided by Joint Participation Agreement No. 250610-1-58-1 (JPA) between the County and the Florida Department of Transportation (FDOT) for the design and installation of landscape improvements within FDOT right-of-ways, Countywide.

**SCOPE**

The work for this Project will be performed within Commission District 4 along FDOT roadways within the subject limits.

**FISCAL IMPACT/ FUNDING SOURCE**

This project will have no fiscal impact to the County as the funding source is through a grant provided through the County by FDOT to be used by various entities Countywide as stipulated in the aforementioned JPA and agreed upon between both parties for the design and installation of landscape improvements within FDOT right-of-ways, Countywide.

**TRACK RECORD/ MONITOR**

The person responsible for assuring that all aspects of the Memorandum of Agreement are complied with is Mr. David Cardenas, Chief, Public Works Department, Right-of-Way Aesthetic and Assets Division.

**BACKGROUND**

The FDOT supports the County's roadway beautification efforts, as such, in past years FDOT has entered into several Joint Participation Agreement (JPA) with the County. Said JPA authorizes the County to conduct tree planting operations on State arterial roads throughout unincorporated Miami-Dade County. The funds provided through these JPA may be accessed by the CIAB for gateway projects along FDOT roadway. Municipalities can also apply for funding under this type of agreement by presenting project proposals to the Miami-Dade County Landscape Committee

(MDCLC). Once the municipal project is approved by the MDCLC Committee and the project is completed, a request for reimbursement is submitted to the County. At which time, the County submits a request for reimbursement to FDOT.

The City wishes to provide landscape improvements to enhance the aesthetic appearance of Collins Avenue from 186 Street to 192 Street and at the intersection of Collins Avenue and Sunny Isles Boulevard. The referenced roadways are FDOT corridors within the City. As such, the City has requested that Miami-Dade County provide funding for the project from FDOT's JPA funding allocation. The Miami-Dade County Landscape Committee has approved funding in the amount of \$200,000 as a maximum contribution to the project.

The City will design, advertise and bid the contracts and manage the installation of said improvements for this project. Reimbursement by the County will be made to the City in a lump sum, upon full completion of the project, through the submission of City certified invoices and appropriate support documentation.

Additionally, pursuant to the agreement, the City will be responsible for the future maintenance of the proposed landscaping once the project has been completed.



Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss      **DATE:** March 3, 2009  
and Members, Board of County Commissioners

**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 Mayor'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)  
3-3-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY (COUNTY) AND THE CITY OF SUNNY ISLES BEACH (CITY) FOR THE FUNDING OF LANDSCAPE IMPROVEMENTS ALONG COLLINS AVENUE FROM 186 STREET TO 192 STREET AND AT THE INTERSECTION OF COLLINS AVENUE AND SUNNY ISLES BOULEVARD THROUGH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) JOINT PARTICIPATION AGREEMENT NO. 250610-1-58-01, PURSUANT TO AVAILABLE FUNDING, IN AN AMOUNT NOT TO EXCEED \$200,000

**WHEREAS**, the City has appeared before the County Landscape Committee and presented a detailed presentation for proposed landscape improvements to the referenced roadways, and the Committee has approved said design proposals; and

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

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board approves execution of a Memorandum of Agreement between the County and the City of Sunny Isles Beach to provide funding for the aforementioned landscape improvements through the FDOT Joint Participation Agreement, pursuant to available funding, in an amount not to exceed \$200,000.

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:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of March, 2009. 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

## MEMORANDUM OF AGREEMENT

This **AGREEMENT** made and entered into this \_\_\_\_ day of \_\_\_\_, 2009, by and between the **CITY OF SUNNY ISLES BEACH, 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**".

WHEREAS, both parties herein wish to facilitate a landscaping improvement project, hereinafter referred to as the "Project", described as follows:

Landscape installation along Collins Avenue from 186 to 192 Street and at the intersection of Collins Avenue and Sunny Isles Boulevard.

In accordance with:

Florida Department of Transportation's Landscape permit.

WHEREAS, the **CITY** Commission has by proper Resolution attached hereto as Attachment "A" and by reference made a part thereof, authorized its City Manager, or designee to enter into this Agreement.

