



Miami-Dade Board of County Commissioners  
Office of the Commission Auditor

**Board of County Commissioners (BCC) Meeting**

May 15, 2018  
9:30 A.M.  
Commission Chambers

Thomas B. Davis, Esq.  
Director, Policy and Legislation  
Office of the Commission Auditor (OCA)  
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**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. 3B1  
File No. 181098**

**Researcher: SM Reviewer: TD**

RESOLUTION RATIFYING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE'S ACTION, AS FISCAL AGENT FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA IN ACCORDANCE WITH RESOLUTION NO. R-79-03, IN APPLYING FOR GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION IN THE AMOUNT OF \$2,000,000.00 FOR THE MIAMI-DADE ADULT DRUG COURT SERVICE CAPACITY EXPANSION PROJECT; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS TO THE GRANT APPLICATION, TO RECEIVE ANY GRANT FUNDS THAT ARE AWARDED, AND TO EXECUTE SUCH CONTRACTS, AGREEMENTS, AND MEMORANDA OF AGREEMENTS AS MAY BE REQUIRED BY PROGRAM GUIDELINES AND FOR THE COUNTY TO ACT AS THE FISCAL AGENT FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA IN ASSOCIATION WITH THE GRANT, AND TO EXERCISE TERMINATION AND MODIFICATION PROVISIONS CONTAINED THEREIN; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, AS FISCAL AGENT FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, TO APPLY FOR AND RECEIVE ADDITIONAL FUTURE FUNDS THAT MAY BECOME AVAILABLE FOR THIS PROJECT AND EXECUTING ANY CONTRACTS, AGREEMENTS, OR MEMORANDA OF AGREEMENTS THAT MAY BE NECESSARY FOR THE RECEIPT OF SUCH FUTURE AVAILABLE FUNDS

**ISSUE/REQUESTED ACTION**

Whether the Board should ratify the County Mayor or the County Mayor's designee's action, as fiscal agent for the Eleventh Judicial Circuit of Florida (Circuit), in applying for grant funds from the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) in an amount of \$2,000,000 for the Miami-Dade Adult Drug Court (ADC) Service Capacity Expansion Project.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-79-03 adopted January 1, 2003 is a Resolution approving the designation of Miami-Dade County, Florida, a political subdivision of the State of Florida, as the fiscal agent for the Eleventh Judicial Circuit of Florida in connection with certain grants provided to the Circuit.

<http://www.miamidade.gov/govaction/matter.asp?matter=030133&file=false&fileAnalysis=false&yearFolder=Y2003>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Requester/Department; Office of Management and Budget**

**FISCAL IMPACT**

The item will approve a grant award in an amount of \$2,000,000 if it receives Board approval. The County will not incur a fiscal impact for serving as the fiscal agent of the Circuit for this grant project since there are existing staff members who will be used to facilitate this project and since the grant does not require matching funds.

**BCC Meeting: May 15, 2018  
Research Notes**

**ANALYSIS**

If this item receives Board approval the following will occur:

- Ratifies the County Mayor or the County Mayor's designee's action, acting as the fiscal agent for the Eleventh Judicial Circuit of Florida, in applying for grant funds from the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration for an amount of \$2,000,000
- Authorizes the County Mayor or the County Mayor's designee to execute any amendments to the grant application for and on behalf of Miami-Dade County and the Circuit; to receive any grant funds that are awarded in response to this application; to execute such contracts, agreements, memoranda of agreements, and amendments as may be required by program guidelines and for the County to act as fiscal agent, after review by the County Attorney's Office for form and legal sufficiency; and to exercise termination and modification clauses of any such contracts and agreements, after review by the County Attorney's Office for form and legal sufficiency.
- Authorizes the County Mayor or the County Mayor's designee, as fiscal agent for the Circuit, to apply for and receive additional future funds that may become available under this program; to execute such contracts, agreements, memoranda of agreements, and amendments as may be required by the County to act as fiscal agent for the Circuit with respect to such future available funds, after review by the County Attorney's Office for form and legal sufficiency; and to exercise termination and modification clauses of any such contracts and agreements, after review by the County Attorney's Office for form and legal sufficiency.

Resolution R-79-03(See applicable legislation/policy) approved the designation of Miami-Dade County, as the fiscal agent for the Eleventh Judicial Circuit of Florida as it relates to certain grants provided to the Circuit. The County has acted as fiscal agent for the Circuit since July 2001. This was due to the inability of the Florida Supreme Court Office of the State Courts Administrator's to continue in this capacity. Therefore, the Circuit was in need of the County's continued assistance with regard to receiving and disbursing grant funds from various funding sources, as well as maintaining an accounting of all such funds.

This grant will allow the Adult Drug Court to increase treatment access for a minimum of 200 participants over the five-year grant period, 40 individuals per year. The Circuit formed a partnership with the Trauma Resolution Center, Inc. to implement the project which was coordinated through the Office of Management and Budget, Grants Coordination Division that applied for a grant from SAMHSA in the amount of \$2,000,000 for the Miami-Dade Adult Drug Court Service Capacity Expansion Project.

**BCC Meeting: May 15, 2018**  
**Research Notes**

**ADDITIONAL INFORMATION**

The Circuits website states the following: “Since 1989, the Eleventh Judicial Circuit of Florida has offered drug offenders the opportunity to avoid prosecution, become drug free and improve the quality of their life through Miami-Dade County’s Drug Court Program. Drug Court is a volunteer diversion and treatment program that identifies a defendant who has a substance abuse problem by redirecting them from the ordinary course of prosecution through intensive supervision by the presiding judge and rehabilitation through treatment specialists for a minimum of one year”.

“After successfully completing the treatment program and when monitoring or case management services are no longer needed, the treatment counselor will recommend that the judge discharge the case. The judge will make the final decision. Both the treatment counselor and the judge will examine the participants’ overall recovery, including progress in academic and vocational activities. During the final Court appearance, clients “graduate” and are released from Court supervision. Upon graduating, qualified clients may file to “expunge” their arrest record. This is a significant benefit for future employment and career opportunities. First-time offenders will have their case nolle prosequi (no prosecution) and their records may be sealed or expunged. For other offenders, the case may be dismissed or adjudication is withheld. Most importantly, clients who have a sincere desire to get off drugs are offered the opportunity to avoid further problems with the law and free themselves of problems that are caused by substance abuse”.

<https://www.jud11.flcourts.org/Adult-Drug-Court>

**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. 3B3  
File No. 181047**

**Researcher: BM Reviewer: TD**

RESOLUTION APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A PRE-QUALIFIED, MULTI-YEAR JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE \$4,594,781.00 IN TEMPORARY ASSISTANCE FOR THE OPERATION, MAINTENANCE AND MANAGEMENT OF THE MIAMI INTERMODAL CENTER CENTRAL STATION; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS AS SPECIFIED IN THE AGREEMENT; AND AUTHORIZING RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS FOR SUCH PURCHASE AS SPECIFIED IN THE AGREEMENT SHOULD THEY BECOME AVAILABLE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the County Mayor's acceptance and execution of a multi-year Joint Participation Agreements (JPA), No. 439982-1-84-01, between the County and Florida Department of Transportation (FDOT) for a value of \$4,594,781 for temporary assistance to the Transportation and Public Works Department (TPWD) for the operation, maintenance and management of the Miami Intermodal Center (MIC) Central Station.

<b>JPA</b>	<b>Amount</b>	<b>Purpose</b>
439982-1-84-01	\$4,594,781	Operation, maintenance and management of the Miami Intermodal Center (MIC) Central Station.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-974-09 adopted July 21, 2009 directs that any resolution authorizing the execution of instruments creating a County Interest in real property shall require such instruments to be recorded in public records of Miami-Dade County.

<http://intra/gia/legistarfiles/MinMatters/Y2009/091900min.pdf>

Resolution R-1115-15 adopted December 1, 2015 directs the County Mayor to develop a plan identifying potential uses of the Miami Intermodal Center by Miami-Dade County in the event the Florida Department of Transportation were to transfer the Miami Intermodal Center property to Miami-Dade County; directing the County Mayor to present a report on such plan to the Board of County Commissioners within 90 days.

<http://intra/gia/legistarfiles/MinMatters/Y2015/152275min.pdf>

Florida Statutes, Section 215.97, Florida Single Audit Act, establish uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities to carry out state projects.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0215/Sections/0215.97.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0215/Sections/0215.97.html)

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Requester: Transportation and Public Works**

This item has no procedural history.

**BCC Meeting: May 15, 2018  
Research Notes**

**FISCAL IMPACT**

Below is a summary of the \$4,594,781 in State funding to be received by the County for temporary assistance to the TPWD for the operation, maintenance and management of the MIC Central Station:

Item No.	Funding Amount/ Source	Description	FDOT Reimbursement Required
439982-1-84-01	\$1,250,000/ SFY 2018	State Participation Rate is 100 percent of eligible expenses and does not require a local match.	No
439982-1-84-02	\$2,805,600/ SFY 2018-24	This is currently a projected total to cover the "Profit/Loss" pro-forma shortfalls.	Yes
439982-1-84-03	\$539,181/ SFY 2018-25	Funds are contingent upon Amtrak or an alternate tenant not executing a Head House lease and Common Area Maintenance ("CAM") agreement for the MIC.	No

**ANALYSIS**

This item seeks approval of the County Mayor's acceptance and execution of an FDOT JPA for temporary assistance to the Transportation and Public Works Department for the operation, maintenance and management of the MIC Central Station.

In 1993, FDOT entered into a partnership with the U.S. Department of Transportation which allowed FDOT, in cooperation with the County, the South Florida Regional Transportation Authority (SFRTA), and the Miami-Dade Expressway Authority, to take the lead in developing the MIC. Additional information related to the MIC is available at the following website: <http://www.micdot.com/>.

The MIC is a major, regional transportation hub located east of the Miami International Airport. The MIC serves an important public purpose as the transportation gateway to Miami-Dade County by integrating a variety of transportation modes adjacent to Miami International Airport, including buses, taxis, trains, rental cars, private vehicles, bicycles and pedestrians. The MIC includes the Rental Car Center, which is the facility owned and operated by the County, and the central station at the MIC, which includes, but is not limited to, transit, rail and intercity bus facilities and components, and is currently owned and operated by the department.

The MIC is now fully operational and FDOT currently retains ownership of the Central Station and the 25.38 acres of property on which it is located. DTPW and FDOT are in the process of moving forward with the transfer of the MIC which is anticipated to be finalized by June 2018.

**BCC Meeting: May 15, 2018**  
**Research Notes**

Below is a summary of the JPA relating to the Department's obligation:

*7.20 The Department's Obligations* – Subject to other provisions of the Agreement, DTPW will honor requests for reimbursement to the Agency pursuant to the Agreement. However, notwithstanding any other provision of the Agreement, MDAD may elect by notice in writing not to make a payment if:

- a) The Agency shall have made misrepresentation of a material nature in its application, or any supplement or amendment to its application, or with respect to any document or data furnished with its application or pursuant to this Agreement;
- b) There is any pending litigation with respect to the performance by the Agency of any of its duties or obligations which may jeopardize or adversely affect the Project, the Agreement, or payments to the Project;
- c) The Agency shall have taken any action pertaining to the Project which, under this Agreement, requires the approval of the Department or has made related expenditures or incurred related obligations without having been advised by the Department that same are approved;
- d) There has been any violation of the conflict of interest provisions contained in this Agreement;
- e) The Agency has been determined by the Department to be in default under any of the provisions of the Agreement; or
- f) Any federal agency providing federal financial assistance to the Project suspends or terminates federal financial assistance to the Project. In the event of suspension or termination of federal financial assistance, the Agency will reimburse the Department for all disallowed costs, including any and all federal financial assistance as detailed in Exhibit "B".

Eligible operations, maintenance, and management expenses for the MIC Central Station facility include, but are not limited to, such items as:

- a) Exterior and interior lighting;
- b) Electrical systems, equipment and associated fixtures & fittings;
- c) Plumbing systems and associated fixtures and fittings;
- d) HVAC systems, escalators, elevators, generators, pumps, etc.;
- e) General repair, including painting and upkeep of all interior/exterior walls ceilings, signs;
- f) Fire protection and safety equipment, Public Address systems;
- g) Interior (plants, etc.) and exterior landscaping;
- h) Audit review and processing of all bills for utilities and services;
- i) Repair and maintenance of utilities and services to the facility;
- j) Interior and exterior cleaning and janitorial supplies;
- k) Collection and removal of garbage, waste and debris from site;
- l) Maintain control of and manage all parking lots, sidewalks and Roadways. Set and collect parking fees;
- m) Maintain and operate a customer service office with staffing and associated office equipment, telecommunications and supplies related to the facility;
- n) Provide security or other staff to maintain the facilities 24/7 as needed;
- o) Provide all equipment and supplies as needed to operate facilities;
- p) Develop and maintain a Preventative Maintenance program for the facility covering such items as, but not limited to, roof inspections, roof drains, canopies, exterior walls and glazing; maintenance, glass cleaning, external, lighting, roadway sweeping/cleaning, repair, road markings, sign repair and replacement, storm and sewer drains, air conditioning, electrical and mechanical equipment systems, other systems;
- q) Emergency evacuation instructions, procedures and building preparation for hurricanes or other events;
- r) Provide miscellaneous services that may be required to keep the facilities operational and safe for public use.



