

# Memorandum



**Date:** May 5, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

Agenda Item No. 8(N)(8)

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Ratification of an Interlocal Agreement Between the City of Miami and Miami-Dade County for the City to Install and Maintain Certain Wayfinding Signs within Downtown Miami on City and County Rights-of-Way

## Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution ratifying, pursuant to Section 2-10 of Code of Miami-Dade County (Code), the execution of an Intergovernmental Agreement between Miami-Dade County (County) and the City of Miami (City). The agreement allows the City to install and to maintain certain wayfinding signs for a one year term to be automatically extended upon Board approval of the initial agreement within City and County rights-of-way after plans have been submitted to Miami-Dade County Traffic Engineering Division for review and written approval.

## Scope

The Project is located within the City of Miami and is within Commission Districts 3 and 5, represented by Chairwoman Audrey M. Edmonson and Commissioner Eileen Higgins respectively.

## Fiscal Impact/Funding Source

There will be no fiscal impact to the County as the installation and maintenance of the signs will be fully funded by the City of Miami and the Florida Department of Transportation (FDOT).

## Track Record/Monitor

The project will be assigned to Maurice Hardie, Sr. Construction Manager, City of Miami Capital Improvements and Transportation Program. Furthermore, the City has hired a Construction Engineering Inspector who will be responsible for ensuring the installed product meets the State's standards and all the specifications set forth in the contract. The City shall process the permits through the County Public Works Permits system. Finally, FDOT will conduct periodic inspections on the quality of the materials used for construction.

## Background

Due to the increasing number of tourists in Downtown Miami, the Miami Downtown Development Authority (DDA), working in conjunction with the City, developed a wayfinding plan to provide direction and guidance to certain locations within the City. This project is part of a Local Agency Program (LAP) agreement between the City of Miami and the FDOT. Installation of the signage is ongoing and is expected to be completed prior to Super Bowl 2020. The City will be responsible for maintenance and replacement of all signs. The Intergovernmental Agreement will formalize these expectations and is a necessary step for the City to receive permitting approval from DTPW.

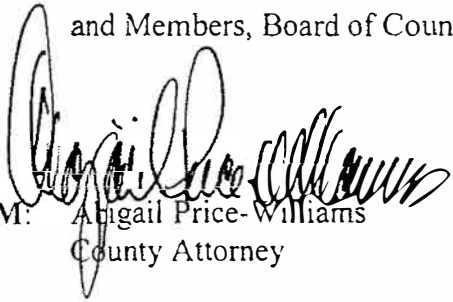
Jennifer Moon  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** May 5, 2020

**FROM:**   
Angail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 8(N)(8)

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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(N)(8)  
5-5-20

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

RESOLUTION RATIFYING THE EXECUTION OF A CITY OF MIAMI FUNDED AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY TO ALLOW THE CITY TO INSTALL AND MAINTAIN CERTAIN WAYFINDING SIGNS WITHIN DOWNTOWN MIAMI ON CITY AND COUNTY RIGHT OF WAYS; AUTHORIZING THE AGREEMENT TO RENEW FOR A ONE-YEAR TERM ANNUALLY; AND AUTHORIZES THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED HEREIN

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, the 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, pursuant to Section 2-10 of the Code of Miami-Dade County, ratifies the execution of the City Funded Agreement between Miami-Dade County and the City of Miami for the installation and maintenance of certain wayfinding signs within Downtown Miami on City and County rights of way for a one year term to be automatically extended upon Board approval of the initial agreement and authorizes the County Mayor or County Mayor's designee to exercise the provisions contained herein.

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:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 5<sup>th</sup> day of May, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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

**INTERGOVERNMENTAL AGREEMENT  
TO ALLOW INSTALLATION AND MAINTENANCE OF DOWNTOWN  
WAYFINDING SIGNAGE**

THIS INTERGOVERNMENTAL AGENCY AGREEMENT TO INSTALL AND MAINTAIN CITYWIDE WAYFINDING SIGNAGE IN DOWNTOWN MIAMI. ("Agreement") is made and entered into this <sup>February 20</sup> ~~5<sup>th</sup>~~ day of ~~September~~ 2019, by and between the CITY OF MIAMI (the "City"), a municipal corporation of the State of Florida, and MIAMI-DADE COUNTY (the "County"), a political subdivision of the State of Florida.

WHEREAS, both parties herein wish to facilitate the construction of signage and wayfinding improvements, within City limits, hereinafter referred to as the "Project" described as follows.

The Project scope includes wayfinding signage along City and County roads.

