

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

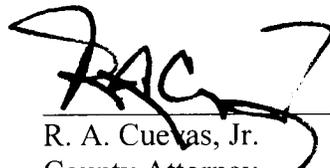
DATE: June 21, 2011

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

SUBJECT: Resolution directing the County Mayor to prepare and issue a competitive solicitation for installation and operation of communication towers in certain parks in order to provide additional revenue to Park and Recreation Department and to mitigate further reductions in staff, maintenance and programming

This item was amended at the Recreation and Cultural Affairs Committee to require that the communications towers be aesthetically acceptable and that the Board would be permitted to approve the installation of each communication tower at up to 31 parks.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 21, 2011

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

SUBJECT: Agenda Item No. 11(A)(1)

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

Agenda Item No. 11(A)(1)

Veto _____

6-21-11

Override _____

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PREPARE AND ISSUE A COMPETITIVE SOLICITATION FOR INSTALLATION AND OPERATION OF COMMUNICATION TOWERS IN CERTAIN PARKS IN ORDER TO PROVIDE ADDITIONAL REVENUE TO PARK AND RECREATION DEPARTMENT AND TO MITIGATE FURTHER REDUCTIONS IN STAFF, MAINTENANCE AND PROGRAMMING

WHEREAS, Miami-Dade County's Park and Recreation Department ("Parks Department") offers 263 various park sites in a nationally acclaimed system of park and recreation open spaces; and

WHEREAS, however, the budgetary reductions in the Parks Department's staff, maintenance, programs and services over the past two County budgets jeopardizes its reputation for excellence and its ability to continue to provide services to the community; and

WHEREAS, other Park and Recreation agencies locally and nationally have successfully authorized the installation of cellular communication towers to produce additional operating revenue; and

WHEREAS, the County's Parks Department could likewise benefit from additional operating revenue; and

WHEREAS, the Miami-Dade County School Board allows placement of cell towers on school grounds; and

WHEREAS, this Board desires to supplement and enhance the Park Department's budget by allowing communications companies to install and operate cellular/communications towers in County parks, and such communications towers should also be able to service the County Park itself; and

WHEREAS, the County Mayor or Mayor's designee is in a position to assess and make a determination as to which County parks are most appropriate for the installation and operation of these communication towers; and

WHEREAS, pursuant to Article 7 of the County Charter, these communication towers should be placed in parks so as not to adversely impact natural resources or park facilities and uses,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in order to provide additional revenue to the Parks Department and to mitigate further reductions in staff, maintenance and programming at County parks, this Board directs the County Mayor or Mayor's designee to prepare and issue a competitive solicitation for communications companies to install and operate communications towers >>that are aesthetically acceptable<<¹ in ~~[[those]]~~ >>up to 31<< County parks deemed most appropriate for such use by the County Mayor or Mayor's designee >>and this Board shall separately and individually consider for approval the installation and operation of each such communication tower<<.

The Prime Sponsor of the foregoing resolution is Chairman Joe A. Martinez. It 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:

¹ Committee amendments are indicated as follows: words stricken through and/or ~~[[double bracketed]]~~ shall be deleted, words underscored and/or >>double arrowed<< constitute the amendment proposed.

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman
Bruno A. Barreiro
Esteban L. Bovo, Jr.
Sally A. Heyman
Jean Monestime
Rebeca Sosa
Xavier L. Suarez
Lynda Bell
Jose "Pepe" Diaz
Barbara J. Jordan
Dennis C. Moss
Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of June, 2011. 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.

MM

Monica Rizo

J

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



Legislative Notes

Agenda Item: 11(A)1
File Number: 110585
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: May 19, 2011
Type of Item: Resolution
Prime Sponsor: Chairman Joe A. Martinez

Summary

This resolution directs the County Mayor or Mayor's designee to prepare and issue a competitive solicitation for installation and operation of communication towers in certain parks in order to provide additional revenue to the Park and Recreation Department and to mitigate further reductions in staff, maintenance and programming.

Committee Amendments

At the March 7, 2011, Recreation and Cultural Affairs Committee meeting, this item was amended to include the following:

- Communication companies to install and operate communication towers that are aesthetically acceptable; and
- The Board of County Commissioners (BCC) will separately and individually consider for approval the installation and operation of each communication tower to be located in up to thirty-one (31) County parks deemed most appropriate for such use by the County Mayor or Mayor's designee.

Relevant Information

According to the County Attorney's Office, the Park and Recreation Department (MDPR) has submitted a draft solicitation for the installation of communication towers to the County Attorney's office for review.

The following questions were posed to the MDPR relating to the draft solicitation followed by their responses.

