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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: October 6, 2015

Agenda Item No. 8(L)(10)

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

Resolution No. R-862-15

From: Carlos A. Gimenez
Mayor

Subject: First Amendment to the Joint Participation Agreement Between Miami-Dade County and the City of Doral Providing the City with a Reimbursement of $39,313.28 paid by the City for the Construction of a Traffic Signal at NW 1 Avenue and NW 66 Street and Terminating the Joint Participation Agreement

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RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing execution of a First Amendment to the Joint Participation Agreement (JPA) between Miami-Dade County (County) and the City of Doral (City) approved by BCC Resolution No. R-389-13 for the construction of a traffic signal at the intersection of NW 107 Avenue and NW 66 Street. This Amendment will reimburse the City for funds provided by the City to the County under the JPA and will terminate the JPA.

SCOPE

The project lies within the City in Commissioner Jose "Pepe" Diaz's District 12.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County. County and City funding to construct this traffic signal is no longer required since a developer paid to the County for the construction of the traffic signal which is the subject of the JPA. This item returns the amount of $39,313.28 to the City paid by the City under the JPA.

TRACK RECORD/MONITOR

Not applicable as the JPA is being terminated.

BACKGROUND

On May 7, 2013, the BCC approved the subject JPA under Resolution No. R-389-13. Under the terms of the JPA, the City would provide the County with funding in an amount up to $100,000.00 for the construction of a traffic signal at the intersection of NW 107 Avenue and NW 66 Street, approximately half of the costs to be incurred by the County in constructing the signal.

Subsequently, a developer paid the County for the County's costs in constructing the traffic signal, thereby eliminating the need for County and City funding to construct this traffic signal. The traffic signal has been completed and is operational. Prior to the County receiving the developer contribution, the City was invoiced and provided a payment of $39,313.28 for project related expenses. Within 30 business days after the execution of this Amendment, the County will return this amount to the City. The JPA will be terminated and shall be in no further force or effect. On March 18, 2015, the City Council adopted Resolution No. 15-53 approving the First Amendment to the JPA (attached).

Alina T. Hudak
Deputy Mayor

RESOLUTION No. 15-53

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF DORAL FOR THE NW 107 AVENUE AND NW 66 STREET TRAFFIC SIGNAL FOR THE TERMINATION OF THE AGREEMENT AND REIMBURSEMENT OF $39,313.28 PROVIDED BY THE CITY OF DORAL TO MIAMI-DADE COUNTY UNDER THIS AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in March 2012, the City Council for the City of Doral ("City) authorized the City Manager to enter into a Joint Participation Agreement ("JPA") with Miami-Dade County (the "County") to partially fund the construction of a traffic signal at the NW 107 Avenue and NW 66 Street intersection in the amount of $100,000.00; and

WHEREAS, due to the subsequent payment to the County from the Landmark at Doral development for the construction of a traffic signal at this location, City and County funding was not required; and

WHEREAS, this Amendment proposes to terminate the JPA and reimburse the City $39,313.28 that was previously provided by the City to the County under this Agreement from the City's Transportation Fund Account No. 101.80005.500633.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein by this reference.

Section 2. Approval. The City Manager is hereby authorized to execute the First Amendment to the Joint Participation Agreement Between Miami-Dade County and the City of Doral for the NW 107 Avenue and NW 66 Street Traffic Signal, attached hereto

as Exhibit "A", which is incorporated herein and made a part hereof by this reference, that would terminate the JPA and reimburse the City the amount of $39,313.28 previously provided by the City to the County under this Agreement.

Section 3. **Implementation.** The City Manager and City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of this Resolution.

Section 4. **Effective Date.** This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Vice Mayor Ruiz who moved its adoption. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Sandra Ruiz	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED this 18 day of March, 2015.

LUIGI BORIA, MAYOR

ATTEST:

CONNIE DIAZ, INTERIM CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE SOLE USE
OF THE CITY OF DORAL

WEISS, SEROTA, HELFMAN, COLE, & BIERMAN, PL
CITY ATTORNEY

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 6, 2015

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

SUBJECT: Agenda Item No. 8(L)(10)

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 Mayor'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(L)(10)

10-6-15

RESOLUTION NO. R-862-15

RESOLUTION APPROVING AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNESS TO EXECUTE THE FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF DORAL PROVIDING THE CITY WITH A REIMBURSEMENT OF $39,313.28 FOR THE CONSTRUCTION OF A TRAFFIC SIGNAL AT NW 107 AVENUE AND NW 66 STREET AND TERMINATING THE JOINT PARTICIPATION AGREEMENT

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

WHEREAS, pursuant to Resolution No. R-389-13, approved by the Board on May 7, 2013, the parties hereto entered into a Joint Participation Agreement to facilitate the construction of a traffic signal at the intersection of NW 107 Avenue and NW 66 Street, (the "Agreement"); and

WHEREAS, due to the subsequent payment to Miami-Dade County of a developer contribution for a traffic signal at the subject location, Miami-Dade County and City of Doral funding is not required to construct this traffic signal; and

WHEREAS, the Agreement shall be terminated and the total funds provided by the City of Doral to Miami-Dade County shall be reimbursed to the City of Doral,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves and authorizes the County Mayor or County Mayor's designee to execute the First Amendment to the Agreement between Miami-Dade County and the City of Doral, providing a reimbursement of

$39,313.28 to the City of Doral and terminating the Agreement, in substantially the form attached hereto and made a part hereof.

The foregoing resolution was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	**aye**		
Esteban L. Bovo, Jr., Vice Chairman	**aye**		
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**absent**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 2015. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez

FIRST AMENDMENT TO JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF DORAL NW 107 AVENUE AND NW 66 STREET TRAFFIC SIGNAL

This AGREEMENT, made and entered into this _____ day of _____, 2015, by and between the CITY OF DORAL, FLORIDA, a municipal corporation 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".

WITNESSETH

WHEREAS, pursuant to Resolution No. R-389-13, approved by the Board of County Commissioners of Miami-Dade County, Florida, on May 7, 2013, the parties hereto entered into a Joint Participation Agreement to facilitate the construction of a traffic signal at the intersection of NW 107 Avenue and NW 66 Street, (the "Agreement"); and

WHEREAS, due to the subsequent payment to the County of a developer contribution for a traffic signal at the subject location, County and City funding is not required to construct this traffic signal; and

WHEREAS, Section 10 of the Agreement allows for the amendment of the Agreement through a written document prepared with the same or similar formality as the Agreement and executed by the parties,

WHEREAS, the Agreement shall be terminated and the total funds provided by the City to the County shall be reimbursed to the City,

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

14. **TERMINATION OF AGREEMENT AND REFUND OF CITY FUNDS:** Notwithstanding anything to the contrary in the Agreement; the County shall disburse to the City the amount of $39,313.28, which is the total amount previously provided by the City to the County under the Agreement, within thirty (30) business days after the final execution of this Amendment. Upon receipt of funds by the City, the Agreement shall be terminated and shall be of no further force or 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 Mayor or County Mayor' Designee

Approved by County Attorney
as to form and legal sufficiency _____
County Attorney

ATTEST:

BY: _____
Connie Diaz
City Clerk

(Affix City Seal)

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

BY: _____
Edward A. Rojas
City Manager

Approved by City Attorney
as to legal form and correctness:

_____
City Attorney