WHEREAS, the city and the Miami Downtown Development Authority (DDA) wish to enhance the signage and wayfinding system for motorists, pedestrians, bicyclists, and transit users within the Downtown Miami area; and

WHEREAS, the City and the Miami DDA applied for and were awarded a federal grant in the amount of \$1,000,000 from the Florida Department of Transportation for the construction for the Project; and

WHEREAS, in 2014, the City of Miami received approval by the Florida Department of Transportation for the Downtown Wayfinding Signage System and to install the signs in Downtown along State roads (Exhibit "B"); and

WHEREAS, the City of Miami is prepared to maintain all signs installed as part of this program; and

WHEREAS, the City, by Resolution attached hereto as Exhibit "A" and by reference made a part hereof, has authorized the execution of this agreement.

**NOW, THEREFORE, in consideration of the promises and covenants contained herein,  
THE CITY AND THE COUNTY AGREE AS FOLLOWS:**

**Section 1. Recitals Adopted.** That the above-stated recitals are incorporated herein by reference and confirmed.

**Section 2. Construction.** The Signs may be installed on municipal and County roads only after appropriate plans depicting the locations, design, details and message of the proposed signs have been submitted to Miami-Dade County Traffic Engineering Division for review and written

approval prior to construction.

**Section 3. Decals.** The City shall attach a decal to the back of the sign panels indicating ownership and date of installation.

**Section 4. Standards.** All Downtown Wayfinding Signs submitted for review and approval shall be in accordance with this Agreement and conform to the applicable requirements established by the following publications:

- a. Florida Department of Transportation's Standard Specifications for Road and Bridge Construction;
- b. Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation Federal Highway Administration (ANSI D6-1e-1989), including latest revisions;
- c. Standard Highway Signs, U.S. Department of Transportation, Federal Highway Administration; and
- d. Miami-Dade County Public Works Manual (available from the Public Works and Waste Management Department, Reproduction Services, 111 NW 1<sup>st</sup> Street, Suite 1604, Miami, FL 33128).
- e. Florida Highway Guide Sign Program chapter 14-51.

**Section 5. Maintenance Responsibility.** The City assumes sole and complete responsibility for the maintenance of all signs that are installed by the City within its boundaries. The City shall be responsible for the aesthetics of all installed Downtown Wayfinding Signs (e.g. peeling, graffiti, flyers, stickers, etc.). If the City fails to maintain the Wayfinding Signs it shall be responsible for any and all costs incurred by the County to replace them or remove them.

**Section 6. Liability and Indemnification.** The City assumes sole and complete liability for any and all accidents and/or injuries which may, or are alleged to, occur or arise out of the installation, operation or maintenance of the Downtown Wayfinding Signs, and hereby indemnifies to the extent allowed by Section 768.28, Florida Statutes, and holds the County harmless from any and all claims, including but not limited to negligence arising out of or relating to installation, operation, or maintenance of the signs.

**Section 7. No Waiver of Sovereign Immunity.** Notwithstanding any other term in this Agreement, nothing herein shall be deemed a waiver of the City or the County's immunity, sovereign rights, or limitations of liability as provided by Section 768.28, Florida Statutes, as may be amended from time to time.

**Section 8. Public Records.** The City shall be responsible for keeping records of any and all installations and repairs, and for furnishing pertinent documents as and when said records may be requested. The Parties shall each maintain their own respective records and documents associated with this Agreement in accordance with the requirements for records retention set forth in Chapter 119, Florida Statutes

**Section 9. Headings.** The headings or captions of sections or paragraphs used in this Agreement are for convenience of reference only and are not intended to define or limit their contents, nor are they to affect the construction of or to be taken into consideration in interpreting this Agreement.

**Section 10. Ambiguities.** The preparation of this Agreement has been a joint effort of the Parties hereto and both Parties have had the benefit of consultation with legal counsel of their choosing prior to its execution. The resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the Parties than the other.

**Section 11. Entirety.** This Agreement embodies the entire agreement between the Parties with respect to the matters addressed herein. Previous agreements and understandings of the Parties with respect to such matters are null, void, and of no effect. Notwithstanding any other provision contained herein, no third-party beneficiaries are created with respect to any claims against the County by virtue of this Agreement.

**Section 12. Amendments.** This Agreement may be amended, modified, or altered, and its material provisions may be waived, only by written instrument, and only if properly executed by all parties hereto.

**Section 13. Effective Date.** That this Agreement shall become effective on the date first written above after such Agreement is fully executed by all parties hereto.

**Section 14. Termination.** Either the City or the County may, in their respective sole and complete discretion, terminate this Agreement, with or without cause and/or convenience of the terminating party, upon twenty (20) business days written notice; provided, however, that at the option of the County, the City shall continue to maintain, repair, and be responsible for any wayfinding signs installed by the City while this Agreement was in effect. Prior to the termination of this Agreement, however, the City may elect to remove any one or all wayfinding sign installed by the City; provided the City shall restore the roadway and area in which the sign was located to the condition that existed before the City's installation.

