

Memorandum



Date: June 7, 2011

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

Agenda Item No. 8(J)(1)(D)

From: Alina T. Hudak
County Manager

A handwritten signature in black ink, appearing to read "Alina T. Hudak".

Subject: Resolution Authorizing the Execution of a Supplemental County Incentive Grant Program Agreement with the Florida Department of Transportation to Amend the Original Name and Scope For the Northeast Passenger Activity Center to the Northeast Transit Hub Enhancements Project and to Provide Additional State Funding in the Amount of \$293,485

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) authorize the execution of a Supplemental County Incentive Grant Program (SCIGP) Agreement in substantially the form attached hereto with the Florida Department of Transportation (FDOT) to amend the original name and scope for the Northeast Passenger Activity Center (NEPAC) to the Northeast Transit Hub Enhancements (NETHE) project and to provide additional funding in the amount of \$293,485.

It is further recommended that the Board authorize the receipt and expenditure of funds as specified in this agreement. Miami-Dade County proposes to provide an equal match of \$293,485 for this SCIGP from Charter County Transportation Surtax (Surtax) Bond proceeds.

SCOPE

While this project is located in County Commission District 4, the impact of this project benefits the riding public, and is therefore, countywide.

FISCAL IMPACT/FUNDING SOURCE

This SCIGP will provide \$293,485 in additional State funding for the NETHE project. Bond proceeds from the Charter County Transportation Surtax (Surtax) will provide the \$293,485 local match for a total agreement amount of \$586,970 (Index code MTPV19NETHE).

The funding for this project is currently programmed in the FDOT Work Program for Fiscal Year (FY) 2010 (\$1,348,442) and FY 2011 (\$293,485) for a total amount of \$1,641,927. The estimated project cost is \$3,283,854. The approximate annual and on-going operation and maintenance for this project is \$8,100.

TRACK RECORD/MONITOR

MDT has entered into numerous funding agreements with FDOT over the course of twenty-five (25) years. The Project Manager for this SCIGP is Carlos de la Torre, Acting Budget Chief, Miami-Dade Transit (MDT) Financial Services.

DELEGATED AUTHORITY

In accordance with Section 2-8.3 of the Miami-Dade County Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the resolution which includes authority for the Mayor, Mayor's designee or the MDT Director to execute the agreement and receive and expend these and any additional funds should they become available.

BACKGROUND

The County Incentive Grant Program was created by Section 339.2817 of the Florida Statutes, as authorized by the 2000 State Legislature. Its purpose is "to provide grants to counties, to improve a transportation facility which is located on the State Highway Systems or which relieves traffic congestion on the State Highway System."

On June 15, 2010, the Board approved the receipt of State funding in the amount of \$1,348,442 for the construction of the Northeast Passenger Activity Center (NEPAC) project (R-687-10). The proposed site for this project was located between NE 164th Street and the Mischon Athletic Field and between NE 15th Avenue and NE 16th Avenue. The plans for the NEPAC project included an enhanced bus hub connecting circulator, and regional and premium bus routes within the NE 163rd Street mall area. The total cost of the NEPAC project at that time was \$6,099,000.

The funding provided through the original CIGP agreement was contingent upon MDT identifying a final site for the NEPAC by January 31, 2011. MDT has worked closely with the City of North Miami Beach on developing the project's preferred site. Assessments were performed by MDT on a number of sites, which included the K-Mart Shopping Mall, NE 163rd Street and Biscayne Boulevard and NE 165th Street between NE 15th Avenue and NE 16th Avenue (the Mishcon site). These locations were evaluated according to specific criteria which included: property's availability, land-use compatibility, transit/pedestrian access, and transit oriented/joint development potential.

