



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

Government Operations Committee (GOC) Meeting

July 16, 2018
1:30 P.M.
Commission Chambers

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Director, Policy and Legislation
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**GOC Meeting: July 16, 2018
Research Notes**

**Item No. 1G1
File No. 181247**

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-96.1 AND 33-96 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PERMITTING DIGITAL POINT-OF-SALE SIGNS AT CERTAIN BUILDINGS FOR PUBLIC ASSEMBLAGE; MAKING CONFORMING AMENDMENTS AND TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Sections 33-96.1 and 33-96 of the County Code to permit Digital Point of Sale Signs at certain buildings for public assemblage; and to make technical revisions.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Section 33-96.1 permits digital point of sale signs (DPSS) to be permitted in BU and IU districts, seaports, airports, sports stadiums, racetracks, and other similar uses with specifications to sign size, placement, setback, quantity limitations; and limitations to solely promotion of products and services offered on the premises.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIICOOR CH33ZO ARTVISI DIV2GEPR S33-96.1DIPO-SSI](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTVISI_DIV2GEPR_S33-96.1DIPO-SSI)

Miami-Dade County Code Section 33-96 provides that all signs should be static unless digital technology is permitted in the usage of digital signs with specifications regarding illumination, compliance, and variance such as size, setback, spacing, distance, quantity, land area, and landscaping.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIICOOR CH33ZO ARTVISI DIV2GEPR S33-96.1DIPO-SSI](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTVISI_DIV2GEPR_S33-96.1DIPO-SSI)

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Joe A. Martinez, District 11

Requester/Department: None

The proposed ordinance was adopted on first reading at the Board meeting on June 5, 2018; and set for public hearing before the Government Operations Committee meeting on July 16, 2018.

FISCAL IMPACT

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

ANALYSIS

The proposed ordinance amends Section 33-96.1 and Section 33-96 of the Code of Miami-Dade County to permit Digital Point of Sale Signs at certain buildings for public assemblage and to make technical revisions. According to Section 33-96.1 of the County Code, a Digital Point of Sale Sign is defined as a Class B sign on which a sign face is illuminated with digital technology.

Section 33-96.1 of the County Code currently states that Digital Point of Sale Signs are allowed in seaports, airports, sports stadiums, racetracks, and other similar uses.

The proposed Ordinance amends Section 33-96.1 to expand the allowance of Digital Point of Sale Signs to sites with buildings for public assemblage including educational and religious facilities to preserve community aesthetics and ensure public safety; and make technical revisions. The proposed Ordinance amends Section 33-96 to make technical revisions.

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The table below shows the original Section 33-96.1 of the Code of Miami-Dade County and the proposed changes to this section of the Code stricken through, ~~[[double bracketed]]~~, and >>double arrowed<<.

Section 33-96.1 of the County Code	Proposed changes to Section 33-96.1 of the County Code
<p>Subject to the following mandatory conditions, Digital Point-of-Sale Signs ("DPSS"), shall be permitted in BU and IU districts, seaports, airports, sports stadiums, racetracks, and other similar uses as follows:</p> <p>(a) A Digital Point-of-Sale Sign (DPSS) means a Class B sign on which a sign face is illuminated with digital technology. This <i>section</i> shall apply to Class B (Point-of-Sale) signs only.</p> <p>(b) A DPSS shall conform to all sign size, placement, setback, and quantity limitations as provided elsewhere in this chapter and shall comply with all building code requirements.</p> <p>(c) Each DPSS shall comply with <u>Section 33-96</u> of this chapter.</p> <p>(d) A minimum of ten (10) acres gross improved land area shall be required for the placement of a DPSS.</p> <p>(e) With the exception of airports or seaports, the subject DPSS shall be located only on a major or minor roadway as depicted on the adopted Comprehensive Development Master Plan Land Use Plan map.</p> <p>(f) A detached DPSS shall be surrounded by a minimum of twenty-five (25) square feet of landscaped area. A plan indicating such landscape area shall be submitted to the Director at the time of building permit application.</p> <p>(g) The content of the DPSS shall be limited solely to the promotion of products or services offered on the premises. The only fixed message shall be the name of the company possessing a valid Certificate of Use for the subject premises.</p> <p>(h) A DPSS on which thirty (30) percent or less of the sign face is illuminated with digital technology shall not be subject to the minimum land area, landscaping, and</p>	<p>>>(a)<< [[Subject to the following mandatory conditions,]] Digital Point-of-Sale Sign[[s]] ("DPSS")[[;]] shall >><u>mean a Class B (Point of Sale) sign on which a sign face is illuminated with digital technology. This section shall apply only to DPSS. A DPSS shall</u><< be permitted [[in]]>>:</p> <p style="padding-left: 40px;">(1) <u>In</u><< BU and IU districts>>; or</p> <p style="padding-left: 40px;">(2) <u>For buildings or other structures intended for public assemblage, wherein provisions are made for 50 or more persons to assemble in one room or structure, including, without limitation, educational facilities, religious facilities</u><<, seaports, airports, sports stadiums, racetracks, and other similar uses>>.</p> <p>(b) <u>DPSS shall be subject to the following mandatory conditions</u><< [[as follows]]:</p> <p>[[<u>(a) A Digital Point-of-Sale Sign (DPSS) means a Class B sign on which a sign face is illuminated with digital technology. This section shall apply to Class B (Point of Sale) signs only.</u>]]</p> <p>(b)] >>(1)<< A DPSS shall conform to all sign size, placement, setback, and quantity limitations as provided elsewhere in this chapter and shall comply with all building code requirements.</p> <p>[[<u>(c)</u>]] >>(2)<< Each DPSS shall comply with <u>Section 33-96</u> of this chapter.</p> <p>[[<u>(d)</u>]] >>(3)<< A minimum of [[ten (10)]] >>10<< acres gross improved land area shall be required for the placement of a DPSS.</p> <p>[[<u>(e)</u>]] >>(4)<<With the exception of airports or seaports, the subject DPSS shall be located only on a major or minor roadway as depicted on the adopted</p>

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<p>roadway placement criteria set forth in subsections (d), (e), and (f) above.</p>	<p>Comprehensive Development Master Plan Land Use Plan map.</p> <p>[[(f)]] >>(5)<< A detached DPSS shall be surrounded by a minimum of [[twenty-five (25)]] >>25<< square feet of landscaped area. A plan indicating such landscape area shall be submitted to the Director at the time of building permit application.</p> <p>[[(g)]] >>(6)<< The content of the DPSS shall be limited solely to the promotion of products or services offered on the premises. The only fixed message shall be the name of the company possessing a valid Certificate of Use for the subject premises.</p> <p>[[(h)]] >>(7)<< A DPSS on which [[thirty (30)]] >>30<< percent or less of the sign face is illuminated with digital technology shall not be subject to the minimum land area, landscaping, and roadway placement criteria set forth in subsections [[(d), (e), and (f)]] >>(3), (4), and (5)<< above.</p>
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The table below shows the original Section 33-96 of the Code of Miami-Dade County and the proposed changes to this section of the Code stricken through, [[double bracketed]], and >>double arrowed<<.

Section 33-96 of the County Code	Proposed changes to Section 33-96 of the County Code
<p>(d) Variances.</p> <p>(2) <i>Area Variances.</i> Notwithstanding the foregoing, area variances from the requirements of <u>Section 33-96.1(b)</u>, (d), and (f), regarding sign size, setback, spacing, distance, quantity, minimum land area, and landscaping may be granted where the applicant demonstrates that the benefits to granting the area variance outweigh any detriments to the community. The Board shall consider the following factors in making this determination: (i) whether the area variance would create an undesirable change in the character of the neighborhood or a detriment to nearby properties; (ii) whether the benefit can be achieved by some other method; (iii) whether the area variance is substantial; (iv) whether the area variance will have an adverse effect on physical or environmental conditions in the neighborhood or district; and (v) whether the alleged difficulty was self-created,</p>	<p>(d) Variances.</p> <p>(2) <i>Area Variances.</i> Notwithstanding the foregoing, area variances from the requirements of <u>Section 33-96.1(b)</u>>>(1)<<, [[(d)]]>>3<<, and [[(f)]]>>5<<, regarding sign size, setback, spacing, distance, quantity, minimum land area, and landscaping may be granted where the applicant demonstrates that the benefits to granting the area variance outweigh any detriments to the community. The Board shall consider the following factors in making this determination: (i) whether the area variance would create an undesirable change in the character of the neighborhood or a detriment to nearby properties; (ii) whether the benefit can be achieved by some other method; (iii) whether the area variance is substantial; (iv) whether the area variance will have an adverse effect on physical or environmental conditions in the neighborhood or district; and (v) whether the alleged</p>

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provided that the existence of a self-created difficulty shall be relevant to a board's decision but shall not necessarily preclude the granting of the area variance. The applicant shall also demonstrate that granting the area variance maintains the basic intent and purpose of the zoning, subdivision, and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the area variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required for an area variance.

difficulty was self-created, provided that the existence of a self-created difficulty shall be relevant to a board's decision but shall not necessarily preclude the granting of the area variance. The applicant shall also demonstrate that granting the area variance maintains the basic intent and purpose of the zoning, subdivision, and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the area variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required for an area variance.

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**Item No. 1G2
File No. 181420**

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-1 AND 33-25.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING REGULATIONS PERTAINING TO HOME OFFICE USE; REDEFINING HOME OFFICE AS HOME OCCUPATION; PROVIDING CONDITIONS UNDER WHICH HOME OCCUPATIONS ARE ALLOWED IN RESIDENTIAL AREAS IN THE UNINCORPORATED AREA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 33-1 and 33-25.1 of the County Code to revise regulations pertaining to home office use, redefining home office as home occupation, providing conditions under which home occupations are allowed in residential areas in the unincorporated area, and make technical revisions.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Section 33-1 provides definitions for terms used, specifically for this item, it pertains to the term, “home office”.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIIICOR_CH33ZO_ARTIINGE_S33-1DE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH33ZO_ARTIINGE_S33-1DE)

Miami-Dade County Code Section 33-25.1 provides the regulations and guidance for “home offices”.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIIICOR_CH33ZO_ARTIINGE_S33-25.1HOOF](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH33ZO_ARTIINGE_S33-25.1HOOF)

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

Requester/Department: None

The proposed ordinance was adopted on first reading at the Board meeting on June 19, 2018; and set for public hearing before the Government Operations Committee meeting on July 16, 2018.

FISCAL IMPACT

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

ANALYSIS

The proposed ordinance amends Section 33-1 and Section 33-25.1 of the Code of Miami-Dade County to revise regulations and definitions pertaining to home office and its use; to provide conditions under which home occupations are allowed in residential areas in the unincorporated area; and to make technical revisions.

Section 33-1 of the County Code currently defines a home office as an office designed for and operated as a home occupation/office location in a dwelling unit. It precludes a business operation which requires or permits customers or patrons to visit the dwelling. It provides that the incidental taking of office work home and completing the same by a person having a business address other than the residence, shall not constitute the establishment of a home office and shall continue to be permitted in conjunction with a residential use without regard to provisions in Section 33-25.1 of the County Code.

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The proposed Ordinance amends Section 33-1 to update the current definition and regulations pertaining to home offices to provide a broader scope of activities authorized in the Comprehensive Development Master Plan (CDMP) for home occupations in residential properties and safeguarding residential communities.

The proposed Ordinance amends Section 33-25.1 to provide technical revisions and update the regulations to provide a broader scope of activities allowed for home occupations.

The purpose of regulating home office uses is to ensure that the residential character of neighborhoods is maintained. However, in recent years, an increasing number of people are working from home in flexible and evolving work environments. Accordingly, the change to the code is being requested to update the regulations to provide greater flexibility to home-based occupations, while still maintaining the residential character of neighborhoods.

The table below shows the original Section 33-1 of the Code of Miami-Dade County and the proposed changes to this section of the Code stricken through, [[double bracketed]], and >>double arrowed<<.

Section 33-1 of the County Code	Proposed changes to Section 33-1 of the County Code
<p>For the purpose of this chapter, the following definitions for terms used herein shall apply to all <i>sections</i> of this chapter unless the context clearly indicates otherwise:</p> <p style="text-align: center;">* * *</p> <p>Home office. An office designed for and operated as a home occupation/office location in a dwelling unit, and carried on by a person residing in the dwelling unit involving only written correspondence, telephones, computers, or other common office equipment, and which is clearly ancillary and secondary to the use of the dwelling for residential purposes. A home office shall preclude any business operation which requires or permits customers or patrons to visit the dwelling. The incidental taking of office work home and completing same, by a person having a business address other than the residence, shall not constitute the establishment of a home office and shall continue to be permitted in conjunction with a residential use without regard to the provisions of <u>Section 33-25.1</u> of this Code. It is further provided that an office use ancillary to a permitted, bona fide agricultural use shall not constitute a home office.</p>	<p>For the purpose of this chapter, the following definitions for terms used herein shall apply to all <i>sections</i> of this chapter unless the context clearly indicates otherwise:</p> <p style="text-align: center;">* * *</p> <p>Home [[office]]>>occupation<<. >>An occupation<< [[An office designed for and operated as a home occupation/office location in a dwelling unit, and]] carried on >>solely<< by [[a person residing in the]]>>the occupant or occupants of a<< dwelling unit [[involving only written correspondence, telephones, computers, or other common office equipment, and]] which is [[clearly]] ancillary and secondary to the use of the dwelling for residential purposes. [[A home office shall preclude any business operation which requires or permits customers or patrons to visit the dwelling. The incidental taking of office work home and completing same, by a person having a business address other than the residence, shall not constitute the establishment of a home office and shall continue to be permitted in conjunction with a residential use without regard to the provisions of Section 33-25.1 of this Code. It is further provided that an office use ancillary to a permitted, bona fide agricultural use shall not constitute a home office.]]</p>

The table below shows the original Section 33-25.1 of the Code of Miami-Dade County and the proposed changes to this section of the Code stricken through, [[double bracketed]], and >>double arrowed<<.

