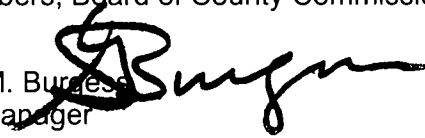


Date: September 10, 2010

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

From: George M. Burgess
County Manager 

Subject: Resolution Authorizing Execution of a Memorandum of Agreement between Miami-Dade County and the City of Miami Gardens to Participate in Funding an Amount not to Exceed \$ 168,880 for Landscaping Improvements Along Miami Gardens Drive (NW 183 Street) from NW 27 Avenue to NW 47 Avenue

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

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached resolution authorizing execution of a Memorandum of Agreement (MOA) with the City of Miami Gardens (City) to participate in funding an amount not to exceed \$168,880 for landscaping improvements along Miami Gardens Drive (NW 183 Street) from NW 27 Avenue to NW 47 Avenue. 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 1 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. Additionally, all maintenance costs will be funded by the City.

TRACK RECORD/ MONITOR

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

BACKGROUND

The FDOT supports the County's roadway beautification efforts, as such, in past years FDOT has entered into several JPA's with the County. The existing JPA authorizes the County to conduct tree planting operations on State arterial roads throughout unincorporated Miami-Dade County. The funds provided through this 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 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 Miami Gardens Drive (NW 183 Street) from NW 27 Avenue to NW 47 Avenue. The referenced roadway is an FDOT corridor 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 MDCLC has approved funding in the amount of \$168,880 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 as stipulated in the MOA.

Additionally, pursuant to the MOA, 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
and Members, Board of County Commissioners

DATE: September 10, 2010

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

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

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(P)(1)(I)
9-10-10

RESOLUTION NO. _____

RESOLUTION APPROVING EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY (COUNTY) AND THE CITY OF MIAMI GARDENS (CITY) FOR THE FUNDING OF LANDSCAPE IMPROVEMENTS ALONG MIAMI GARDENS DRIVE (183 STREET) FROM NW 27 AVENUE TO NW 47 AVENUE 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 \$168,880.00

WHEREAS, the City has appeared before the Miami-Dade 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 Miami Gardens to provide funding for the aforementioned landscape improvements through the FDOT Joint Participation Agreement, pursuant to available funding, in an amount not to exceed \$168,880.

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
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of September, 2010. 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. Hug

Hugo Benitez

MEMORANDUM OF AGREEMENT

This **AGREEMENT** made and entered into this ____ day of ____, 2010, by and between the **CITY OF MIAMI GARDENS, 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 Miami Gardens Drive (NW 183 Street) from NW 27 Avenue to NW 47 Avenue.

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 \$168,880 to the **CITY** for the “Project” listed in the Joint Participation Agreement (JPA) 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 FDOT’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 FDOT’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 \$168,880.
 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 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 MIAMI GARDENS

**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 MIAMI GARDENS

**City of Miami Gardens Resolution No. 2010-109-1291 dated, June 9, 2010,
Attached hereto and incorporated herein.**

RESOLUTION No. 2010-109-1291

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL STEPS NECESSARY IN ORDER TO RECEIVE A GRANT FROM THE MIAMI-DADE COUNTY LANDSCAPE COMMITTEE IN THE AMOUNT OF ONE HUNDRED SIXTY-EIGHT THOUSAND, EIGHT HUNDRED EIGHTY DOLLARS (\$168,880.00), TO LANDSCAPE ALONG N.W. 183RD STREET FROM N.W. 27TH AVENUE TO N.W. 47TH AVENUE; AUTHORIZING A MATCH OF FUNDS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Miami-Dade County Landscape Committee has awarded the City of Miami Gardens One Hundred Sixty-Eight Thousand, Eight Hundred and Eighty Dollars (\$168,800.00) to assist with the Miami Gardens Drive Landscaping Project – Phase 2, which will span from N.W. 27th Avenue to N.W. 47th Avenue, and

WHEREAS, in order to accept the funding, the City Council must approve a Resolution authorizing acceptance of the award, and

WHEREAS, the City will be required to match the funds in the amount of One Hundred Sixty-Eight Thousand, Eight Hundred and Eighty Dollars (\$168,880.00) for this purpose,

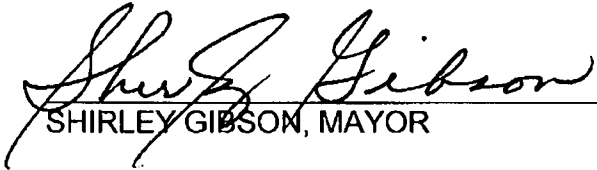
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens hereby authorizes the City Manager to take any and all steps necessary in order to receive a grant from the Miami-Dade County Landscape Committee in the amount of One Hundred Sixty-Eight Thousand, Eight Hundred Eighty Dollars (\$168,800.00) to landscape along N.W. 183rd Street from N.W. 27th Avenue to N.W. 47th Avenue. The City Council further authorizes a match of funds in the amount of One Hundred Sixty-Eight Thousand, Eight Hundred Eighty Dollars (\$168,800.00) to be taken from the Capital Projects and Public Works budgets.

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS
AT ITS REGULAR MEETING HELD ON JUNE 9, 2010.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, CITY ATTORNEY

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Councilman Gilbert
SECOND BY: Councilwoman Watson

Resolution No. 2010-109-1291

VOTE: 5-1

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Aaron Campbell, Jr.	<u> X </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> </u> (Yes)	<u> </u> (No)(not present)
Councilman Oliver Gilbert, III	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Barbara Watson	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> </u> (Yes)	<u> X </u> (No)
Councilman André Williams	<u> X </u> (Yes)	<u> </u> (No)