OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

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

06-05-07

Approved _____ Mayor
Veto _____
Override _____

RESOLUTION NO. R-687-07

RESOLUTION AUTHORIZING EXECUTION OF THE FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT IN THE AMOUNT OF $1,430,163.58 BETWEEN MIAMI-DADE COUNTY AND THE CITY OF AVENTURA TO FUND CONSTRUCTION OF THE MIAMI GARDENS DRIVE CONNECTOR; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE THE PROVISIONS THEREIN

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

WHEREAS, both the City of Aventura and Miami-Dade County wish to facilitate the construction of Miami Gardens Drive Connector,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves this amendment to the Joint Participation Agreement between Miami-Dade County and the City of Aventura , providing up to an additional $1,430,163.58 to the City for eligible expenses incurred in this construction, in substantially the form attached hereto and made a part hereof; and authorizing the County Mayor or his designee to execute same for and on behalf of Miami-Dade County and to exercise the provisions contained therein.

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: June 5, 2007

FROM: Murray A. Greenberg
County Attorney

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

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 Manager'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**

The foregoing resolution was offered by Commissioner Sally A. Heyman, who moved its adoption. The motion was seconded by Commissioner Bruno A. Barreiro and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

Jose "Pepe" Diaz	absent	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of June, 2007. This resolution shall become effective as follows: (1) 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, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission re-affirms its award by two-thirds (2/3) vote of the Commission's membership and such reaffirmation becomes final.

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

HARVEY RUVIN, CLERK

KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

RESOLUTION NO. 2007-05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE AND OTHERWISE ENTER INTO THAT CERTAIN FIRST AMENDMENT TO AGREEMENT, AS ATTACHED HERETO, BY AND BETWEEN THE CITY OF AVENTURA AND MIAMI-DADE COUNTY RELATING TO MIAMI GARDENS DRIVE CONNECTOR IMPROVEMENTS JOINT PARTICIPATION PROJECT; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. The City Manager is hereby authorized on behalf of the City to execute and otherwise enter into that certain First Amendment to Agreement, as attached hereto, by and between the City of Aventura and Miami-Dade County relating to Miami Gardens Drive Connector Improvements Joint Participation Project attached.

Section 2. The City Manager is hereby authorized to do all things necessary and expedient to carry out the aims of this Resolution.

Section 3. This Resolution shall become effective immediately upon adoption.

The foregoing resolution was offered by Commissioner Diamond, who moved its adoption. The motion was seconded by Commissioner Auerbach, and upon being put to a vote, the vote was as follows:

Commissioner Zev Auerbach	yes
Commissioner Bob Diamond	yes
Commissioner Billy Joel	yes
Commissioner Michael Stern	absent from the room
Commissioner Luz Urbáez Weinberg	yes
Vice Mayor Harry Holzberg	yes
Mayor Susan Gottlieb	yes

Memorandum

MIAMI-DADE COUNTY

Date: June 5, 2007

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

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: First Amendment to a Joint Participation Agreement Between Miami-Dade County and the City of Aventura in the Amount of $1,430,163.58 to Fund Construction of the Miami Gardens Drive Connector

---

RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing execution of a First Amendment to a Joint Participation Agreement (JPA) between Miami-Dade County and the City of Aventura (the City) for the construction of a new four-lane roadway to extend Miami Gardens Drive, from Biscayne Boulevard to the western terminus of the property line of the Aventura Landings Development (the Landings). The Amendment provides an additional $1,430,163.58 in Charter County Transit System Sales Surtax (the Surtax); therefore, approval by the Citizens' Independent Transportation Trust (CITT) is required.

SCOPE

The easterly extension of Miami Gardens Drive will enhance traffic flow and address concerns related to the intensity of traffic resulting from the continuing growth within the City of Aventura. The project is entirely located within the City of Aventura, in Commission District 4.

This project has been a component of the County's surface transportation plan for many years, predating the formation of the City of Aventura. City leaders worked closely with the County and the Landing's developers to devise a plan incorporating the participation of all three parties (the Landings, the City and the County) in this effort. The resulting arrangement provided that the Landings furnish design plans for the entire extension of Miami Gardens Drive, from Biscayne Boulevard to NE 28 Court. The actual construction of the roadway was divided into two segments. The Landings is responsible for the construction of the extension within their property, which runs west of NE 28 Court for approximately 454 linear feet. The County and the City entered into the JPA to construct the portion from the western terminus of the property line of the Landings, east to Biscayne Boulevard.

FISCAL IMPACT/FUNDING SOURCE

The total cost of the County and City's portion of the project is $2,556,206.20, with the inclusion of a 15% contingency. The City's share of funding responsibility for this portion is $560,035.62; the County's responsibility is $1,996,170.58 and will be funded as follows; $566,007.00 will be funded from Road Impact Fee (RIF) District 3, and the remaining $1,430,163.58 will be funded from the Surtax.

TRACK RECORD/MONITOR

The County will utilize the resources of the City to contract, construct and administer the project on a reimbursable basis. Disbursement of County funds to the City shall be based upon City invoices with

certified copies of paid contractor estimates attached. The project will be assigned to Octavio Marin, P.E., Chief, Construction Division, who will oversee inspections conducted by Public Works Department (PWD) staff before the release of funds is recommended.

BACKGROUND

The project was originally included in the 1994 Transportation Improvement Program (TIP) under RIF District 3. In addition, the project was later incorporated in the original People's Transportation Plan (PTP) Ordinance, under Board Requested Projects in Commission District 4.