- What type of parks may be considered for installation of such towers? *Larger parks where locations will not inconvenience users and neighbors.*
- Who will cover the cost of installation of the towers? *Communication proposers.*
- Is there a cost to the County by having these towers in the Parks? *No.*
- What is the projected revenue? *Once fully occupied, \$80-\$120,000 per park/year.*
- Will the criteria for placing the towers on Miami Dade County School Grounds be used for the placement of towers in parks? *No.*
- Will the MDPR be in charge of preparing the solicitation? *Yes.*
- Will ETSD play a role? *Yes.*
- Will the towers be used for public or private business? Or both? *Both, County ETSD and private.*
- Is MDPR using a planning model used by another municipality or jurisdiction that has instituted communication towers in public parks? *The Parks Department has incorporated input from past*

experience in managing two cell towers, from schools and a national law firm that only does wireless facilities on municipal lands for various cities.

- Which two cell towers are currently being managed by the MDPR? How much revenue is received from each cell tower?

1. *Haulover Park - Lease is with AT&T and began in March 1992. AT&T has one tower with multiple nodes on the existing tower. The total revenue received from AT&T from 1992 to 2010 is \$344,086.*

2. *Tamiami Park – Lease is with Miami Dade County Fair and Exposition, Inc. (Fair). The Fair has the ability to enter into sub-leases with cell phone companies. The Fair has eight sub-leases with cell phone companies. The total revenue received from the Fair from 1997 to 2010 is \$1,121,681. Below is a list of the cell phone companies, the dates of when the subleases started, and total revenues to date.*

Sublease	Bell South- Now AT&T	Nextel	AT&T	Sprint	MetroPCS	T-Mobile (Originally Voicestream)	Verizon	Clear Wireless
Date	10/17/1997	7/17/1998	7/17/2000	7/17/2000	11/14/2001	11/28/2001	7/10/2006	July 2010
Total Revenue	\$243,000	\$226,800	\$180,000	\$183,600	\$108,888	\$108,888	\$69,000	\$1,505

Additionally, further questions were posed to MDPR and the Department of Procurement Management (DPM) relating to this item followed by their responses:

- Why does the lease at Tamiami Park allow for the Fair to enter into sublease agreements? **The agreement with the Fair included provisions to allow for subleasing.**
- Does the lease at Haulover Park allow AT&T to enter into sublease agreements? **The agreement with AT&T does not include provisions to allow for subleasing.**
- Will the new cell tower agreements include provisions to allow for subleasing agreements? **Yes, the agreements will provide for the real estate ground lease license for the tower and equipment, all successful proposers would then sub-lease up to four antenna sites per tower.**
- What is the current status of the solicitation for installation and operation of communication towers? Has the solicitation been approved? If so, when is the solicitation expected to be advertised? **The solicitation has not been finalized.**

Additional Information

Below is the list provided by MDPR of the (31) County Parks being considered for the installation of communication towers. The list includes park name, address, total acreage and district location:

	Park	Address	Acreage	District
1	A.D. Barnes Park	3401 SW 72ND AVE	60.4	6
2	Amelia Earhart Park	401 E 65th ST	515	13
3	Black Point Park and Marina	24775 SW 87TH AVE	117.9	8
4	Camp Owaissa Bauer	17001 SW 264TH ST	102.27	8
5	Chapman Field Park	13597 Old Cutler Rd.	566	8
6	Chuck Pezoldt Park	16555 SW 157th Ave	40	9
7	Country Club of Miami	6801 NW 186TH ST	264.48	13
8	Gold Coast Railroad Museum Park	12450 SW 152ND ST	49.6	9

9	Gwen Cherry Park	7090 NW 22ND AVE	38.55	2
10	Highland Oaks Park	20300 NE 24th AVE	39.92	4
11	Homestead Air Reserve Park	27401 SW 127th Ave	212.73	9
12	Ives Estates Park	20901 NE 16th AVE	94.46	1
13	Kendall Indian Hammocks Park	11395 SW 79TH ST	124	10
14	Kendall Soccer Park	8011 SW 127TH AVE	41.97	10
15	Larry & Penny Thompson Park	12451 SW 184TH ST	403.39	9
16	M E Thompson Park	16665 NW 177TH AVE	618	12
17	Zoo Miami	12400 SW 152ND ST	740	9
18	Miami-Dade County Auditorium	2901 WEST FLAGLER ST	9.47	7
19	Miami-Dade Regional Soccer Park	8795 NW 58TH ST	47.33	12
20	Palmetto Golf Course	9300 Coral Reef Drive	121	8
21	Pelican Harbor Marina	1275 NE 79TH ST	81.67	3
22	Plant Park	22200 SW 137TH AVE	69.18	8
23	Redland Fruit and Spice Park	18700 SW 248 Street	31	8
24	South Miami Heights Park	20800 SW 117th Ave	5.67	9
25	Tamiami Park	11201 SW 24TH ST	241.86	11
26	Three Lakes Park	13375 SW 136TH ST	15	9
27	Trail Glades Range	17601 SW 8TH ST	698.18	12
28	Tropical Estates Park	10201 SW 48TH ST	9.07	10
29	Tropical Park	7900 SW 40TH ST	275	10
30	Virginia Key	3701 Rickenbacker Cswy	310.08	7
31	West Kendall District Park	15951 SW 120th St	164	11

Prepared by: Mia B. Marin