The K-Mart site was rejected by the City of North Miami Beach, under City Resolution (R-2004-83). The City, in their resolution, opposed this location based on negative impacts on health, safety, welfare and well-being of the adjacent residential area. Furthermore, citing the location as being too close to the existing I-95/Golden Glades Intermodal Facility and determined it was therefore, not feasible to locate two MDT transit centers within close proximity of the other. In addition, two of MDT's key bus routes (Route 3 and Route H) would not serve this location; thereby, creating an operating gap for passenger connectivity with other MDT routes. Moreover, the North Miami Beach Boulevard serves as a barrier to pedestrian access and raises safety concerns due to existing traffic. In addition, the parking requirements for adjacent retail limits the amount of land available for transit oriented/joint development opportunities.

The NE 163rd Street and Biscayne Boulevard site was also not preferred based upon low compatibility with existing land use, the major landowner being an unwilling seller, and limited transit/pedestrian access coupled with safety concerns by associated traffic from the Biscayne Boulevard/NE 163rd intersection.

The City of North Miami Beach requested that MDT also explore the parking lot behind the Mall at NE 163rd Street and immediately adjacent to the existing bus terminal. However, MDT determined that this location exhibits a low potential for transit oriented/joint development opportunities, if any, due to surrounding land use and limited access. As in the case with K-Mart, the parking requirements for the adjacent retail limited the amount of land available for transit oriented/joint development opportunities.

In accordance with the aforementioned criterion (property availability, land-use compatibility, transit/pedestrian access, and transit oriented/joint development potential) the Mishcon site was considered a preferred location. However, the City of North Miami Beach and MDT were unable to agree on the project scale, scope, and cost for the site. Therefore, it was determined this project was no longer feasible.

Based upon the evaluation of the locations identified as possible sites for the NEPAC project, MDT was unable to identify a site by the State's deadline of January 31, 2011. Therefore, to preserve the funding provided by this agreement, MDT has identified other feasible alternatives. These alternatives include improvements to the existing transit hubs located at the NE163rd Street and Aventura malls. These sites currently have multiple deficiencies (e.g. bus stops, bus shelters, capacity, drainage, pavement, lighting, ADA, signage, access). Both sites provide strategic transit service connectivity as they serve the northeast area and are major destination points with important bus connections. The transit hub locations at the sites include: the NE 167th Street Bus Hub, NE 15th Avenue Bus Hub, NE 163rd Street Bus Stop, Aventura Mall Bus Relief Areas, Aventura Mall Entrance Bus Stop Improvements, and Aventura Mall Publix Shopping Center Stop (NE 29th Place), and will be collectively described as the "Northeast Transit Hub Enhancements" (NETHE). MDT has worked with FDOT and the business owners at these new locations to develop the project scope and obtain their approval.

This is a multi-year agreement, which will provide State funding programmed in FY 2010 (\$1,348,442) and FY 2011 (\$293,485) for a total of \$1,641,927. This funding will be used to correct the aforementioned deficiencies at the existing NE163rd Street and Aventura mall transit hubs. Eligible costs under this SCIGP also include final design, survey, geotech, right-of-way, permitting, construction, CEI and engineering services during construction. The total project cost is \$3,283,854 and is included in the proposed MDT Capital budget for FY 2011-12. Construction is scheduled to commence in January 2013 and be completed by December 2013.

Please note this SCIGP includes a provision for E-Verify. The Board was advised on March 14, 2011 via memorandum that Governor Rick Scott signed Executive Order 11-02 on January 4, 2011, requiring state agencies and their contractors and subcontractors to use this federal web-based system to confirm employment eligibility. As such, this SCIGP includes said provision. The County will utilize the system as required for its own new hires working on contracts paid out of this SCIGP. Furthermore, in the case of contractors and subcontractors, the County will implement the directive of verifying the employment status of same by including provisions in its contracts requiring them to assume the responsibility for performing E-Verification of those individuals who will be used in the work funded by this SCIGP.


Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: June 7, 2011

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

SUBJECT: Agenda Item No. 8(J)(1)(D)

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. 8(J)(1)(D)

Veto _____

6-7-11

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMENTAL COUNTY INCENTIVE GRANT PROGRAM (SCIGP) AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO AMEND THE ORIGINAL NAME AND SCOPE FOR THE NORTHEAST PASSENGER ACTIVITY CENTER TO THE NORTHEAST TRANSIT HUB ENHANCEMENTS PROJECT; TO PROVIDE ADDITIONAL STATE FUNDING IN THE AMOUNT OF \$293,485; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS AS SPECIFIED IN THE SCIGP; AUTHORIZING RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE AS SPECIFIED IN THE SCIGP; AND AUTHORIZING USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS

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

WHEREAS, the State of Florida is authorized to enter into agreements to provide State funding for transportation programs and projects,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. That this Board approves the agreement between Miami-Dade County and the Florida Department of Transportation, in substantially the form attached hereto and made a part hereof, in the amount of \$293,485 for final design, survey, geotech, right-of-way, permitting, CEI and engineering services during construction at existing transit hubs located at the NE 163rd Street mall and Aventura mall, collectively known as the Northeast Transit Hub Enhancements (NETHE) project.

Section 2. That this Board further authorizes the Mayor, Mayor's designee, or Miami-Dade Transit Director, to execute such contracts and agreements as are approved by the County Attorney's Office; to receive and expend funds in accordance with such aforementioned

contracts and agreements; to receive and expend any additional funds should they become available; and to file and execute any additional agreements, revisions, or amendments as required to carry out the projects for and on behalf of Miami-Dade County, Florida.

Section 3. That the County staff is authorized to furnish such additional information as the FDOT may require in connection with the application for the improvement.

The foregoing 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 7th 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.

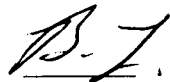
MIAMI-DADE COUNTY, FLORIDA

BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Bruce Libhaber

Financial Project No. 41050539401
Catalog of State Financial Assistance No. 55.008
County: Miami-Dade
Contract No. APV19

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
SUPPLEMENTAL COUNTY INCENTIVE GRANT PROGRAM AGREEMENT
(County Letting)
NUMBER ONE

This is a Supplemental Agreement by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT," and MIAMI-DADE County, hereinafter referred to as the "COUNTY."

WITNESSETH

WHEREAS, the DEPARTMENT and the COUNTY heretofore on the 30th day of June, 2010, entered into a COUNTY INCENTIVE GRANT PROGRAM AGREEMENT; and

WHEREAS, the COUNTY desires to accomplish certain project items as outlined in the Attachment "A" appended hereto; and

WHEREAS, the DEPARTMENT desires to participate in all eligible items for this project as outlined in Attachment "A" for a total DEPARTMENT share of \$1,641,927.

WHEREAS, the COUNTY by Resolution No. _____ dated, the day of _____, 20__, a copy of which is attached hereto and made a part hereof, has authorized the County Manager to enter into this Supplemental Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations contained herein, the parties agree that the above described County Incentive Grant Program Agreement is to be amended and supplemented as follows:

1-SERVICES AND PERFORMANCE

The Project Description is amended, as follows: Said PROJECT consists of improvements to existing transit hubs at the NE 167th Street Bus Hub, NE 15th Avenue Bus Hub, NE 163rd Street Bus Stop, Aventura Mall Bus Relief Areas, Aventura Mall Entrance Bus Stop Improvements, and Aventura Mall Publix Shopping Center Stop (NE 29th Place), collectively described as "Northeast Transit Hub Enhancements – NETHE", and further described in Attachment A and Exhibit C, as revised and, attached hereto and made a part hereof.

Financial Project No. 41050539401
Catalog of State Financial Assistance No. 55.008
County: Miami-Dade
Contract No. APV19

2-TERM

A. The term of this Agreement remains December 31, 2011.

3-COMPENSATION AND PAYMENT

A. The parties agree that the estimated total project costs are CHANGED to \$3,283,854 and the DEPARTMENT'S Participation is increased to \$1,641,927.

4- AMENDED EXHIBITS:

A. Exhibits A and C of said Agreement are amended by Attachment "A".

5- E-VERIFY:

The Agency shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of;

1. all persons employed by the Agency during the term of the Contract to perform employment duties within Florida; and
2. all persons, including subcontractors, assigned by the Agency to perform work pursuant to the contract with the Department.