Section 33-25.1 of the County Code	Proposed changes to Section 33-25.1 of the County Code
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Sec. 33-25.1. Home office

(A) A home office shall be permitted as an ancillary use to all lawful residential uses subject to the following limitations:

1. The area of the dwelling unit devoted to a home office shall not exceed two hundred (200) square feet of the living area of the dwelling unit, including garages.
2. The home office shall not be conducted in any accessory building or other structure detached from the residence except that a home office may be allowed in the habitable space on the second floor of a detached garage on a rowhouse lot in the RU-RH district.
3. The home office use must be conducted by a member of the household residing in the dwelling unit, and no person shall be employed at any time in connection with the home office use who is not a member of the household residing in the dwelling unit except that a disabled individual may employ a personal care attendant as necessary to accommodate a home use office on the site by such individual.
4. No sign relating to the home office may be posted or displayed on the site and no vehicle with any sign displaying the home office use or home office residential address, which might serve to indicate that the dwelling unit is being used for a home office, may be located on the site.
5. No customer, vendee, client or other patron shall be served in person on the site, nor shall the home office use be conducted in any way which would necessitate the presence of suppliers or patrons on the site, with the exception of deliveries customary to residential use.
6. There shall be no display, manufacturing, distribution, or repair of any type of materials, merchandise or other products on the premises. Storage of such items shall be confined to the home office area.
7. There shall be no change in the outside residential character of the building or premises as a result of the

Sec. 33-25.1. Home ~~[[office]]~~>>occupation<<

(A) A home ~~[[office]]~~>>occupation<< shall be permitted as an ancillary use to all lawful residential uses subject to the following limitations:

1. >>Size. No more than 25 percent of the living area of the dwelling unit and garages, not to exceed 500 square feet, may be devoted to a home occupation.<<[[~~The area of the dwelling unit devoted to a home office shall not exceed two hundred (200) square feet of the living area of the dwelling unit, including garages.~~]]
2. >>Appearance. All onsite structure shall maintain a residential appearance and all occupational materials and activities shall occur indoors. There shall be no display, manufacturing, distribution, or repair of any type of materials, merchandise, or other products on the premises. Storage of occupational materials shall be confined to the home occupation area and shall not affect the residential appearance of the site.<<[[~~The home office shall not be conducted in any accessory building or other structure detached from the residence except that a home office may be allowed in the habitable space on the second floor of a detached garage on a rowhouse lot in the RU-RH district.~~]]
3. [[~~The home office use must be conducted by a member of the household residing in the dwelling unit, and no person shall be employed at any time in connection with the home office use who is not a member of the household residing in the dwelling unit~~]]>>Employees and independent contractors onsite. Employees and independent contractors onsite who are associated with the home occupation shall be limited solely to occupants,<< except that a disabled individual may employ a personal care attendant as necessary to accommodate a home ~~[[use office]]~~>>occupation<< on the site by such individual >>or such other reasonable accommodation necessary pursuant to federal law<<.
4. >>Signage.<< No sign relating to the home ~~[[office]]~~>>occupation<< may be posted or displayed on the site [[~~and no vehicle with any sign displaying the home office use or home office residential address, which~~

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<p>conduct of such home office use, or any visible evidence thereof.</p> <p>8. More than one (1) home office may be permitted at any one (1) time in a dwelling unit, provided that each such home office complies with each of the aforesaid requirements and further provided that the combined total square footage of all home office uses in the dwelling unit does not exceed the provisions of (1) above.</p> <p>9. An annually renewable certificate of use and occupancy shall be obtained for any home office.</p>	<p>might serve to indicate that the dwelling unit is being used for a home office, may be located on the site]].</p> <p>5. [[No customer, vendee, client or other patron shall be served in person on the site, nor shall the]] >> <u>Visitors.</u> The<< home [[office]] >> <u>occupation</u><< [[use]] >> <u>shall not</u><< be conducted in any way which would necessitate the presence of suppliers [[or patrons]] on the site, with the exception of deliveries customary to residential use.</p> <p>6. >> <u>Parking.</u> <u>All vehicles associated with the home occupation shall only be parked within a driveway or in a designated parking area on the subject property; or, where there is no such driveway or designated parking area, such vehicles shall only be parked on the street or swale directly in front of the subject property. No more than two vehicles associated with the home occupation shall be parked on the subject property or on the street or swale directly in front of the subject property at any one time. In addition, no commercial vehicles shall be parked or stored on the subject property or on the street in connection with the home occupation.</u><< [[There shall be no display, manufacturing, distribution, or repair of any type of materials, merchandise or other products on the premises. Storage of such items shall be confined to the home office area.]]</p> <p>7. >> <u>Sales.</u> <u>No products or goods may be sold on premises.</u><< [[There shall be no change in the outside residential character of the building or premises as a result of the conduct of such home office use, or any visible evidence thereof.]]</p> <p>8. >> <u>Multiple home occupations.</u><< More than one [[1]] home >> <u>occupation</u><< [[office]] may be permitted at any one [[1]] time in a dwelling unit, provided that each such home >> <u>occupation</u><< [[office]] complies with each of the aforesaid requirements and further provided that the combined total square footage of all home >> <u>occupation</u><< [[office]] uses in the dwelling unit does not exceed the provisions of >> <u>paragraph</u><< (1) above.</p> <p>9. >> <u>Noise.</u> <u>A home occupation shall produce no sound or vibration detectable at a distance greater than 100 feet from the residential structure. In addition, outdoor amplified sound relating to the home occupation shall</u></p>
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not be permitted at any time.<< [~~An annually renewable certificate of use and occupancy shall be obtained for any home office.~~]

>>10. *Traffic.* Vehicular traffic associated with the home occupation shall not exceed 45 percent above the average weekday trip generation for the residential use where the home occupation is located, per the Institute of Transportation Engineers (ITE) Trip Generation Manual.

11. *Certificate of Use.* An annually renewable certificate of use and occupancy shall be obtained for any home occupation.<<

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**Item No. 1G3
File No. 181421**

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-311, 33-314, 33-247, 33-255, AND 33-284.83 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING MINIMUM SPACING BETWEEN SELF-SERVICE MINI-WAREHOUSE STORAGE FACILITIES; REQUIRING SUCH FACILITIES TO BE VERTICALLY INTEGRATED WITH, SCREENED BY, OR LOCATED TO THE REAR OF HABITABLE SPACES IN URBAN CENTER ZONING DISTRICTS; REQUIRING APPLICATIONS FOR SUCH FACILITIES IN THE BU-1A AND URBAN CENTER ZONING DISTRICTS TO BE APPROVED AT PUBLIC HEARING BY THE BOARD OF COUNTY COMMISSIONERS; MAKING TECHNICAL REVISIONS TO HARMONIZE REQUIREMENTS FOR SELF-SERVICE MINI-WAREHOUSE STORAGE FACILITIES IN BU-1A AND BU-3 ZONING DISTRICTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Sections 33-311, 33-314, 33-247, 33-255, and 33-284.83 of the County Code to require minimum spacing between self-service mini-warehouse storage facilities; to require such facilities to be vertically integrated with, screened by, or located to the rear of habitable spaces in Urban Center Zoning Districts; to require applications for such facilities in the BU-1A and Urban Center Zoning Districts to be approved by the Board of County Commissioners at public hearing; and to make technical revisions.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Section 33-311 authorizes the Community Zoning Appeals Boards and Board of County Commissioners to consider and act upon applications, after first considering the written recommendations from the Director or Developmental Impact Committee and grants the Community Zoning Appeals Board and BCC the authority over various zoning applications except where the BCC has direct jurisdiction.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-311COZOAPBOUTDU

Miami-Dade County Code Section 33-314 provides that the County Commission has jurisdiction to directly hear various applications and appeals.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-314DIAPAPCOCO

Miami-Dade County Code Section 33-247 delineates land, body of water, and/or structure use in the BU-1A District.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXVLIBUDI_S33-247USPE

Miami-Dade County Code Section 33-255 delineates land, body of water, and/or structure use in the BU-3 District.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXVILIBUDI_S33-255.1RE

Miami-Dade County Code Section 33-284.83 delineates land, body of water, and structure use in the Urban Center (UC) and Urban Area (UA) Districts and outlines permitted uses in the R (Residential), RM (Residential Modified), MC (Mixed-Use Corridor, MM (Mixed-Use Main Street), MO (Mixed-Use Optional), MCS (Mixed-Use Special), MCI (Mixed-Use Industrial), ID (Industrial District and I (Institutional) Land Use Areas.

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https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXIII_K_STURCEDIRE_S33-284.83US

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

Requester/Department: None

The proposed ordinance was adopted on first reading at the Board meeting on June 19, 2018; and set for public hearing before the Government Operations Committee meeting on July 16, 2018.

FISCAL IMPACT

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

ANALYSIS

The proposed ordinance amends Sections 33-311, 33-314, 33-247, 33-255, and 33-284.83 of the County Code to require minimum spacing between self-service mini-warehouses storage facilities; to require such facilities to be integrated or located behind habitable spaces in Urban Center Zoning Districts; to require applications for such facilities to be approved at public hearing by the BCC, and to make technical revisions.

A self-service mini-warehouse storage facility is defined as a fully enclosed space used for warehousing that contains individual storage units not exceeding a certain size, and where business activity within individual storage units are prohibited. Under the current County Code, such facilities are permitted in the BU-3 zoning district and the Urban Center Zoning districts in the MCS and MCI categories.

Such facilities are considered to be passive commercial use and do not substantially contribute to commercial activity. The County wishes to generate more economic activity through more active mixed-use and retail uses in the commercial corridors.

The proposed Ordinance seeks to protect economic vitality of commercial and mixed-use corridors in unincorporated Miami-Dade and permit self-service mini-warehouse storage facilities in the BU-1A zoning district.

The table below shows the original Section 33-311 of the Code of Miami-Dade County and the proposed changes to this section of the Code stricken through, [[double bracketed]], and >>double arrowed<<.

Section 33-311 of the County Code	Proposed changes to Section 33-311 of the County Code
Sec. 33-311. Community Zoning Appeals Board – Authority and duties. (A) Except as otherwise provided by this chapter, the Community Zoning Appeals Boards and Board of County Commissioners shall have the authority and duty to consider and act upon applications, as hereinafter set forth, after first considering the written recommendations thereon of the Director or Developmental Impact Committee. Provided, however, no such action shall be	Sec. 33-311. Community Zoning Appeals Board – Authority and duties. (A) Except as otherwise provided by this chapter, the Community Zoning Appeals Boards and Board of County Commissioners shall have the authority and duty to consider and act upon applications, as hereinafter set forth, after first considering the written recommendations thereon of the Director or Developmental Impact Committee. Provided, however, no such action shall be

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taken until notice of time and place of the hearing at which the Community Zoning Appeals Boards will consider the application has been first published as provided in Section 33-310.2. The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County. The Community Zoning Appeals Board and Board of County Commissioners or any of their members may inspect the premises and area under consideration. The Community Zoning Appeals Boards shall have authority over the following zoning applications except where the Board of County Commissioners has direct jurisdiction.

* * *

(3) Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by

taken until notice of time and place of the hearing at which the Community Zoning Appeals Boards will consider the application has been first published as provided in Section 33-310.2. The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County. The Community Zoning Appeals Board and Board of County Commissioners or any of their members may inspect the premises and area under consideration. The Community Zoning Appeals Boards shall have authority over the following zoning applications except where the Board of County Commissioners has direct jurisdiction.

* * *

(3) Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for >>(i)<< public charter schools >>and (ii) approval of self-service mini-warehouse storage facilities as provided in section 33-314<<; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such

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private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

* * *

facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

* * *

The table below shows the original Section 33-314 of the Code of Miami-Dade County and the proposed changes to this section of the Code stricken through, [[double bracketed]], and >>double arrowed<<.

Section 33-314 of the County Code	Proposed changes to Section 33-314 of the County Code
Sec. 33-314. Direct applications and appeals to the County Commission. <p style="text-align: center;">* * *</p> <p>(C) The County Commission shall have jurisdiction to directly hear other applications as follows:</p> <p style="text-align: center;">* * *</p>	Sec. 33-314. Direct applications and appeals to the County Commission. <p style="text-align: center;">* * *</p> <p>(C) The County Commission shall have jurisdiction to directly hear other applications as follows:</p> <p style="text-align: center;">* * *</p> <p>>>(20) <u>Applications for approval of self-service mini-warehouse storage facilities</u><<</p> <p style="text-align: center;">* * *</p>

The table below shows the original Section 33-247 of the Code of Miami-Dade County and the proposed changes to this section of the Code stricken through, [[double bracketed]], and >>double arrowed<<.

Section 33-247 of the County Code	Proposed changes to Section 33-247 of the County Code
Sec. 33-247. Uses permitted. <p>No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, maintained or occupied for any purpose in any BU-1A District, except for one (1) or more of the following uses:</p>	Sec. 33-247. Uses permitted. <p>No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, maintained or occupied for any purpose in any BU-1A District, except for one (1) or more of the following uses:</p>

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<p style="text-align: center;">* * *</p> <p>(38) Self-service storage facility. Use will only be permitted upon the submission of a site plan which shall be approved at public hearing. "Self-service storage facility" shall be defined as a fully enclosed space used for warehousing which contains individual storage units with floor area no greater than four hundred (400) square feet and an interior height not to exceed twelve (12) feet. No wholesale or retail sales are permitted.</p> <p style="text-align: center;">* * *</p> <p>(46) Rentals of trucks other than light trucks are allowed in conjunction with and ancillary to self-storage facilities, providing the following conditions are met in addition to those specified in sub-articles (4)(a) and (4)(c)—(f) above:</p> <p>(i) That a decorative masonry wall at least eight (8) feet in height shall enclose the vehicle storage area and repair area. The placement of said wall and openings through same shall comply with the requirements contained elsewhere in this article. Prior to the granting of any building permit for such wall, the permit applicant shall post with the director a bond in the amount of two thousand five hundred dollars (\$2,500.00) to provide for the costs of removal of graffiti from the wall by the department as provided in <u>Section 21-30.1(d)(6)</u>, Code of Miami-Dade County, as amended, should the applicant fail after notice to remove such graffiti.</p> <p>(ii) There shall be a landscaped buffer between the masonry wall and any abutting roads which may be a hedge, and/or trees at least forty-eight (48) inches high at the time of planting, or other reasonable landscape plans acceptable to the department.</p> <p>(iii) That there be no rental of any truck having a net vehicle weight exceeding twelve thousand six hundred pounds (12,600) pounds.</p> <p>(iv) That for each one hundred (100) self-storage units there shall be no more than one (1) rental truck stored, e.g., 1—100 units: 1 rental truck; 101—200 units; 2</p>	<p style="text-align: center;">* * *</p> <p>(38) >><u>Self-service mini-warehouse storage facility only upon approval at public hearing and in accordance with the conditions set forth in section 33-255 of the code.</u><< [[Self-service storage facility. Use will only be permitted upon the submission of a site plan which shall be approved at public hearing. "Self-service storage facility" shall be defined as a fully enclosed space used for warehousing which contains individual storage units with floor area no greater than four hundred (400) square feet and an interior height not to exceed twelve (12) feet. No wholesale or retail sales are permitted.]]</p> <p style="text-align: center;">* * *</p> <p>[[(46) Rentals of trucks other than light trucks are allowed in conjunction with and ancillary to self-storage facilities, providing the following conditions are met in addition to those specified in sub-articles (4)(a) and (4)(c)—(f) above:</p> <p>(i) That a decorative masonry wall at least eight (8) feet in height shall enclose the vehicle storage area and repair area. The placement of said wall and openings through same shall comply with the requirements contained elsewhere in this article. Prior to the granting of any building permit for such wall, the permit applicant shall post with the director a bond in the amount of two thousand five hundred dollars (\$2,500.00) to provide for the costs of removal of graffiti from the wall by the department as provided in <u>Section 21-30.1(d)(6)</u>, Code of Miami-Dade County, as amended, should the applicant fail after notice to remove such graffiti.</p> <p>(ii) There shall be a landscaped buffer between the masonry wall and any abutting roads which may be a hedge, and/or trees at least forty-eight (48) inches high at the time of planting, or other reasonable landscape plans acceptable to the department.</p> <p>(iii) That there be no rental of any truck having a net vehicle weight exceeding twelve thousand six hundred pounds (12,600) pounds.</p>
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rental trucks, etc.; provided however, no more than eight (8) rental trucks may be stored on the premises.

