



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

Transportation and Public Works
Committee (TPWC) Meeting

December 14, 2017
9:30 A.M.
Commission Chambers

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Research Notes

Item No. 1G1
File No. 172159

Researcher: SM Reviewer: PGE

ORDINANCE RELATING TO LICENSING AND REGULATION OF FOR-HIRE LIMOUSINES; AMENDING CHAPTER 31, ARTICLE VI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING PROVISIONS REGARDING THE TRANSFER OF LUXURY LIMOUSINE SEDAN FOR-HIRE LICENSES; PROVIDING THAT THERE SHALL BE NO LIMITATION ON THE NUMBER OF LUXURY LIMOUSINE SEDAN FOR-HIRE LICENSES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Chapter 31, Article VI of the Code of Miami-Dade County to provide that there shall be no limitation on the number of luxury limousine sedan for-hire licenses.

APPLICABLE LEGISLATION/POLICY

Chapter 31, Article VI of the Code of Miami-Dade County governs licensing and regulation of for-hire-limousines.

[https://library.municode.com/fl/miami - dade county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH31VEHI_ARTVILIREFRELII](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH31VEHI_ARTVILIREFRELII)

Section 31-602 – governs the rules and procedure to apply for-hire limousine licenses in addition to operating within the County.

[https://library.municode.com/fl/miami - dade county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH31VEHI_ARTVILIREFRELII_S31-602FRELILI](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH31VEHI_ARTVILIREFRELII_S31-602FRELILI)

Section 31-603 – governs the distribution of luxury limousine sedan for-hire licenses.

[https://library.municode.com/fl/miami - dade county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH31VEHI_ARTVILIREFRELII_S31-603LULISEFRELILI](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH31VEHI_ARTVILIREFRELII_S31-603LULISEFRELILI)

Implementing Order 4-107 adopted June 6, 2012 establishes a schedule of fees to be assessed and collected by the Sustainability, Planning and Economic Enhancement Department to cover the cost of processing permits, licenses, registrations, limited authorizations, certificates, decals and applications; performing inspections; and providing other services.

<http://www.miamidade.gov/licenses/library/fees/for-hire.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Chairman Commissioner Esteban L. Bovo, Jr., District 13

The item was adopted on first reading by the BCC at its October 3, 2017 meeting. It was before the Transportation and Public Works Committee at its November 16, 2017 meeting, where no action was taken due to lack of a quorum.

FISCAL IMPACT

The fee for obtaining a limousine license will be prorated according to the number of months remaining between the month of date of license issuance and the month of annual renewal. The initial license application is currently \$350. It is expected that this proposed ordinance will generate a positive fiscal impact for the Department of Transportation and Public Works from revenues generated by new applicants obtaining luxury limousine sedan for-hire licenses and annual license renewals, as stated in the mayoral memo.

<http://www.miamidade.gov/licenses/library/fees/for-hire.pdf>

Limousine service in Miami-Dade County is subject to minimum rates set by the Board of County Commissioners.

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The following minimum rates are effective as of June 17, 2005:

Type of Limousine	Rate
Luxury Sedan (including SUVs)	<p>\$40/hour, with a 2-hour minimum;</p> <p>\$70 for a one-way continuous trip to any location;</p> <p>\$70 for any one-way continuous trip to Miami International Airport or Seaport, if the trip originates north of S.W. 248 Street; and any stop during the trip shall be \$40/hour or fraction of an hour; or</p> <p>\$90 for any one-way continuous trip to Miami International Airport or Seaport if the trip originates south of S.W. 248 Street; and any stop during the trip shall be \$40/hour or fraction of any hour.</p>
Stretch Limousine	<p>\$55/hour, with a 3-hour minimum;</p> <p>\$95 for a one-way, continuous trip to any location;</p> <p>\$75 for any one-way continuous trip to Miami International Airport or Seaport; and any stop during the trip shall be \$45/hour or fraction of an hour.</p>
Super-Stretch Limousine	<p>\$65/hour, with a 3-hour minimum;</p> <p>\$95 for a one-way, continuous trip to any location</p>

[http://www.miamidade.gov/licenses/library/guide lines/limousine-rates.pdf](http://www.miamidade.gov/licenses/library/guide%20lines/limousine-rates.pdf)

ANALYSIS

The proposed ordinance amends Chapter 31, Article VI of the Code of Miami-Dade County by amending provisions regarding the transfer of luxury limousine sedan for-hire licenses to provide that there will not be any limitation on the number of luxury limousine sedan for-hire licenses. There is currently no limitation on the number of stretch limousine, super-stretch limousine, collectible limousine and antique limousine for-hire licenses which may be issued administratively. Luxury limousine licenses may be issued through a lottery which can only occur after the Board has authorized the issuance of additional licenses. The proposed amendment would change this which would in effect treat luxury limousine sedans in an equivalent way to the other aforementioned limousines.