IN WITNESS WHEREOF, the COUNTY has caused this Agreement to be executed in its behalf this ____ day of _____, 2011, by the County Manager, authorized to enter into and execute same by Resolution Number _____ of the Board on the day of _____, 20____, and the DEPARTMENT has executed this Agreement through its District Director of Transportation Development for District Six (6), Florida Department of Transportation, this _____ day of _____, 2011.

MIAMI-DADE COUNTY, FLORIDA

ATTEST: _____ (SEAL)
CLERK

BY: _____
COUNTY MANAGER

Miami-Dade County

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

ATTEST: _____ (SEAL)
EXECUTIVE SECRETARY

BY: _____
DIRECTOR OF TRANSPORTATION
DEVELOPMENT, DISTRICT 6

NAME:

_____ Agreement Date

DOT Legal Review:

Availability of Funds Approval:

SEE ATTACHED ENCUMBRANCE FORM FOR
DATE OF FUNDING APPROVAL BY STATE
COMPTROLLER)

Carson, Ed

From: The job F1989WMR
Sent: Monday, March 14, 2011 2:59 PM
To: Carson, Ed
Subject: FUNDS APPROVAL/REVIEWED FOR CONTRACT APV19

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL

Contract #APV19 Contract Type: AH Method of Procurement: G
Vendor Name: MIAMI-DADE TRANSIT
Vendor ID: VF596000573129
Beginning date of this Agmt: 06/30/10
Ending date of this Agmt: 12/31/11
Contract Total/Budgetary Ceiling: ct = \$1,641,927.00

Description:
MDT-NE Transit Hub Enhancements @ Aventura Mall and NE 163 St. Mall.

ORG-CODE *EO *OBJECT *AMOUNT *FIN PROJECT *FCT *CFDA
(FISCAL YEAR) *BUDGET ENTITY *CATEGORY/CAT YEAR
AMENDMENT ID *SEQ. *USER ASSIGNED ID *ENC LINE(6S)/STATUS

Action: SUPPLEMENTAL Funds have been: APPROVED

55 062020629 *PT *750098 * 293485.00 *41050539401 *639 *
2011 *55100100 *088809/11
S001 *00 * ONE *0003/04

TOTAL AMOUNT: *\$ 293,485.00 *

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER
DATE: 03/14/2011

Attachment A

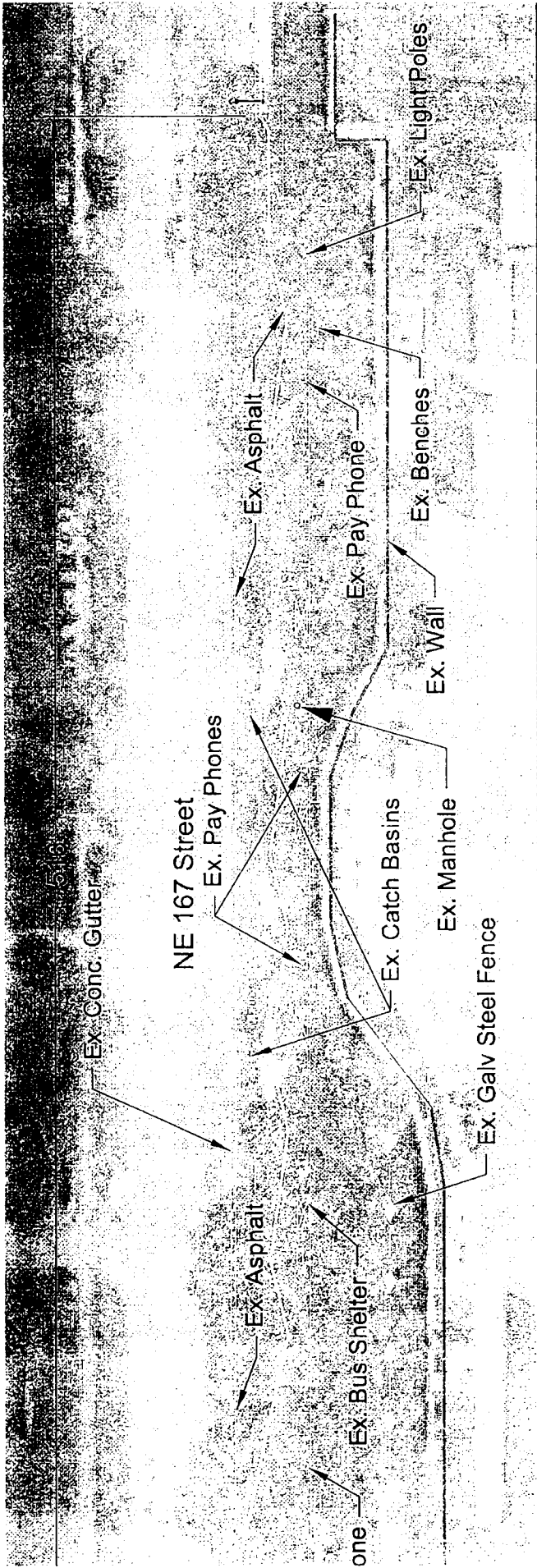
SUPPLEMENTAL COUNTY INCENTIVE GRANT PROGRAM AGREEMENT