**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. 5B  
File No. 180850**

**Researcher: JFP Reviewer: TD**

RESOLUTION DECLARING SURPLUS ONE COUNTYOWNED PROPERTY LOCATED IN MIAMI, FLORIDA AND REVISING THE INVENTORY LIST OF REAL PROPERTIES, AFTER A PUBLIC HEARING, TO INCLUDE SUCH PROPERTY IN ACCORDANCE WITH SECTION 125.379(1), FLORIDA STATUTES; AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF A TOTAL OF THREE COUNTY-OWNED PROPERTIES TO AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD TO VERY LOW- LOW- OR MODERATE INCOME HOUSEHOLDS IN ACCORDANCE WITH MIAMI-DADE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

**ISSUE/REQUESTED ACTION**

Whether the Board should declare surplus one County-owned property located in Miami, Florida and revise the list of real properties to include the property, as well as authorize conveyance of this and two additional County-owned properties to Affordable Housing and Community Development, Inc., at a price of \$10.00, for the purpose of developing such properties with affordable housing to be sold to very low, low or moderate income households in accordance with Miami-Dade County's Infill Housing Initiative Program.

**APPLICABLE LEGISLATION/POLICY**

Section 17-121 of the Miami-Dade County Code relates to the Infill Housing Initiative Program, whose purpose is to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH17HO\\_ARTVIIIHOIN\\_S17-121TIPU](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH17HO_ARTVIIIHOIN_S17-121TIPU)

Section 2-8.6.5 of the Miami-Dade County Code governs the purchase, sale and lease of real property.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

Implementing Order No. 3-44 establishes the process for the implementation and management of the Infill Housing Initiative Program (Infill Program) for Miami-Dade County, whereby the procedures are established to carry out the goals of the Infill Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

Miami-Dade County Administrative Order No. 8-4 states that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded herein, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable.

**BCC Meeting: May 15, 2018  
Research Notes**

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

Section 125.379(1) Florida Statutes requires each County to prepare an inventory list at least every three years of all real County properties that are appropriate for use as affordable housing and further allows the governing body of the County to revise the inventory list upon conclusion of a public hearing held before the governing body.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)

Section 125.379(2) Florida Statutes prescribes the County's authority as to the County properties identified as affordable housing.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)

Section 125.411 Florida Statutes relates to deeds of conveyance of lands

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.411&URL=0100-0199/0125/Sections/0125.411.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.411&URL=0100-0199/0125/Sections/0125.411.html)

Resolution No. R-376-11, adopted on May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County's investment and future control.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2011/R-376-11.pdf>

Resolution No. R-333-15, adopted April 21, 2015, establishes County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-333-15.pdf>

Resolution No. R-979-17, adopted on November 7, 2017, declared the County properties at issue in the proposed Resolution surplus and added such properties to the County's inventory list of affordable housing sites.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-979-17.pdf>

Resolution No. R-974-09, adopted on July 21, 2009, directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.pdf>

The Public Housing and Community Development Department oversees the Infill Housing Initiative Program and has developed guidelines for the administration of the program. The guidelines summarize the infill development process and requirements to be followed by developers.

<http://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

**BCC Meeting: May 15, 2018  
Research Notes**

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Dennis C. Moss, District 9**

**Department/Requester: None**

The proposed Resolution was forwarded to the BCC with a favorable recommendation by the Housing and Social Services Committee at its April 16, 2018 meeting.

**FISCAL IMPACT**

Implementation of the proposed Resolution would generate a positive fiscal impact, as the new homes will generate real estate taxes for the County, as well as save the County the cost of lawn maintenance of the three lots, amounting to \$1,210 annually. The County will acquire \$10.00 in consideration from Affordable Housing & Community Development, Inc. for the properties.

**ANALYSIS**

Affordable Housing & Community Development, Inc. (Affordable Housing), an active Florida not-for-profit corporation, submitted an application to Commissioner Moss on March 7, 2018 requesting that the County convey three County-owned vacant properties located in District 9 to build three affordable housing units to be sold to very low, low or moderate income households, in abidance of the Infill Program's requirements and in furtherance of its mission.

The purpose of the Infill Housing Program is to increase the availability of affordable homes for very low, low, and moderate income persons and households; maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. According to the Public Housing and Community Development Department, 27 homes were sold under the Infill Housing Program between January 1, 2017 and December 12, 2017,

[https://www.miamidade.gov/housing/library/guide lines/infill/infill-housing.pdf](https://www.miamidade.gov/housing/library/guide%20lines/infill/infill-housing.pdf)

According to the letter sent by Affordable Housing to Commissioner Moss, the company is requesting conveyance of three vacant lots, one of which needs to be declared surplus before it can be conveyed, for the construction of three affordable homes. The proposed homes are to be priced at no more than \$205,000 and be available to homebuyers whose income range is established up to 140% of the most recent median family income for the County as reported by the United States Department of Housing and Urban Development. The three properties' details are as follows:

Lot No.	Address	Land Value	Square Footage	Surplus
30-6912-008-0024	SW 220 Street	\$21,150	7,050	No
30-6018-001-0430	22132 SW 115 Ct. Miami, FL 33170	\$19,699	10,010	Yes
30-6912-008-1370	12119 SW 215 St. Miami, FL 33177	\$26,700	10,700	Yes

The three County properties will be conveyed to Affordable Housing, subject to a reverter on the condition that Affordable Housing develops each of the County properties with affordable housing to be sold to very low, low, or moderate income households within two years of the effective date of the conveyance of the three properties, unless such time is extended at the discretion of the Board. Pursuant to Administrative Order No. 8-4, Miami-Dade Internal Services Department previously announced availability of the four County properties to all County departments and

**BCC Meeting: May 15, 2018**  
**Research Notes**

determined that there was no interest in the County properties. The main restrictions on the conveyance, as specified in the Deed, are as follows:

- The properties shall be developed by Affordable Housing as defined by and in accordance with the requirements of the Infill Housing Initiative Program;
- The properties shall be developed within two years of the recording of the Deed, as evidenced by the issuance of a final Certificate of Occupancy;
- The dwelling units developed on the properties shall be sold to qualified households, but under no circumstances shall the sales price of the home exceed \$205,000;
- For any of the properties located within the HOPE IV Target Area, Affordable Housing shall comply with the requirements set forth in Resolution No. R-1416-08, including but not limited to providing former Scott/Carver residents the right of first refusal on all units to be sold within the Target Area;
- Affordable Housing shall not assign or transfer its interest in the properties in the Deed absent consent of the Miami-Dade County Board of County Commissioners, with the exception of any conveyance to qualified homebuyers;
- Affordable Housing shall require that the qualified household purchasing the eligible home execute and record simultaneously with the Deed of conveyance from Affordable Housing to the qualified household the County's "Affordable Housing Restrictive Covenant";
- Affordable Housing shall pay real estate taxes and assessments on the properties or any part thereof when due.

**ADDITIONAL INFORMATION**

Infill Housing Homebuyer Requirements can be found at the below website:

<http://www.miamidade.gov/housing/infill-housing-homebuyers.asp>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Affordable Housing & Community Development, Inc. has an active status as a Florida not-for-profit corporation and first filed and registered on 5/31/2016. The principal address is 13611 S. Dixie Hwy. #109, Suite 434, Miami, FL 33176. Its registered agent is the company's Executive Director, Ronald Amira, 13611 S. Dixie Hwy, #109, Palmetto Bay, FL 33176.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. 5C  
File No. 181073**

**Researcher: JFP Reviewer: TD**

ORDINANCE EXTENDING FOR AN ADDITIONAL NINE MONTHS, COMMENCING MAY 27, 2018 AND ENDING FEBRUARY 21, 2019, THE AMNESTY PERIOD CREATED BY ORDINANCE NO. 16-24 AND EXTENDED BY ORDINANCE NO. 17-49; EXTENDING A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR CODE VIOLATIONS RELATING TO AUTO REPAIR SHOP BUSINESSES UPON AN OWNER'S COMPLIANCE WITH THE BUILDING AND ZONING CODES; DIRECTING THE COUNTY MAYOR OR DESIGNEE TO PROVIDE INDIVIDUALIZED WRITTEN NOTICE TO REMAINING BUSINESSES NOT IN COMPLIANCE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the extension of the amnesty period it created in Ordinance No. 16-24, which provides for a limited exception from civil penalties and liens for code violations relating to auto repair shop businesses upon a compliance with the County Code. If approved, this Ordinance would extend the Amnesty Period for an additional nine months, commencing May 27, 2018 and ending February 21, 2019.

**APPLICABLE LEGISLATION/POLICY**

Ordinance No. 16-24, adopted by the Board on February 17, 2016, created the amnesty period, authorizing a limited exception from civil penalties and liens for code violations relating to auto repair shop businesses upon an owner's compliance with the County Code.

<https://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2016/16-24.pdf>

Ordinance No. 17-49, adopted by the Board on July 18, 2017, extended the amnesty period created by Ordinance No. 16-24 for an additional nine months, commencing August 26, 2017 and ending May 26, 2018

<https://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2017/17-49.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Rebeca Sosa, District 6**

**Department/Requester: None**

This proposed Ordinance was adopted on first reading at the May 1, 2018 BCC meeting, and set for public hearing before the BCC on Tuesday, May 15, 2018, at 9:30 a.m.

**FISCAL IMPACT**

According to the Fiscal Impact Statement, the Neighborhood Enforcement Unit (Unit) maintains 26 active enforcement cases for auto repairs being conducted outside enclosed buildings, comprising a very small percentage of the Unit's overall enforcement activities. Given that the exemption from civil penalties is conditional upon correction of all Zoning and Building Code violations and paying all of the County's enforcement costs within the amnesty period, implementation of the proposed ordinance will not have a fiscal impact to the County.

**BCC Meeting: May 15, 2018  
Research Notes**

**ANALYSIS**

The proposed Ordinance extends the amnesty period first created in February 2016, waiving civil penalties and liens for code violations relating to auto repair shop businesses upon compliance with the County Code, for an additional nine months (through February 21, 2019).

It is a violation of County Code to conduct auto repair outside in front of the property. The amnesty period was enacted by the Board February 17, 2016 with the intent of encouraging compliance with the Code while being mindful that many auto repair shops are small businesses, potentially making strict application of the County's system of fines and penalties relating to Code violations a hardship upon them.

This proposed second extension would allow more time for these auto repair shop businesses to come into compliance, and continue incentivizing them to do so. Since the adoption of Ordinance No. 17-49 (first extension), five business have come into compliance, leaving 26 active enforcement cases for auto repairs being conducted outside enclosed buildings.

The Resolution states that this will be the final opportunity to gain amnesty for compliance, and the auto repair shop businesses will be notified as such. In these notices, the County will detail exactly what must be done in each case to comply with the Code, as well as warn that non-compliance will result in enforcement action, involving a possible revocation of a Certificate of Use in addition to the imposition of fines and liens.

The proposed ordinance does not apply in the event that the County has commenced a civil action to collect on the civil penalties or to foreclose a lien.

Below is a timeline depicting the life cycle of the amnesty period for auto repair shop businesses:



**ADDITIONAL INFORMATION**

While the Broward County Broward County Code of Ordinances regulates motor vehicle repair, body, structural, and/or paint facilities, the County does not have an amnesty program providing an exception from civil penalties and liens for code violations upon an owner's compliance with their Code.

<http://www.broward.org/Consumer/ConsumerProtection/AutoRepair/Pages/default.aspx>

**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. 5F  
File No. 180577**

**Researcher: SM Reviewer: TD**

ORDINANCE GRANTING PETITION OF COCO PALMS COMMUNITY DEVELOPMENT DISTRICT TO EXPAND THE BOUNDARIES OF THE DISTRICT ESTABLISHED BY ORDINANCE NO. 15-123 BY 24.96 ACRES; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve this Ordinance granting petition of Coco Palms Community Development District (CDD) to expand the boundaries of the District established by Ordinance No. 15-123 by 24.96 acres.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-413-05 adopted April 5, 2005 is a Resolution requiring all real property within community development districts to be subject to declaration of restrictive covenant with respect to disclosure.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2005/050648.pdf>

Resolution No. R-883-06 is adopted July 6, 2006 is a Resolution Retroactively authorizing In-Kind Services from the Park and Recreation Dept. for the Retreat for Substance Abuse Recovery Sponsored by Nuevo Caminar, M.C., in an Amount Not to exceed \$3,281.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2006/061727.pdf>

Section 190.046 of the Florida Statutes governs Planning and Development, and Community Development Districts.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0190/Sections/0190.046.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0190/Sections/0190.046.html)

Sections 190.005(2) (b) of the Florida Statutes governs Planning and Development, and Community Development Districts.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=190.005&URL=0100-0199/0190/Sections/0190.005.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=190.005&URL=0100-0199/0190/Sections/0190.005.html)

Ordinance No. 15-123 adopted November 3, 2015 created the Coco Palms Community Development District in unincorporated Miami-Dade County.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2015/152171.pdf>

Section 1.01(A) (21) of the Miami-Dade County Home Rule Charter grants the Board, the authority to exercise all powers and privileges granted to municipalities and counties by laws of State of Florida.

<http://www.miamidade.gov/charter/library/charter.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Requester/Department; Parks, Recreation and Open Spaces**

The proposed Ordinance was adopted on first reading and set for public hearing before the Board of County Commissioners (BCC) on Tuesday, May 15, 2018.



**BCC Meeting: May 15, 2018  
Research Notes**

**FISCAL IMPACT**

The amendment of the boundaries of the Coco Palms CDD will not incur a negative fiscal impact to the County. The funding is private and provided by private CDD liens and assessments against affected property and may be collected privately or the annual Combined Real Property tax bill. This will be pursuant to an interlocal agreement with the County. If this Ordinance receives Board approval, it will not affect the CDD assessments of the individual owners within the original CDD boundaries.

**ANALYSIS**

If this item receives Board approval, the CDD boundaries will be amended. The district that is being proposed lies within unincorporated Miami-Dade County. The expansion will be 24.96 acres, increasing the total acreage of the CDD from 91.43 acres to 116.39 acres. This will be pursuant to the Miami-Dade County Home Rule Charter. Furthermore the area which is being expanded will include residential development in the form of townhomes and villas. Coco Palms Community Development District has requested for the

The Social Equity statement states that the CDD has the power to levy taxes, special assessments and charge, collect, and enforce fees and other user charges affecting property owners within the proposed district. The basic community development services will be delivered and financed in a timely, efficient, effective, responsive, and economic way through the CDD.