On September 8, 2005, the BCC approved the subject JPA under Resolution No. R-1030-05. Based on the City's estimate, the JPA provided the City with reimbursement of up to $566,007.00 from RIF District 3 revenues for the County's share of construction costs. In order to prioritize the use of RIF funds, PTP funds were not allocated at that time.

On June 12, 2006, bids were received by the City and the lowest acceptable bid for the project was $2,222,788.00, which included $486,987.50 for the enhanced elements that the City is responsible for. This left $1,735,800.50 in project costs under County responsibility. Inclusive of a 15% contingency applied to this amount (as required by the JPA) the County's responsibility for project costs increased from $566,007.00 to $1,996,170.58. This is $1,430,163.58 in excess of the original amount provided for in the JPA. The bid packages for the project were reviewed and approved by the PWD, subject to the approval of the BCC and the CITT. In order to provide for the increased construction costs, PWD proposed the use of Surtax funds for the project. The project is included in the current pro forma and does not detract from available funds for other projects.

Some of the major factors contributing to the aforementioned increase in project costs include the following:

- The cost of construction materials has considerably escalated since the original engineer's cost estimate was made, almost two (2) years ago.
- The pavement category increased by $539,166, including unforeseen costs pertaining to the soil conditions.
- Additional drainage requirements. The drainage category increased by $247,522.
- Signalization improvements required by the Florida Department of Transportation (FDOT) and the County. The total cost of intersection improvements at Biscayne Boulevard inclusive of signalization is $489,277.

The project has already been awarded by the City of Aventura. The anticipated completion date is September 20, 2007.

Assistant County Manager

PASSED AND ADOPTED this 6th day of February, 2007.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

EMS/tms

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, TERESA M. SOROKA, MMC, City Clerk of the City of Aventura, Florida, do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in this office.

WITNESS, my hand this 7 day of February, 2007.

Teresa M. Soroka, MMC
City Clerk of the City of Aventura

FIRST AMENDMENT TO AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF AVENTURA

This First Amendment to Agreement is made and entered into this _____ day of _____, 2007, by and between Miami-Dade County, a political subdivision of the State of Florida, herein referred to as the "County", and the City of Aventura, a political subdivision of the State of Florida, herein referred to as the "City".

WITNESSETH

WHEREAS, pursuant to Resolution No. R-1030-05, approved by the Board of County Commissioners of Miami-Dade County, Florida, on September 8, 2005, the parties hereto entered into an Agreement to facilitate the construction of a road improvement project in Miami-Dade County, (the "Agreement") to provide for the construction of a new four-lane roadway to extend Miami Gardens Drive from Biscayne Boulevard to the western terminus of the property line of the Aventura Landings Development in Aventura, Miami-Dade County, as more particularly described in the Agreement (the "Project"); and

WHEREAS, Miami-Dade County and the Florida Department of Transportation have requested changes in the Project, including the construction of supplementary intersection and signalization improvements, and

8

WHEREAS, the cost of construction materials have considerably escalated since the original cost estimate for the Project was made over a year ago; and

WHEREAS, unforeseen conditions were encountered in geotechnical tests associated with the Project, which increased Project costs; and

WHEREAS, the Project costs the County is responsible to provide for now total $1,996,170.58; an amount that is $1,430,163.58 greater than the amount of $566,077.00 originally provided for in the Agreement;

NOW, THEREFORE, in consideration of the mutual desires of the parties hereto, the following modifications are made to the aforementioned Agreement:

Section 4. County Payments of Project Costs. The County agrees to provide funds in the amount of ~~$566,007~~ $1,996,170.58, for eligible expenses as defined herein, incurred for the construction of the Project. This amount includes the fifteen percent (15 %) contingency addressed in Section 3. The County shall incur no liability for any costs in excess of said funding amount unless there has been a duly authorized increase approved by the Board of County Commissioners.

The County funds available for this Project are specified below:

Funding Amount	Funding Source	County Fiscal Year of Commitment
$566,007	Road Impact Fee District 3	2004-05
$1,430,163.58	Charter County Transit System Surtax Funds	2006-07

Section 19. Citizens' Independent Transportation Trust Approval. Unless waived by action of the County, this Amendment shall only become effective upon approval by the Board of County Commissioners and the Citizens' Independent Transportation Trust (CITT) or, if not approved by the CITT, by the Board of County Commissioners reaffirmance of the award by 2/3 vote of its membership, all pursuant to the applicable ordinance. In the event the Amendment is not approved, the Amendment shall be null and void and be of no force or effect.

Section 20. People's Transportation Plan Project Signage. The County shall furnish and install a Project sign in each direction of traffic indicating that this Project is being funded by the People's Transportation Plan, in coordination with the City, in proximity to the start/end of the Project limits. Should MOT signage be required as part of the work, the Project sign shall be placed an appropriate distance before the MOT signage range. The Project signs shall remain in place for the duration of the work or as directed by the Project engineer.

Section 21. Public Involvement. The City will provide information to property owners, tenants, and area residents, including business signs, directional parking signs, and schedules for major work to be performed in the area.

In all other respects, except as herein amended, the original Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day and year first above written.

ATTEST:

HARVEY RUVIN
CLERK OF THE BOARD

BY: _____
Deputy Clerk

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

BY: _____
County Manager

Approved by County Attorney
as to form and legal sufficiency _____

ATTEST:

BY: _____
Teresa M. Soroka
City Clerk

(Affix City Seal)

CITY OF AVENTURA, a municipal
corporation of the State of Florida

BY: _____
Eric M. Soroka
City Manager

Approved by City Attorney
as to form and legal sufficiency _____