This Attachment forms an integral part of that certain Supplemental County Incentive Grant Program Agreement between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION and MIAMI-DADE COUNTY dated, JUNE 30, 2010.

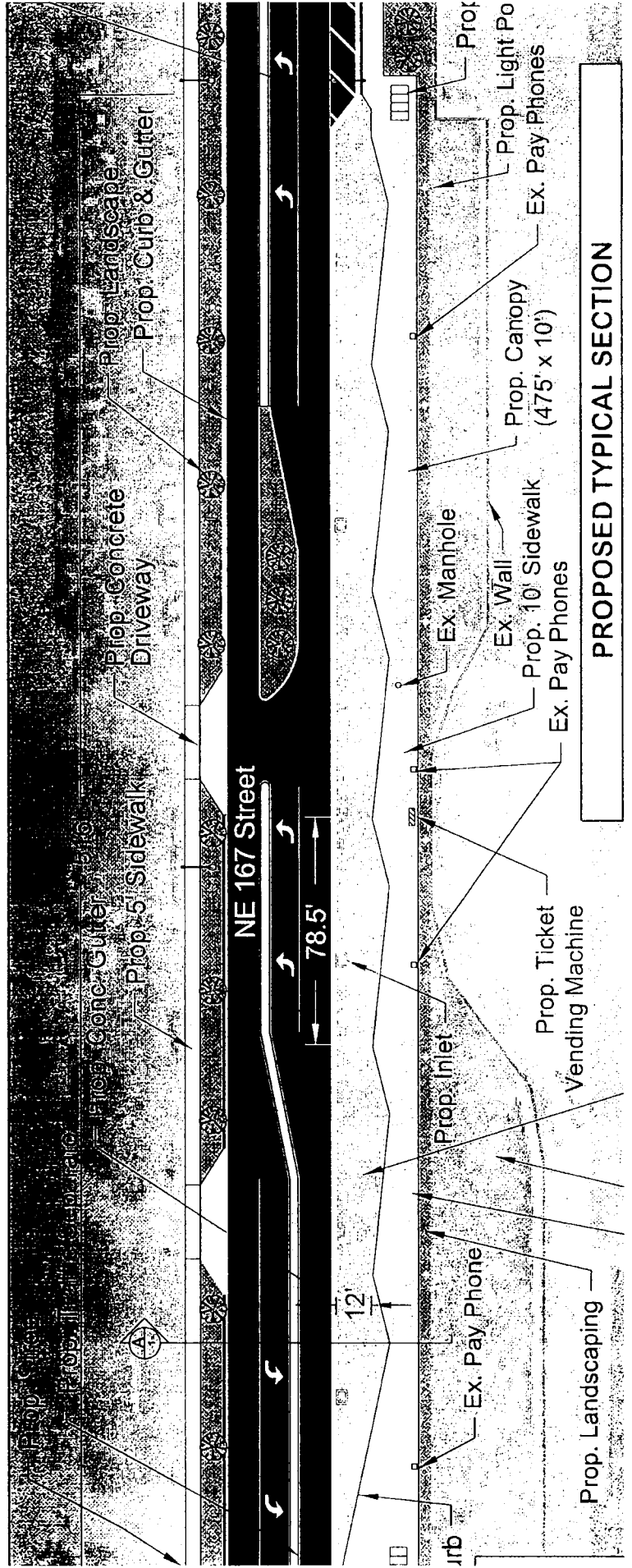
DESCRIPTION OF SUPPLEMENT (Include justification for cost change): Change project description from Northeast Miami-Dade Passenger Activity Center bus terminal capital costs to improvements to existing transit hubs at the NE 167th Street Bus Hub, NE 15th Avenue Bus Hub, NE 163rd Street Bus Stop, Aventura Mall Bus Relief Areas, Aventura Mall Entrance Bus Stop Improvements, and Aventura Mall Publix Shopping Center Stop (NE 29th Place), collectively described as "Northeast Transit Hub Enhancements – NETHE" (final design, survey, geotech, ROW, permitting, construction, CEI, engineering services during construction). Total project cost and Department participation amounts are increased and detailed below:

| Project Cost: | As Approved | As Amended | Net |
|---------------------------|--------------------|-------------------|------------|
| | \$2,696,884 | \$3,283,854 | \$586,970 |
| Total Project Cost | \$2,696,884 | \$3,283,854 | \$586,970 |
| | | | |
| Funding | As Approved | As Amended | Net |
| Department | \$1,348,442 | \$1,641,927 | \$293,485 |
| County | \$1,348,442 | \$1,641,927 | \$293,485 |
| | | | |
| Total Project Cost | \$2,696,884 | \$3,283,854 | \$586,970 |

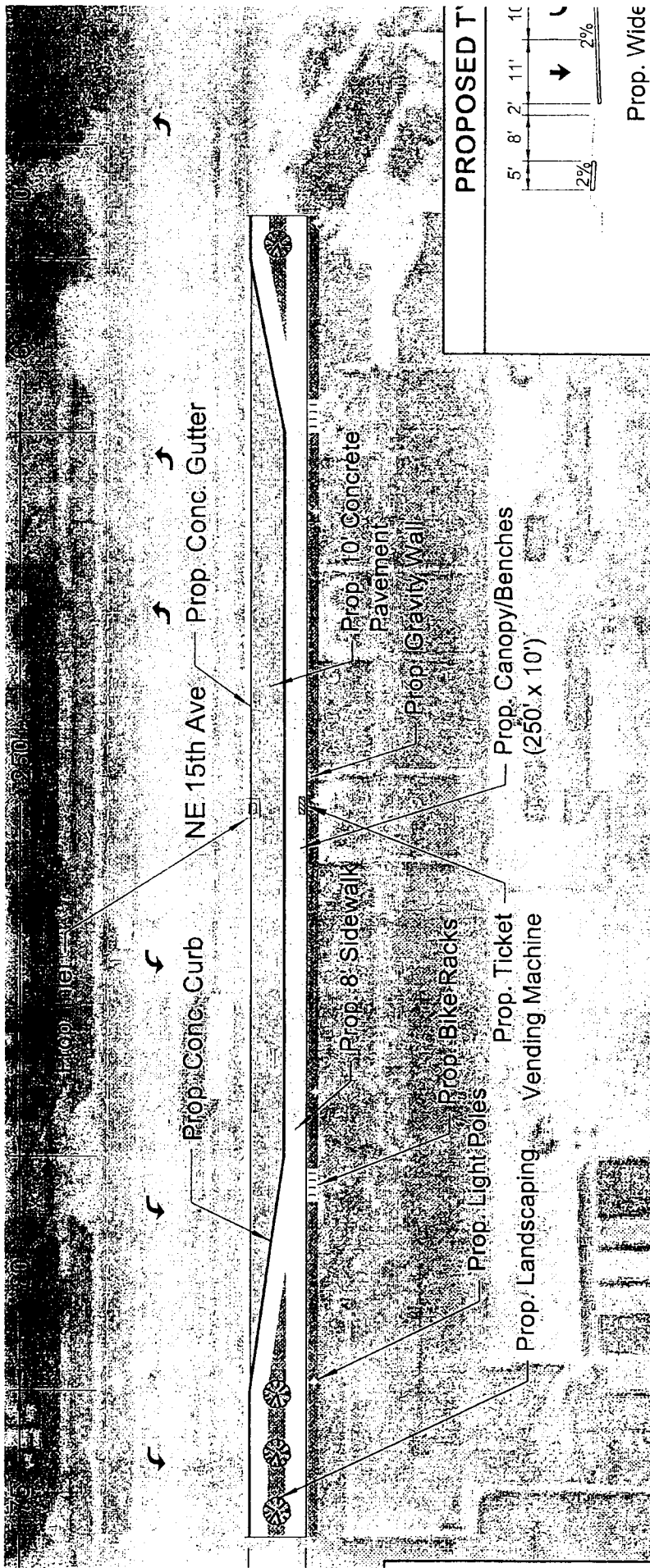
Comments: A revised Exhibit C is attached.