(v) That no building in the area enclosed by the wall shall exceed two (2) stories in height.

(vi) That no loading or unloading of trucks is permitted outside the enclosed area and all trucks must be stored inside the enclosed area at all times.

(vii) That there shall be no repairs or maintenance work on vehicles on the premises of the self-storage facility.

(viii) That the area of self-storage facilities be not less than 2.5 acres.

~~(iv) That for each one hundred (100) self storage units there shall be no more than one (1) rental truck stored; e.g., 1—100 units: 1 rental truck; 101—200 units; 2 rental trucks, etc.; provided however, no more than eight (8) rental trucks may be stored on the premises.~~

~~(v) That no building in the area enclosed by the wall shall exceed two (2) stories in height.~~

~~(vi) That no loading or unloading of trucks is permitted outside the enclosed area and all trucks must be stored inside the enclosed area at all times.~~

~~(vii) That there shall be no repairs or maintenance work on vehicles on the premises of the self storage facility.~~

~~(viii) That the area of self storage facilities be not less than 2.5 acres.]]~~

The table below shows the original Section 33-255 of the Code of Miami-Dade County and the proposed changes to this section of the Code stricken through, [[double bracketed]], and >>double arrowed<<.

Section 33-255 of the County Code	Proposed changes to Section 33-255 of the County Code
<p>Sec. 33-255. Uses permitted.</p> <p>No land, body of water and/or structure in the BU-3 District shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, arranged or intended to be used, occupied or maintained for any purpose, unless otherwise provided for, excepting for one (1) or more of the following uses:</p> <p style="text-align: center;">* * *</p> <p>(23.1) Self-service mini-warehouse storage facility. "Self-service mini-warehouse storage facility" shall be defined as a fully enclosed space used for warehousing which contains individual storage units with floor area no greater than four hundred (400) square feet and an interior height not to exceed twelve (12) feet. No business or business activity, and no wholesale or retail sales are permitted in an individual storage area within a self-service mini-warehouse storage facility.</p>	<p>Sec. 33-255. Uses permitted.</p> <p>No land, body of water and/or structure in the BU-3 District shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, arranged or intended to be used, occupied or maintained for any purpose, unless otherwise provided for, excepting for one (1) or more of the following uses:</p> <p style="text-align: center;">* * *</p> <p>(23.1) Self-service mini-warehouse storage facility. "Self-service mini-warehouse storage facility" shall be defined as a fully enclosed space used for warehousing which contains individual storage units [[with floor area no greater than four hundred (400) square feet and an interior height not to exceed twelve (12) feet]]. >><u>This use shall only be permitted subject to the following conditions:</u></p>

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(a) Ancillary rentals of trucks other than light trucks are permitted in conjunction with a self-service mini-warehouse storage facility, providing such facility is situated on a site containing not less than 2.5 acres gross, subject to compliance with the following requirements:

* * *

(b) Ancillary storage of recreational vehicles and boats is permitted in conjunction with a self-service mini-warehouse storage facility, subject to compliance with the following requirements:

* * *

(a) Each individual storage unit shall have a floor area no greater than 400 square feet and an interior height not to exceed 12 feet.

(b) No such facility shall be located less than 2,500 feet from any other such facility, measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use.

(c)<< No business or business activity, and no wholesale or retail sales are permitted in an individual storage area within a self-service mini-warehouse storage facility.

>>(d)<< [[(a)]] Ancillary rentals of trucks other than light trucks are permitted in conjunction with a self-service mini-warehouse storage facility, providing such facility is situated on a site containing not less than 2.5 acres gross, subject to compliance with the following requirements:

* * *

>>(e)<< [[(b)]] Ancillary storage of recreational vehicles and boats is permitted in conjunction with a self-service mini-warehouse storage facility, subject to compliance with the following requirements:

* * *

The table below shows the original Section 33-284.33 of the Code of Miami-Dade County and the proposed changes to this section of the Code stricken through, [[double bracketed]], and >>double arrowed<<.

Section 33-284.83 of the County Code	Proposed changes to Section 33-284.83 of the County Code
<p>Sec. 33-248.83. Uses.</p> <p>No land, body of water, or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, structurally altered, or maintained for any purpose in the Urban Center (UC) or Urban Area (UA) Districts, except as provided in this article. The uses delineated herein shall be permitted only in compliance with the Regulating Plans and standards provided in this article. The following regulations outline permitted uses in the R</p>	<p>Sec. 33-248.83. Uses.</p> <p>No land, body of water, or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, structurally altered, or maintained for any purpose in the Urban Center (UC) or Urban Area (UA) Districts, except as provided in this article. The uses delineated herein shall be permitted only in compliance with the Regulating Plans and standards provided in this article. The following regulations outline permitted uses in the R</p>

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(Residential), RM (Residential Modified), MC (Mixed-Use Corridor), MM (Mixed-Use Main Street), MO (Mixed-Use Optional), MCS (Mixed-Use Special), MCI (Mixed-Use Industrial), ID (Industrial District) and I (Institutional) Land Use Areas.

* * *

C. Table of Permitted Uses. Unless the regulations for a specific urban center district provide otherwise, the Land Use Groups in paragraph (B) of this *section* shall be permitted in the R (Residential), RM (Residential Modified), MC (Mixed-Use Corridor), MM (Mixed-Use Main Street), MO (Mixed-Use Optional), MCS (Mixed-Use Special), MCI (Mixed-Use Industrial), ID (Industrial District) and I (Institutional) land use categories in accordance with the following table:

accordance with the following table:

LAND USE GROUP	LAND USE CATEGORY								
	R [3][4]	RM [3][4]	MC [1][3]	MM [1][3]	MO [1][3]	MCS [1][3]	MCI [1][3]	ID	I

* * *

[#] Footnote (as provided below)

Footnotes:

1. The vertical integration of uses shall be required in the MM category and shall be encouraged in the MC, MO, MCS, and MCI categories. When residential uses are provided in the MM category, uses other than residential shall be required on the first floor.

* * *

(Residential), RM (Residential Modified), MC (Mixed-Use Corridor), MM (Mixed-Use Main Street), MO (Mixed-Use Optional), MCS (Mixed-Use Special), MCI (Mixed-Use Industrial), ID (Industrial District) and I (Institutional) Land Use Areas.

* * *

C. Table of Permitted Uses. Unless the regulations for a specific urban center district provide otherwise, the Land Use Groups in paragraph (B) of this *section* shall be permitted in the R (Residential), RM (Residential Modified), MC (Mixed-Use Corridor), MM (Mixed-Use Main Street), MO (Mixed-Use Optional), MCS (Mixed-Use Special), MCI (Mixed-Use Industrial), ID (Industrial District) and I (Institutional) land use categories in accordance with the following table:

accordance with the following table:

LAND USE GROUP	LAND USE CATEGORY								
	R [3][4]	RM [3][4]	MC [1][3]	MM [1][3]	MO [1][3]	MCS [1][3]	MCI [1][3]	ID	I

* * *

[#] Footnote (as provided below)

Footnotes:

1. The vertical integration of uses shall be required in the MM category and shall be encouraged in the MC, MO, MCS, and MCI categories. When residential uses are provided in the MM category, uses other than residential shall be required on the first floor. >>Self-service mini-warehouse storage facilities located in the MCS and MCI categories shall only be permitted upon approval at public hearing and when vertically integrated with, screened by, or located to the rear of habitable space, as defined in section 33-284.82, and shall only be established in accordance with the conditions set forth in section 33-255.<<* * *

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**Item No. 1G4
File No. 181433**

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING STANDARDS FOR EXTERIOR PAINT COLORS FOR CERTAIN BUILDINGS; DELETING REFERRAL OF INTERPRETATION QUESTIONS TO ZONING BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Sections 33-5 of the County Code to create standards for exterior paint colors for certain buildings; delete referral of interpretation questions to zoning board; and make technical revisions.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Section 33-5 states that all buildings constructed shall be of an architectural style and color that harmonizes with the premises and other buildings in the same neighborhood; and all questions in regards to this matter shall be referred to the appropriate zoning board for recommendation.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIICOOR CH33ZO ARTIINGE S33-5ARSTCO](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTIINGE_S33-5ARSTCO)

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Javier D. Souto, District 10

Requester/Department: None

The proposed ordinance was adopted on first reading at the Board meeting on June 19, 2018 and set for public hearing before the Government Operations Committee meeting on July 16, 2018.

FISCAL IMPACT

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

ANALYSIS

The proposed Ordinance seeks to amend Section 33-5 of the County Code to create standards for exterior paint colors for certain buildings, delete referral of interpretation questions to the zoning board, and to make technical revisions.

The proposed Ordinance seeks to protect the aesthetics of residential neighborhoods in unincorporated Miami-Dade County through creating measurable, specific standards for exterior paint color in residential single-family and duplex properties. Section 33-5 of the County Code is also being revised so that matters of interpretation are made by the department director and are subject to Board appeal. Such process is the same as other zoning code interpretations.

The table below shows the original Section 33-5 of the Code of Miami-Dade County and the proposed changes to this section of the Code stricken through, [[double bracketed]], and >>double arrowed<<.

Section 33-5 of the County Code	Proposed changes to Section 33-5 of the County Code
Sec. 33-5. – Architectural style and color.	Sec. 33-5. – Architectural style and color.

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All buildings constructed shall be of an *architectural style and color* which will harmonize with the premises *and* with other buildings in the same neighborhood. All questions raised on this subject shall be referred to the appropriate zoning board for recommendation.

>>(a)<< All buildings constructed shall be of an *architectural style and color* which will harmonize with the premises *and* with other buildings in the same neighborhood. ~~[[All questions raised on this subject shall be referred to the appropriate zoning board for recommendation.]]~~

>>(b) For single-family or two-family residential buildings, accessory buildings, and ancillary buildings, the paint on the exterior of such buildings shall conform to the following requirements:

- (1) Each exterior wall of a single-family or two-family residential, accessory, or ancillary building shall be painted in a single color.
- (2) Paint on doors, door frames, window and screen frames, sills, lintels, shutters, fascias, soffits, trellises, and other small decorative elements may be a different color than the exterior wall, provided that each aforementioned element, if painted, is painted in a single color.
- (3) There shall be no more than four paint colors on the exterior of each building.
- (4) Architectural features such as stone, brick, or textured walls that complement the building's style or are characteristics of the building's architectural style shall not be subject to these limitations, provided such features are not painted. Ornamental tiles that complement the building's style or are characteristic of the building's architectural style shall not be subject to these limitations, provided such tiles do not cover more than 20 percent of the total exterior surface of the building.<<

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Item No. 3C

File No. 181666

Researcher: MF Reviewer: TD

RESOLUTION APPROVING SELECTION OF BANC OF AMERICA PUBLIC CAPITAL CORPORATION ("BAPCC") TO PROVIDE CAPITAL IN AN AMOUNT NOT TO EXCEED \$120,000,000.00 FOR LEASE/PURCHASE OF VEHICLES AND EQUIPMENT AND TO PAY FINANCING COSTS TO BE UTILIZED BY MULTIPLE MIAMI-DADE COUNTY DEPARTMENTS; APPROVING TERMS OF RELATED COMMITMENT LETTER; WAIVING PROVISIONS OF RESOLUTION NO. R-130-06, AS AMENDED AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO CONSUMMATE THE LEASE/PURCHASE INCLUDING ENTERING INTO RELATED AGREEMENTS AND DOCUMENTS WITH TERMS CONSISTENT WITH THOSE SET FORTH IN THE COMMITMENT LETTER

ISSUE/REQUESTED ACTION

Whether the Board should approve the selection of Banc of America Public Capital Corporation to provide capital in an amount not to exceed \$120,000,000.00 over a two-year period for the lease/purchase of vehicles and equipment and to pay financing costs to be utilized by multiple Miami-Dade County Departments; reimburse the operating funds that were used to purchase vehicles and equipment for the FY 2016-17 and 2017-18 adopted budgets; and waive Resolution No. R-130-06, which requires that any contracts of the County with third parties be executed and finalized prior to their placement on an agenda for Board consideration.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Miami-Dade County Code requires formal sealed bids for purchases over \$250,000; describes the circumstances under which competitive bidding may be waived; establishes requirements for legacy purchases, designated purchases, and provides that procurement procedures shall be established via an Implementing Order.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Implementing Order No. 3-38 governs the County's processes for the purchase of goods and services including professional services. It establishes the roles and responsibilities of the Internal Services Department, methods of purchasing goods and services, and the authority to award contracts. It contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

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

Miami-Dade County Code, Section 2-8.4 governs any protest made by a participant in any competitive process utilized for selection of a person or other entity to construct any public improvement, to provide any supplies, materials or services, or to lease any County property.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.4

Resolution No. R-325-18, adopted on April 10, 2018, delegates contracting authority to the County Mayor to award, access, and modify competitively solicited contracts to purchase police vehicles, fire trucks, mobile equipment and other light and heavy fleet vehicles in an aggregate amount not to exceed \$80,480,706.00 for Fiscal Year 2017-18, subject to ratification by the Board on a bi-annual basis.

<http://intra/gia/matter.asp?matter=181175&file=false&yearFolder=Y2018>

Resolution No. R-130-06, adopted on January 24, 2006, amended Resolution No. R-1198-05 to clarify that proposed agenda items seeking approval of a contract or conveyance and authority to execute same shall not be placed on any committee or

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commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-County parties.