The establishment of an open-entry system for luxury sedan licenses will increase the availability of licensed luxury sedan transportation in Miami-Dade County, which would in turn increase competition and higher service standards for the public, as stated in the mayoral memo.

Original Ordinance	Proposed Ordinance
Sec.31-602. (n)	Sec.31-602.(n)
No for-hire limousine luxury sedan license shall be assigned, sold, (either outright or under a conditional sales contract) or transferred without prior County approval. Any change in the ownership structure of a corporation or partnership where at least five (5) percent of the shares of said corporation or at least five (5)	No for-hire limousine luxury sedan license shall be assigned, sold, (either outright or under a conditional sales contract) or transferred without prior County approval. Any change in the ownership structure of a corporation or partnership where at least five (5) percent of the shares of said corporation or at least five (5)

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<p>percent of the partnership interest is assigned, sold or transferred to another shall be deemed a sale for the purposes of this section. The Director is authorized to approve assignments, sales, or transfers when requested by submission of an application (which discloses the information specified in and is signed and sworn to in accordance with the requirements of subsections (c) and (d) of this section) and payment of a transfer investigative and processing fee and after an investigation and determination, based on the criteria set forth in this section. An assignee, buyer, or transferee shall not begin operating the limousine luxury sedan license during the pendency of the application approval process. If the County approves an application to assign, sell, or transfer a limousine luxury sedan license, the assignor's, seller's, or transferor's limousine luxury sedan license shall be suspended until the County reissues the limousine luxury sedan licenses to the assignee, buyer, or transferee. Provided, however, that the County shall reissue the limousine luxury sedan licenses to the assignee, buyer, or transferee at a cost not to exceed the annual, limousine luxury sedan license renewal fee. Any limousine luxury sedan license issued pursuant to Section 31-603(c)(ii)–(v) shall not be assigned, sold or transferred for a period of five (5) years from the date of issuance, except upon: (1) the sale of the luxury sedan license holder's business within the five-year period; (2) the sale of shares or the corporation or partnership as provided in this subsection; or (3) the transfer of all for-hire luxury sedan licenses by an individual to a person as defined in Section 31-601. No transfer shall be approved that results in a license holder holding or controlling more than thirty (30) percent of the total number of luxury limousine sedan licenses issued by the County. Appeals of the Director's decision shall be made pursuant to the requirements of this Chapter.</p>	<p>percent of the partnership interest is assigned, sold or transferred to another shall be deemed a sale for the purposes of this section. The Director is authorized to approve assignments, sales, or transfers when requested by submission of an application (which discloses the information specified in and is signed and sworn to in accordance with the requirements of subsections (c) and (d) of this section) and payment of a transfer investigative and processing fee and after an investigation and determination, based on the criteria set forth in this section. An assignee, buyer, or transferee shall not begin operating the limousine luxury sedan license during the pendency of the application approval process. If the County approves an application to assign, sell, or transfer a limousine luxury sedan license, the assignor's, seller's, or transferor's limousine luxury sedan license shall be suspended until the County reissues the limousine luxury sedan licenses to the assignee, buyer, or transferee. Provided, however, that the County shall reissue the limousine luxury sedan licenses to the assignee, buyer, or transferee at a cost not to exceed the annual, limousine luxury sedan license renewal fee. No transfer shall be approved that results in a license holder holding or controlling more than thirty (30) percent of the total number of luxury limousine sedan licenses issued by the County. Appeals of the Director's decision shall be made pursuant to the requirements of this Chapter.</p>
<p>Sec.31-603. (a)-(e)</p>	<p>Sec.31-603. (a)-(e) have been removed in the proposed ordinance</p>
<p>(a) Rules governing the distribution of luxury limousine sedan for-hire licenses.</p> <p>Upon the effective date of this article, the Director shall be authorized to issue the number of luxury limousine sedan for-hire licenses pursuant to subsections (c)(i), (ii), (iii) and (iv). In 2006, 2007 and 2008, the Director shall be authorized to issue forty-two (42) luxury limousine sedan licenses each calendar year. The</p>	<p>No limitation on number of luxury limousine sedan licenses.</p> <p>There shall be no limitation on the number of luxury limousine sedan for-hire limousine licenses.</p>

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Director shall administratively issue such licenses pursuant to the provisions of this section.

(b) Method for distribution of new luxury limousine sedan for-hire licenses. Issuance of luxury limousine sedan for-hire licenses shall be issued by the Director in accordance with the following procedures:

(i) Random selection or lottery for new issues. A random selection or lottery process shall be conducted as determined by the Director. The random selection or lottery process shall be conducted by an individual who shall not have responsibility for the enforcement of this chapter. All fees and applications must be received by the RER no later than fifty (50) calendar days after the announcement of the lottery.