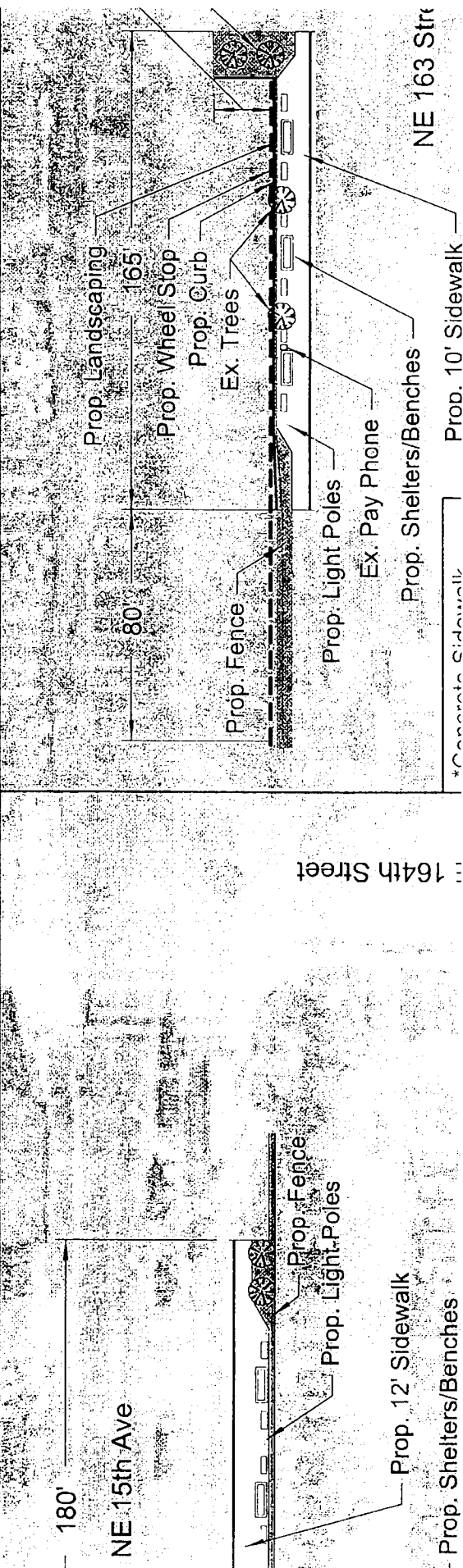
PROPOSED IMPROVEMENTS



PROPOSED TYPICAL SECTION



Bus Stop Improvements NE 163rd Street Bus Stop Impi





Prop. 9' Conc. Pavement

100'

Prop. Lighting

Decorative Concrete Pavers

Canopy Structure

Benches

Planters

100'

Prop.

