



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

Parks, Recreation and Cultural Affairs
Committee (PRCA) Meeting

March 14, 2019
2:00 P.M.
Commission Chambers

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Commission Auditor
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Research Notes**

**Item No. 3B
File No. 190479**

Researcher: PGE Reviewer: TD

RESOLUTION WAIVING COMPETITIVE BIDDING BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT IN ACCORDANCE WITH SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 26-34 OF THE CODE OF MIAMI-DADE COUNTY TO APPROVE A PROGRAMMING PARTNERSHIP OPERATING AND DEVELOPMENT AGREEMENT AT GREYNOLDS PARK BETWEEN MIAMI-DADE COUNTY AND THE MUSEUM OF SCIENCE, INC., A NOT FOR PROFIT ENTITY, FOR THE OPERATION, MAINTENANCE, DEVELOPMENT AND CONSTRUCTION OF A RAPTOR REHABILITATION CENTER AS A NATURE CONSERVATION AND EDUCATION PARK FACILITY FOR AN INITIAL TEN-YEAR TERM, WITH GUARANTEED YEARLY FEES TO THE COUNTY OF \$1,006,500.00 DURING INITIAL TERM; WAIVING PROVISIONS OF ADMINISTRATIVE ORDER 3-36 WHICH REQUIRE AGREEMENT TO HAVE TERMINATION FOR CONVENIENCE CLAUSE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL RIGHTS AND PROVISIONS IN THE AGREEMENT

ISSUE/REQUESTED ACTION

Whether the Board should waive formal bid procedures by a two-thirds vote of the Board members present in accord with Section 5.03(D) of the Home Rule Charter and Section 26-34 of the County Code to approve a programming partnership operating and development agreement at Greynolds Park between Miami-Dade County and the Museum of Science, Inc. for the operation, maintenance, development and construction of a Raptor Rehabilitation Center for an initial 10-year term plus two, five-year optional renewal terms with guaranteed yearly fees to the County totaling \$229,981.89 for the initial term.

APPLICABLE LEGISLATION/POLICY

Section 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. The Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county.

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

Article 7 of the Home Rule Charter sets forth the County's policies relating to parks, aquatic preserves and preservation lands.

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

Section 26-34 of the County Code (Existing Partners) provides that community-based not-for-profit organizations and programming partners currently providing or desiring to provide programming services at County Park and Recreation Facilities may be offered the opportunity to negotiate and/or renew a Programming Partnership Agreement with the Department based on the needs of the Department provided that no such term, extension or renewal shall extend beyond 10 years following the effective date of this ordinance. In the event that no agreement can be reached to the mutual satisfaction of the parties, and in any event following the expiration of any agreed upon term, extension or renewal an open competitive process will be initiated. The Board, upon written recommendation of the County Mayor or the County Mayor's designee, may by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the County. Nothing in this section shall impair any validly existing contractual rights.

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https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH26PAREDERURE_ARTIIPRPAPR_S26-34EXPA

Article III of the County Code (Shannon Melendi Act) provides that employers of child event workers, employers of park vendors, and Programming Partners and CBOs shall secure a nationwide criminal background check of all existing child event workers, park vendors, employees, and volunteers whose duties require physical presence on park property owned or operated by Miami-Dade County. In addition, prior to employing or allowing to volunteer a person whose duties would require physical presence on park property owned or operated by Miami-Dade County, employers of child event workers, employers of park vendors, and Programming Partners and CBOs shall secure a nationwide criminal background check of all such prospective child event workers, park vendors, employees or volunteers.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH26PAREDERURE_ARTIITHSHMEAC

Administrative Order No. 3-36 sets forth a standard process to recruit, select and evaluate programming partners to ensure the quality, diversity, equity and accountability of park and recreation programs as well as the stewardship of public park lands. Programming partnership agreements may be terminated for cause or convenience by either party upon 60 days written notice.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-36.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Audrey M. Edmonson, District 3

Department/Requester: Parks, Recreation and Open Spaces Department

The item has no procedural history.