Ordinance No. 15-123 (See Applicable legislation/Policy) created the CDD. The original CDD encompasses 91.43 acres. If the proposed Ordinance receives Board approval, the CDD will be increase by approximately 24.96 acres encompassing a total of 116.39 acres consisting of 427 townhomes, 416 villa units, and 181 single family units, and infrastructure costs will increase by approximately \$5,070,000.

**CONSTRUCTION TIMETABLE AND COST ESTIMATE FOR AREA TO BE INCLUDED WITHIN  
DISTRICT BOUNDARIES**

	<b>Cost Estimate</b>	<b>Start Construction</b>	<b>Complete Construction</b>
Water Distribution System	\$760,000	October, 2017	February, 2018
Sanitary Sewer System	\$1,290,000	October, 2017	April, 2018
Roadway Improvements	\$1,600,000	October, 2017	August, 2019
Stormwater Management System	\$1,420,000	October, 2017	January, 2018
<b>Total</b>	<b>\$5,070,000</b>		

The CDD is designed to provide community infrastructure, services, and facilities along with basic operations and maintenance. The current development plan for the Expansion Area within the CDD includes the construction 163 villas and 118 townhomes for a total of 281 residential units, per the Statement of Estimated Regulatory Costs (SERC).

The Owners of the 281 residential units will be required to comply with CDD rules and their properties will be encumbered with CDD obligations to pay for infrastructure and operation and maintenance expenses incurred by the CDD. Expansion of the CDD would put all of these areas under CDD jurisdiction.



**BCC Meeting: May 15, 2018**  
**Research Notes**

The SERC states that costs to the County are modest for a number of reasons including:

- Review of the Petition does not include analysis of the project itself.
- The Petition itself provides much of the information needed for a staff review.
- The County already possess the staff needed to conduct the review without the need for new staff.
- There is no capital required to review the Petition.
- Potential costs are offset by the required filing fee.
- The County routinely process similar petitions for land uses and zoning charges that are far more complex than the Petition.

The SERC states that the adoption of the proposed Ordinance expanding the boundaries of the CDD will have no negative impact on state and local revenue. The CDD is an independent unit of local government. It is designed to provide community facilities and services to serve the development. It has its own sources of revenue and no state or local subsidies are required.

The SERC states that there will be no impact on small business because of the expansion of the CDD. If anything, the impact may be positive. This is because the CDD must competitively bid many of its contracts. This affords small businesses the opportunity to bid on CDD work.

**ADDITIONAL INFORMATION**

The Coco Palms Community Development District states the following on their website: “The Coco Palms Community Development District (the “District”) is a local unit of special-purpose government of the State of Florida established in accordance with the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, as amended and by Ordinance No. 15-123 of the Board of County Commissioners of Miami Dade County, Florida (the “County”), effective November 13, 2015. The District lands consist of approximately 91.43 gross acres located entirely within the unincorporated area of the County and when developed it is contemplated that there will be a total of 743 residential dwelling units of various product types. The District is governed by a five-member Board of Supervisors made up of landowners in the District. The District anticipates issuing Special Assessment Bonds in early 2016 (the “Bonds”) in one or more series to pay for all or a portion of the public infrastructure improvements being installed in the District. All property owners within the District will be subject to annual special assessments which are broken down into two (2) components:

1. The operation and management of the public improvements.
2. Bond debt service (annual principal and interest) on the Bonds

The District intends to use the Miami-Dade County Tax Collector to collect the assessments each year. The special assessments will appear under the non-ad valorem tax section of the real estate property tax bill. The District’s fiscal year runs from October 1 thru September 30 of each respective year.”

**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. 7A  
File No. 181054**

**Researcher: MF    Reviewer: TD**

ORDINANCE PERTAINING TO LEASES OF COUNTY PROPERTY FOR PRIVATE USE; AMENDING SECTION 2-8.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR PAYMENT OF LIVING WAGE TO CERTAIN HOURLY EMPLOYEES OF CERTAIN COUNTY LESSEES; PROVIDING EXCEPTIONS; SUPERSEDING AND REPEALING RESOLUTION NO. R-148-07 [SEE ORIGINAL ITEM UNDER FILE NO. 180300]

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the proposed ordinance to amend the Living Wage Ordinance for County service contracts to apply living wage requirements to certain hourly employees of certain County lessees.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-148-07, adopted by the Board on February 2, 2007, directs the County Mayor to include a Labor Peace requirement in all requests for proposals, requests for qualifications, bids and contracts for concession opportunities at the Miami International Airport (The proposed ordinance would supersede and repeal Resolution No. R-148-07).

<http://intra/gia/matter.asp?matter=062523&file=true&yearFolder=Y2006>

Miami-Dade County Administrative Order No. 8-4 gives the Board the authority to sell or lease or otherwise dispose of County-owned real property.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

Miami-Dade County Administrative Order No. 3-30 requires that all service contractors performing covered services pay employees no less than the applicable hourly living wage rate, with or without benefits.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-30.pdf>

Miami-Dade County Code, Section 2-8.9 codifies the Living Wage Ordinance for County Service Contracts and County Employees.

<https://www.miamidade.gov/business/library/ordinances/living-wage-code.pdf>

Miami-Dade County Code, Section 2-8.6.5 governs purchases, sales and lease of real property.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1**

The proposed ordinance was adopted on first reading at the Board meeting on February 21, 2018. At that meeting, Commissioner Martinez requested that the item be bifurcated. Commissioners Martinez, Sosa and Diaz voted “no”.

The proposed ordinance was considered at the Government Operations Committee meeting of March 13, 2018.

**BCC Meeting: May 15, 2018**  
**Research Notes**

Commissioner Sosa expressed her concerns with this item, noting the companies would have to pay two different sets of wages: one for the employees working in properties owned by the County, and one for the employees working in other locations. She said she was opposed to dictating to companies what they should pay their employees. She also pointed out that the proposed ordinance could have unintended consequences because private companies may be reluctant to rent County-owned property to avoid paying living wages.

Commissioner Martinez said he was opposed to imposing compromises reached with labor unions on private companies.

Assistant County Attorney David Murray noted the Board in 2007 passed a requirement that concessionaires in Aviation Concession Leases have Labor Peace Agreements. He said the intent was to ensure that employees, to the extent that they wished to unionize, did not do so in a manner that was disruptive to the operations of the airport. He explained that when a union sought to represent a concessionaire's workforce, the concessionaire, as a pre-condition to being awarded a concession by the Board, had to enter into a Labor Peace Agreement with that union.

The proposed ordinance was deferred to the next Committee meeting by the Government Operations Committee.

The proposed ordinance was considered at the April 17, 2018 Government Operations Committee meeting.

Assistant County Attorney David Murray read into the record the following proposed amendment: On handwritten page 9, the following exemptions would be added, "Any entity or individual leasing space", "A Public Health Trust property", and "Any non-profit organizations"; and on handwritten page 10, Section 5, dealing with Miami-Dade County Resolution No. R-148-07, would be deleted.

In response to Commissioner Martinez' question as to whether the proposed ordinance would remove the requirement for Labor Peace Agreements, Assistant County Attorney Murray clarified that it did not alter the requirement that concessionaires in Aviation Concession Leases have Labor Peace Agreements; however, it did not expand the requirement beyond the airport.

Responding to Commissioner Martinez' question regarding whether the County had imposed this requirement on private companies in the past, Assistant County Attorney Murray recalled that in 2007 the Board passed a requirement that concessionaires in Aviation Concession Leases have Labor Peace Agreements; however, this requirement solely applied to the airport. He advised that the proposed ordinance, as amended, would not expand this requirement beyond the airport.

The proposed ordinance was forwarded to the BCC with a favorable recommendation, with Committee amendments to (a) create exemptions for lessees at the Public Health Trust and also for lessees which are Community-Based Organizations, and (b) delete all references to Resolution No. R-148-07 (Commissioner Martinez voted "no").

At the May 1, 2018 Board meeting, the proposed ordinance was deferred to the May 15, 2018 BCC meeting, at the request of the Prime Sponsor.

**BCC Meeting: May 15, 2018**  
**Research Notes**

**FISCAL IMPACT**

According to the Fiscal Impact Statement, implementation of this ordinance will have an indeterminate fiscal impact for Miami-Dade County. It will not result in additional staffing. However, there may be an impact in relation to attracting fewer future lessees for County property and a potential decrease in future rental rates.

**ANALYSIS**

The purpose of this proposed ordinance is to seek the Board's approval to amend the Living Wage Ordinance to require that certain County properties that are being leased to a lessee provide payment of living wage to certain hourly employees. The existing ordinance covers the following services: County service contracts that involve a total contract value of over \$100,000 per year for food preparation, security services, routine maintenance services, clerical office work, transportation and parking services, etc.; service contractors at Aviation Department facilities, such as ramp service, porter assistance services, janitorial services, in-house cargo handling, etc.

The proposed ordinance would add the following provisions to Subsection (F) regarding services covered by the existing ordinance:

*(3) Services Performed by Employees of County Lessees on County Property*

*Services of hourly employees of any lessee offering goods or services for sale to the public pursuant to any lease of County owned property, but only to the extent such employees are actually employed at the location of such lease. For purposes of this section, an employee shall be considered "actually employed" at such location if that employee spends more than half of their working hours onsite at the location of the lease, or if the employee must physically report to the location of the lease at the beginning or end of the working day or both.*

This amendment carves out an exception for the following lease categories:

- *Any airline offering passenger or cargo transportation services;*
- *Any maritime passenger cruise line;*
- *Any maritime cargo line;*
- *Any lease appurtenant to any contract with a contractor providing goods and services to the County;*
- *Any lease to an architect/engineer appurtenant to an ongoing County construction project;*
- *Any lease to a construction contractor pursuant to any ongoing County construction contract;*
- *Any lease to a state or federal entity;*
- *A lessee leasing any property owned or operated by the Public Health Trust;*
- *A Community-Based Organization; or*
- *A lessee who is exempt from this requirement pursuant to federal or Florida Law.*

The proposed ordinance would also supersede and repeal Resolution No. R-148-07, which directs the County Mayor to include a Labor Peace requirement in all requests for proposals, requests for qualifications, bids and contracts for concession opportunities at the Miami International Airport (MIA).

The Living Wage requirement was established by the Board on May 11, 1999. This requirement is for employees on County service contracts to allow individuals to support themselves and their families above the poverty line and

**BCC Meeting: May 15, 2018**  
**Research Notes**

with dignity. The County believes that employees making the State minimum wage of \$8.25 per hour are more likely to have financial difficulties and make use of governmental services. Therefore, County property should be used to promote business activities that drive broad-based prosperity throughout all communities in the County.

The Living Wage applies to contracts valued greater than \$100,000 per year for the following services:

- Food preparation and/ distribution;
- Security services;
- Routine maintenance service such as custodial, cleaning, refuse removal, repair, refinishing and recycling;
- Clerical or non-supervisory work;
- Transportation and parking services including airport and seaport services;
- Printing and reproduction service; and,
- Landscaping, lawn, and/ agricultural services.

The current living wage for County contracts for covered services entered into before October 1, 2016 is \$13.20 per hour with qualifying health benefits valued at least \$1.91 per hour, otherwise \$15.11 per hour. There was an increase of 2.85 percent compared to the FY 2016/2017 rate.

Living wage for contracts for covered services entered into, extended (by exercise of option to renew or otherwise), amended, or modified on or after October 1, 2016, and all service contractors operating under permits for the Aviation Department is \$12.99 per hour with qualifying health benefits valued at least \$3.16 per hour, otherwise \$16.15 per hour. There was an increase of 4.06 percent compared to the FY 2016/2017 rate.

According to the Social Equity Statement, the proposed ordinance has a direct social impact, as applying the applicable Living Wage rate could benefit eligible employees by providing them with increased wages/benefits. However, such benefit to the employees could impact their employers who will be required to comply with an increased amount.

**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. 8F1  
File No. 180825**

**Researcher: PGE Reviewer: TD**

RESOLUTION AUTHORIZING ADDITIONAL TIME OF FIVE YEARS AND EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$13,526,000.00 FOR PREQUALIFICATION POOL NO. 6750-5/17-5 FOR PURCHASE OF AIR CONDITIONING AND REFRIGERATION PARTS AND SUPPLIES FOR VARIOUS COUNTY DEPARTMENTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize additional time of five years and expenditure authority in an amount up to \$13,526,000 for the County's prequalification pool for purchase of air conditioning and refrigeration parts and supplies for multiple departments.

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Section 29-124(f) of the County Code requires the Citizens' Independent Transportation Trust (CITT) to submit a recommendation to the County Commission regarding contract awards where surtax proceeds are applied and for contract awards where no surtax proceeds are applied but the associated allocation is for a transit-related procurement valued at over \$1 million dollars.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSA\\_SUAUSE212.0551FLST2001\\_S29-124SPFUCRUSUPPROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSA_SUAUSE212.0551FLST2001_S29-124SPFUCRUSUPPROCIINTRTR)

Resolution No. R-395-12, adopted by the Board on May 1, 2012, requires vendors added to open pool contracts to be subject to biannual Board ratification.

<http://intra/gia/matter.asp?matter=120561&file=true&yearFolder=Y2012>

Resolution No. R-716-12, adopted by the Board on September 4, 2012, requires identification of a firm's small business enterprise program certification in any procurement item submitted for Board approval.