<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Finance Department

The proposed resolution has no procedural history.

FISCAL IMPACT

According to the Fiscal Impact Statement, the amount to be financed to fund the vehicle/equipment purchases and related costs will not exceed \$120,000 over a two-year period.

ANALYSIS

The proposed resolution seeks the Board's approval of the selection of Banc of America Public Capital Corporation to provide capital in an amount not to exceed \$120,000,000.00 for the lease/purchase of vehicles and equipment and to pay financing costs to be utilized by multiple Miami-Dade County Departments. It also seeks to reimburse the operating funds that were used to purchase vehicles and equipment for the FY 2016-17 and 2017-18 adopted budgets; and to waive Resolution No. R-130-06, which requires that any contracts of the County with third parties be executed and finalized prior to their placement on an agenda for Board consideration.

On April 10, 2018, the Board adopted Resolution No. R-325-18, which delegated contracting authority to the County Mayor to award, access, and modify competitively solicited contracts to purchase police vehicles, fire trucks, mobile equipment and other light and heavy fleet vehicles in an aggregate amount not to exceed \$80,480,706.00 for Fiscal Year 2017-18, subject to ratification by the Board on a bi-annual basis.

The County has a fleet of approximately 11,068 vehicles, a quarter of which have over 100,000 miles. These aging vehicles cost the County significantly more to maintain than the newer vehicles. As a part of the Budget process, all County departments prepare a Proposed Five-year replacement plan which is reviewed by the Internal Services Department's Fleet Management Division and the Office of Management and Budget. This plan is reviewed on an annual basis and updated accordingly as part of the budget development process and subject to available resources. As part of this fleet replacement initiative, all vehicles requested are reviewed to be strategic, operationally necessary and economically sound; moreover, environmentally conscious technologies will be utilized where practical. During this review process, changes are frequently made to the plan that remains static until finalized.

The following are the forecasted fleet replacement plans for the Aviation, Miami-Dade Police, the Water and Sewer, and the Miami-Dade Fire Rescue Departments for Fiscal Year 2017-18:

Department	Cost	Number	Finan Purchases	Number	Cash Purchases	Number	Grants
Aviation	\$10,000,000	161			\$10,000,000	161	
MDPD	\$10,420,000	472	\$10,400,000	471			\$20,000 1
Water and Sewer	\$33,499,000	433			\$33,499,000	433	
MDFR	\$16,525,000	100	\$14,200,000	21	\$ 2,325,000	79	

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On May 4, 2018 the County issued a Request for Proposals to the banking and financial industry to finance the cost of the lease/purchase and reimbursement of budgeted vehicles and equipment for various departments and agencies. The vehicles and/or equipment to be leased/purchased were those that were approved by the Board when it adopted the Fiscal Year 2016-17 and 2017-18 budgets and any subsequent vehicle and/or equipment lease/purchase approved by the Board in subsequent fiscal years.

On May 18, 2018, Public Financial Management (PFM), which is serving as financial advisor to the County, received five proposals from major banking institutions. The County and Public Financial Management selected the proposals received from the Banc of America Public Capital Corporation (BAPCC) as conforming the most closely to the requirements of the solicitation, and as having the most favorable interest rates and terms and conditions.

According to the Fiscal Impact Statement, the interest rates offered by BAPCC are locked in until August 8, 2018, which is the expected closing date of the financing. BCPCC will provide an upfront escrow structure to allow them to fund and control escrow and distribute funding upon requisition from the County and delivery of the vehicles/equipment. There will be no fees associated with the committed but unissued lease amount; and there will be no up-front bank charges, underwriting fees, or payment processing fees associated with the escrow. The departments will hold title to the vehicles upon delivery, acceptance and payment to the vehicle vendor.

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Internal Services Department, to which the following answers were received:

1. What are the current contracts in place to purchase police vehicles, fire trucks, mobile equipment and other light and heavy fleet? **Below is a list of contracts that may be used for purchase of vehicles, truck, heavy and light fleet as contemplated in this agenda item. Staff may identify additional contracts through market research to obtain the best value or advertise a new solicitation if the needs cannot be met with existing contracts.**

No.	BID No.	Contract Title
1	FSA17-VEL25.0	POLICE RATED, ADMIN, UTILITY VEHICLES, TRUCKS, VAN
2	FSA17-VEH15.0	CAB & CHASSIS TRUCKS AND OTHER FLEET EQUIPMENT
3	FSA16-VEF12.0	FIRE RESCUE VEHICLES & OTHER EQUIPMENT
4	8193-0/12	AUTOMOTIVE VEHICLES - PREQUALIFICATION
5	3708	VEHICLES , TRAILERS AND EQUIPMENT
6	3921	LIGHT DUTY VEHICLES, INCLUDING ASSOCIATED ACCESSORIES AND EQUIPMENT
7	7855-4/15-4	SPECIAL PURPOSE TRUCKS-PREQUALIFICATION
8	8535-5/13-5	VAR.OFF-ROAD,LANDFILL,HVY EQUIP-PREQUAL
9	011714-RSD 011714-RMN	FIRE TRUCKS AND FIRE APPARATUS WITH RELATED ACCESSORIES AND SUPPLIES
10	090512-VTH	EMERGENCY RESPONSE VEHICLES TOGETHER WITH RELATED EQUIPMENT, ACCESSORIES, AND SUPPLIES

GOC Meeting: July 16, 2018
Research Notes

11	122017-SCA 122017-AMI 122017-FSC	SEWER VACUUM, HYDRO-EXCAVATION, AND STREET SWEEPER EQUIPMENT, WITH RELATED ACCESSORIES AND SUPPLIES
12	25101600-16-1	MEDIUM AND HEAVY TRUCKS
13	25100000-18-1	MOTOR VEHICLES

2. Who reviews and approves the five-year plans? As a part of the Budget process, all County departments prepare a **Proposed Five-year replacement plan** which is reviewed by the Internal Services Department's Fleet Management Division and the Office of Management and Budget. This plan is reviewed on an annual basis and updated accordingly as part of the budget development process and subject to available resources. As part of this fleet replacement initiative, all vehicles requested are reviewed to be strategic, operationally necessary and economically sound; moreover, environmentally conscious technologies will be utilized where practical. During this review process, changes are frequently made to the plan that remains static until finalized.

Departments are also required to prepare and submit a "Vehicle Request Form" which is approved by the respective Department Directors, the Office of Management and Budget, and the Office of the Mayor. Once approved, the forms are submitted to the Internal Services Department's Fleet Management Division for coordination of the vehicle purchases with the Internal Services Department's Procurement Management.

3. Please send us a copy, if available, of the value of planned purchases per year per department under the five-year plans.

FY2017-18 Forecatcd Fleet Replacement Plan								
Department	Cost of Vehicles	Number of Vehicles	Financed Purchases		Cash Purchases		GRANTS	
			Dollar Amount	Qty of Vehicles	Dollar Amount	Qty of Vehicles	Dollar Amount	Qty of Vehicles
Animal Services	\$ 364,000	8	\$ 364,000	8	\$ -	-	\$ -	-
Aviation	\$ 10,000,000	161	\$ -	-	\$ 10,000,000	161	\$ -	-
Seaport	\$ 332,000	20	\$ -	-	\$ 332,000	20	\$ -	-
DTPW	\$ 7,812,000	113	\$ 3,491,000	33	\$ 3,461,000	32	\$ 856,000	28
MDPD	\$ 10,420,000	472	\$ 10,400,000	471	\$ -	-	\$ 20,000	1
MDCR	\$ 1,073,000	40	\$ 1,073,000	40	\$ -	-	\$ -	-
PROS	\$ 991,000	12	\$ 357,000	4	\$ 634,000	8	\$ -	-
Elections	\$ 67,000	3	\$ 67,000	3	\$ -	-	\$ -	-
Communications	\$ 29,000	1	\$ 29,000	1	\$ -	-	\$ -	-
WASD	\$ 33,499,000	433	\$ -	-	\$ 33,499,000	433	\$ -	-
MDFR	\$ 16,525,000	100	\$ 14,200,000	21	\$ 2,325,000	79	\$ -	-
DSWM	\$ 22,375,000	134	\$ 22,375,000	134	\$ -	-	\$ -	-
CUA	\$ 114,000	3	\$ 61,000	2	\$ 53,000	1	\$ -	-
JSD	\$ 60,000	2	\$ 60,000	2	\$ -	-	\$ -	-
ME	\$ 288,000	6	\$ 288,000	6	\$ -	-	\$ -	-
RER	\$ 1,803,000	89	\$ -	-	\$ 1,803,000	89	\$ -	-
BCC	\$ 150,000	6	\$ 150,000	6	\$ -	-	\$ -	-
ISD	\$ 1,368,000	41	\$ 1,368,000	41	\$ -	-	\$ -	-
ITD	\$ 115,000	5	\$ 115,000	5	\$ -	-	\$ -	-
Library	\$ 204,000	4	\$ -	-	\$ 204,000	4	\$ -	-
COC	\$ 70,000	3	\$ -	-	\$ 70,000	3	\$ -	-
JA	\$ 30,000	1	\$ 30,000	1	\$ -	-	\$ -	-
CAHSD	\$ -	-	\$ -	-	\$ -	-	\$ -	-
PA	\$ 69,000	2	\$ 69,000	4	\$ -	-	\$ -	-
PHCD	\$ 734,000	27	\$ -	-	\$ 734,000	27	\$ -	-
Total	\$ 108,712,000	1,686	\$ 54,497,000	802	\$ 53,335,000	857	\$ 876,000	29

**GOC Meeting: July 16, 2018
Research Notes**

FY2018-19 Proposed Fleet Replacement Plan

Department	Cost of Vehicles	Number of Vehicles	Financed Purchases		Cash Purchases		GRANTS	
			Dollar Amount	Qty of Vehicles	Dollar Amount	Qty of Vehicles	Dollar Amount	Qty of Vehicles
Animal Services	\$ 340,000	10	\$ 340,000	10	\$ -	-	\$ -	-
Aviation	\$ 5,681,000	80	\$ -	-	\$ 5,681,000	80	\$ -	-
Seaport	\$ 271,000	10	\$ -	-	\$ 271,000	10	\$ -	-
DTPW	\$ 3,474,000	126	\$ 1,436,000	34	\$ 1,425,000	3	\$ -	-
MDPD	\$ 10,700,000	484	\$ 10,700,000	484	\$ -	-	\$ -	-
MDCR	\$ -	-	\$ -	-	\$ -	-	\$ -	-
PROS	\$ 3,763,000	127	\$ 3,763,000	127	\$ -	-	\$ -	-
Elections	\$ -	-	\$ -	-	\$ -	-	\$ -	-
Communications	\$ -	-	\$ -	-	\$ -	-	\$ -	-
WASD	\$ 16,871,000	306	\$ -	-	\$ 16,871,000	306	\$ -	-
MDFR	\$ 5,825,000	89	\$ 3,500,000	10	\$ 2,325,000	79	\$ -	-
DSWM	\$ 18,883,000	120	\$ 18,883,000	120	\$ -	-	\$ -	-
CUA	\$ -	-	\$ -	-	\$ -	-	\$ -	-
JSD	\$ -	-	\$ -	-	\$ -	-	\$ -	-
ME	\$ 42,000	1	\$ 42,000	1	\$ -	-	\$ -	-
RER	\$ 880,000	39	\$ -	-	\$ 880,000	39	\$ -	-
BCC	\$ 150,000	6	\$ 150,000	6	\$ -	-	\$ -	-
ISD	\$ 1,905,000	41	\$ 1,905,000	41	\$ -	-	\$ -	-
ITD	\$ 232,000	10	\$ 232,000	10	\$ -	-	\$ -	-
Library	\$ 205,000	5	\$ -	-	\$ 205,000	5	\$ -	-
COC	\$ 130,000	4	\$ -	-	\$ 130,000	4	\$ -	-
JA	\$ 25,000	1	\$ -	-	\$ 25,000	1	\$ -	-
CAHSD	\$ 163,000	6	\$ -	-	\$ 163,000	6	\$ -	-
PA	\$ 69,000	2	\$ 69,000	4	\$ -	-	\$ -	-
PHCD	\$ -	-	\$ -	-	\$ -	-	\$ -	-
Total	\$ 71,609,000	1,467	\$ 41,020,000	847	\$ 27,976,000	535	\$ -	-
Total			\$ 95,517,000	1,649	\$ 81,311,000	1,392	\$ 876,000	\$ 29

4. What is the criteria used for fleet replacement? **Vehicle replacement guidelines are governed under Administrative Order 6-2 and Procedure Number 803 which delineate guidelines as follows:**

“The minimum expected service life for general application gasoline powered light equipment is 100,000 operating miles, irrespective of the age or model year of the vehicle, and many vehicles will operate further in a highly cost effective manner. As vehicles approach this usage level, they will receive appropriate scrutiny at scheduled PM’s to assure they are in safe and proper operating condition. Vehicles that are in need of repairs that may not be economical to perform will receive a retirement/replacement recommendation from the service facility performing the PM.

Diesel engine powered light equipment has an expected minimum service life of 150,000 miles of operation and is treated similarly in other respects.

Heavy equipment has different parameters for determining aging, including application usage, operated annual hours, and estimated remaining body function life, among other parameters.”

**GOC Meeting: July 16, 2018
Research Notes**

**Item No. 3D
File No. 181555**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING AWARD OF A LEASE AGREEMENT WITH BREAD PARTNERS HOLDING, INC., D/B/A AU BON PAIN, WITH A POSITIVE FISCAL IMPACT TO THE COUNTY OF AT LEAST \$558,000.00 FOR THE INITIAL TERM OF FIVE YEARS AND SIX MONTHS, PLUS THE TWO, FIVE-YEAR RENEWAL TERMS FOR THE OPERATION AND MAINTENANCE OF A RESTAURANT AT THE OVERTOWN TRANSIT VILLAGE TOWERS; AND AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE SAME AND EXERCISE ALL RIGHTS CONTAINED IN THE LEASE AGREEMENT, INCLUDING RENEWAL AND EXTENSION OPTIONS; DIRECTING THE COUNTY MAYOR OR DESIGNEE TO PROVIDE TO THE PROPERTY APPRAISER'S OFFICE, WITHIN 30 DAYS OF ITS EXECUTION, A COPY OF THE LEASE AGREEMENT

ISSUE/REQUESTED ACTION

Whether the Board should award a lease agreement with Bread Partners Holding, Inc., d/b/a Au Bon Pain, with a positive fiscal impact to the County of at least \$558,000.00 for the initial term of five years and six months, plus the two, five-year renewal terms for the operation and maintenance of a restaurant at the Overtown Transit Village Towers.