ANALYSIS

This item is requesting that the Board waive formal bid procedures by a two-thirds vote of the Board members present in accord with Section 5.03(D) of the Home Rule Charter and Section 26-34 of the County Code to approve a programming partnership operating and development agreement at Greynolds Park between Miami-Dade County and the Museum of Science, Inc. for the operation, maintenance, development and construction of a Raptor Rehabilitation Center for an initial 10-year term plus two, five-year optional renewal terms with guaranteed yearly fees to the County totaling \$229,981.89 for the initial term. See Appendix B of the agreement, setting forth the Guaranteed Yearly Park Programming Fees. The Center will be located at a former fire station building within Greynolds Park, which is within District 4, represented by Commission Sally A. Heyman.

The Museum of Science managed a Bird of Prey Center dedicated to the rehabilitation and release of injured native birds of prey on Vizcaya property pursuant to a lease agreement with the County that terminated on September 30, 2018. That lease agreement cannot be extended at that location per Vizcaya's master plan which called for the area where the center was located to be reconstructed and restored to its original uses. Accordingly, the former fire station building at Greynolds Park was identified as a suitable alternative site. The Museum of Science was awarded grant funding from the Batchelor Foundation and the State of Florida to convert the fire station to the Raptor Rehabilitation Center.

Given the Museum's significant capital and operational investment in the Center and the conditions of the state grant requiring that the Museum have the site secured for 10 years, it is recommended that the Board waive the requirements of Administrative Order No. 3-36 which requires a termination for convenience clause in programming partnership

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agreements. Also, waiver of competitive bidding for the selection of the Museum of Science is recommended by the Administration due to the Museum's specialized experience in delivering the required preservation and conservation services as well as its commitment to renovating the park facility at its own expense. Moreover, the Museum has a successful performance history relating to the management of a raptor rehabilitation center.

The key services to be delivered by the Museum of Science pursuant to the Programming Partnership Operating and Development Agreement are bulleted below:

- Provide the raptor rehabilitation center, including a surgery suite, holding area, food prep, recovery area, radiology room, necropsy room and general clinic;
- Provide educational programming focusing on environmental science;
- Expand the Frost Museum's camp experience from downtown by acting as a field trip site to introduce campers to the natural habitants at Greynolds Park;
- Partner with the County to develop cooperative environmental programming to County onsite campers during the winter, spring and summer camps;
- Implement citizen science activities such as species surveys or water quality testing; and
- Design, construct and maintain interpretive exhibits.

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**Item No. 3E
File No. 190450**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING A DECLARATION OF RESTRICTIVE COVENANTS AMONG MIAMI-DADE COUNTY, THE CITY OF CORAL GABLES AND MIAMI DEVELOPMENT FUND, LLC AT AN ESTIMATED UP FRONT COST OF \$400,000.00 AND ANNUAL MAINTENANCE COSTS OF \$ 15,000.00 FOR THE PROVISION OF EIGHTY (80) NON-EXCLUSIVE PARKING SPACES AT 7350 SW 24 STREET IN MIAMI-DADE COUNTY FOR USE BY THE COUNTY FOR PATRONS OF BROTHERS TO THE RESCUE MEMORIAL PARK; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE DECLARATION OF RESTRICTIVE COVENANTS AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a declaration of restrictive covenants between Miami-Dade County (County) and the City of Coral Gables (City) and Miami Development Fund, LLC. At an estimated up front cost of \$400,000.00 and annual maintenance costs of \$15,000 for eighty (90) non-exclusive parking spaces located at 7350 SW 24 Street for the Miami-Dade County Parks and Recreation and Open Spaces (PROS).