<http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012>

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

**BCC Meeting: May 15, 2018**  
**Research Notes**

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Administrative Order No. 11-3 sets forth the County's life cycle cost policy, which requires the expenses associated with the acquisition and operation of an energy consuming facility or piece of equipment to be identified and analyzed.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO11-3.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Internal Services**

This item was forwarded to the Board without a recommendation by the Government Operations Committee at its April 17, 2018 meeting. At the meeting, the following discussion transpired:

- Commissioner Martinez is concerned that, rather than re-soliciting the pool, staff determined that the requirements, terms and conditions of the pool would not change if a replacement solicitation were to be issued; Martinez also voiced concern that CITT funds may be used without Board notification; and that the pool should only be extended for one year, then re-solicited.
- Commissioner Suarez requested clarification on whether the half cent surcharge would be used for any purchase under the pool as there is language in the item speaking to CITT review. The County Attorney's Office (CAO) advised that the item does not indicate that CITT/surtax funding will be used; however, CITT reviews the item because the transit allocation is over \$1 million.
- Commissioner Sosa requested a report prior to the item travelling to the Board on which vendors have received the most awards under the pool over the last five years; Sosa also asked ISD why the allocation is being increased for the extension period; the ISD Director responded that ISD will provide the requested report prior to the Board meeting and explained that there is no increase in allocation under the extension period, rather the item is requesting a proration of funds. The Director also explained that extending the pool preserves healthy competition whereas evidence shows re-soliciting decreases competition as vendors that were previously prequalified do not necessarily resubmit their qualifications.
- Commissioner Monestime questioned what the \$1,550,000 transit allocation would be used for and of that sum, how much is CITT funding; the CAO explained that there is no indication in the item that surtax funding would be used; the funding source is DTPW Operating; the DTPW Deputy Director explained that the allocation will be used to support the department's considerable facilities; that there is refrigeration in all of its garages; and that the Metrorail stations have rooms that are equipped with air conditioning;
- Commissioner Moss asked whether ISD could quantify the level of decreased competition resulting from the re-solicitation of open pools; Moss recommended removing the transit allocation from the item so the item could move forward; the ISD Director explained that ISD will provide that information in the same report Commissioner Sosa requested; the Committee members agreed with Moss' recommendation to remove the transit allocation. The ISD Director agreed with Moss' amendment as ISD is the biggest user



**BCC Meeting: May 15, 2018  
Research Notes**

of the pool and is responsible for air conditioning improvements across many County buildings, including the SPCC.

**FISCAL IMPACT**

The total amount requested for the five-year extension is \$13,526,000. If approved, the pool's cumulative allocation would be \$42,955,000 for a term of 15 years and six months, expiring on July 21, 2023. The pool is currently in its final option to renew term, which commenced on January 22, 2017 and expires on July 21, 2018, and is valued at \$3,553,094.61. Of the \$3,553,094.61 allocated to the pool's Blank Purchase Order, \$2,802,685.19 has been released, leaving a balance of \$750,409.42, per information found in the Bid Tracking System on May 10, 2018. The annual allocation under the extension period is lower than that under the current pool; according to the mayoral memorandum, the requested allocation is based on anticipated expenditures.

The Internal Services, Transportation and Public Works and Water and Sewer departments are requesting the largest allocations for the extension period. The Community Action and Human Services, Regulatory and Economic Resources and Vizcaya Museum and Gardens are not requesting an allocation for the extension period.

**ANALYSIS**

This item is requesting Board approval to extend Prequalification Pool No. 6750-5/17-5, *Air Conditioning and Refrigeration Parts and Supplies*, for five years and increase expenditure by \$13,526,000 for various County departments. This pool was approved by the Board on January 10, 2008 pursuant to Resolution No. R-31-08 for a five-year term for \$13,570,000; the solicitation included an option to renew for five years. The pool is currently in its final option to renew year.

There are two Groups under the pool. Group 1 is used for spot market purchase of air conditioning and refrigeration parts and supplies, such as actuators, blowers, compressors, conductors, driers, fans, motors, regulators and valves. Group 2 is used for spot market purchase of remanufactured or exchanged refrigeration and air conditioning products, including compressors, semi-hermetic stators, motors and pumps.

According to market research conducted by the Internal Services Department, it was determined to be in the County's best interest to extend the pool for five years to prevent unnecessary administrative expenses as the same vendors would prequalify under a replacement solicitation.

There are currently 36 prequalified vendors, of which 20 have a local address. A search for commodity code #03103 (Air Conditioners Systems, Commercial and Industrial) on the County's Small Business Enterprise Goods and Services Certified Firms by Trade Code List on May 10, 2018 identified the following eight vendors:

- Brophy Associates, Inc.
- Conwell & Associates Consulting
- Done Wright A/C and Electric Service
- Gamma Air System, Inc.
- Leadex Corporation
- MAM A/C and Refrigeration Company
- Marmich Air Conditioning Inc.
- PUTTN Along Corp dba The Right Filter



**BCC Meeting: May 15, 2018  
Research Notes**

These certified firms are not included in the prequalified pool. Of the three firms identified as certified small business enterprises in the mayoral memorandum, OCA was unable to verify the certification status of Shelton Supply, Inc.

Additionally, a May 10, 2018 search on sunbiz.org (Florida Department of State, Division of Corporations website) for G & A Engineering and Business, Inc. listed the vendor as inactive and dissolved.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=GAENGINEERINGBUSINESS%20P040000838570&aggregateId=domp-p04000083857-b8dba858-a82e-4907-94f2-b35896382525&searchTerm=G%20%26%20A%20Engineering%20and%20Business%2C%20Inc.&listNameOrder=GAENGINEERINGBUSINESS%20P040000838570>

**ADDITIONAL INFORMATION**

A Supplement (File No. 181145) to this item is on the May 15, 2018 Board agenda and responds to Commissioner Sosa's request at the April 17, 2018 GOC meeting for information regarding the distribution of work under the pool over the last five years. The supplement includes a table showing the value of purchase orders issued by vendor over the last five years. No specific date range setting the parameters for the requested data was provided in the supplement.

A total of 6,279 purchase orders totaling \$12,390,474 have been issued over the last five years. The three vendors receiving the largest value of purchase orders are: Waco Filters Corporation (\$823,054); Economic Electric Motors, Inc. (\$660,349); and FSD Group, LLC dba Saez Distributors (\$552,051).

Note that the supplement states that 21 of the 36 prequalified vendors are local businesses; however, the mayoral memorandum states that 20 of the 36 prequalified vendors "have a local address."

**BCC Meeting: May 15, 2018  
Research Notes**

**INPUT FROM THE INTERNAL SERVICES DEPARTMENT**

OCA posed the following questions to ISD relating to this extension request. The answers have been bolded and italicized.

1. There was discussion at the April 17, 2018 GOC regarding removing the DTPW allocation from the item; clarify whether that was the Committee's consensus, and if so, whether an item reflecting that amendment will travel to the Board;  
*Committee members discussed the rules and regulations regarding DTPW funding and since the allocation requested for the extension exceeds \$1 million CITT approval is required prior to the item being presented to the Board for approval. We have attached the guidelines received from CITT for further reference by OCA. The item was approved at the CITT meeting on 4/25/18 and the allocation for DTPW will remain unchanged. It is necessary for DTPW to have the requested allocation in order to provide timely repairs.*
2. CAHSD, RER and Vizcaya have not requested an allocation for the extension period; what will those departments do, long-term, to satisfy their needs under this pool; and  
*CAHSD and RER do not require allocation for this pool. If allocations are required for an emergency, a reference purchase order will be issued. As you may know, Vizcaya is privately operated and will not require an allocation for the extension.*
3. How is Administrative Order No. 11-3 (Life Cycle Cost Policy) applied in the acquisition of energy consuming equipment and parts under this pool.  
*Departments utilize this pool for repairs and upgrades to existing aging equipment. If the equipment has reached or is near its life expectancy, a life cycle cost analysis is performed for the subsequent replacement equipment. The cost analysis ensures that it is the most cost effective option and provides the best value to the County.*

**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. 8F2  
File No. 181036**

**Researcher: BM Reviewer: TD**

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00662 IN A TOTAL AMOUNT UP TO \$14,500,000.00 FOR DEWATERING AND TANK CLEANING SERVICES FOR MIAMI-DADE WATER AND SEWER DEPARTMENT FOR A TERM OF FIVE YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a resolution establishing a prequalification pool, RTQ-00662, Dewatering and Tank Cleaning Services, for the Water and Sewer Department (WASD) at a value of \$14,500,000 for a five-year term.

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

Resolution No. R-140-15, adopted on February 3, 2015, directs the County Mayor or County Mayor's designee to conduct a full review, prior to re-procurement of replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County, to include information in recommendations to the Board, and to consult with the Small Business Development Division regarding solicitation and contract language.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

**BCC Meeting: May 15, 2018**  
**Research Notes**

Resolution No. R-1011-15, adopted on November 3, 2015, directs the County Mayor or County Mayor's designee to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ; and directed the County Mayor or County Mayor's designee to include such information in a memorandum to the Board pertaining to a vendor being recommended for contract award.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The proposed resolution was considered at the May 8, 2018 Infrastructure and Utilities Committee meeting.

Deputy Mayor Jack Osterholt noted staff was requesting a waiver of this item to the May 15, 2018 BCC meeting. The waiver request is due to the pool expiring on May 31<sup>st</sup>.

The proposed resolution was forwarded to the BCC with a favorable recommendation, with a request that it be waived to the May 15, 2018 BCC meeting.

**FISCAL IMPACT**

The fiscal impact for the establishment of Prequalification Pool RTQ-00662, Dewatering and Tank Cleaning Services, for a five-year term is \$14,500,000. The funding will be provided by WASD proprietary funds.

A search on the Bid Tracking System on May 11, 2018, as it relates to the current prequalification pool RTQ-00255, resulted in the following information: \$1,000,000 has been allocated to the contract's Blanket Purchase of which \$999,318 has been released, leaving a balance of \$68,194. The pool is valued at \$1,250,000 and expires on May 31, 2018.

An annual cost allocation is provided below to compare the current prequalification pool and the proposed prequalification pool.

<b>Prequalification Pool</b>	<b>Term</b>	<b>Contract Value</b>	<b>Annualized Cost</b>
Current Pool: RTQ-00255	1.5 Years	\$1,250,000	\$833,333
Proposed Pool: RTQ-00662	5 Years	\$14,500,000	\$2,900,000

Per the Mayoral memo, the increase in allocation under the replacement pool is higher due to the frequency in which the tank cleaning and dewatering that is expected to be performed in the future.

**ANALYSIS**

The proposed Prequalification Pool RTQ-00662, Dewatering and Tank Cleaning Services, is a for a five-year term, at a value of \$14,500,000. The pool would provide WASD with prequalified vendors capable of performing dewatering and cleaning services at various water and wastewater plant structures, tanks, clarifiers, containment units, and other water and wastewater processing facilities and structures located throughout the County. This is an open pool and will remain open, allowing qualified vendors to be added once they have completed the prequalification criteria. Dewatering is a mechanical process that removes excess water from accumulated sludge, sand, and other solids allowing for more convenient handling and disposal of wastewater.

**BCC Meeting: May 15, 2018  
Research Notes**

In response to its solicitation regarding the prequalification pool, the county received responses from eight vendors. Five vendors are recommended for inclusion into the prequalification pool while three are pending registration with the County.

Of the five recommended vendors, all but one, American Process Group, Inc., are currently awarded under the current prequalification pool, RTQ-0025. Only one of the recommended vendors, Envirowaste Services Group, Inc., has a local address. Per the Mayoral memo, the specialized nature of the required services and large overhead cost limits the number of vendors that can provide the service. The prequalification pool is intended to remain open and will remain advertised on the County website for possible inclusion of other vendors. Below is a summary of the vendor submission information:

<b>Vendor</b>	<b>Local Address</b>	<b>Prequalification Status</b>
American Process Group, Inc.	No	Prequalified for Pool
Envirowaste Services Group, Inc.	Yes	Prequalified for Pool
IMC Consulting, LLC	No	Prequalified for Pool
Synagro South, LLC	No	Prequalified for Pool
U.S. Submergent Technologies, LLC	No	Prequalified for Pool

A search of the Miami-Dade County Small Business Enterprise Certified Firms list, on May 11, 2018, resulted in the following firms under commodity code no. 91070 – Sludge Removal, building (to include grease trap cleaning):

- LCN Group, Inc.
- Pump Outs Unlimited, Inc.
- Tabor Construction Corp.

Per the information on the Bid Tracking System, on May 11, 2018, none of the three firms found in the SBE list has submitted a bid proposal for consideration for inclusion into the prequalification pool.

**ADDITIONAL INFORMATION**

OCA searched on the Florida Department of State Division of Corporations website (Sunbiz.org) and determined that all of the recommended vendors, except for one – IMC Consulting, LLC, were verified to be an active business in the state of Florida.

**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. 8K1  
File No. 180798**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING THE REJECTION OF ALL PROPOSALS RECEIVED IN RESPONSE TO REQUEST FOR PROPOSAL NO. 2017-01-DD (RFP) FOR THE REDEVELOPMENT OF THE ELIZABETH VIRRICK I VACANT SITE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the rejection of all proposals received in response to RFP No. 2017-01-DD for the redevelopment of the Elizabeth Virrick I vacant site, as the only proposal received was from the proposer Turnstone Development Corporation (Turnstone) who was determined to be not responsible.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-1171-16, adopted on December 6, 2016, authorizes the County Mayor or County Mayor's designee to submit an amendment to the County's disposition application for Elizabeth Virrick I public housing site to the United States Department of Housing and Urban Development for the purpose of permitting the County to competitively select a developer to construct an elderly, affordable, mixed-income, and mixed-finance housing development on such site and to permit the County to enter into a long term ground lease with the selected developer. <http://www.miamidade.gov/govaction/matter.asp?matter=162466&file=true&fileAnalysis=false&yearFolder=Y2016>

Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 USC § 1701u (Section 3) delineates the policy of the Congress to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing.