**Section 15. Execution.** This Agreement may be executed in one or more hard or electronic counterparts, which, when taken together, shall constitute one fully executed instrument.

**Section 16. Notice.** Any notices to be given hereunder shall be in writing and shall be deemed to have been given if sent by hand delivery, recognized overnight courier (e.g., Federal Express), or by written certified U.S. mail, with return receipt requested, addressed to the Party for whom it is intended, at the place specified. The method of delivery shall be consistent among all of the persons listed herein. For the present, the Parties designate the following as the respective places for notice purposes:

- a. **For the County:** Miami-Dade Department of Transportation and Public Works,  
Attn: Alice N. Bravo, DTPW Director, 111 NW 1st Street, Suite 1510, Miami, FL  
33128

**With a Copy to:** Miami-Dade County Attorney's Office, 111 NW 1<sup>st</sup> Street, Suite  
2810, Miami, FL 33128

- b. **For the City:** City of Miami, Attn: Emilio T. Gonzalez, Ph.D., City Manager, 444  
SW 2<sup>nd</sup> Avenue, Miami, FL 33130

**With a Copy to:** Victoria Mendez, City Attorney, 444 SW 2<sup>nd</sup> Avenue, Suite 945,  
Miami, FL 33130

**With a Copy to:** City of Miami, Public Works Department, Attn: Director, 444  
SW 2nd Avenue, 8<sup>th</sup> Floor, Miami, FL 33130



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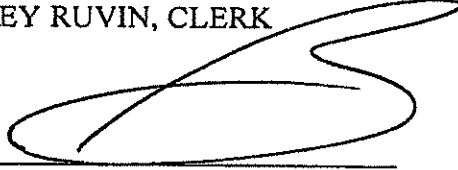
IN WITNESS WHEREOF, the City and the County have set their hands the day and year above written.

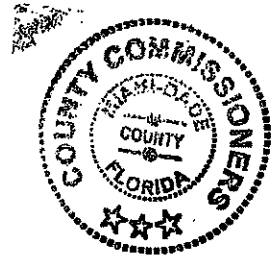
ATTEST:

MIAMI-DADE COUNTY

HARVEY RUVIN, CLERK

By:   
Deputy Mayor

By:   
County Deputy Clerk

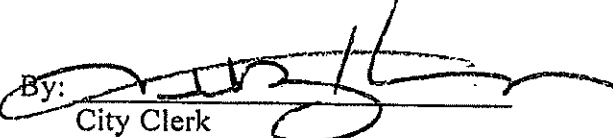


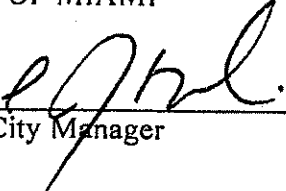
Approved as to form and legal sufficiency:

  
Assistant County Attorney

ATTEST:

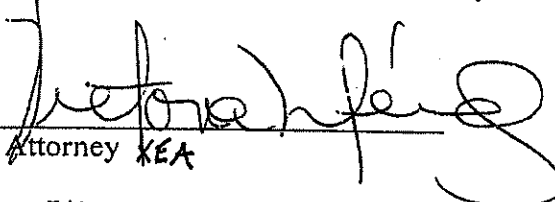
CITY OF MIAMI

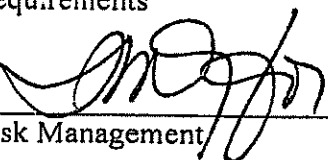
By:   
City Clerk

By:   
City Manager

Approved as to form and legal sufficiency:

Approved as to Insurance Requirements

  
City Attorney KEA

  
Risk Management

19-2228K

**EXHIBIT "A"**  
**CITY OF MIAMI RESOLUTION NO. R-19-0424**



# City of Miami

## Legislation

### Resolution: R-19-0424

City Hall  
3500 Pan American Drive  
Miami, FL 33133  
www.miamigov.com

File Number: 6543

Final Action Date: 10/24/2019

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY ADMINISTRATION TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT AND ANY AND ALL OTHER NECESSARY DOCUMENTS, ALL IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, WITH MIAMI-DADE COUNTY FOR THE DOWNTOWN MIAMI SIGNAGE AND WAYFINDING SYSTEM PROJECT, CITY OF MIAMI OFFICE OF CAPITAL IMPROVEMENTS PROJECT 40-B30941.