APPLICABLE LEGISLATION/POLICY

Section 2-9 of the Code of Miami-Dade County, (Contracts with municipalities or governmental units for services-Authority of Manager), authorizes the County Manager/Mayor to enter into contracts in behalf of this County with municipalities and other governmental units for joint performance with the County or performance by any municipality or other governmental unit in behalf of the County or any function or service which the County is authorized or directed to perform under Section 11, Article VIII of the Florida Constitution, the Home Rule Charter, or any ordinance adopted by the Board.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-9COMUGOUNSEUTMA

Section 2-10 of the Code of Miami-Dade County, (Same-Ratification of Board; duration; filing), all contracts authorized by Section 2-9 shall be entered into subject to ratification by the County Commission and no such contract shall extend for a period longer than one (1) year without the express authorization of the Commission. All such contracts shall be filed with the Clerk of the Commission and the Clerk of the other governmental unit involved and shall be open to public inspection.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10SAATBODUFI

Resolution No. R-293-05, adopted March 3, 2005, authorized the County Mayor to execute an interlocal agreement with the City of Coral Gables providing terms and conditions for the County to use City owned land for parking adjacent to brothers to the rescue park.

<http://www.miamidade.gov/govaction/matter.asp?matter=050401&file=true&fileAnalysis=false&yearFolder=Y2005>

Resolution No. R-294-05, adopted March 3, 2005, authorized the execution of an agreement with the Coral Gables Police Benevolent Association for the construction of a parking lot adjacent to Brothers to the rescue park, and waiver of formal bid and bid protest procedures.

<http://www.miamidade.gov/govaction/matter.asp?matter=050402&file=true&fileAnalysis=false&yearFolder=Y2005>

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PROCEDURAL HISTORY

Prime Sponsor: Commissioner: Rebecca Sosa, District 6

Department/Requester: Parks, Recreation and Open Spaces

There is no procedural history on this item.

ANALYSIS

This item seeks approval of a declaration of restrictive covenants between Miami-Dade County and the City of Coral Gables and Miami Development Fund, LLC. At an estimated up front cost of \$400,000.00 and annual maintenance costs of \$15,000 for eighty (90) non-exclusive parking spaces located at 7350 SW 24 Street for the Miami-Dade County Parks, Recreation and Open Spaces (PROS).

The fiscal impact for the construction cost, maintenance and repair is \$400,000.00 with the annual maintenance cost for the parking lot is \$15,000.00.

The City and County entered into an inter-local agreement in 2006 which provided eighty parking spaces to the County for use by park patrons in perpetuity for so long as the County operated Brother's to the Rescue memorial park. On March 1, 2005 the BCC approved Resolution No. R-293-05 authorizing an inter-local agreement with the City for the consent of a sublease with the Coral Gables police Benevolent Association for an 80-space parking lot on the PBA parcel adjacent to Brothers to the Rescue Park for vehicle parking for non-exclusive use by park patrons. Companion Board Resolution No. R-294-05 authorized an agreement between the County and the PBA for the construction of the parking lot adjacent to Brothers to the Rescue Park. The Inter-local Agreement with the City obligated the County to improve the parking lot through the agreement with the PBA. The property was sold on December 2018 and prior to the sale the City contacted the County about modifying the inter-local agreement into declaration (covenant) that would run with the land requiring that the use and enjoyment of the parking lot would continue to be available. The term of the declaration is 30 years from the date of recordation with automatic extensions for ten-year periods.

Key provisions of the agreement include but are not limited to:

- Operating time - Parking lot hours are from 7:00am – 11:00pm daily. (Time is extended until midnight during special events, i.e. tournaments)
- Improvements - County shall compensate the Owner or Owner's designee for costs associated with any improvements made by the owner to the parking lot, subject to the prior written approval of the County.
- Maintenance – County, at its sole cost and expense, shall maintain the Parking Lot in good order and condition, and make all necessary repairs.
- Covenant Running with the Land - This declaration on the part of the owner constitutes a covenant running with the land and shall be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida. This covenant remains in full force and effect is binding on the owner and its heirs, successors and assigns until it is modified or released. These restrictions are for the benefit of the County and the public welfare.

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Illustration of the parking lot



DEPARTMENTAL INPUT:

The following questions were asked the department on March 12, 2019:

Why was the parking lot not improved as mandated by the PBA agreement that was entered into in 2005?