<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title12/html/USCODE-2011-title12-chap13-sec1701u.htm>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Public Housing and Community Development**

The Housing and Social Services Committee forwarded the proposed Resolution to the BCC with a favorable recommendation at its April 16, 2018 meeting. Prior to passage, Commissioner Martinez posed the question of what would happen following rejection of all proposals for the redevelopment of the Elizabeth Virrick I vacant site. Mr. Michael Liu, Public Housing and Community Development Department Executive Director, provided the response that only one proposal was received from the Request For Proposal (RFP) and that proposal did not meet the requirements. The department will issue another RFP reducing the percentage of public housing units required, which will potentially attract additional bidders.

**FISCAL IMPACT**

This item has no fiscal impact.

**BCC Meeting: May 15, 2018**  
**Research Notes**

**ANALYSIS**

This item is for the approval of the rejection of all proposals received, namely that from Turnstone Development Corporation (Turnstone) as the sole proposer for Request for Proposal No. 2017-01-DD (RFP), for the redevelopment of the Elizabeth Virrick I vacant site. The site, spanning .69 acres, is located at 1613 NW 25 Ave., Miami, FL 33142 in District 5.

28 public housing units in two-story buildings were originally developed at this site in 1967. Upon the units becoming dilapidated, Public Housing and Community Development sought demolition approval from the United States Department of Housing and Urban Development (HUD), which was received in 2006, and the units were demolished by July 18, 2010.

The Public Housing and Community Development Department advertised the RFP for development on the vacant site on October 16, 2017. Per the terms of the RFP, the number of units to be developed shall not exceed 75 units, with anything over 45 units requiring a change in zoning due to the current zoning scheme allowing for a maximum of 45 units at the site. The development shall include public housing, affordable and market rate units to achieve a mixed-income housing development, with all non-public housing units being designated for occupancy by the elderly.

Several mandatory threshold requirements to be met by proposers were listed in the RFP. Those requirements include:

- A mixed-income and mixed-finance approach to development
  - A mixed-finance approach encourages the leveraging of public housing financial resources with other private and public funds.
  - If 9% Low Income Housing Tax Credits (LIHTC) is part of the financial development strategy, proposer must provide a detailed 4% Tax Credit alternative with a complete financing strategy, since the 9% tax credits involve a highly competitive process, which may not result in an award. *PHCD determined that Turnstone did not meet this threshold requirement based on its proposal.*
- Compliance with Uniform Federal Accessibility Standards (UFAS)
  - UFAS requirements, minimum features and amenities are required to be incorporated in the proposed development. Not less than 5% of all public housing units, in addition to all common areas, shall comply with UFAS for the development site in the RFP. In addition, not less than 2% of public housing units shall comply with hearing and sight impaired UFAS requirements. UFAS units shall not be concentrated in any one area or phase of the project but shall be spread evenly throughout the project.
- Compliance with Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 USC § 1701u (Section 3)
  - Requires firm commitments to hire Section 3 qualified residents of Miami-Dade County, providing economic opportunities for low- and very low-income persons.

Based on Turnstone not meeting the financing threshold requirement (among others), the proposal was determined to be not responsible.

Responsibility of a bidder or proposer is determined by the following criteria:

- Whether bidder or proposer can perform contract
- Financial condition, capability, experience, past performance
- Honesty, integrity, skill, business judgment, previous conduct

**BCC Meeting: May 15, 2018**  
**Research Notes**

A new RFP is in the process of being drafted by PHCD. As part of this process, the Department will further evaluate potential alternatives relative to the project scope, financial requirements, and other related requirements and will revisit consideration of interested developers, including Turnstone, before re-advertising another RFP. The Department requires approval of this Resolution rejecting all received proposals before proceeding.

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Turnstone Development Corporation has an active status as a Foreign Not for Profit Corporation. Turnstone first filed and registered on 08/15/2011. Its principal address is 10 S. LaSalle Street, Suite 3510, Chicago, IL 60603. Its registered agent is listed as Law Office of Kimberly A. Abrams & Assoc., 2699 Stirling Rd., A105, Fort Lauderdale, FL 33312.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=TURNSTONEDEVELOPMENT%20F110000033100&aggregateId=fornp-f11000003310-fc03260b-1c22-4e15-916b-21fcc967422b&searchTerm=turnstone&listNameOrder=TURNSTONE%20L090000012770>



**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. 8N1  
File No. 180568**

**Researcher: BM Reviewer: TD**

RESOLUTION AUTHORIZING THE APPROVAL OF A RAILROAD CROSSING LICENSE AGREEMENT, BETWEEN MIAMI-DADE COUNTY AND FLORIDA EAST COAST RAILWAY CO. LLC, FOR THE RECONSTRUCTION OF RAILROAD CROSSING AND TRAFFIC CONTROL DEVICES AT NE 2 AVENUE IN THE VICINITY OF NE 73 STREET IN THE AMOUNT ESTIMATED AT \$365,869.45; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT, TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME, AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the execution of a Railroad Crossing License Agreement between the County and Florida East Coast Railway, Co., LLC (FEC) for the reconstruction of Railroad Crossing and Traffic Control Devices at NE 2 Avenue in the vicinity of NE 73 Street.

**APPLICABLE LEGISLATION/POLICY**

Section 212.055 of the Florida Statutes governs the use of discretionary sales surtaxes.

[http://www.leg.state.fl.us/STATUTES/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0212/Sections/0212.055.html](http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.055.html)

Section 29-124 of the County Code provides that the surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for prescribed transportation and transit projects. No surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding the award.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSA\\_SUAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPPROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSA_SUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR)

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Transportation and Public Works**

4/19/18: Forwarded to BCC with a favorable recommendation.

**BCC Meeting: May 15, 2018**  
**Research Notes**

**FISCAL IMPACT**

The fiscal impact for this item is an estimated \$365,870 and will be funded by Surtax funds. The annual maintenance fee for the crossing protective devices to the County is \$4,465, which is 50 percent of the total maintenance cost, and will be funded through the Secondary Gas Tax. The table below summarizes the estimated cost of construction:

<b>Description</b>	<b>Construction Value</b>
Crossing Warning System	\$100,543.11
Crossing Surface/Resurface	\$240,326.34
Railroad Engineering	\$2,500.00
Preliminary Engineering (Phase 1)	\$7,500.00
Agreements & Approvals (Phase 2)	\$5,000.00
Construction Engineering (Phase 3)	\$5,000.00
Construction Engineering Inspection (CeI)	\$5,000.00
<b>Total Estimated Construction Cost:</b>	<b>\$365,870</b>

**ANALYSIS**

The proposed item approves the execution of a Railroad Crossing License Agreement between the County and FEC for the reconstruction of Railroad Crossing and Traffic Control Devices at NE 2 Avenue in the vicinity of NE 73 Street. The railroad crossing is located in District 3, represented by Vice-Chairwoman Audrey M. Edmonson. This work is part of the overall project along NE 2 Avenue from NE 20 Street to NE 91 Street, of The People's Transportation Plan Adopting Ordinance.

The reconstruction project involves widening of the railroad crossing and new traffic control devices. The County shall be responsible for all cost for installation, construction, maintenance, replacement and removal of all facilities at the crossing site, including but not limited to the track structure, any railroad crossing warning signs, crossing surfaces and automatic crossing warning devices, whether performed by the County.

FEC shall install the warning devices, including the fixed signs, flashing lights, bells and in accordance with FDOT at the crossing site at the sole cost of the county. Also, FEC, shall replace the two-track existing 70' wide type T-modified grade crossing structures with two new 81' wide Omi concrete grade crossing surfaces along with other improvements in accordance with Florida Department of Transportation Standard Specifications for Road and Bridge Construction.

Pursuant to Section 29-124(f), no surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding the award.

**BCC Meeting: May 15, 2018**  
**Research Notes**



**ADDITIONAL INFORMATION**

OCA searched on the Florida Department of State Division of Corporations website (Sunbiz.org) on May 11, 2018 and determined that the FEC, is currently registered and active to conduct business in the state of Florida.

**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. 8N2  
File No. 181176**

**Researcher: PGE Reviewer: TD**

RESOLUTION APPROVING THE CONTRACT FOR PROFESSIONAL SERVICES AGREEMENT WITH PINNACLE ENTERPRISES, INC., TO PROVIDE CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR VARIOUS DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS PROJECTS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES [SEE ORIGINAL ITEM UNDER FILE NO. 180563]

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the Professional Services Agreement (PSA) between the County and Pinnacle Consulting Enterprises, Inc. for delivery of construction engineering and inspection services for various Department of Transportation and Public Works (DTPW) projects for a five year term in a total amount not to exceed \$5,000,000.

**APPLICABLE LEGISLATION/POLICY**

Section 287.055 of the Florida Statutes sets forth the Consultants' Competitive Negotiation Act, governing the processes for the acquisition of professional architectural, engineering, landscape architectural or surveying and mapping services.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0287/0287.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/0287.html)

Section 2-10.4 of the County Code governs the County's acquisition of professional architectural, engineering, landscape architectural or land surveying and mapping services.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10.4ACPRARENLAARLASUMASE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

Section 2-10.4.01 of the County Code sets forth the County's Small Business Enterprise Architecture and Engineering Program.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10.4.01SMBUENARENPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR)

Section 2-8.1 of the County Code requires that the award recommendation memorandum presented to the Board identify each dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each and the corresponding percentage of each dedicated allowance, contingency allowance and additional services allowance in relation to the actual contract price.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)



**BCC Meeting: May 15, 2018**  
**Research Notes**

Section 29-124(f) of the County Code requires the Citizens' Independent Transportation Trust (CITT) to submit a recommendation to the County Commission regarding contract awards where surtax proceeds are applied and for contract awards where no surtax proceeds are applied but the associated allocation is for a transit-related procurement valued at over \$1 million dollars.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSA\\_SUAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPPROCIINTRTR](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSA_SUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR)

Resolution No. R-54-10, adopted by the Board on January 21, 2010, rescinded Administrative Order No. 3-24 (Responsible Wages and Benefits for County Construction Contracts) and approved Implementing Order No. 3-24 to clarify terms requiring the use of the higher wage rates between Davis-Bacon and the County's prevailing wage rate structure unless prohibited by state or federal law or disallowed by a governmental funding source.

<http://intra/gia/matter.asp?matter=093210&file=true&yearFolder=Y2009>

Administrative Order No. 3-39 establishes the County's policies and procedures for user departments for the construction of capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-39.pdf>

Implementing Order No. 3-32 sets forth the County's procedures for the Community Business Enterprise Program for the purchase of professional architectural, landscape architectural, engineering or surveying and mapping services.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-32.pdf>

### **PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Transportation and Public Works**

This item was forwarded to the Board with a favorable recommendation by the Transportation and Public Works Committee at its April 19, 2018 meeting. That recommendation included a committee amendment withdrawing the recommendation for award to Nova Consulting, Inc. and replacing the previously executed contract award recommendation dated April 19, 2018. Nova is no longer eligible to perform the work as specified in the Notice to Professional Consultants due to its subconsultant's, Triangle Associates, Inc., loss of prequalification and technical certifications with the County as required under Administrative Order No. 3-39.

### **FISCAL IMPACT**

Under the PSA, the total maximum limiting amount is not to exceed \$5,000,000. The PSA indicates that this contract is one of two contracts for construction engineering and inspection services and that the \$5,000,000 funding is a combined amount. DTPW shall confer with the consultant before any Notice to Proceed is issued to discuss and agree upon the scope, time for completion, estimate man hours and fee for services to be rendered. Fees are based on negotiated hour rates and multipliers for various positions, such as Project Principal (\$140 per hour) and Project Administrator (\$51 per hour), as seen in the PSA's Exhibit A.

The breakdown of the \$5,000,000 allocation per capital budget category is as follows: (1) \$997,680 for Countywide Bridge Rehabilitation and Improvements; (2) \$600,120 for Intersection Improvements Countywide; (3) \$835,000 for Arterial Roads Countywide; and (4) \$2,567,200 for Road Widening Countywide.

**BCC Meeting: May 15, 2018**  
**Research Notes**

People's Transportation Plan work authorizations provided under these PSAs are for construction contracts previously approved by the Board and the Citizens' Independent Transportation Trust. Per the associated CITT recommendation, surtax funds for the award to Pinnacle shall not exceed \$3,402,200.

**ANALYSIS**

This item is requesting Board approval to award a PSA to Pinnacle Consulting Enterprises, Inc. (Pinnacle) for construction and engineering inspection services for various DTPW projects for a combined value of up to \$5,000,000 for a five-year term. The item has been amended to remove the corresponding award recommendation to Nova Consulting, Inc. as Triangle Associates, Inc., Nova's subconsultant, lost its technical certification. The project's technical requirement descriptions for the subconsultants are: (1) Highway Systems – Bridge Design and (2) Highway Systems – Underwater Engineering Inspection. The estimated contingency period is 183 days. The project sites are in Districts 3, 7, 8, 9 and 2. The projects are found in the County's current FY budget plan and are in the design phase.

Under the agreement, the scope of services includes, but is not limited to, the following:

- Provide project inspection;
- Assist the County with constructability, cost estimates, technical plan reviews and value engineering as necessary for plan revisions before project advertisement and during construction;
- Deliver material samples to County's designated lab provider;
- Inspect the project to verify general compliance with the design intent of the plan and specification requirements;
- Review and recommend payment or rejection of the contractor or design-builder's monthly pay estimates of work performed associated with the project;
- Assist in the preparation and issuance of construction change orders and supplemental agreements;
- Coordinate and host a CPM baseline schedule review meeting with the contractor or design-builder and County;
- Review project for final acceptance and coordinate final review with County personnel;
- Confirm that the contractor or design-builder has obtained necessary permits;
- Coordinate utility adjustment activities, utility installation verification, monitoring, record management, reporting and as-built drawings; and
- Ensure all closeout documentation is received from the contractor or design-builder, including but not limited to all guarantees, operating and maintenance manuals, releases of claims and certificates required and then deliver them to the County.