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

1. The **COUNTY** shall provide funding in an amount not to exceed \$200,000 to the **CITY** for the "Project" listed in the Joint Participation Agreement between the **COUNTY** and the Florida Department of Transportation (FDOT).
2. The **CITY** has completed the landscape plans for the "Project". Plans have been duly permitted by FDOT. The **CITY** shall not change the plans without prior written approval by the **COUNTY** and FDOT.
3. The **CITY** warrants that said plans, at a minimum, comply with Chapter 14-40, Part I, Florida Administrative Code and the Florida Department of Transportation's "Design Standards" and "Plans Preparation Manual", and the installed landscaping shall remain in compliance therewith throughout the term of this Agreement.
4. During the installation of the "Project", and all future maintenance operations, the **CITY** shall perform maintenance of traffic in accordance with the latest editions of the Florida Department of Transportation's "Design Standards" and the Federal

Highway Administration's "Manual on Uniform Traffic Control Devices". No work shall be carried out during peak traffic hours.

5. The **CITY** shall provide the **COUNTY** and FDOT's local maintenance office listed below a twenty-four (24) hour contact person, including the telephone number and the name of the responsible person for the "Project" that may be contacted by the **COUNTY** and FDOT. The **CITY** shall notify FDOT's local maintenance office forty-eight (48) hours prior to the start of the "Project".

Florida Department of Transportation's North Dade Maintenance Office:

1773 NE 205th Street, North Miami, Florida 33179

Tel# (305) 654-7163

6. The **CITY** shall identify and obtain all necessary permits, utility adjustments and right-of-way to perform the work at the "Project" location, 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.
7. The **CITY** shall clear all utilities within the "Project" limits at least forty-eight (48) hours prior to any landscape installation activities.
8. The **CITY** shall not allow landscaping to obstruct the view of FDOT's roadway signs or permitted outdoor advertising signs. No new materials shall be installed in the billboard view zones, as shown on the FDOT's permitted plans under the issued Permit.
9. The **CITY** shall submit final "Project" plans, specifications and other contract documents to the **COUNTY** for review, accompanied by a copy of FDOT's Landscape Permit for the "Project".
10. The **CITY** shall advertise the Project and receive bids. After evaluation of bids by the **CITY** and determination of the apparent low responsible bidder, the **CITY** shall provide said evaluation and recommendation to the **COUNTY** for approval. Commitment of **JPA** funds for the "Project" shall occur upon **COUNTY** approval of the contract award.
11. At the time of completion of this "Project", the **CITY** shall submit the final invoice for the Project to the **COUNTY**. Lump sum disbursement of **JPA** funds to the

**CITY** shall be based upon submissions of the **CITY'S** certified invoice copies and paid contractor estimates attachments.

12. Subsequent to contract award, any proposed change orders and supplemental agreements shall be approved by the **COUNTY** and the FDOT prior to execution by the **CITY**. Upon completion of the "Project", final construction contract costs will be determined and certified by the **CITY**. The **COUNTY'S** financial participation and disbursement of funds shall be adjusted accordingly, but in no event shall the **COUNTY'S** contribution exceed \$200,000.
13. The **CITY** shall be responsible for the inspection of the landscaping installation. However, the **CITY** shall request a final inspection by the FDOT's Landscape Architect and the **COUNTY** prior to the submittal of invoices for final payment. Invoices shall include contract unit prices for "Project" limits. The contractor's invoices shall be attached for backup.
14. The **CITY** shall maintain records of costs incurred under the terms of this Agreement and make them available to the **COUNTY'S** and FDOT's auditors at all times during the period of this Agreement, and for three (3) years after the final payment is made. Copies of these documents and records shall be made available to the **COUNTY** and/or FDOT within five (5) working days after receipt of a written request from the **COUNTY** or FDOT.
15. To the extent permitted by law, the **CITY** shall indemnify and hold harmless the **COUNTY** and FDOT, 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 "Project" in conformance with the standards described in the Agreement and as stipulated in the FDOT's Landscape Permit.
16. The **CITY**, as part of this Agreement, shall be responsible for the maintenance in perpetuity of the landscape within the "Project" limits, including existing plant materials, after the "Project" is completed.
17. The **CITY** shall remove or replace dead or diseased plant materials in their entirety, or remove or replace those that fall below original "Project" standards, with the exclusion of plant materials damaged through "Acts of God" and automobile accidents. All plant materials removed or replaced for whatever

reason, shall be replaced by plants of the same size and grade as specified in the permitted plans and specifications. The cost for the replacement of dead or diseased plant materials must be at no cost to the **COUNTY** or to the FDOT.