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Section 125.35, provides that "[t]he Board of County Commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the County, whenever the Board determines that it is to the best interest of the County to do so, to the highest and best bidder for the particular use the b=Board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine."

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/Sections/0125.35.html

Miami-Dade County Code, Section 2-8.1, requires formal sealed bids for purchases over \$250,000; describes the circumstances under which competitive bidding may be waived; establishes requirements for legacy purchases, designated purchases, and provides that procurement procedures shall be established via an Implementing Order.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Implementing Order No. 3-38 governs the County's processes for the purchase of goods and services including professional services. It establishes the roles and responsibilities of the Internal Services Department, methods of purchasing goods and services, and the authority to award contracts. It contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

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

Resolution 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/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution No. R-791-14, adopted by the Board on September 3, 2014, directs the Mayor or Mayor's designee to provide the Miami-Dade County Property Appraiser a copy of all leases and operating agreements involving County-owned property.

<http://intra/gia/matter.asp?matter=141723&file=true&yearFolder=Y2014>

**GOC Meeting: July 16, 2018
Research Notes**

PROCEDURAL HISTORY

Prime Sponsor: Audrey M. Edmonson, District 3

Department/Requester: Internal Services

The proposed resolution has no procedural history.

FISCAL IMPACT

According to the Fiscal Impact Statement, the estimated revenue generated for the County will be \$198,000 for the initial five-year-and-six-month term. If the County chooses to exercise the two, five-year option to renew terms, the total estimated revenue to the County would be \$558,000. The previous lease of this space generated \$205,263 in rental revenue during the 10-year terms.

ANALYSIS

The proposed resolution requests the Board to award a lease agreement with Bread Partners Holding, Inc., d/b/a Au Bon Pain, with a positive fiscal impact to the County of at least \$558,000.00 for the initial term of five years and six months, plus the two, five-year renewal terms for the operation and maintenance of a restaurant at the Overtown Transit Village Towers.

On June 23, 2008, an operating agreement was executed with Foodline Services, Inc., to develop and operate a restaurant in the Overtown Transit Village (OTV) for the use of County employees and OTV visitors. Both of the two, two-year options to renew were approved by the Board on November 8, 2012 through Resolution No. R-897-12, as well as four Supplemental Agreements. The vendor, Foodline Services, Inc., stated that they are not interested in participating in the replacement solicitation, as they believe that the competition created by development in the surrounding area (a Publix grocery store will be moving into a building across the street, and the new All Aboard Florida train depot is being constructed directly east of the location) may dramatically affect revenues.

Market Research was conducted by the Internal Services Department to measure the interest of local area restaurants, restaurant chains and coffee/juice bars that can operate within the design restrictions of the leased space for potential proposers. This research determined that 65 percent of employees and visitors to OTV do eat at the restaurant. Average monthly revenues are reported to be \$50,000. The County has several operating restaurants at various similar locations in the downtown/Civic Center vicinity. It is proposed to use a similar pricing model to those used in the other leased spaces, with a Minimum Annual Guarantee (MAG) or Base Rent plus a percentage of Total Monthly Gross Receipts.

The County issued a competitive Request for Qualifications on March 30, 2017 to obtain proposals from qualified vendors to provide food and beverage services in the OTV Tower II restaurant site. Four responses were received from the following companies:

- Bread Partners Holding Inc. d/b/a Au Bon Pain
- CSS of South Florida Inc. D/b/a Concession Service Systems
- JMR Foods II. Inc. d/b/a Bottega Café
- Gourmet Chef on Tour, Corp. d/b/a Rose's Café & Catering

An award is being recommended to the highest ranked proposer. The Selection Committee determined that the recommended proposer, Bread Partners Holding Inc. d/b/a Au Bon Pain, has the qualifications to provide the scope of services set forth in the solicitation. The committee's determination is based on their extensive experience operating similar restaurants in multiple settings, including restaurants in government buildings. The recommended vendor will operate the restaurant and pay to the County \$3,000 or seven percent of gross sales, whichever is greater, plus sales tax per month. The selectee has no negative performance history with the County.

**GOC Meeting: July 16, 2018
Research Notes**

A review of the County's SBE list of certified vendors conducted on July 11, 2018, under the commodity code 96115 – Concessions, Catering, Vending, resulted in six SBE vendors:

- Apex Vending, Inc.
- MH Management, Inc.
- Miami-Kite Boarding, Inc.
- Nutrispa, Inc.
- Pastal Enterprises, Inc., d/b/a Sasha & Lisa's Popcorn
- Randazzo Catering, Inc., d/b/a Creative Tastes Catering

A review of the County's SBE list of certified vendors conducted on July 11, 2018, under the commodity code 96219 – Cafeteria and Restaurant Services, resulted in four SBE vendors:

- Azucar Ice Cream, LLC
- BR Foods International, LLC d/b/a Bahama Bucks of Miami
- Nyemas Café and Lounge, Inc.
- P&V International Enterprise, LLC

ADDITIONAL INFORMATION

Founded in 1978, Au Bon Pain was at first a small urban café committed to selling the freshest baguettes and croissants in downtown Boston. Today, the company has transformed into a chain of bakery cafés.

https://www.facebook.com/pg/aubonpain/about/?ref=page_internal

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Bread Partners Holding Inc., has an active status as a Florida Profit Corporation and first filed and registered on 12/28/2005. The principal address is registered as 1001 Brickell Bay Drive, Miami, FL 33131. Its registered agent is Michael Aronson, 1001 Brickell Bay Drive, Miami, FL 33131.

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

**GOC Meeting: July 16, 2018
Research Notes**

Item No. 3E

File No. 181646

Researcher: MF Reviewer: TD

RESOLUTION APPROVING A THIRD AMENDMENT TO LEASE AGREEMENT WITH THE CITY OF SOUTH MIAMI FOR THE PREMISES LOCATED AT 6121 SW 68 STREET, MIAMI, FLORIDA, WITH AN ESTIMATED FISCAL IMPACT TO THE COUNTY OF \$27,000.00 ANNUALLY, RETROACTIVELY TO 2009, RETROACTIVELY APPROVING THE RENTAL PAYMENTS MADE BETWEEN 2009 AND 2015; APPROVING AN ANNUAL RENT ESCALATION AT THE RATE OF TWO PERCENT PER YEAR, BEGINNING IN 2018; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE THIRD AMENDMENT TO LEASE AGREEMENT, EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME; AND DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO PROVIDE AN EXECUTED COPY OF THE THIRD AMENDMENT TO LEASE AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS OF ITS EXECUTION

ISSUE/REQUESTED ACTION

Whether the Board should authorize execution of the Third Amendment to a Lease Agreement between the City of South Miami and Miami-Dade County for a property located at 6121 SW 68th Street, South Miami, to adjust the rent originally entered into in 1983, from \$22,000 annually to \$27,000 annually, effective retroactively for payments made by the County between 2009 and 2015; authorize the County to pay the difference of \$15,000 in rent to the landlord for years 2016 to 2018; and authorize the County to pay an annual escalation at the rate of two percent, beginning retroactively on February 13, 2018.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 2-8.6.5, entitled "Purchase, sale, lease of real property," provides that "Prior to the County's entering into any contract, agreement or lease relating to the purchase, sale or leasing of real property by, to or from the County, all individuals, corporations, partnerships, joint ventures or other legal entities having any interest of any kind in the property to be purchased, sold or leased, shall file with the County a document identifying the extent of its ownership interest in the subject real property".

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR

Resolution No. R-305-83, adopted by the Board on March 15, 1983, authorized a Retroactive Lease Agreement between the City of South Miami and Miami-Dade County for the premises to be used by the Community Action Agency for its Community Service Center and its Head Start Program. (See attached resolution).

Resolution No. R-119-84, adopted by the Board on February 7, 1984, approved a Retroactive Amendment to the Lease Agreement between the City of South Miami and Miami-Dade County for the premises to be used by the Community Action Agency for its Community Service Center and its Head Start Program. (See attached resolution).

Resolution No. R-159-04, adopted by the Board on February 3, 2004, approved the Second Amendment to the Lease Agreement between the City of South Miami and the County. (See attached resolution).

**GOC Meeting: July 16, 2018
Research Notes**

PROCEDURAL HISTORY

Prime Sponsor: Xavier L. Suarez, District 7

Department/Requested: Internal Services

The proposed resolution has no procedural history.

FISCAL IMPACT

According to the Fiscal Impact Statement, the amendment modifies the terms of the Lease Agreement by adjusting the rent to \$27,000 for the period between 2009 and 2017. The County will have to pay the landlord \$15,000 for the prior three years, in which the County only paid the previously agreed upon amount of \$22,000 to the landlord. Effective February 13, 2018, the rent increased to \$27,540, representing an annual increase of two percent.

ANALYSIS

Resolution No. R-305-83, adopted by the Board on March 15, 1983, authorized a Retroactive Lease Agreement between the City of South Miami and Miami-Dade County for a portion of the property located at 6121 SW 68th Street, South Miami, on March 1983, to provide for a Head Start program and Community Service Center operated by the Community Action and Human Services Department. The Lease Agreement became effective on February 1, 1983, for one year, with successive one-year renewal option periods.

Resolution No. R-119-84, adopted by the Board on February 7, 1984, approved a Retroactive Amendment to the Lease Agreement between the City of South Miami and Miami-Dade County, to retroactively increase the amount of custodial and utility services to be paid by the County from \$15,662 to \$17,475 annually.

Resolution No. R-159-04, adopted by the Board on February 3, 2004, approved the Second Amendment to the Lease Agreement between the City of South Miami and the County, to increase the annual rent from \$17,475 to \$22,000. It required the County to be responsible for electricity, water and sewer, exterminating, emergency lighting and cleaning supplies, while the landlord was responsible for landscaping as well as janitorial and custodial services. Between 2009 and 2015, at the request of the landlord, the County paid an annual rental amount of \$27,000, instead of the agreed upon rent of \$22,000.

The increase in rent was never approved by the Board and resulted in a five-year total over-payment in the amount of \$25,000. After an internal review of the account in 2016, the County began paying the landlord the previously agreed upon amount of \$22,000 annually.

The County acknowledges that the proposed increase in rent, from \$22,000 to \$27,000, is reasonable because the rental rate of \$6 per square foot is approximately 81 percent less than the average cost per square foot in the South Miami area.

Accordingly, the proposed resolution seeks the Board's authorization to execute the Third Amendment to the Lease Agreement between the City of South Miami and Miami-Dade County for the property, to adjust the rent originally entered into in 1983, from \$22,000 annually to \$27,000 annually, effective retroactively for payments already made by the County between 2009 and 2015. In addition, it seeks the Board's authorization for the County to pay the difference of \$15,000 in rent to the landlord for years 2016 to 2018; and for the County to pay an annual escalation at the rate of two percent, beginning retroactively on February 13, 2018.

GOC Meeting: July 16, 2018
Research Notes

ADDITIONAL INFORMATION

The Head Start/Early Start Program is a federally funded program that provides comprehensive early childhood education, health, nutrition and parent engagement services to low-income children and their families. The program is open to children ages newborn through age 5.

<https://www.miamidade.gov/socialservices/head-start.asp>

Below is an aerial view of the property located at 6121 SW 68th Street, Miami:



RESOLUTION NO. R-305-83

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE LEASE AGREEMENT AT 6125 S.W. 68 STREET, SOUTH MIAMI, WITH THE CITY OF SOUTH MIAMI, FOR PREMISES TO BE USED BY THE COMMUNITY ACTION AGENCY FOR ITS COMMUNITY SERVICE CENTER AND HEADSTART PROGRAM, AND AUTHORIZING COUNTY MANAGER TO EXERCISE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that this Board approves the Retroactive Lease Agreement between Dade County and the City of South Miami for premises to be used by the Community Action Agency for its Community Service Center and its Headstart Program in substantially the form attached hereto and made a part hereof; authorizes the County Manager to execute same for and on behalf of Dade County; and to exercise the renewal and cancellation provisions contained therein.


The foregoing Resolution was offered by Commissioner Clara Oesterle, who moved its adoption. The motion was seconded by Commissioner Barbara M. Carey, and upon being put to a vote, the vote was as follows:

Barbara M. Carey	Aye
Clara Oesterle	Aye
Beverly B. Phillips	Aye
James F. Redford, Jr.	Aye
Harvey Ruvin	Absent
Barry D. Schreiber	Aye
Ruth Shack	Aye
Jorge E. Valdes	Absent
Stephen P. Clark	Absent

The Mayor thereupon declared the Resolution duly passed and adopted this 15th day of March, 1983.

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

Approved by County Attorney 
form and legal sufficiency.

By: RAYMOND REED
Deputy Clerk

RESOLUTION NO. R-119-84

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE
AMENDMENT TO THE LEASE AGREEMENT AT 6121 S.W.
68 STREET, SOUTH MIAMI, WITH THE CITY OF SOUTH
MIAMI FOR PREMISES TO BE USED BY THE COMMUNITY
ACTION AGENCY FOR ITS COMMUNITY SERVICE CENTER AND
HEAD START PROGRAM

WHEREAS, this Board desires to accomplish the purposes
outlined in the accompanying memorandum, a copy of which is incor-
porated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF DADE COUNTY, FLORIDA, that this Board approves
the Retroactive Amendment to the Lease Agreement between Dade
County and the City of South Miami for premises to be used by the
Community Action Agency for its Community Service Center and its
Head Start Program in substantially the form attached hereto and
made a part hereof; and authorizes the County Manager to execute
same for and on behalf of Dade County.

The foregoing Resolution was offered by Commissioner

Beverly B. Phillips, who moved its adoption. The motion was
seconded by Commissioner Barbara M. Carey, and upon
being put to a vote, the vote was as follows:

Barbara M. Carey	Aye
Clara Oesterle	Aye
Beverly B. Phillips	Aye
James F. Redford, Jr.	Absent
Harvey Ruvin	Absent
Barry D. Schreiber	Absent
Ruth Shack	Aye
Jorge E. Valdes	Aye
Stephen P. Clark	Aye

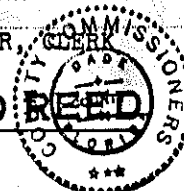
The Mayor thereupon declared the Resolution duly passed and
adopted this 7th day of February, 1984.

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

Approved by County Attorney *Caputo*
form and legal sufficiency.