The PSA includes a SBE-A/E goal, which is a 100 percent Tier 3 set-aside. A subconsultant will only be used where the prime is unable to deliver a requested service.

Per information found on the Florida dbpr (the website for the state of Florida's Department of Business & Professional Regulation) on May 11, 2018, Pinnacle has a current status, is located at 6 Palermo Avenue, Coral Gables, Florida, and holds a Certificate of Authorization license. The firm's professional engineer is Arturo Jose Perez.

**BCC Meeting: May 15, 2018**  
**Research Notes**

**ADDITIONAL INFORMATION**

Pinnacle fully staffs and supplements infrastructure project management and construction engineering inspection teams. The firm has provided construction engineering and inspection services in Miami-Dade County, Broward County, Monroe County and Collier County. The link below shows the contracted projects per county.

<https://www.pinnaclecei.com/projects>

**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. 11A2  
File No. 180743**

**Researcher: MF   Reviewer: TD**

RESOLUTION AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF FOUR COUNTY-OWNED PROPERTIES TO SOUTHEAST LAND DEVELOPMENT GROUP, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD TO VERY LOW- LOW- OR MODERATE INCOME HOUSEHOLDS IN ACCORDANCE WITH MIAMI-DADE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize conveyance of four County-owned properties to Southeast Land Development Group, LLC, at a price of \$10.00, for the purpose of developing such properties with affordable housing to be sold to very low, low or moderate income households in accordance with Miami-Dade County's Infill Housing Initiative Program.

**APPLICABLE LEGISLATION/POLICY**

Section 17-121 of the Miami-Dade County Code relates to the Infill Housing Initiative Program, whose purpose is to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH17HO\\_ARTVIIIINHAIN\\_S17-121TIPU](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIINHAIN_S17-121TIPU)

Implementing Order No. 3-44 establishes the process for the implementation and management of the Infill Housing Initiative Program (Infill Program) for Miami-Dade County, whereby the procedures are established to carry out the goals of the Infill Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

Miami-Dade County Administrative Order No. 8-4 states that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded herein, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable."

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>



**BCC Meeting: May 15, 2018**  
**Research Notes**

Section 125.379(1) Florida Statutes requires each County to prepare an inventory list at least every three years of all real County properties that are appropriate for use as affordable housing and further allows the governing body of the County to revise the inventory list upon conclusion of a public hearing held before the governing body.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)

Section 125.379(2) Florida Statutes prescribes the County's authority as to the County properties identified as affordable housing.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)

Section 125.411 Florida Statutes relates to deeds of conveyance of lands

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.411&URL=0100-0199/0125/Sections/0125.411.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.411&URL=0100-0199/0125/Sections/0125.411.html)

Miami-Dade County Code, Section 2-8.6.5, governs the purchase, sale and lease of real property.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

Resolution No. R-376-11, adopted on May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County's investment and future control.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2011/R-376-11.pdf>

Resolution No. R-333-15, adopted April 21, 2015, establishes County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-333-15.pdf>

Resolution No. R-979-17, adopted on November 7, 2017, declared the County properties at issue in the proposed resolution surplus and added such properties to the County's inventory list of affordable housing sites.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-979-17.pdf>

Resolution No. R-974-09, adopted on July 21, 2009, directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.pdf>

**BCC Meeting: May 15, 2018  
Research Notes**

Resolution No. R-380-17, adopted by the Board on April 4, 2017, established the policy requiring the County Mayor to provide written notification to the District Commissioner in which the County-owned property lies no less than four weeks prior to placing any item on the agenda requesting approval of the sale, lease or surplus of County-owned property.

<http://intra/gia/matter.asp?matter=170414&file=true&yearFolder=Y2017>

The Public Housing and Community Development Department oversees the Infill Housing Initiative Program and has developed guidelines for the administration of the program. The guidelines summarize the infill development process and requirements to be followed by developers.

<http://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

### **PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Dennis C. Moss, District 9**

The proposed resolution was considered at the Housing and Social Services Committee meeting on April 16, 2018; and was forwarded to the BCC with a favorable recommendation.

### **FISCAL IMPACT**

According to the Public Housing and Community Development Department, the proposed resolution will save the County the cost of monitoring the properties and maintaining the lawn, for a total of \$1,517 (for all lots) annually. In addition, the new homes will generate real estate taxes for the County.

### **ANALYSIS**

On March 14, 2018 Southeast Land Development Group, LLC (Southeast) submitted an application to Commissioner Moss requesting that the County convey four County-owned vacant properties located in District 9, in order to build four affordable housing to be sold to very low, low or moderate income households. According to Section 17-121 of the Miami-Dade County Code, "... any County owned parcel or parcels of property identified as appropriate for infill housing may be transferred, sold or otherwise conveyed to a qualified developer through a competitive solicitation established by the County or in accordance with Section 125.379 (2), Florida Statutes, for the development of infill housing". Section 125.379, Florida Statutes, provides that "the properties identified as appropriate for use as affordable housing on the inventory list adopted by the County may be offered for sale ... or may be donated to a non-profit housing organization for the construction of permanent affordable housing".

The proposed resolution to authorize conveyance of said properties to Southeast, at a price of \$10.00, would further the purpose of making affordable housing available to needy households in accordance with the Infill Program.

The purpose of the Infill Housing Program is to increase the availability of affordable homes for very low, low, and moderate income persons and households; maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. Between January 1, 2017 and December 12, 2017, 27 homes were sold under the Infill Housing Program.

<https://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

**BCC Meeting: May 15, 2018**  
**Research Notes**

According to the letter sent by Southeast to Commissioner Moss, the company is requesting to be conveyed the four properties to develop single family homes meeting the criteria set forth within the Infill program. The proposed homes would contain at least three bedrooms, two bathrooms, and would be within the range of 1,200 to 1,400 square feet. The goal of this project would be to design a product which would involve little to no maintenance in the initial five years of ownership, while remaining attractive and affordable. The target price range would be in the high \$190,000.

Lot No.	Address	Land Value	Square Footage
30-6934-003-0100	26525 S.W. 137 Court	\$26,812	10,725
30-6934-003-0570	26525 S.W. 139 Ave.	\$26,812	10,725
10-7813-009-0250	312 N.W. 4 <sup>th</sup> Ave., Homestead	\$27,400	6,850
10-7813-028-0300	822 S.W. 5 <sup>th</sup> Street	\$20,038	6,450

Pursuant to Administrative Order No. 8-4, Miami-Dade Internal Services Department previously announced availability of the four County properties to all County departments and determined that there was no interest in the said properties.

The four County properties will be conveyed to Southeast, subject to a reverter on the condition that Southeast develops each of the County properties with affordable housing to be sold to very low, low, or moderate income households within two years of the effective date of the conveyance of the four properties, unless such time is extended at the discretion of the Board. The main restrictions on the conveyance, as specified in the Deed, are as follows:

- That the properties shall be developed by Southeast as defined by and in accordance with the requirements of the Infill Housing Initiative Program;
- That the properties shall be developed within two years of the recording of the Deed, as evidenced by the issuance of a final Certificate of Occupancy;
- That the dwelling units developed on the properties shall be sold to qualified households, but under no circumstances shall the sales price of the home exceed \$205,000;
- That for any of the properties located within the HOPE IV Target Area, Southeast shall comply with the requirements set forth in Resolution No. R-1416-08, including but not limited to providing former Scott/Carver residents the right of first refusal on all units to be sold within the Target Area;
- That Southeast shall not assign or transfer its interest in the properties in the Deed absent consent of the Miami-Dade County Board of County Commissioners, with the exception of any conveyance to qualified homebuyers;
- Southeast shall require that the qualified household purchasing the eligible home execute and record simultaneously with the Deed of Conveyance from Southeast to the qualified household the County's "Affordable Housing Restrictive Covenant";
- That Southeast shall pay real estate taxes and assessments on the properties or any part thereof when due;

**BCC Meeting: May 15, 2018  
Research Notes**

**ADDITIONAL INFORMATION**

Infill Housing Homebuyer Requirements can be found at the below link:

<http://www.miamidade.gov/housing/infill-housing-homebuyers.asp>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Southeast Land Development Group, LLC, has an active status as a Florida Limited Liability Company and first filed and registered on 11/30/2016. The principal address is registered as 13364 S.W. 128 Street, Miami, FL 33186. Its registered agent is Kirilauscas, Rodrigo, 13364 S.W. 128 Street, Miami, FL 33186.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

A newspaper article dated May 24, 2016, entitled “How poor is Miami? The rich earn \$40 for every \$1 earned by the poor,” states that “Miami-Dade County has one of the least affordable housing markets in the nation. People are considered ‘cost-burdened’ by housing when more than 30 percent of income goes toward a place to live. By that measure, Miami-Dade has the third most cost-burdened housing market in the country, behind two counties in the New York area. In Miami-Dade, 51 percent of households are considered cost-burdened”.

<http://www.miamiherald.com/news/local/community/miami-dade/article79670752.html>

**DEPARTMENT INPUT**

The Office of the Commission Auditor posed the following questions to the Public Housing and Community Development Department, and received the following responses:

- Please provide the number of housing units projected for the properties. **The developer plans to build four new homes.**
- Please provide information on the success of the Infill Program. How many units has the program completed? How many are in construction? How many families are housed thanks to this program? **Between January 1, 2017 and December 12, 2017, 27 homes were sold under the Infill Housing Program.**

**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. 11A3  
File No. 180745**

**Researcher: MF   Reviewer: TD**

RESOLUTION AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF 16 COUNTY-OWNED PROPERTIES TO HABITAT FOR HUMANITY OF GREATER MIAMI, INC., A NOT-FOR-PROFIT 501(C)(3) CORPORATION, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD TO VERY LOW- LOW- OR MODERATE INCOME HOUSEHOLDS IN ACCORDANCE WITH MIAMI-DADE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize conveyance of 16 County-owned properties to Habitat for Humanity Greater Miami, Inc., at a price of \$10.00 for the purpose of developing such properties with affordable housing to be sold to very low, low or moderate income households in accordance with Miami-Dade County's Infill Housing Initiative Program.

**APPLICABLE LEGISLATION/POLICY**

**Miami-Dade County Code, Section 17-121**, relates to the Infill Housing Initiative Program, whose purpose is to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH17HO\\_ARTVIINHAIN\\_S17-121TIPU](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVIINHAIN_S17-121TIPU)

Implementing Order No. 3-44 establishes the process for the implementation and management of the Infill Housing Initiative Program (Infill Program) for Miami-Dade County, whereby the procedures are established to carry out the goals of the Infill Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

Miami-Dade County Administrative Order No. 8-4 states that t[h]e authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded herein, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable."

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

**BCC Meeting: May 15, 2018**  
**Research Notes**

Miami-Dade County Code, Section 2-8.6.5, governs the purchase, sale and lease of real property.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

Section 125.379(1) Florida Statutes requires each county to prepare an inventory list at least every three years of all real County properties that are appropriate for use as affordable housing and further allows the governing body of the County to revise the inventory list upon conclusion of a public hearing held before the governing body.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)

Section 125.379(2) Florida Statutes prescribes the County's authority as to the County properties identified as affordable housing.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)

Section 125.411 Florida Statutes relates to deeds of conveyance of lands

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.411&URL=0100-0199/0125/Sections/0125.411.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.411&URL=0100-0199/0125/Sections/0125.411.html)

Resolution No. R-376-11, adopted on May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County's investment and future control.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2011/R-376-11.pdf>

Resolution No. R-333-15, adopted April 21, 2015, establishes County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-333-15.pdf>

Resolution No. R-979-17, adopted on November 7, 2017, declared the County properties at issue in the proposed resolution surplus and added such properties to the County's inventory list of affordable housing sites.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-979-17.pdf>

Resolution No. R-974-09, adopted on July 21, 2009, directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.pdf>

**BCC Meeting: May 15, 2018**  
**Research Notes**

Resolution No. R-380-17, adopted by the Board on April 4, 2017, established the policy requiring the County Mayor to provide written notification to the District Commissioner in which the County-owned property lies no less than four weeks prior to placing any item on the agenda requesting approval of the sale, lease or surplus of County-owned property.

<http://intra/gia/matter.asp?matter=170414&file=true&yearFolder=Y2017>

The Public Housing and Community Development Department oversees the Infill Housing Initiative Program and has developed guidelines for the administration of the program. The guidelines summarize the infill development process and requirements to be followed by developers.

<http://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

### **PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Dennis C. Moss, District 9**

The proposed resolution was considered at the April 16 Housing and Social Services Committee; and was forwarded to the BCC with a favorable recommendation.

### **FISCAL IMPACT**

According to the Public Housing and Community Development Department, the proposed resolution will save the County the cost of monitoring the properties and maintaining the lawn, for a total of \$5,868 (for all lots) annually. In addition, the new homes will generate real estate taxes for the County.

### **ANALYSIS**

On October 17, 2017, Habitat for Humanity of Greater Miami, Inc. (Habitat) submitted an application to Commissioner Moss requesting that the County convey 16 County-owned vacant properties located in District 9 to 16 build single-family, affordable housing to be sold to needy households. The proposed resolution to authorize conveyance of said properties to Habitat for Humanity of Greater Miami, Inc., at a price of \$10.00, would further the purpose of making affordable housing available to needy households in accordance with the Infill Program.