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

**CITY OF SUNNY ISLES BEACH**

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

By: \_\_\_\_\_  
City Manager

By: \_\_\_\_\_  
County Mayor

ATTEST: \_\_\_\_\_ (SEAL)  
City Clerk

ATTEST: \_\_\_\_\_ (SEAL)  
County Clerk

**APPROVED AS TO LEGAL FORM**

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
County Attorney

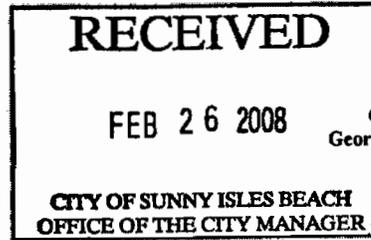
**Attachment "A"**  
**CITY OF SUNNY ISLES BEACH**

**City of Sunny Isles Beach Resolution No. 2008-1229 dated February 21, 2008,  
Attached hereto and incorporated herein.**



**City of Sunny Isles Beach**  
18070 Collins Avenue  
Sunny Isles Beach, Florida 33160

(305) 947-0606 City Hall  
(305) 949-3113 Fax  
(305) 947-2150 Building Department  
(305) 947-5107 Fax



*City Commission*  
Norman S. Edelcup, *Mayor*  
Lewis J. Thaler, *Vice Mayor*  
Roslyn Brezin, *Commissioner*  
Gerry Goodman, *Commissioner*  
George "Bud" Scholl, *Commissioner*  
A. John Szerlag, *City Manager*  
Hans Ottinot, *City Attorney*  
Jane A. Hines, CMC, *City Clerk*

## MEMORANDUM

**TO:** Doug Haag, Assistant City Manager/Finance  
**FROM:** Priscilla Walker, CMC, Deputy City Clerk *P. Walker*  
**DATE:** February 26, 2008  
**RE:** Approval of Miami-Dade County Landscaping Committee Grant (\$195,000)

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At its regular meeting of **February 21, 2008**, the City Commission adopted **Resolution No. 2008-1229**, which approved the above-referenced grant for the Collins Avenue Streetscape Project. Attached is a copy of the approving legislation to assist you in processing this item.

Thank you.

/pw

Attachments

cc: Anice Paul, Administrative Assistant to Finance Department

RESOLUTION NO. 2008- 1229

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO RECEIVE AND ACCEPT BY EXECUTION OF, A MIAMI-DADE COUNTY LANDSCAPING COMMITTEE GRANT FOR THE COLLINS AVENUE STREETScape PROJECT, IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) WITH FIFTY PERCENT (50%) MATCHING FUNDS FROM THE CITY, WITH A TOTAL PROJECT COST OF APPROXIMATELY EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00); AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL ACTION NECESSARY WITH RESPECT TO THE OBTAINING AND DISTRIBUTION OF GRANT MONIES, AS APPROPRIATE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Miami-Dade County Landscaping Committee offers matching grants up to a total project cost of Two Hundred Thousand Dollars (\$200,000.00); and

**WHEREAS**, the City submitted an application for and deemed eligible to receive a Landscaping Grant in the amount of Two Hundred Thousand Dollars (\$200,000.00) for the Collins Avenue Streetscape Project, providing that the City commit to a matching contribution; and

**WHEREAS**, the County funding available is Two Hundred Thousand Dollars (\$200,000.00); and

**WHEREAS**, the required City match of Two Hundred Thousand Dollars (\$200,000.00) will be met by the City, with a total Project cost of approximately Eight Hundred Thousand Dollars (\$800,000.00).