By: **RAYMOND REED**
Deputy Clerk



MEMORANDUM

Agenda Item No. 5 (e) (7)

TO: Honorable Mayor and Members
Board of County Commissioners

DATE

February 7, 1984

SUBJECT

Retroactive Amendment
to Lease Agreement with
City of South Miami for
Community Service Center
and Head Start Program
Property #4025-00-00FROM: M. X. Stierlein
County Manager

The following Retroactive Amendment to Lease has been reviewed by
General Services Administration and is recommended for approval:

USING AGENCY:

Community Action Agency

USE:

Community Service Center and Head Start
Program

PROPERTY:

Approximately 4,555 square feet located
at 6125 South West 68 Street, South
Miami.

OWNER:

THE CITY OF SOUTH MIAMI

AMENDMENT:

Retroactive Amendment to increase the
total cost of custodial and utility
services from \$15,662.00 which is equal
to \$3.44 a square foot on an annual
basis, to \$17,475.00 per year which is
equal to \$3.84 a square foot on an
annual basis, said payment shall addi-
tionally include exterminating services.
The said Lease remains in full force
and effect during the terms and con-
ditions specified therein.

EFFECTIVE DATES:

Commenced January 1, 1984 and terminate:
December 31, 1984.

CANCELLATION PROVISION:

Either party, the Tenant through the
County Manager or his designee, may
cancel with thirty (30) days written
notice to the other party.

FUNDING SOURCE:

General Funds

COMMENTS:

This Amendment to Lease is retroactive
due to extended negotiations with the
City of South Miami. The City of South
Miami did not place the Amendment to
Lease Agreement before their Council
until January 3, 1984.

AMENDMENT TO LEASE

This Agreement made this day of , 19 , by and between CITY OF SOUTH MIAMI, hereinafter called the "LANDLORD" and DADE COUNTY, a political subdivision of the State of Florida, hereinafter called the "TENANT"

W I T N E S S E T H:

WHEREAS, by Resolution No. R-305-83, adopted by the Board of County Commissioners on March 15, 1983, the Board authorized a Lease between the above named parties for that certain property located at 6121 S.W. 68 Street, South Miami, Florida, and consisting of approximately 4,555 square feet of air-conditioned space; and

WHEREAS, both LANDLORD and TENANT are desirous of amending said Lease to increase the total cost of custodial and utility services from \$15,662.00 which is equal to \$3.44 a square foot on an annual basis to \$17,475.00 per year which is equal to \$3.84 a square foot on an annual basis, said payment shall additionally include exterminating services. The cost incurred by the LANDLORD for custodial, utility and exterminating services shall be pro-rated if the Agreement is cancelled. The TENANT shall maintain the emergency back-up lighting; and

WHEREAS, by Resolution No. , adopted , 19 , the Board of County Commissioners has authorized the amending of said Lease.

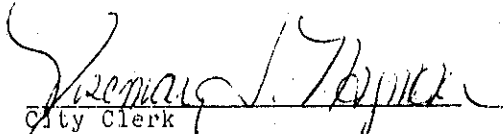
NOW, THEREFORE, in consideration of the restrictions and covenants herein contained, it is agreed that the said Lease is hereby amended as follows:

Effective January 1, 1984, the yearly cost for custodial and utility services will increase from \$15,662.00 which is equal to \$3.44 a square foot on an annual basis to \$17,475.00, which is equal to \$3.84 a square foot on an annual basis, and said payment includes exterminating services. The TENANT shall maintain the emergency back-up lighting. Payment shall be pro-rated if the Agreement is cancelled.

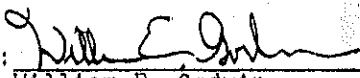
In all other respects the said Lease shall remain in full force and effect in accordance with the terms and conditions specified therein.

IN WITNESS WHEREOF, the LANDLORD and TENANT have caused this Lease Amendment to be executed by their respective and duly authorized officers the day and year first above written.

(OFFICIAL SEAL)


City Clerk

CITY OF SOUTH MIAMI

By: 
William E. Godwin,
City Manager (LANDLORD)

(OFFICIAL SEAL)

ATTEST:

RICHARD P. BRINKER, CLERK

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
County Manager (TENANT)

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(F)(1)(D)

2-3-04

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

RESOLUTION NO. R-159-04

RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO LEASE AGREEMENT AT 6121 S.W. 68 STREET, SOUTH MIAMI WITH CITY OF SOUTH MIAMI; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI DADE COUNTY, FLORIDA, that this Board hereby approves the Second Amendment to Lease Agreement between Miami-Dade County and City of South Miami, in substantially the form attached hereto and made a part hereof; authorizes the County Manager to execute it for and on behalf of Miami-Dade County; and authorizes the County Manager to exercise any all other rights conferred therein.

The foregoing Resolution was offered by Commissioner Jose "Pepe" Diaz, who moved its adoption. The motion was seconded by Commissioner Rebeca Sosa and upon being put to a vote, the vote was as follows:

Barbara Carey-Shuler, Ed.D., Chairperson **aye**
Katy Sorenson, Vice-Chairperson **absent**

Bruno A. Barreiro	aye	Jose "Pepe" Diaz	aye
Betty T. Ferguson	aye	Sally A. Heyman	absent
Joe A. Martinez	aye	Jimmy L. Morales	aye
Dennis C. Moss	aye	Dorrin D. Rolle	aye
Natacha Seijas	aye	Rebeca Sosa	aye
Senator Javier D. Souto	aye		

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MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: February 3, 2004

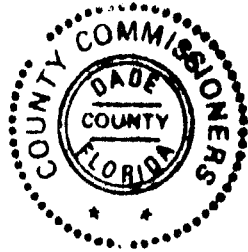
FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(F)(1)(D)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



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

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. RL

Richard B. Rosenthal

By: KAY SULLIVAN
Deputy Clerk

SECOND AMENDMENT TO LEASE BETWEEN CITY OF SOUTH MIAMI
AND MIAMI-DADE COUNTY FOR 6121 SW 68TH STREET

This agreement made this ____ day of October, 2003, by and between the City of South Miami, "Landlord" and Miami-Dade County, a political subdivision of the State of Florida, "Tenant."

WITNESSTH

WHEREAS, by Resolution No. R-179-84, adopted by the Board of County Commissioners on February 2, 1984, the board authorized an amendment to the lease executed on March 15, 1985, and authorized pursuant to Resolution No. R-305-83 between the above named parties for that certain property located at 6121 SW 68th Street, South Miami, Florida and consisting of approximately 5,460 square feet of air-conditioned space; and

WHEREAS, both landlord and tenant are desirous of amending said lease to increase the rent of \$22,000.00 annually. The tenant shall maintain and purchase the electricity, water and sewer, exterminating, emergency back up lighting and cleaning supplies to be used by the tenant. The landlord will provide the manpower for the janitorial and custodial services necessary to maintain the premises, with the tenant supplying all the necessary cleaning supplies. The landlord will continue to maintain landscaping of the premises; and

NOW THEREFORE, in consideration of the restrictions and covenants herein contained, it is agreed that the lease is amended as follows:

1. Effective October 1, 2003, the yearly rent will increase to \$22,000.00.
2. The tenant shall maintain and purchase the electricity, water and sewer, exterminating, emergency back up lighting and cleaning supplies to be used by the tenant. The landlord will provide the manpower for the janitorial and custodial services necessary to maintain the premises, with the tenant supplying all the necessary cleaning supplies. The landlord will continue to maintain landscaping of the property.

In all other respects the lease entered into on February 2, 1984 and as modified on March 15, 1985 shall remain in full force and effect in accordance with the terms and conditions specified therein.

MEMORANDUM

Agenda Item No. 7(F)(1)(D)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: February 3, 2004

FROM: George M. B. 
County Manager

SUBJECT: Second Amendment to Lease at
6121 S.W. 68 Street, South Miami
with City of South Miami
Property # 6901-00-00

The attached second amendment to lease agreement has been prepared by the General Services Administration at the request of Community Action Agency and is recommended for approval.

PROPERTY: 6121 S.W. 68 Street, South Miami.

OWNER: City of South Miami.

PURPOSE OF AMENDMENT: The current lease allows for annual increases according to the operating expenses in the facility. In September 10, 2003, the County exercised its renewal option at \$22,000.00 per year. This amendment will:

- a) Fix the annual rental rate at \$22,000.00, which is equal to \$4.03 per square foot on an annual basis.
- b) Require the County, as Tenant, to be responsible for electricity, water and sewer, exterminating, emergency lighting and cleaning supplies. The Landlord will provide the manpower for janitorial and custodial services, and will maintain the landscaping at the site.
- c) Although the amendment approved by the City indicates the commencement effective October 1, 2003 for the yearly rent, this amendment will be effective upon the approval by the Board of County Commissioners.

JUSTIFICATION:

The Community Action Agency utilizes this property for its Community Service Center and its Head Start Program serving the families of the South Miami area. The current rent is \$22,000.00 annually, which includes all operating expenses. The City of South Miami operating costs have increased to \$41,000.00 annually. County staff has been advised that the City cannot continue to absorb Tenant maintenance costs in their operating budget. For this reason, the City has requested that the County assume the recurring annual expense for utilities, exterminating, emergency lighting and cleaning supplies. The City will continue to provide the manpower for the janitorial, custodial services, and maintenance of the grounds and building.

FINANCIAL IMPACT:

Annual rent shall be \$22,000.00, which is equal to \$4.03 per square foot on an annual basis. The Tenant is responsible for all charges for electricity, water and sewer, cleaning supplies, which is estimated at \$12,000.00 annually.

**EFFECTIVE DATES
OF AMENDMENT:**

The term of this Second Amendment to Lease Agreement shall commence upon approval by the Board of County Commissioners, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override of this Board, unless the term shall be otherwise extended or renewed by Tenant pursuant to the Lease, as amended, whereby the Second Amendment to Lease Agreement shall be coterminous therewith.

CURRENT LEASE:

The current lease agreement was approved on March 15, 1983 by Resolution R-305-83. The lease commenced on January 1, 1983 for one-year with successive one-year renewal option periods. The lease was amended on February 7, 1984, by Resolution No. R-119-84.

COMMENTS:

Attached for your information is a copy of the previously approved resolutions and memoranda with data concerning the lease, as well as a Resolution from the City of South Miami approving the amendment.


Assistant County Manager

RESOLUTION NO. R-119-84

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE AMENDMENT TO THE LEASE AGREEMENT AT 6121 S.W. 68 STREET, SOUTH MIAMI, WITH THE CITY OF SOUTH MIAMI FOR PREMISES TO BE USED BY THE COMMUNITY ACTION AGENCY FOR ITS COMMUNITY SERVICE CENTER AND HEAD START PROGRAM

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that this Board approves the Retroactive Amendment to the Lease Agreement between Dade County and the City of South Miami for premises to be used by the Community Action Agency for its Community Service Center and its Head Start Program in substantially the form attached hereto and made a part hereof; and authorizes the County Manager to execute same for and on behalf of Dade County.

The foregoing Resolution was offered by Commissioner **Beverly Phillips**, who moved its adoption. The motion was seconded by Commissioner **Barbara Carey**, and upon being put to a vote, the vote was as follows:

Barbara M. Carey	Aye
Clara Oesterle	Aye
Beverly B. Phillips	Aye
James F. Redford, Jr.	Absent
Harvey Ruvin	Absent
Barry D. Schreiber	Absent
Ruth Shack	Aye
Jorge E. Valdes	Aye
Stephen P. Clark	Aye

The Mayor thereupon declared the Resolution duly passed and adopted this 7th day of February, 1984.

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

RAYMOND B. B.

Approved by County Attorney Cap. 1984
form and legal sufficiency.

By: _____
Deputy Clerk

MEMORANDUM

Agenda Item No. 5 (e) (7)

TO: Honorable Mayor and Members
Board of County Commissioners

DATE

February 7, 1984

SUBJECT

Retroactive Amendment
to Lease Agreement with
City of South Miami for
Community Service Center
and Head Start Program
Property #4025-00-00

FROM: M. A. Stierlein
County Manager

The following Retroactive Amendment to Lease has been reviewed by General Services Administration and is recommended for approval:

USING AGENCY:

Community Action Agency

USE:

Community Service Center and Head Start Program

PROPERTY:

Approximately 4,555 square feet located
at 6125 South West 68 Street, South
Miami.

OWNER:

THE CITY OF SOUTH MIAMI

AMENDMENT:

Retroactive Amendment to increase the total cost of custodial and utility services from \$15,662.00 which is equal to \$3.44 a square foot on an annual basis, to \$17,475.00 per year which is equal to \$3.84 a square foot on an annual basis, said payment shall additionally include exterminating services. The said Lease remains in full force and effect during the terms and conditions specified therein.

EFFECTIVE DATES:

Commenced January 1, 1984 and terminates
December 31, 1984.

CANCELLATION PROVISION:

Either party, the Tenant through the County Manager or his designee, may cancel with thirty (30) days written notice to the other party.

FUNDING SOURCE:

General Funds

COMMENTS:

This Amendment to Lease is retroactive due to extended negotiations with the City of South Miami. The City of South Miami did not place the Amendment to Lease Agreement before their Council until January 3, 1984.

RESOLUTION NO. R-305-83

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE LEASE AGREEMENT AT 6125 S.W. 68 STREET, SOUTH MIAMI, WITH THE CITY OF SOUTH MIAMI, FOR PREMISES TO BE USED BY THE COMMUNITY ACTION AGENCY FOR ITS COMMUNITY SERVICE CENTER AND HEADSTART PROGRAM, AND AUTHORIZING COUNTY MANAGER TO EXERCISE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that this Board approves the Retroactive Lease Agreement between Dade County and the City of South Miami for premises to be used by the Community Action Agency for its Community Service Center and its Headstart Program in substantially the form attached hereto and made a part hereof; authorizes the County Manager to execute same for and on behalf of Dade County; and to exercise the renewal and cancellation provisions contained therein.


The foregoing Resolution was offered by Commissioner Clara Oesterle, who moved its adoption. The motion was seconded by Commissioner Barbara M. Carey, and upon being put to a vote, the vote was as follows:

Barbara M. Carey	Aye
Clara Oesterle	Aye
Beverly B. Phillips	Aye
James F. Redford, Jr.	Aye
Harvey Ruvin	Absent
Barry D. Schreiber	Aye
Ruth Shack	Aye
Jorge E. Valdes	Absent
Stephen P. Clark	Absent

The Mayor thereupon declared the Resolution duly passed and adopted this 15th day of March, 1983.

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

Approved by County Attorney 
form and legal sufficiency.