Lot No.	Address	Land Value	Square Footage
30-6913-002-0080	21899 S.W. 118 <sup>th</sup> Court	\$26,250	7,500
30-6934-003-0570	26525 S.W. 139 <sup>th</sup> Ave.	\$26,812	10,725
30-6913-002-0060	21845 S.W. 118 <sup>th</sup> Court	\$26,250	7,500
30-6913-002-0370	11871 S.W. 220 <sup>th</sup> Street	\$26,250	7,500
30-6912-008-1550	Adj. South of 12055 S.W. 213 <sup>th</sup> Street	\$26,700	10,700
30-5032-015-0080	10221 S.W. 184 <sup>th</sup> Street	\$31,200	5,200
30-6913-005-0250	12233 S.W. 218 <sup>th</sup> Street	\$24,850	7,100
30-6912-008-1660	3 lots West of 12055 S.W. 213 <sup>th</sup> Street	\$16,200	5,400
30-6913-000-0480	Adj. North of 22100 S.W. 122 <sup>nd</sup> Ave.	\$21,875	6,250
30-6912-008-1594	Adj. South of 21201 S.W. 122 Ave.	\$28,308	11,772
30-6018-001-0190	22322 S.W. 116 <sup>th</sup> Ave.	\$26,883	11,948
30-6018-001-0380	22245 S.W. 116 <sup>th</sup> Ave.	\$22,619	10,053
30-6018-003-0960	Adj. South of 21831 S.W. 111 <sup>th</sup> Ave.	\$32,500	6,750



**BCC Meeting: May 15, 2018**  
**Research Notes**

30-6018-003-1100	Adj. East of 10935 S.W. 220 <sup>th</sup> Street	\$30,900	7,950
30-6018-003-1420	2 lots West of 11200 S.W. 219 <sup>th</sup> Street	\$33,400	9,200
30-6018-004-0490	Adj. East of 10710 S.W. 218 <sup>th</sup> Street	\$36,392	10,696
30-6912-008-0640	Adj. East of 12210 S.W. 218 <sup>th</sup> Street	\$21,150	7,050

The purpose of the Infill Housing Program is to increase the availability of affordable homes for very low, low, and moderate income persons and households; maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. Between January 1, 2017 and December 12, 2017, 27 homes were sold under the Infill Housing Program.

[https://www.miamidade.gov/housing/library/guide lines/infill/infill-housing.pdf](https://www.miamidade.gov/housing/library/guide%20lines/infill/infill-housing.pdf)

Pursuant to Administrative Order No. 8-4, Miami-Dade Internal Services Department previously announced availability of the four County properties to all County departments and determined that there was no interest in the said properties.

The 16 County properties will be conveyed to Habitat, subject to a reverter, on the condition that Habitat develops each of the County properties with affordable housing to be sold to very low, low, or moderate income households within two years of the effective date of the conveyance of the four properties, unless such time is extended at the discretion of the Board. The main restrictions on the conveyance, as specified in the Deed, are as follows:

- That the properties shall be developed by Habitat affordable housing, as defined by and in accordance with the requirements of the Infill Housing Initiative Program;
- That the properties shall be developed within two years of the recording of this Deed, as evidenced by the issuance of a final Certificate of Occupancy;
- That the dwelling units developed on the properties shall be sold to a qualified household, but under no circumstances shall the sales price of the home exceed \$205,000;
- That for any of the properties located within the HOPE VI Target Area, Habitat shall comply with the requirements set forth in Resolution No. R-1416-08, including but not limited to providing former Scott/Carver residents the right of first refusal on all units to be sold within the Target Area;
- That Habitat shall not assign or transfer its interest in the properties or in this Deed absent consent of the Miami-Dade County Board of County Commissioners, with the exception of any conveyance to qualified homebuyers;
- Habitat shall require that the qualified household purchasing the eligible home execute and record simultaneously with the Deed of Conveyance from Habitat to the qualified household the County's "Affordable Housing Restrictive Covenant"; and
- That Habitat shall pay real estate taxes and assessments on the properties or any part thereof when due.



**BCC Meeting: May 15, 2018  
Research Notes**

**ADDITIONAL INFORMATION**

Infill Housing Homebuyer Requirements can be found at the below link:

<http://www.miamidade.gov/housing/infill-housing-homebuyers.asp>

Habitat for Humanity is a non-profit, ecumenical ministry that transforms lives and communities by offering qualified, low-income families in Miami-Dade County and opportunity to build and purchase a home of their own.

[http://www.miamihabitat.org/?gclid=EAIaIQobChMIkJ\\_-ipK12gIVyIqzCh0NLwtLEAAYASAAEgJ12\\_D\\_BwE](http://www.miamihabitat.org/?gclid=EAIaIQobChMIkJ_-ipK12gIVyIqzCh0NLwtLEAAYASAAEgJ12_D_BwE)

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Habitat for Humanity of Greater Miami, Inc., has an active status as non-profit organization and first filed and registered on 07/15/2008. The principal address is registered as 3800 N.W. 22<sup>nd</sup> Ave., Miami, FL 33142. Its registered agent is Mario Artecona, 3800 N.W. 22<sup>nd</sup> Ave., Miami, FL 33142.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

A newspaper article dated May 24, 2016, entitled “How poor is Miami? The rich earn \$40 for every \$1 earned by the poor,” states that “Miami-Dade County has one of the least affordable housing markets in the nation. People are considered ‘cost-burdened’ by housing when more than 30 percent of income goes toward a place to live. By that measure, Miami-Dade has the third most cost-burdened housing market in the country, behind two counties in the New York area. In Miami-Dade, 51 percent of households are considered cost-burdened”.

<http://www.miamiherald.com/news/local/community/miami-dade/article79670752.html>

**DEPARTMENT INPUT**

The Office of the Commission Auditor posed the following questions to the Public Housing and Community Development Department, and received the following responses:

- Please provide information on the success of the Infill Program. How many units has the program completed? How many are in construction? How many families are housed thanks to this program?  
**Between January 1, 2017 and December 12, 2017, 27 homes were sold under the Infill Housing Program.**
- Please provide some indication as to the economic impact of these items. **The proposed resolution will save the County the cost of monitoring the properties and maintaining the lawn, for a total of \$5,868 (for all lots) annually. In addition, the new homes will generate real estate taxes for the County.**

**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. 13A1  
File No. 181183**

**Researcher: SM   Reviewer: TD**

RESOLUTION APPROVING TERMS OF A SETTLEMENT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND KONE, INC. IN THE AMOUNT OF \$1,000,000.00 TO BE PAID BY KONE, INC. TO THE COUNTY AND FOR KONE'S RELEASE OF \$539,890.00 IN RECEIVABLES AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SETTLEMENT AGREEMENT AND EXERCISE ALL RIGHTS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve this Resolution which in turn will approve the terms of a settlement agreement between Miami-Dade County and Kone, Inc. in the amount of \$1,000,000 to be paid by Kone, Inc. (Kone) to the County and for Kone's release of \$539,890 in receivables.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-226-03 adopted March 11, 2003, authorizes waiver of formal bid procedures and bid protest procedures for the purchase of items and services; authorizing the County Manager to award contracts and Execute Options to Renew.

<http://www.miamidade.gov/govaction/matter.asp?matter=030283&file=false&fileAnalysis=false&yearFolder=Y2003>

Resolution No. R-393-18 adopted May 1, 2018, authorizes the ratification of an emergency contract in the amount of \$3,125,000 for the purchase of maintenance and repair services for elevators, escalators, and moving walkways for the Internal Services Department.

<http://www.miamidade.gov/govaction/matter.asp?matter=180437&file=true&fileAnalysis=true&yearFolder=Y2018>

Resolution No. R-1062-06 adopted September 6, 2006 pertains to the ratification of actions in settling claims under one million dollars.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2006/062551.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: County Attorney**

**Requester/Department; Internal Services Department**

This item does not have any procedural history.

**FISCAL IMPACT**

The Settlement Agreement will result in a payment of \$1,000,000 from Kone to the county, and Kone's release of \$539,890 in receivables to Kone from the County for Kone's past performed work under the Contract.

**BCC Meeting: May 15, 2018  
Research Notes**

**ANALYSIS**

If this item receives Board approval the following will occur:

- Authorization to execute the Settlement and Contract Termination with Kone, Inc.
- The Settlement Agreement will result in a payment of \$1,000,000 to the County and will settle a lawsuit, Koney, Inc. v. Miami-Dade County, currently pending in the Complex Business Litigation Division of the Circuit Court of the Eleventh Judicial Circuit.

The Settlement Agreement comes from the litigation arising from Kone's performance of elevator-related equipment maintenance services for various County departments including the Internal Services Department, Aviation Department, PortMiami, Department of Transportation and Public Works, and Public Housing and Community Development.

In November 2017, Kone, Inc. gave the County a one-day notice that it was terminating Contract No. SS1246-3/22-2, providing maintenance repair services for County elevators, escalators, and walkways. Resolution No. R-393-18 (See Applicable Legislation/Policy), authorized the ratification of an emergency contract in the amount of \$3,125,000 for the purchase of maintenance and repair services for elevators, escalators, and moving walkways for the Internal Services Department. The County is currently using Emergency Contract E9946-0/18 for those services abandoned by Kone.

During the Government Operations Committee on April 17, 2018, there were some concerns and the following was discussed:

Responding to Commissioner Sosa's question regarding the reason Kone, Inc. terminated its contract with the County, Ms. Tara Smith, Director, Internal Services Department, stated that the County had initiated a lawsuit against the company to recover damages for abruptly terminating its contract and for providing unsatisfactory services.

In response to Commissioner Sosa's question whether the County undertook a competitive process for the emergency contract, Ms. Smith noted the department declared an emergency and issued a solicitation requesting to receive bids from various vendors for the emergency contract. She stated that this emergency solicitation resulted in an award being made to Eastern Elevator Service, Inc. (Eastern) for all four groups of the contract. She said that separately, at the April 10, 2018 BCC meeting, the Board adopted an item authorizing the Administration to establish a pre-qualified pool, for the installation, maintenance and modernization of elevators, escalators, and moving walkways for multiple County departments.

Pursuant to Commissioner Sosa's question regarding the bid protest filed by ThyssenKrupp Elevator Corporation, Ms. Namita Uppal, Chief Procurement Officer, Internal Services Department, stated that Oracle Elevator Company (Oracle), which had been recommended for award, had submitted a license for an employee who fulfilled the requirements of the solicitation; however, subsequently, ISD found out that the employee was not a direct employee of the company. Therefore, she noted, the department rescinded the award recommendation to Oracle and awarded the contract to Eastern.

In 2007, the Miami-Dade County Office of the Inspector General (OIG) began an investigation due to concerns related to a request for authorization to pay Kone, Inc. \$800,000 for the replacement of four severely corroded

**BCC Meeting: May 15, 2018  
Research Notes**

Miami-Dade County Transit MetroMover Station escalators. The Investigation report performed stated that although the escalators had a purported operational life of up to 30 years after initial installation, the four escalators were corroded beyond repair after only eleven years of operation, further an additional five MetroMover Station escalators needed significant repairs and refurbishment, again due to corrosion. The report further states that Kone agreed to repair five of the escalators at no cost to the County, Kone agreed to replace the remaining four escalator which had corroded beyond the point of economic repair in exchange for the County's payment to Kone of \$800,000 of the replacement cost.

The Investigation determined that Kone failed to adequately perform its duties and obligations pursuant to the maintenance contracts. Kone failed to comply with the inspection and record keeping functions as required by the contracts. The Investigation report further states that Kone was unable to produce records such as inspection reports, annual supervisory reports, physical check charts, and detailed engineering reports of identified damage, for any of the corroded MetroMover escalators. The link below is an attachment to the Investigation Report dated March 2, 2009.

<http://www.miamidadeig.org/reports2009/Kone.pdf>

Resolution No. R-226-03 (See Applicable legislation/ Policy) authorized the County Manager to enter into the Contract with Kone, and during November 2015 there were some disputes that arose between Kone and the County as it relates to the Contract. There were performance related issues, the County claimed that Kone failed to perform all of the required work under the Contract. Kone claimed that the County was misapplying provisions of the Contract in a manner that reduced Kone's payments, which deprived Kone of price escalations, and required Kone to perform additional work without compensation, resulting in underpayments to Kone. See Resolution No. R-393-18 (See Applicable Legislation/Policy), for reference and Resolution No. R-1062-06.

The lawsuit at the center of this item was filed by Kone on December 9, 2016. Kone wished to recover damages from the County, where the County filed a counterclaim seeking to recover for Kone's failure to perform all of the work required under the Contract. The lawsuit resulted in the parties going to Complex Business Litigation Division. Kone claimed they did not receive four months of payment for services totaling approximately \$1,000,000.

The settlement package issues the following terms that both parties agreed to according to the Settlement Agreement:

- Kone will pay \$1,000,000 to the County and release \$539,890 in receivables
- They will file a joint motion to vacate an order entered on an interpretation of the Contract
- The County will designate a particular individual with the Internal Services Department who will confirm Kone's dates of service under the Contract upon inquiry by third parties
- Neither side admits fault or liability with respect to the claims raised in the Lawsuit
- Kone will not render assistance to other elevator-escalator-and moving walkway- service suppliers or vendors regarding actual or potential claims against the County
- Kone will not participate in County procurement for a period of two years
- The Contract will be deemed mutually terminated, effective December 1, 2017 provided that Kone's defense and indemnity obligations for claims covered under the Contract will survive Contract termination
- The parties will dismiss the lawsuit with prejudice
- The parties will exchange mutual releases as described in the Settlement Agreement.

The Settlement Agreement states that Kone and the County desire to amicably resolve their claims and counter claims and terminate the Contract. The parties agree to mutually dismiss, with prejudice, all claims against each other, as well as an agreement for Kone to make a settlement payment of \$1,000,000 to County.