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**Item No. 3F
File No. 190469**

Researcher: JFP Reviewer: TD

RESOLUTION AMENDING IMPLEMENTING ORDER 4-119 RELATED TO THE FEE SCHEDULE FOR THE MIAMI-DADE PARKS, RECREATION AND OPEN SPACES DEPARTMENT

ISSUE/REQUESTED ACTION

Whether the Board should amend Implementing Order 4-119 on behalf of the County's Parks, Recreation and Open Spaces Department to include a schedule of fees for the operation of Community Health and Fitness Centers.

APPLICABLE LEGISLATION/POLICY

Chapter 26 of the Code of Miami-Dade County details Park and Recreation Department rules and regulations.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH26PAREDERURE

Section 1.01, The Home Rule Charter of Miami-Dade County delineates the Board's powers, including the authority to provide parks, preserves, playgrounds, recreation areas, libraries, museums, and other recreational and cultural facilities and programs.

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

Section 2.02A, The Home Rule Charter of Miami-Dade County delineates the responsibilities of the Mayor, specifying that the Mayor shall be responsible for the management of all administrative departments of the County government and for carrying out policies adopted by the Commission.

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

Implementing Order 4-119, effective October 1, 2018, provides a schedule of fees for services, programs, and attractions provided or operation by the Parks, Recreation and Open Spaces Department.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO4-119.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Parks, Recreation and Open Spaces

This item has no procedural history.

ANALYSIS

The proposed resolution amends the Fee Schedule for the Parks, Recreation and Open Spaces Department (PROS), Implementing Order 4-119, to incorporate a schedule of fees for the operation of Community Health and Fitness Centers. The North Pointe Community Center in District 1 is the first facility anticipated to provide memberships and classes, beginning this Fiscal Year (2018-19), with the new fees expected to generate approximately \$229,000 in revenues in its first full year of operations.

The County began maintaining the North Pointe Community Center in Fiscal Year 2018-2019 due to expiration of the County's agreement with the YMCA as a programming partner of PROS for this facility. Beginning in March 2019, PROS will begin to operate, maintain and provide programming at the Community Center as a health and fitness center, with the services and classes remaining the same as when operated by the YMCA. The amendments proposed in this

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item allow for the collection of fees from community center patrons, producing revenues which will partially offset the cost of operating the community center.

The proposed resolution could potentially affect multiple parks that choose to apply the North Pointe Community Center model in the future. The fee structure in the proposed resolution applies to all PROS facilities and would apply to future community centers.

The following is the proposed language for the newly created fee section related to the Community Health and Fitness Center. Deleted language is marked with strikethroughs and added language is underlined.

Implementing Order No.: 4-119

Title: FEE SCHEDULE FOR THE MIAMI-DADE PARKS, RECREATION AND OPEN SPACES DEPARTMENT

Ordered: ~~9/20/18~~ 4/9/19

Effective: ~~10/1/18~~ 4/19/19

* * *

<u>SPECIALTY OPERATIONS (VALUE ADDED SERVICES)</u> <u>COMMUNITY HEALTH AND FITNESS CENTER</u>	<u>Adopted Range</u>	
	<u>Minimum</u>	<u>Maximum</u>
<u>Classes</u>		
Exercise Training Classes	<u>\$10.00</u>	<u>\$100.00</u>
<u>Facility Use Pass</u>		
Daily Pass	<u>\$5.00</u>	<u>\$20.00</u>
Monthly Pass	<u>\$25.00</u>	<u>\$75.00</u>
Registration Fee	<u>\$40.00</u>	<u>\$60.00</u>

ADDITIONAL INFORMATION

North Pointe Community Center

One time \$50 registration fee (waived for current YMCA members). Special discount for CCMCAN members.

Monthly Membership Rates

Young Adult (18-26 years of age) - \$38

Single (27-64 years of age) - \$47

Couple - \$63

Household (3 people) - \$69

Senior (65 and older) - \$36

Senior Couple - \$51

Aquatics (day rate)

Fitness and Pool - \$12

Pool Only - \$7

Fitness & Pool Couple - \$20

Pool Only Couple - \$12

<https://www.miamidade.gov/parks/north-pointe.asp>