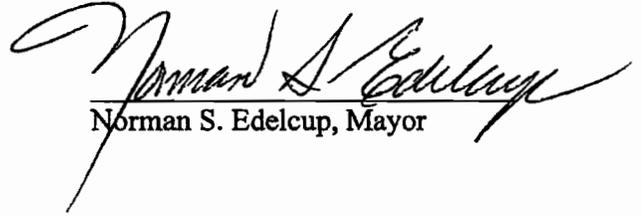
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AS FOLLOWS:**

**Section 1.** **Authorization of City Manager to Receive and Accept and Expend Grant Funds.** The City Commission of the City of Sunny Isles Beach hereby authorizes the City Manager to receive and accept by the execution of, a Miami-Dade County Landscaping Committee Grant for the Collins Avenue Streetscape Project, and to expend funds in the amount of Two Hundred Thousand Dollars (\$200,000.00) with matching funds in the amount of Two Hundred Thousand Dollars (\$200,000.00) from the City, with a total estimated Project cost of Eight Hundred Thousand Dollars (\$800,000.00) should we be successful in obtaining a grant.

**Section 2.** **Authorization of the City Manager.** The City Manager is hereby authorized to take any and all action necessary with respect to the obtaining and distribution of grant monies, as appropriate.

**Section 3.** **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 21<sup>st</sup> day of February 2008.

  
Norman S. Edelcup, Mayor

ATTEST:

  
Jane A. Hines, CMC, City Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
Hans Ottinot, City Attorney

Moved by: Commissioner BREZIN

Seconded by: Commissioner SCHOLL

Vote: 4-0-1

Mayor Edelcup  
Vice Mayor Thaler  
Commissioner Brezin  
Commissioner Goodman  
Commissioner Scholl

	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Absent	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)