By: RAYMOND REED
Deputy Clerk

5

MEMORANDUM

100.01-14

Agenda Item No. 5(e)(7)

TO: Honorable Mayor and Members
Board of County Commissioners

DATE

March 15, 1983

SUBJECT

FROM: M.R. [Signature]
County Manager

Retroactive Lease
Agreement with the
City of South Miami
for the Community
Action Agency.
Property #4025-00-00

RECOMMENDATION:

The following Retroactive Lease has been reviewed by General Services Administration and is recommended for approval:

USING AGENCY:

Community Action Agency

USE:

Community Service Center and Headstart Program.

PROPERTY:

A Total of 4,555 square feet located at 6125 Southwest 68 Street, South Miami.

OWNER:

THE CITY OF SOUTH MIAMI

TERMS:

A total aggregate space of 4,555 square feet; 1,750 square feet for the Headstart Program and 2,805 square feet for the Community Service Center, at a total cost of \$15,662, paid at the commencement of this Lease, which is equal to \$3.44 a square foot on an annual basis. This is for reimbursement for custodial and utility costs incurred by the Landlord.

EFFECTIVE DATES:

Commenced January 1, 1983 and terminating December 31, 1983.

RENEWAL OPTION:

Successive one year renewals through the County Manager with sixty (60) days written notice to the Landlord. Terms to be negotiated at time of renewal.

CANCELLATION PROVISION:

Either party, the Tenant through the County Manager, may cancel with thirty (30) days written notice to the other party.

FORMER LEASE:

Two separate Leases- The Community Service Center Lease authorized by Resolution R-608-77 adopted June 10, 1977 and amended by Resolution R-294-80 adopted March 4, 1980. The Headstart Program Lease was authorized by Resolution R-1081-82 adopted July 20, 1982.

FUNDING SOURCE:

General Funds

COMMENT:

This lease is retroactive due to extended negotiations with the City of South Miami.

The County Attorney's Office advises that the wording of Article III with regard to indemnification in the wording normally not used in our leases, and the County can be liable for third party negligence.

6

IN WITNESS WHEREOF, the landlord and tenant have caused this second lease amendment to be executed by their respective and duly authorized officers the day and year first above written.

(Official Seal)

City of South Miami,
a Florida municipal corporation

By: _____
City Clerk

By: M. Davis
Maria V. Davis
City Manager (Landlord)

(Official Seal)

ATTEST:

Miami-Dade County, Florida by Its
Board of County Commissioners

Harvey Ruvin, Clerk

By: _____
Deputy Clerk

By: _____
George M. Burgess
County Manager (Tenant)

RESOLUTION No.: 169-03-11719

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO SECOND AMENDMENT TO LEASE AGREEMENT WITH MIAMI-DADE COUNTY FOR THE USE OF CITY OF SOUTH MIAMI BUILDING LOCATED AT 6121 SW 68TH STREET; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of South Miami, Florida, wishes to lease the City's building to Miami-Dade County Community Action Agency for Head Start program; and

WHEREAS, by Resolution No. R-179-84, adopted by the Board of County Commissioners on February 2, 1984, the board authorized an amendment to the lease executed on March 15, 1985, and authorized pursuant to Resolution No. R-305-83 between the above named parties for that certain property located at 6121 SW 68th Street, South Miami, Florida and consisting of approximately 5,460 square feet of air-conditioned space; and

WHEREAS, both landlord and tenant are desirous of amending said lease to increase the rent of \$22,000.00 annually. The tenant shall maintain and purchase the electricity, water and sewer, exterminating, emergency back up lighting and cleaning supplies to be used by the tenant. The landlord will provide the manpower for the janitorial and custodial services necessary to maintain the premises, with the tenant supplying all the necessary cleaning supplies. The landlord will continue to maintain landscaping of the premises; and

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

Section 1: The City Manager is authorized to enter into second amendment to lease agreement with Miami-Dade County for the use of City property located at 6121 SW 68th Street.

Section 2: That the attached second amendment to the lease agreement between Miami-Dade County and City, be made a part of the resolution.

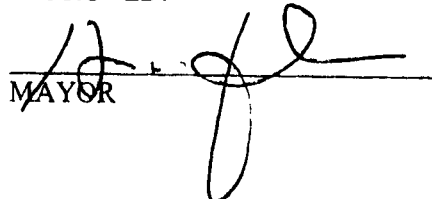
PASSED AND ADOPTED this 7th day of October, 2003.

ATTEST:


CITY CLERK
READ AND APPROVED AS TO FORM:


CITY ATTORNEY

APPROVED:


MAYOR

Commission Vote: 4-0

Mayor Feliu:	Yea
Vice Mayor Russell:	out of room
Commissioner Bethel:	Yea
Commissioner Wiscombe:	Yea
Commissioner McCrea:	Yea

**GOC Meeting: July 16, 2018
Research Notes**

**Item No. 3F
File No. 181697**

Researcher: PGE Reviewer: TD

RESOLUTION WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; DECLARING SURPLUS A 22,100 SQUARE FOOT PARCEL OF COUNTY-OWNED REAL PROPERTY LOCATED AT 85 W. ENID DRIVE, KEY BISCAYNE, FLORIDA; AUTHORIZING THE CONVEYANCE OF SAME TO THE VILLAGE OF KEY BISCAYNE, A MUNICIPAL CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF FLORIDA, IN ACCORDANCE WITH FLORIDA STATUTES SECTION 125.38 FOR A PRICE OF \$1,400,000.00; AUTHORIZING THE CHAIRPERSON OR VICE CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH SUCH CONVEYANCE AND TO ENFORCE THE PROVISIONS SET FORTH IN SAID COUNTY DEED

ISSUE/REQUESTED ACTION

Whether the Board should authorize the sale by deed of County property totaling 22,100 square feet located at 85 West Enid Drive, Key Biscayne, Florida, to the Village of Key Biscayne for an appraised price of \$1,400,000 for the Village to use the property as a municipal parking garage.

APPLICABLE LEGISLATION/POLICY

Section 125.38 of the Florida Statutes governs the sale of county property, allowing municipalities that desire any real property that may be owned by any county or by its board for public or community interest and welfare to apply to the board for a conveyance or lease of such property; such board, if satisfied that such property is required for such use and is not needed for county purposes may thereupon convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, regardless of the actual value of the property.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.38.html

Section 2-8.6.5 of the County Code sets forth the County's policies and procedures relating to 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

Administrative Order (AO) No. 8-4 prescribes the County's policy relating to the sale, lease or other disposal of County-owned real property. Under the AO, if property owned by the County is desired by another public agency for the same public purposes as held by the County and it is determined by the Board that the property is not needed by the County for such use, it may be conveyed at a nominal cost.

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

Resolution No. R-380-17, adopted by the Board on April 4, 2017, requires the Administration to provide written notification to the District Commissioner wherein County-owned property lies no less than four weeks prior to (1) any issuance of a Request for Proposals or Expression of Interest regarding the sale, lease or development of such property and (2) placement of any item on an agenda of the Board or any Committee of the Board requesting the approval of the sale, lease or surplus of County-owned property.

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

GOC Meeting: July 16, 2018
Research Notes

Resolution No. R-333-15, adopted by the Board on April 21, 2015, requires the 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.

<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

Resolution No. R-974-09, adopted by the Board on July 21, 2009, requires any resolution authorizing the acceptance or execution of a deed, easement, covenant, reverter or mortgage creating or reserving a real property interest in favor of the County contain language that such instrument, after proper execution, be recorded in the public records of the county within which the real property is located.

<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

Resolution No. R-1022-02, adopted by the Board on September 24, 2002, amended the lease agreement between the County and the Village of Key Biscayne for property located at 85 West Enid Drive, Key Biscayne, Florida; the amendment authorized the demolition of the existing structure on the property to construct a new municipal parking facility. The amendment also reduced the lease term from 30 to 14 years, expiring on June 14, 2007 and provided the Village with an option to purchase the property at a purchase price to be established by appraisal.

<http://intra/gia/matter.asp?matter=022441&file=false&yearFolder=Y2002>

PROCEDURAL HISTORY

Prime Sponsor: Xavier L. Suarez, District 7

Department/Requester: Internal Services

This item was placed on the October 10, 2017 GOC meeting agenda and was deferred to the next committee meeting. The next GOC meeting was held on November 14, 2017 wherein the item was on the agenda and was withdrawn. See Legislative Item File No. 171891 (link provided below).

<http://intra/gia/matter.asp?matter=171891&file=true&yearFolder=Y2017>

FISCAL IMPACT

The sale of the property will generate \$1,400,000 in revenue to the County. The sale price is based on the market value of the property as substantiated by an independent appraisal conducted by Edward Parker, MAI and Geoffrey Heath, MAI.

ANALYSIS

This item is requesting Board authorization to: (1) waive AO No. 8-4 as it pertains to review by the Planning Advisory Board; (2) declare the subject property surplus; and (3) convey the property to the Village of Key Biscayne for a price of \$1,400,000 for the purpose of providing governmental parking. The conveyance will be effectuated via the execution of a County Deed.

The Village of Key Biscayne has leased this property from the County for over 20 years. In 2006, the Village notified the County of its intent to purchase the property and an appraisal was obtained by the County, valuing the property at \$2,400,000. However, the Village and the County did not agree on the sale price and thus the transaction did not transpire. The Village continues to occupy the property on a monthly basis as a holdover tenant as its lease has expired. The leased property is currently used for municipal parking purposes.

An appraisal conducted on March 6, 2016 values the property at \$1,400,000 if it is unavailable for development and at \$4,350,000 if it is a developable site. Note that the resolution states that the appraisal was conducted on April 11, 2016, which conflicts with the date (March 6, 2016) seen on Attachment 2 to the mayoral memorandum, Summary of Facts and Conclusions.

GOC Meeting: July 16, 2018
Research Notes

The Summary Report from the Office of the Property Appraiser, Attachment 1 to the mayoral memorandum, reveals that the property is 22,100 square feet, has a primary land use of “Vacant Governmental,” and an assessed value of \$1,957,992 for calendar year 2017.

The County Deed restricts the Village’s use of the property to: (1) providing public or governmental parking; and/or (2) any other uses permitted under 125.38 of the Florida Statutes; if the Village seeks to use the property for a permitted use other than the parking use, the Village shall provide the County Mayor with written notice describing the intended permitted use of the property and must obtain written approval from the County before the property can be used for any purpose other than the parking use. The Village has indicated that the property is within its “Governmental Use” zoning district and has only been used for a public purpose, generating no revenue.

**GOC Meeting: July 16, 2018
Research Notes**

**Item No. 3G
File No. 181408**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00676 IN A TOTAL AMOUNT UP TO \$301,303,000.00 FOR THE PURCHASE OF GASOLINE AND DIESEL FOR VARIOUS COUNTY DEPARTMENTS FOR A FIVE-YEAR TERM; 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 authorize the establishment of a prequalification pool for the purchase of gasoline and diesel for various County departments in a total amount of up to \$301,303,000 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=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Section 29-124 of the County Code sets forth the role of the Citizens' Independent Transportation Trust and provides that where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of a contract where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at over one million dollars unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a majority vote. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any

Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUS_E212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR

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>

GOC Meeting: July 16, 2018
Research Notes

Resolution No. R-1011-15, adopted by the Board on November 3, 2015, directs the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ in memoranda to the Board pertaining to vendors being recommended for contract award.

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

Resolution No. R-477-18, adopted by the Board on May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs the County Mayor to conduct a full review prior to the re-procurement of replacement contracts for goods or services of the scope of services or goods requested to ensure such contracts reflect the current needs of the County and to include such information in recommendations to the Board.

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

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>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

FISCAL IMPACT

The fiscal impact for the five-year term is \$301,303,000 and is based on each user department's Fiscal Year 2017-18 Adopted Budget. The current pool (#3143-9/18) was effective on May 1, 2008 and expires on October 31, 2018, a cumulative term of 10 years and six months, with a cumulative value of \$1,398,056,166.67. The annual allocation under the replacement pool is \$60,260,600 while the annual allocation under the current pool is \$133,148,206.32.

Presently, the current pool is in its ninth and final option to renew term that has a value of \$190,592,566.67. For this option term, \$190,142,560.67 was allocated to the pool's Blanket Purchase Order; of that amount, \$70,850,006.96 has been released, leaving a balance of \$119,292,553.71.

Prices are solicited via ITQ from pre-qualified bidders in the form of a fixed adder price, added to the corresponding Oil Price Information Service (OPIS) daily rack average or weekly average price for the various types of fuel sold by port operators to pool bidders. OPIS is a real-time news and pricing service, offering market-specific benchmark pricing reports. The County pays for the OPIS subscriptions to be able to independently verify the price charged on bidder invoices. The responsive and responsible bidder offering the lowest price(s) is awarded the purchase for the fuel type and/or group for a specific period. The County can change the ITQ terms, conditions and specifications to meet its changing needs. There are currently 17 bidders under the pool, and the County may add new bidders at any time upon meeting or exceeding the minimum criteria established in the solicitation.

**GOC Meeting: July 16, 2018
Research Notes**

ANALYSIS

This item is requesting Board approval to establish a replacement open prequalification pool for purchase of gasoline and diesel for multiple County departments in a total amount of \$301,303,000 for five years. The biggest user departments under the replacement pool are Internal Services, requesting \$110,430,000, and Transportation and Public Works, requesting \$75,995,000.

The County uses this pool for delivery of various types of fuel for its public safety departments. Fuel types include, but are not limited to, unbranded gasoline, clear and dyed diesel, Jet-A, aviation and recreational. The majority of diesel fuel purchased by the County are for transit buses, delivered to three sites operated by the Department of Transportation and Public Works. The majority of regular grade gasoline is purchased for automobiles and various types of trucks and vans such as police, general purpose and administrative vehicles, delivered to numerous fuel station sites operated by the Fleet Management Division of the Internal Services Department. The Water and Sewer Department and other departments with vehicles and equipment access this pool to support their operations. Dyed diesel fuel is mostly used for off-road equipment and for numerous standby generators at County facilities.

The pool has five groups: (1) Transport Truck and Tank Wagon Truck Delivery of Gasoline and Diesel Fuels; (2) Fueling Services for County Mobile Equipment; (3) Rec-90 Recreational/Marine Gasoline; (4) Jet-A and Aviation Fuel Delivery by Fixed Based Operators Only; and (5) Fuel Transportation Services. Note that no bids were received from Group 4, which will be re-solicited.