**SPONSOR(S): Commissioner Ken Russell**

WHEREAS, the City of Miami ("City") and the Miami Downtown Development Authority of the City of Miami, Florida ("DDA") wish to install the Downtown Wayfinding Signage System ("Project") for motorists, pedestrians, bicyclists, and transit users within the Downtown Miami area; and

WHEREAS, the scope of the Project includes, but is not limited to, the installation of new vehicular, pedestrian, and parking wayfinding signage and other improvements to the public right-of-way such as the removal of repetitive and aging signs; and

WHEREAS, in 2014, the City and the DDA applied for and were awarded a federal grant in the amount of One Million Dollars (\$1,000,000.00) from the Florida Department of Transportation ("FDOT") for the completion of the Project; and

WHEREAS, pursuant to Section 2-96.1 of the Code of Miami-Dade County, Florida ("County Code"), Miami-Dade County ("County") has exclusive jurisdiction over all traffic control devices, signs, and signals on County and local roads and rights-of-way; and

WHEREAS, the City is in the process of initiating the Project pursuant Office of Capital Improvements ("OCI") Project No. 40-B30941 on State of Florida controlled roads and rights-of-way; and

WHEREAS, the City desires to enter into an Interlocal Agreement ("Agreement") with the County in order to continue the Project on County and City roads and rights-of-way;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

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Section 2. The City Manager is hereby authorized<sup>1</sup> to negotiate and execute an Interlocal Agreement, in a form acceptable to the City Attorney, with the County for the purpose of continuing and completing the Project.

Section 3. The City Manager is further authorized<sup>1</sup> to negotiate and execute any and all other necessary documents, all in a form acceptable to the City Attorney, for the purposes stated herein.

Section 4. Funds for any associated costs with implementing the Interlocal Agreement are to be allocated and appropriated by separate Resolution.

Section 5. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.<sup>2</sup>

APPROVED AS TO FORM AND CORRECTNESS:



Barnaby L. Min, Deputy City Attorney 9/17/2019

<sup>1</sup> The herein authorization is further subject to all requirements that may be imposed by the including but not limited to those prescribed by Charter and Code provisions.

<sup>2</sup> If the Mayor does not sign this Resolution, it shall become effective at the end of ten (10) calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

**EXHIBIT "B"**  
**APPROVAL LETTER FROM FDOT TO THE CITY**



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

1000 NW 111th Avenue  
Miami, Florida 33172  
June 23, 2014

ANANTH PRASAD, P.E.  
SECRETARY

Daniel J. Alfonso  
City Manager  
City of Miami  
444 S.W. 2nd Avenue  
Miami, FL 33130-1910

**SUBJECT:** City of Miami Wayfinding Signing System  
PM 431992-1, FDOT and City of Miami LAP Agreement  
Section 87030, SR 5, US-1/Biscayne Boulevard;  
Section 87120000, SR 90, SW 8<sup>th</sup>  
Street; Section 87120001, SR 90, SW 7<sup>th</sup> Street

Dear Mr. Alfonso:

We have completed our review for the City of Miami Wayfinding Signing System plans and supporting documentation and find them to meet the criteria set forth by the Florida Administrative Code (FAC) 14-51 Part V, Community Wayfinding Guide Signs and the criteria called in the Manual on Uniform Traffic Control Devices (MUTCD).

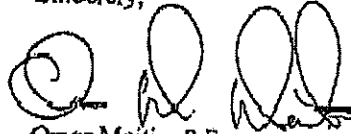
The City is being granted approval to proceed through the FDOT Local Agency Program for installation of the Wayfinding signs on the State Highway System in the City of Miami. The contractor selected to fabricate the signs shall use the lettering style and size approved during the plans review process with no compression of the lettering to accommodate a panel size. Signs are to be placed on both local and state roads. Signing on the State Highway System will include the following roadways: State Road 5 and State Road 90. All Wayfinding signs will be installed and maintained by the City of Miami.

The City of Miami is only permitted to have one Wayfinding Signing System within the city limits. Permits will be required as the city expands the Wayfinding Signing System to include new destinations and installation locations on the state roads in the future.

This letter also serves as a notice that the subject Wayfinding Signing System is solely the responsibility of the City of Miami to install and maintain. Now that the City of Miami has created a Wayfinding Signing System, all inquires for signing to destinations as part of this wayfinding system will be directed to the City.

Should you have any questions, please feel free to contact Ms. Evelin Legcevic at 305-470-5156.

Sincerely,

Handwritten signature of Omar Meitin in black ink, consisting of a stylized 'O' followed by 'M' and 'E'.

Omar Meitin, P.E.

District Traffic Operations Engineer

cc: Alice Bravo, City of Miami  
Mark Spanioli, City of Miami  
Alyce Robertson, Miami DDA  
Javier Betancourt, Miami DDA  
Eric Riel, Miami DDA  
Sachin Kalbag, Miami DDA  
Evelin Legcevic, FDOT  
Jesus Sanchez, FDOT  
Gary Ogic, FDOT