# SR A1A/Collins Avenue Landscape Improvements

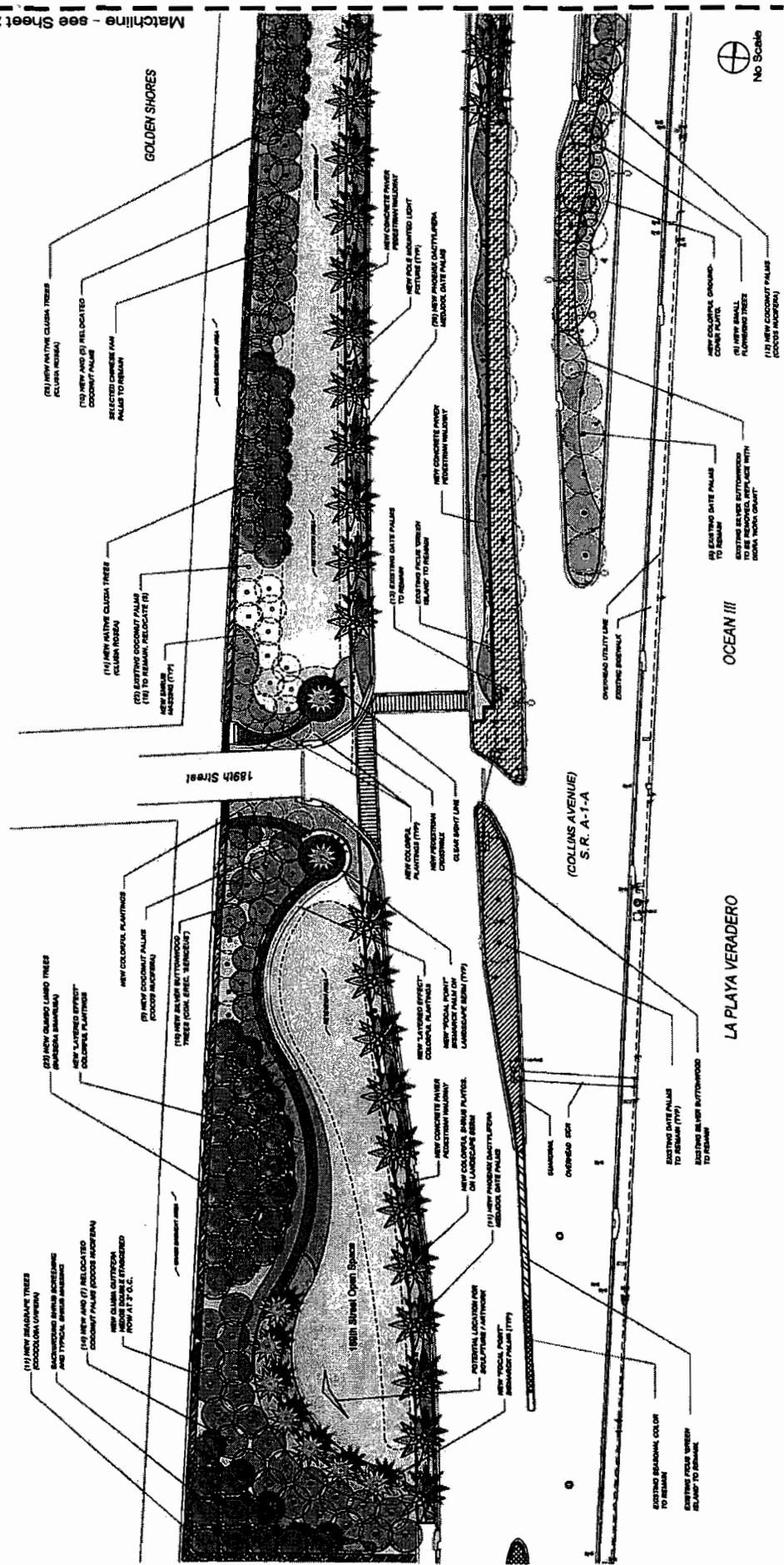
City of Sunny Isles Beach, Florida



## Conceptual Plans

Prepared by:  
**O'Leary Richards  
Design Associates, Inc.**  
Landscape Architecture & Planning  