Five vendors responded to the solicitation, of which three are recommended for inclusion in the pool. The three recommended vendors are incumbents and are considered non-local business entities. One of three incumbents – Indigo Energy Partners, LLC – sold the County contaminated fuel, impacting 249 County vehicles. The County estimates that repair costs could exceed \$1,000,000 and has contacted Indigo to demand payment. The firm may be removed from the pool if it does not compensate the County for the damages.

The commodity codes for this solicitation are 40509 (Fuel Oil, Diesel) and 40515 (Gasoline, Automotive). A search of the Business Management Workforce System on July 13, 2018 under the codes yielded no certified firms.

**GOC Meeting: July 16, 2018
Research Notes**

**Item No. 3H
File No. 181595**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00634 FOR PURCHASE OF JANITORIAL SUPPLIES AND RELATED ITEMS FOR VARIOUS DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$9,552,000.00 FOR THE FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize award of a contract for purchase of janitorial supplies and related items for various County departments in a total amount not to exceed \$9,552,000 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

Section 29-124 of the County Code sets forth the role of the Citizens' Independent Transportation Trust and provides that where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of a contract where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at over one million dollars unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a majority vote. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUS_E212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR

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>

**GOC Meeting: July 16, 2018
Research Notes**

Resolution No. R-1011-15, adopted by the Board on November 3, 2015, directs the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ in memoranda to the Board pertaining to vendors being recommended for contract award.

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

Resolution No. R-477-18, adopted by the Board on May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs the County Mayor to conduct a full review prior to the re-procurement of replacement contracts for goods or services of the scope of services or goods requested to ensure such contracts reflect the current needs of the County and to include such information in recommendations to the Board.

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

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>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

FISCAL IMPACT

The fiscal impact for the five-year term is \$9,552,000 and is based on anticipated needs. The current contract is valued at \$10,198,500 for a term of five years and six months. The current contract term was extended administratively from the original expiration date of March 19, 2013 to September 30, 2018. The annual allocation under the replacement contract is \$1,910,400 while the annual allocation under the current contract is approximately \$1,854,273.

ANALYSIS

This item is requesting Board authorization to approve a replacement contract for janitorial supplies and related items for various County departments for a value of \$9,552,000 for five years. Transportation and Public Works and Parks, Recreation and Open Spaces are the biggest user departments under the contract. Per the solicitation, the contract has three groups: (1) Non Federally-Funded Purchases; (2) Federally-Funded Purchases; and Prequalification of Vendors.

To address certain environmental and health concerns associated with the use of cleaning products, the procured products under this contract shall meet minimum standards established by Green Seal.

The following is a bulleted list of the standard items purchased under this contract:

- General all-purpose cleaners
- Detergents
- Deodorizers

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Research Notes

- Disinfectants
- Powdered laundry detergent
- Scouring powder
- Bleach
- Degreasers
- Glass cleaners
- Floor cleaners, strippers and polishes
- Wood cleaner
- Graffiti remover
- Toilet bowl cleaners
- Urinal screens
- Hand sanitizers
- Soap dispensers
- Toilet paper
- Brooms, brushes and mops
- Buckets, carts and waste receptacles
- Plastic bags
- Insecticides and pesticides

Twenty-four bids were received in response to the solicitation, including two “No Bids.” Of the 16 vendors recommended for award, 12 are local vendors and 11 are certified small business enterprises. Note that OCA was unable to verify the certification status of Office Express Supply, Inc.

**GOC Meeting: July 16, 2018
Research Notes**

Item No. 3I

File No. 181606

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00866 IN A TOTAL AMOUNT UP TO \$3,505,000.00 FOR REFLECTIVE LETTERING, STRIPING, AND APPLICATION SERVICES FOR VARIOUS DEPARTMENTS FOR A TERM OF EIGHT 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 authorize the establishment of a prequalification pool for purchase of reflective lettering, striping and application services for various County departments in a total amount of up to \$3,505,000 for a term of eight years.

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=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Section 29-124 of the County Code sets forth the role of the Citizens' Independent Transportation Trust and provides that where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of a contract where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at over one million dollars unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a majority vote. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

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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>

GOC Meeting: July 16, 2018
Research Notes

Resolution No. R-1011-15, adopted by the Board on November 3, 2015, directs the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ in memoranda to the Board pertaining to vendors being recommended for contract award.

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

Resolution No. R-477-18, adopted by the Board on May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs the County Mayor to conduct a full review prior to the re-procurement of replacement contracts for goods or services of the scope of services or goods requested to ensure such contracts reflect the current needs of the County and to include such information in recommendations to the Board.

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

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>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

FISCAL IMPACT

The fiscal impact for the eight-year term is \$3,505,000, which is based on the number of vehicles to be purchased during the term. The current pool (#7555-2/12) is valued at \$2,582,474.37 for a term of eight years and three months.

The annual allocation under the replacement pool is \$438,125 while the annual allocation under the current pool is approximately \$313,027.

ANALYSIS

This item is requesting Board authorization to approve a replacement pool for purchase of reflective lettering, striping and application services for multiple County departments for an eight-year term and value of \$3,505,000. The pool is used to purchase products, such as graphics and safety decals, for County vehicles. The County plans to purchase 1,635 vehicles in Fiscal Year 2017-18, many of which will require services under this pool. Moreover, the County anticipates purchasing additional vehicles through the Five-Year Vehicle Replacement Plan, which may also require these services.

The solicitation was advertised on March 20, 2018. Six vendors responded to the procurement, of which four are being recommended for inclusion in the pool. Of the four recommended vendors, two are incumbents: Graphic Designs International, Inc. and Superior Office Services, LLC.

GOC Meeting: July 16, 2018
Research Notes

The commodity codes for the solicitation are: 55044 (Sheeting, Reflectorized for License Plates) and 55045 (Sheeting, Reflectorized). A July 13, 2018 search of the Business Management Workforce System found Servilacon Corporation as a SBE-G&S under code 55045.

**GOC Meeting: July 16, 2018
Research Notes**

Item No. 3J

File No. 181639

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$1,600,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00310 FOR PURCHASE OF CATERING SERVICES FOR VARIOUS DEPARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority to *Prequalification Pool No. RTQ-00310, Catering Services*, in the amount of \$1,600,000 in order to continue the purchase of catering services for various County 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

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>

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

Resolution No. R-477-18, adopted by the Board on May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

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>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The proposed resolution has no procedural history.

**GOC Meeting: July 16, 2018
Research Notes**

FISCAL IMPACT

The pool's current cumulative allocation is \$969,000, and expires on February 28, 2024. If the request for additional expenditure authority in the amount of \$1,600,000 is approved, the modified cumulative allocation will be \$2,569,000 (breakdown by department below).

Department	Existing Cumulative Allocation	Additional Allocation Requested	Modified Cumulative Allocation	Funding Source
Community Action and Human Services	\$300,000	\$500,000	\$800,000	Federal Funds/General Fund
Police	\$216,000	\$500,000	\$716,000	General Fund
Transportation and Public Works	\$353,000	\$400,000	\$249,005	DTPW Operating – No CITT
Water and Sewer	\$100,000	\$200,000	\$300,000	Proprietary Funds
Total:	\$969,000	\$1,600,000	\$2,569,000	

A total of \$969,000 was allocated to the current pool's Blanket Purchase Order; of that amount \$415,180.90 has been released (as of July 13, 2018), leaving a balance of \$553,810.10 (breakdown by department below).

Department	Existing Cumulative Allocation	Released Amount	Balance
Community Action and Human Services	\$300,000	\$110,675.08	\$189,324.92
Police	\$216,000	\$192,119.82	\$23,880.18
Transportation and Public Works	\$353,000	\$103,995	\$249,005
Water and Sewer	\$100,000	\$8,400	\$91,600
Total :	\$969,000.00	\$415,189.90	\$553,810.10

ANALYSIS

The proposed resolution authorizes additional expenditure authority to *Prequalification Pool No. RTQ-00310, Catering Services*, in the amount of \$1,600,000 in order to continue the purchase of catering services for various County departments. The County established the current pool in the amount of \$969,000 on March 1, 2016 for an eight-year term, expiring February 28, 2024. The additional funds would be used to prepare for the current hurricane season and future emergency events to accommodate employees who are precluded from leaving their assigned posts for extended periods of time, elderly residents, and other vulnerable County residents during emergency response operations.

Of the five vendors currently in the pool, three are local (60%), which is below the 75% threshold required by Resolution No. R-477-18. The Mayoral Memorandum states that, to increase participation in the pool, an invitation to bid was sent to 12 additional vendors, of which 11 are local. As a result of outreach efforts, two local vendors submitted documentation and met the qualification criteria. They are currently under review to be included in the pool. If added, the percentage of local vendors raises to 71%, still below the threshold required by Resolution No. R-477-18.

GOC Meeting: July 16, 2018
Research Notes

Below is the list of prequalified vendors.

Vendor	Principal Address	Local Vendor
Greater Miami Caterers, Inc.	4001 NW 31 Avenue, Miami, FL	Yes
ILS Group, LLC dba Classic Caterers	5200 Blue Lagoon Drive, Suite 500, Miami, FL	Yes
Luxfer Magtech, Inc., dba Heatermeals	2590 Ridgeway Boulevard, Manchester, NJ	No
MRE Star, LLC	2639 Fruitville Road, Suite 103, Sarasota, FL 34237*	No
South Florida Catering N Events, Inc.	5451 NW 72 Avenue, Miami, FL	Yes

*MRE Star LLC had an address change on April 24, 2018. The new address is listed above.

Below is the list of local vendors under review.

Vendor	Principal Address	Local Vendor
Caffe Cappuccino dba Catering the Event	6335 NW 99 Avenue, Doral, FL	Yes
Randazzo Catering Inc., dba Creative Taste Catering-Local (SBE)	12229 SW 131 Avenue, Miami, FL	Yes

OCA performed a search for commodity code 96115: Concessions, Catering, Vending: Mobile and Stationary on the Business Management Workforce System's Certified Vendor Directory on July 13, 2018. Listed below are the local SBEs identified:

- Apex Vending, Inc.
- M H Management Inc
- Miami-Kite Boarding, Inc.
- Nutrispa Inc
- Pastal Enterprises, Inc., dba Sasha & Lisa's Popcorn
- Randazzo Catering, Inc., dba Creative Tastes Catering (currently under review)

**GOC Meeting: July 16, 2018
Research Notes**

**Item No. 3K
File No. 181650**

Researcher: JFP Reviewer: TD

RESOLUTION WAIVING FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1(B)(1) OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT AND AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$1,600,000.00 TO CONTRACT NO. BW-00199 FOR THE PURCHASE OF FINANCIAL AND P3 ADVISORY SERVICES; AND AUTHORIZING THE COUNTY MAYOR TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should waive formal bid procedures by a two-thirds vote of the members present and authorize additional expenditure authority in an amount up to \$1,600,000 to Contract No. BW-00199 for the purchase of financial and P3 advisory services related to the ongoing Civil and Probate Courthouse Project.

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

5.03(D) of the Home Rule Charter states that Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids.

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

Resolution No. R-706-16, adopted by the Board on July 19, 2016, approves award of Contract No. 00199 to KPMG LLP for the delivery of financial and public private partnership (P3) advisory services in a total amount not to exceed \$2,000,000.00 over the initial two-year term and two, one-year options to renew.

<http://intra/gia/matter.asp?matter=161687&file=true&yearFolder=Y2016>

Resolution No. R-391-17, adopted by the Board on April 4, 2017, directs the county mayor or county mayor's designee to conduct competitive selections whenever feasible instead of expanding the term or services under existing contracts, to include in any recommendation to this board for the expansion of term or services under existing contracts a written justification of why a competitive process is not feasible

<http://intra/gia/matter.asp?matter=170534&file=true&yearFolder=Y2017>

Resolution No. R-156-18, adopted by the Board on February 6, 2018, directs the County Mayor or County Mayor's designee to include in any request for proposals to design, build, operate and maintain a new county civil courthouse the key factors of the court master plan set forth in Resolution No. R-559-17; and directs the County Mayor that, in the event that the County Mayor decides to evaluate the unsolicited proposal to design, build, operate and maintain a new county civil courthouse, such evaluation be completed within 60 days of the submission of the unsolicited proposal.

<http://intra/gia/matter.asp?matter=180271&file=false&yearFolder=Y2018>

GOC Meeting: July 16, 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>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The proposed resolution has no procedural history.

FISCAL IMPACT

The contract has an existing allocation of \$250,000 for a two-year term. If the Board approves the increased expenditure of \$1,600,000, the modified cumulative allocation will be \$1,850,000.

A total of \$250,000 was allocated to the current pool's Blanket Purchase Order; of that amount \$0 have been released (as of July 13, 2018), leaving a balance of \$250,000.

ANALYSIS

The proposed resolution waives competitive bidding procedures as outlined in Section 2-8.1 of the County Code and Section 5.03(D) of the County Home Rule Charter by a two-thirds vote of the members present and authorizes additional expenditure authority in an amount up to \$1,600,000 to Contract No. BW-00199 for the purchase of financial and public-private partnership (P3) advisory services related to the ongoing Civil and Probate Courthouse Project.

The contract for financial and P3 services was awarded to BMO Capital Markets, Corp. (BMO), the second-ranked proposer among the firms that submitted responses for Request for Proposals No.-00199, when KPMG LLP (KPMG), the firm originally awarded the contract through a competitive process, was removed from the project after self-reporting a breach of confidentiality related to the evaluation of the unsolicited proposal submitted by New Flagler Courthouse Development Partners. The award of the contract to BMO following those events was to avoid the delays re-procurement activities would present.

The Mayoral Memorandum states that the initial allocation of \$250,000 only covered the cost of initial advisory services through July 2018, thus requiring the requested modification. According to the County's Bid Tracking System, the \$250,000 has yet to be released. ISD clarified that the \$250,000 has been committed in work orders, with invoices pending since they are issued quarterly. Thus, the released amount is not yet reflected in BTS. ISD has no authority for additional work orders under this contract without the passage of the proposed resolution. The requested additional allocation is anticipated to cover necessary P3 advisory services through the completion of the Courthouse Project.

Engaging in a competitive process for the acquisition of the required financial and P3 advisory services was evaluated and determined not to be feasible due to the expedited timeline that is being pursued by the County for the Courthouse Project. The County intends to establish a prequalification pool to allow additional qualified P3 advisors to perform work on other potential P3 projects. OCA performed a search for commodity code 94648: Financial Advisor Services on the Business Management Workforce System's Certified Vendor Directory on July 13, 2018. Listed below are the local SBEs identified:

- L. Jackson & Company, P.A.
- Anthony Brunson, P.A.
- C Borders-Byrd, CPA LLC