**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. 14A4  
File No. 181045**

**Researcher: SM   Reviewer: TD**

RESOLUTION APPROVING TERMS OF AND ACCEPTING THE CONVEYANCE BY DEED OF THE MIAMI INTERMODAL CENTER CENTRAL STATION PROPERTY PARCEL 5016 AND THE DEVELOPMENT LAND PARCEL 5016 FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION TO THE COUNTY AND APPROVING OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ATTACHED ASSIGNMENTS, LEASES AND ANY DOCUMENTS NECESSARY TO COMPLETE THE TRANSFER AND OPERATION AND MAINTENANCE OF SAID PROPERTY, TO EXERCISE ALL RIGHTS CONFERRED THEREIN, AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME

**ISSUE/REQUESTED ACTION**

Whether the Board will approve this Resolution approving the terms of and accepting the conveyance by deed of the Miami Intermodal Center's Central Station property (MIC) and the Development Land Parcel from the Florida Department of Transportation (FDOT).

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-974-09 adopted July 21, 2009 directs that any resolution authorizing the execution of instruments creating a County Interest in real property shall require such instruments to be recorded in public records of Miami-Dade County.

<http://intra/gia/legistarfiles/MinMatters/Y2009/091900min.pdf>

Resolution R-1115-15 adopted December 1, 2015 directs the County Mayor to develop a plan identifying potential uses of the Miami Intermodal Center by Miami-Dade County in the event the Florida Department of Transportation were to transfer the Miami Intermodal Center property to Miami-Dade County; directing the County Mayor to present a report on such plan to the Board of County Commissioners within 90 days.

<http://intra/gia/legistarfiles/MinMatters/Y2015/152275min.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Rebecca Sosa, District 6  
Department/Requester: Transportation and Public Works**

During the Transportation and Public Works Committee meeting on May 10, 2018,

Commissioner Dennis C. Moss voiced a concern regarding this item and asked if this will be a 2.8 million dollar deficit.

Alice Bravo, Department Director explained that there is a companion item that is a grant from the FDOT. The companion item which is a grant, is going to be a supplement the department will receive annually. This will cover the difference between the revenues that are being generated and the cost to operate the property. The Joint Participation item will help supplement the revenues.

Commissioner Dennis C. Moss mentioned the difference the properties is now producing in revenue will then be supplemented by FDOT, and then asked how long the grant will last? Department Director, Alice Bravo, responded that the grant will last for seven years. Part of Moss' concern is maintenance and upkeep. During the transition, he wants to make sure that the facility is maintained and operated at a world class level, and that when the hand off

**BCC Meeting: May 15, 2018  
Research Notes**

occurs, the facility doesn't lose the expected level of maintenance. Chairwoman Edmonson asked for a tour of the stations.

The item was waived to the May 15, 2018 BCC meeting.

**FISCAL IMPACT**

The development, advertising, and concession right to a portion of the property through competitive Request for Proposal (RFP) process could bring revenues estimated to provide enough for the County to have a positive cash flow beginning on the seventh year after these contracts are awarded. The first eight years will produce a negative fiscal impact of approximately \$4,000,000. FDOT has agreed to subsidize the County's deficit until the County reaches a break-even point. The County will reimburse the subsidy beyond \$1,200,000 through a Joint Participation Agreement (JPA) between the County and FDOT. This will be accomplished through a capital contribution to a FDOT project or through other funding sources. The mayoral memo states that future state-of-good repair costs need to be budgeted, however these costs are expected to be paid for by surplus revenues from the joint development and funding opportunities from federal and state grants.

**ANALYSIS**

This item will approve the terms of, and authorize the County Mayor or County Mayor's designee to accept the conveyance of, the Miami Intermodal Center's Central Station property and the Development Land Parcel from FDOT and to execute the following documents:

- Quitclaim Deed Conveying MIC Central Station and Joint Development Parcel
- Agreement for Conveyance of Fee Simple Interest and Assignment of Third Party Agreements between the State of Florida, Department of Transportation and Miami-Dade County for Miami Intermodal Center Property
- Assignment and Assumption Agreement for the Transfer of The Miami Intermodal Center
- Railroad Agreement Grade Separation South Florida Rail Corridor
- Use and Occupancy Agreement MIC Office Building
- Assignment of Facility Management Agreement, the Urban Group.

The purpose of the Agreement is to set forth the terms of conveyance of the MIC Property from the State of Florida to Miami-Dade County. At the completion of the FDOT portion of the project, the County assumes responsibility, on the transfer date, for all operations, inspection, management, fiscal obligations and liabilities for the MIC Property, and shall pay any costs or expenses related to the governance, operation, maintenance, inspection and administration of the MIC Property. This includes but is not limited to, insurance and contribution to any reserve funds for operation, maintenance, renewal, or replacement.

The agreement further states that revenues collected from the MIC Property shall initially be used for the further support of the operation, management, repair, replacement, improvements and for any other matter related to the support, enhancement and benefit of the MIC Property.

Miami Intermodal Center serves an important public purpose as the transportation gateway to Miami-Dade County by integrating a variety of transportation modes adjacent to Miami International Airport, including buses, taxis, trains, rental cars, private vehicles, bicycles and pedestrians. The MIC includes the Rental Car Center, which is the facility owned and operated by the County, and the central station at the MIC, which includes, but is not limited to, transit, rail and intercity bus facilities and components, and is currently owned and operated by the Department.

**BCC Meeting: May 15, 2018**  
**Research Notes**

There will be a 15 year lease which the County would receive for an office building adjacent to the MIC to help oversee operations on the site. The County will not incur any expenses related to the lease since, It will be free of charge. FDOT hired a consultant to overseeing the operation and maintenance of the property.

Each entity is responsible to operate and maintain the areas assigned. The County will be responsible for the common area maintenance. The leases which would be transferred with this agreement will bring in revenue to help offset the costs associated with maintaining the common area. The costs of the operation, management, repair, replacement, improvements and any other related costs for the improvement of the MIC Property will be supported by the revenue collected from the MIC Property.

## POTENTIAL ADD-ONS



**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. TBD  
File No. 181009**

**Researcher: JFP Reviewer: TD**

RESOLUTION AUTHORIZING THE USE OF \$825,250.00 FROM THE ZOO MIAMI IMPROVEMENT TRUST FUND TO MATCH A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF STATE – DIVISION OF CULTURAL AFFAIRS, WHICH WILL BE SUBMITTED BY ZOO MIAMI FOUNDATION FOR FISCAL YEAR 2019-2020 FUNDING CONSIDERATION

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the use of \$825,250 from the Zoo Miami Improvement Trust Fund to match anticipated funds from a state grant application, which will be submitted by Zoo Miami Foundation for Fiscal Year 2019-2020 funding for the Conservation Action Center.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-899-13, adopted by the Board on November 5, 2013, authorizes establishment of the Zoo Miami Improvement Trust Fund to accept donations and contributions, proceeds from fundraising activities, and annual higher than anticipated revenues for maintenance, repairs and improvements at Zoo Miami.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2013/R-899-13.pdf>

Resolution No. 899-13, adopted by the Board on November 5, 2013, authorizes establishment of the Zoo Miami improvement trust fund to accept donations and contributions, proceeds from fundraising activities, and annual higher than anticipated revenues for maintenance, repairs and improvements at Zoo Miami.

<http://intra/gia/matter.asp?matter=131857&file=true&yearFolder=Y2013>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Dennis C. Moss, District 9**

**Department/Requester: Parks, Recreation and Open Spaces**

This proposed Resolution was forwarded to the BCC with a favorable recommendation by the Parks and Cultural Affairs Committee at its May 9, 2018 meeting, and waived to the May 15, 2018 BCC meeting.

**FISCAL IMPACT**

The Florida Department of State – Division of Cultural Affairs Cultural Facilities Program's funding mechanism requires a 2:1 match for organizations whose most recent completed fiscal year total support and revenue totals \$1,000,001 or more. The total project cost for the construction phase of the Conservation Action Center is \$1,237,250. The Zoo Miami Foundation grant request will be for \$412,000 (available in FY2019-20), making the match requirement \$825,250.

**ANALYSIS**

The proposed Resolution authorizes \$825,250 from the Zoo Miami Improvement Trust to serve as matching funds to a Florida Department of State – Division of Cultural Affairs Cultural Facilities Program FY 2019-20 grant application. The funding is for interior renovations of an existing building to create the new Conservation Action Center—an interactive exhibit experience that introduces guests to wildlife and nature conservation issues in Florida and from around the world.

**BCC Meeting: May 15, 2018**  
**Research Notes**

**ADDITIONAL INFORMATION**

Below is the grant program description as stated in the 2019-2020 Grant Guidelines:

The Cultural Facilities Program is intended for organizations whose mission is cultural programming in one of the disciplines as defined in (Section 265.283(7), Florida Statutes). The Cultural Facilities Program coordinates and guides the State of Florida's support and funding of renovation, new construction, or acquisition of cultural facilities.

The applicant's mission must be to directly conduct arts and cultural programming. By program definition, a cultural facility is a building where the programming, production, presentation, exhibition of any of the arts and cultural disciplines are carried out (Section 265.283(7), Florida Statutes). These disciplines are music, dance, theatre, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, media arts, visual arts, and programs of museums and must comprise at least 85% of facility use. The Program is intended for bricks and mortar construction, renovation, or for acquisition (not any combination of the three). State funding shall not be used for parking facilities, sidewalks, walkways, and trails that are the entire scope of work; landscaping; fabrication or design of exhibits (not permanently affixed to the building); nor commercial projects.

<http://dos.myflorida.com/media/698984/2019-2020-cf-guidelines.pdf>

**Zoo Miami Foundation**

Zoo Miami Foundation, formerly Zoological Society of Florida, is the non-profit support organization for Zoo Miami. Zoo Miami Foundation was founded in 1956 when the Zoo was located in Crandon Park at Key Biscayne. Starting in the mid-sixties, Zoo members spearheaded a campaign to include plans for a bigger, better zoo on the Miami-Dade County "Decade of Progress" bond issue. Voters approved the bond in 1972 and nine years later Zoo Miami opened its gates at its current location.

Today, Zoo Miami Foundation is one of the largest membership organizations in South Florida. Its Board of Directors includes community leaders in Miami-Dade and Broward counties who are committed to the education, conservation and recreation goals of Zoo Miami. While Miami-Dade County operates and maintains the Zoo, Zoo Miami Foundation, backed by its strong membership, supports Zoo Miami's programs and enhancements.

<https://www.zoomiami.org/zoo-miami-foundation>

**BCC Meeting: May 15, 2018  
Research Notes**

**Item No. TBD  
File No. 181048**

**Researcher: BM Reviewer: TD**

RESOLUTION APPROVING AMENDMENT NO. 1 TO AGREEMENT NO. 4600003055 WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR ECOLOGICAL MONITORING FOR THE BISCAYNE BAY COASTAL WETLANDS PROJECT TO REMOVE TASKS ASSOCIATED WITH ECOLOGICAL MONITORING OF THE L-31E CULVERTS PROJECT AND CORRESPONDINGLY REDUCE FUNDING TO THE COUNTY BY THE AMOUNT OF \$18,500.00 FOR A TOTAL REVISED AGREEMENT AMOUNT OF \$100,300.00; AUTHORIZING THE EXECUTION OF AMENDMENT NO.1; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL RIGHTS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should execute Amendment no. 1 to Agreement No. 4600003055 with the South Florida Water Management District (SFWMD) for ecological Monitoring for the Biscayne Bay Coastal Wetlands L-31E Culverts Project.

**APPLICABLE LEGISLATION/POLICY**

Resolution no. R-765-14, adopted by the Board on September 3, 2014, executed Agreement No. 4600003055, with SFWMD.

<http://intra/gia/legistarfiles/Matters/Y2014/141464.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Regulatory and Economic Resources**

The proposed resolution was considered at the May 8, 2018 IUC Committee meeting.

Deputy Mayor Jack Osterholt noted staff was requesting a waiver of this item to the May 15, 2018 BCC meeting.

The proposed resolution was forwarded to the BCC with a favorable recommendation, with a request that it be waived to the May 15, 2018 BCC meeting.

**FISCAL IMPACT**

The fiscal impact for amendment no. 1 reduces the funding to the County from SFWMD by \$18,500. The revised agreement amount would be \$100,300. The reduction in the agreement is for monitoring services for the Culverts Projects which are no longer needed.

**ANALYSIS**

The item proposes the execution of Amendment no. 1 to Agreement no. 4600003055 with the SFWMD for ecological Monitoring for the Biscayne Bay Coastal Wetlands L-31E Culverts Project. The effect of this proposed amendment is a reduction in the funding received by the County in the amount of \$18,500.

The Board adopted resolution no. R-765-14 in 2014 executing the agreement with SFWMD for a period of four years to perform water quality and vegetation monitoring activities at the Deering Estates as part of the Biscayne Bay Coastal Wetlands Project. The original agreement provided the County with a total of \$118,800 to perform the monitoring duties over the four-year term.

**BCC Meeting: May 15, 2018**  
**Research Notes**

The projects are intended to improve the flow of freshwater into Biscayne Bay and Biscayne National Park and to enhance the nearshore freshwater and estuarine habitats.

Biscayne Bay is a shallow subtropical estuary that is an important natural and economic resource. The historic groundwater and surface water flows to Biscayne Bay have dramatically changed caused by man-made alterations such as farmland drainage and the creation and operation of the Central and Southern Florida (CS&F) Project canal system. The Biscayne Bay Coastal Wetlands Project (BBCW) was thus selected as one of components of the Comprehensive Everglades Restoration Plan (CERP), approved by Congress as part of the Water Resource Development Act (WRDA) of 2000.

CERP was authorized by Congress in 2000 as a plan to "restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection." At a cost of more than \$10.5 billion and with a 35+ year time-line, CERP is the largest hydrologic restoration project ever undertaken in the United States. Additional resources as it relates to the CERP is available at the hyperlink below:

<https://www.nps.gov/ever/learn/nature/cerp.htm>