October 29, 2007

Presented to MDC Landscaping Committee Jan 29, 2008



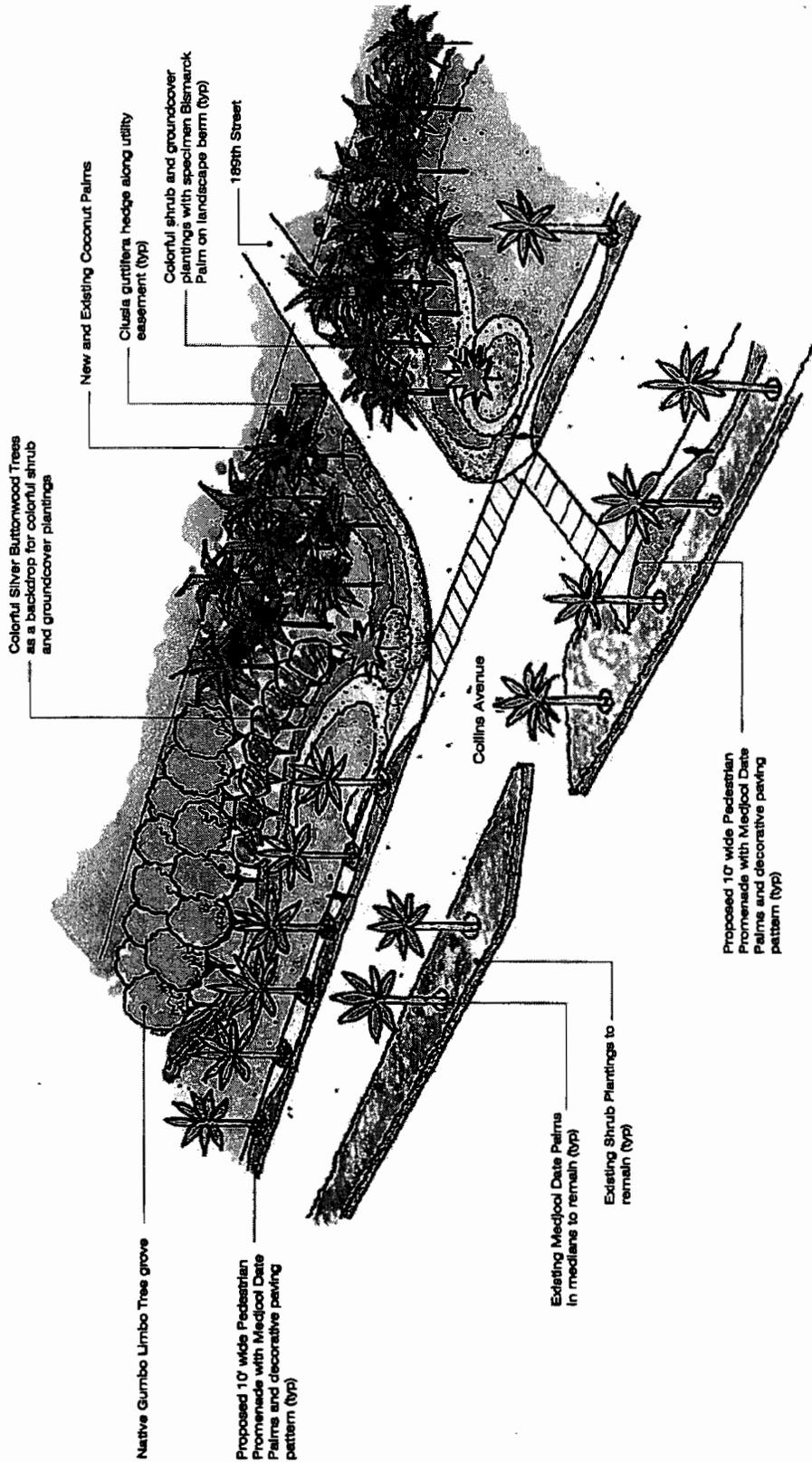
**William Lehman Causeway Entrance Corridor**  
**S.R. A1A / Collins Avenue Landscape Improvements**  
 City of Sunny Isles Beach, Florida