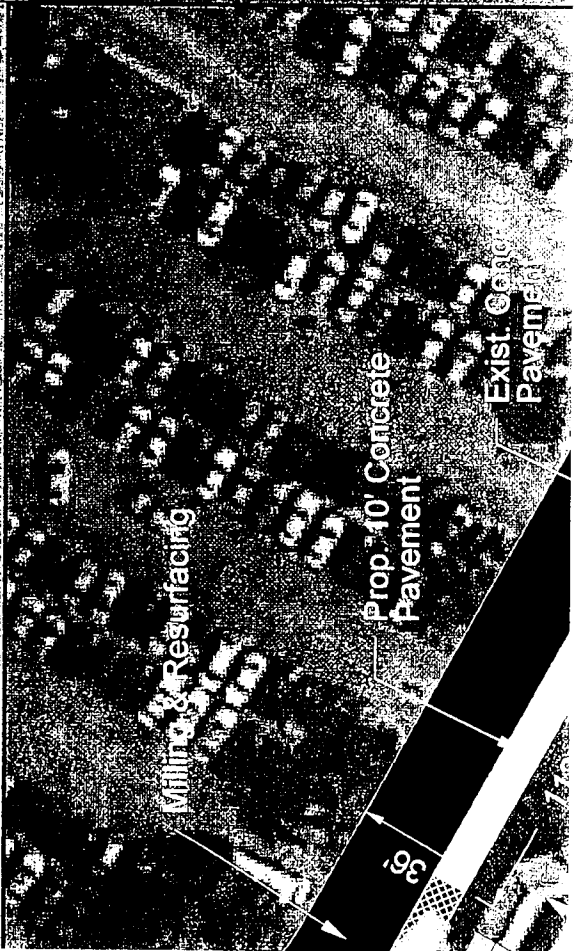
100'

AVENTURA MALL
PERIMETER ROAD

MENTS

& Relief Bays

us Stop Improvements



Milling & Resurfacing

Prop. 10' Concrete Pavement

Exist. Concrete Pavement

36'



Memorandum

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

From: Charles Scurr, Executive Director *Cscurr*

Date: May 19, 2011

Re: RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING TO THE BOARD OF COUNTY COMMISSIONERS (BCC), THE EXECUTION OF A SUPPLEMENTAL COUNTY INCENTIVE GRANT PROGRAM (SCIGP) AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO AMEND THE ORIGINAL NAME AND SCOPE FOR THE NORTHEAST PASSENGER ACTIVITY CENTER TO THE NORTHEAST TRANSIT HUB ENHANCEMENTS PROJECT; TO PROVIDE ADDITIONAL STATE FUNDING IN THE AMOUNT OF \$293,485.00; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS AS SPECIFIED IN THE SCIGP; AUTHORIZING RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE AS SPECIFIED IN THE SCIGP; AND AUTHORIZING USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS (MDT – BCC **Legislative File No. 110924**)

On May 18, 2011, the CITT voted (8-1) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 11-032. The vote was as follows:

Hon. Linda Zilber, Chairperson – Aye
Paul J. Schwiep, Esq., 1st Vice Chairperson – Aye
Hon. Anna E. Ward, Ph.D., 2nd Vice Chairperson – Aye

Christopher Benjamin, Esq. – Absent
David Concepcion – Absent
Glenn J. Downing, CFP® – Aye
Alfred J. Holzman – Absent
Hon. James A. Reeder – Aye
Marilyn Smith – Nay

Harold Braynon, Jr. – Absent
Joseph Curbelo – Aye
Peter L. Forrest – Aye
Miles E. Moss, P.E. – Aye
William Sancho – Absent

cc: Ysela Llort, Assistant County Manager
Bruce Libhaber, Assistant County Attorney