**1**  
 Conceptual Plans  
 10.29.07 Sheet

O'Leary  
 Richards  
 Design  
 Associates,  
 Inc.  
 Landscape Architects  
 11111 Collins Avenue, Suite 100  
 Sunny Isles Beach, FL 33154  
 Phone: 305.556.1111  
 Fax: 305.556.1112  
 www.olearyrichards.com







Landscape Character Sketch - 189th St. and Collins Avenue

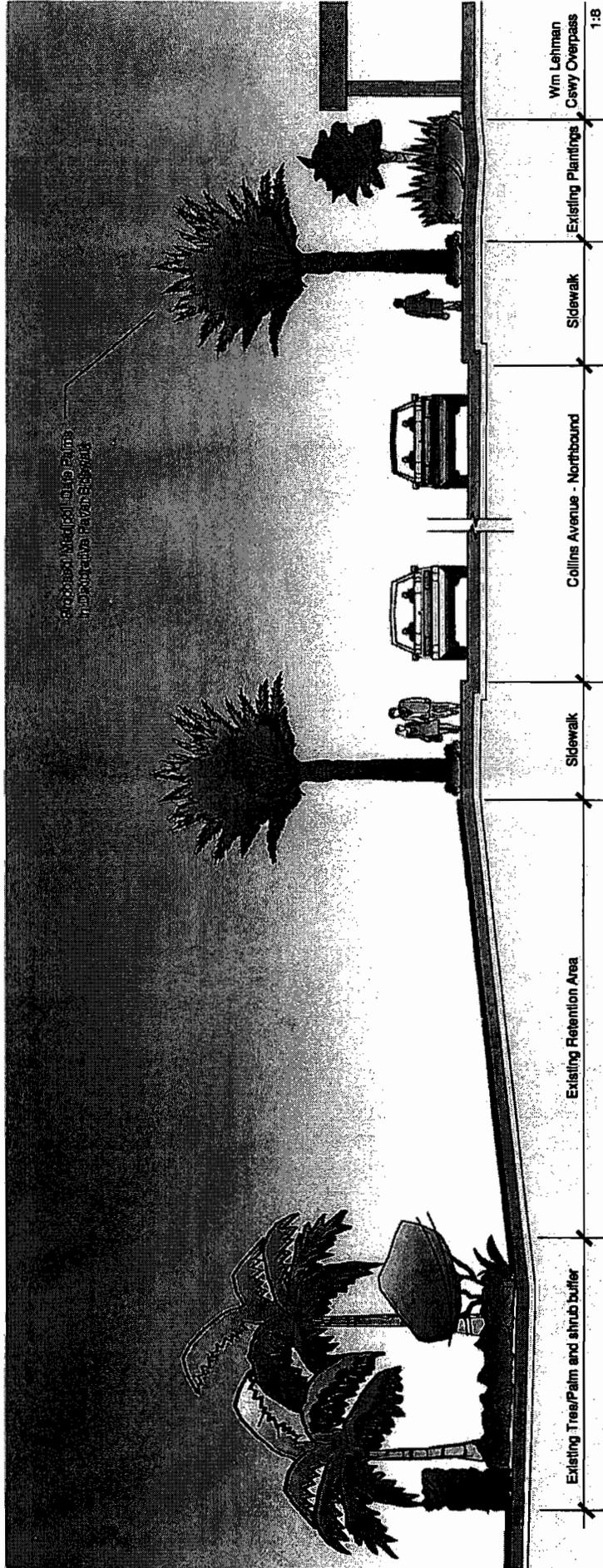


# S.R. A1A / Collins Avenue Landscape Improvements

City of Sunny Isles Beach, Florida

4  
Sheet

O'Leary  
Richard  
Design  
Associates,  
Inc.  
Landscape Architecture  
Professional  
Seal No. 12117  
FLORIDA  
L.A.S. No. 12388110



5

Conceptual Section  
10.29.07 Sheet

William Lehman Causeway Entrance Corridor  
**S.R. A1A / Collins Avenue Landscape Improvements**  
 City of Sunny Isles Beach, Florida



O'Leary  
 Richards  
 Design  
 Associates,  
 Inc.  
 Landscape Architecture  
 &  
 Planning  
 6850 Collins Avenue, Suite 110  
 Sunny Isles Beach, Florida  
 33160-3308  
 L.A.L.C. No. LC000018





**City of Sunny Isles Beach**

18070 Collins Avenue  
Sunny Isles Beach, Florida 33160

(305) 947-0606 City Hall  
(305) 949-3113 Fax  
(305) 947-2150 Building Department  
(305) 947-5107 Fax

*City Commission*  
Norman S. Edelcup, Mayor  
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George "Bud" Scholl, Commissioner

A. John Szerlag, City Manager  
Hans Ottinot, City Attorney  
Jane A. Hines, City Clerk

**MEMORANDUM**

**TO:** The Honorable City Commission  
**Via:** A. John Szerlag, City Manager  
**FROM:** Doug Haag, Assistant City Manager-Finance  
**DATE:** February 21, 2008  
**RE:** Grant Funds – \$200,000 from Miami-Dade County Landscaping Committee for Collins Avenue Streetscape

**RECOMMENDATION:**

Approve the attached resolution authorizing the City Manager to take the necessary steps to complete the above grant project for the landscaping of Collins Avenue. The City has already been notified of the grant award in the amount of \$200,000.

**BACKGROUND:**

The grant requires at least a 50% match on the part of the City of Sunny Isles Beach. The total estimated project cost is \$800,000 which means our match will be \$600,000 – well over the minimum. A scope of work is attached. These funds are budgeted in account 20-600-5621.

The timeline for the grant application process and funding, if approved, is as follows:

January 29, 2008 Notified of grant award from Landscaping Committee  
TBD Application submitted to FDOT with construction specifications for permitting purposes  
July 1, 2008 Grant funds are available  
June 30, 2009 Deadline for project completion

<i>To be completed by Department Head</i>		<i>To be completed by City Clerk's Office</i>	
Funding available: <u>DMH</u> Finance Department	Approval: <u>[Signature]</u> City Manager	Agenda Item No.: <u>10L</u>	Commission Meeting Date: <u>2-21-08</u>

Cover Memo Landscaping Grant Mdc