(ii) Separate lottery conducted by RER. If, due to revocation, cancellation, or lapse, there are ten (10) or more luxury sedan licenses which may be issued, the RER shall have authority to issue such licenses utilizing the procedures of this section. In such event, the applicable deadlines for submission of applications and for conduct of the lottery may be administratively determined by the Director.

(iii) Conditions for participating in random selection or lottery process. All applicants shall pay a non-refundable fee to participate in each random selection or lottery process. Each application to participate in the random selection or lottery process shall be filed in accordance with [Section 31-602](#) of this Chapter, including payment of the investigative and processing fee provided therein. In addition to the eligibility requirements found elsewhere in this Chapter, an applicant shall not be eligible to participate in the random selection or lottery process if he/she/it has, during the three (3) years prior to application, pled nolo contendere, pled guilty or been found guilty of a total of four (4) or more violations of any one or combination of the following sections of this Chapter: [Section 31-602](#) (a); [Section 31-603](#) (b); and/or [Section 31-607](#)(a). The RER shall disqualify applicants who do not meet the requirements of this Chapter from participation in the lottery. The Director's decision shall be final.

(iv) No luxury limousine sedan for-hire license shall be issued until the applicant has met the provisions of [Section 31-602](#) within forty-five (45) days after the

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applicant has been notified of his or her selection. If the applicant believes he or she cannot meet the requirements within the 45-day period, the applicant may, prior to expiration of such 45-day period, request in writing, a reasonable extension from the Director. The Director may grant such a reasonable extension that the Director finds is in the public interest.

(c) Conditions for initial issuance of luxury limousine sedan licenses:

i) Each holder of a current and valid for-hire license to operate a limousine shall, upon application, receive one luxury limousine sedan license for each such license held. Such application shall be filed no later than forty-five (45) days after the effective date of this article. Failure to file such application within the prescribed period shall result in forfeiture of such option.

(ii) Each lessee of a current and valid for-hire limousine license as of January 1, 1999, shall, upon application and the submission of documentation requested by RER, receive one (1) luxury limousine sedan license for each for-hire limousine license leased prior to January 1, 1999. Such application shall be filed no later than forty-five (45) days after the effective date of this article. Failure to file such application within the prescribed period shall result in forfeiture of such option.

(iii) Each person in whose name continuous intra Miami-Dade County luxury limousine service was offered prior to January 1, 1999 shall be issued one (1) luxury limousine sedan license for each for-hire luxury limousine sedan operated if the applicant: (1) submits an application which is approved by the RER; (2) pays the applicable application investigative and processing fees; (3) provides proof of continuous, intra Miami-Dade County luxury limousine sedan service, as required herein; and (4) enters into a settlement agreement with the County, which shall, among other things, include a promise that the applicant's future limousine operations will comply with the requirements of the Code and requires the payment of a five hundred dollar (\$500.00) per vehicle penalty for each year that a vehicle has been operated illegally. The settlement agreement may provide for payment of such penalty over a period of years. In order to demonstrate continuous, intra Miami-Dade County luxury limousine

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sedan service before January 1, 1999, the applicant shall submit, in addition to any other information required by the County, the following documents: (1) annual federal tax records relating to luxury limousine services showing the payment of taxes consistent with the provision of luxury limousine services as stated in the application; (2) a list and description of all vehicles operated, vehicle identification numbers and the years of operation; (3) annual revenues per vehicle; (4) evidence of automobile liability insurance as required by Florida Statutes for each vehicle operated; (5) the number of hours operated per year, per vehicle; (6) proof that each vehicle provided at least 240 intra Miami-Dade County trips for the 12-month calendar period prior to January 1, 1999; (7) occupational licenses for each year the applicant provided for-hire limousine service from a municipality in Miami-Dade County, Miami-Dade County, or in the absence of an occupational license from the preceding governmental entities, an occupational license from a municipality in Broward or Palm Beach Counties, or from Broward or Palm Beach Counties; (8) manifests for each trip provided by each vehicle; (9) Articles of Incorporation, if required by law; (10) fictitious name registrations, if required by law; (11) annual renewals of Articles of Incorporation and fictitious name registrations, if required by law; (12) the name, address and telephone number for all chauffeurs who drove each luxury limousine and the dates of employment; and (13) a notarized affidavit, signed under oath, that the submitted application and documents are true and genuine. The RER shall disqualify applicants who do not meet the requirements of this chapter.

(iv) After totaling the number of for-hire luxury limousine sedan licenses issued pursuant to (c)(i), (ii) and (iii), twenty (20) percent of the total number of issued luxury limousine sedan licenses to be issued or 100 luxury limousine sedan licenses, whichever number is greater, shall be distributed through a random selection or lottery process to taxicab chauffeurs who as of January 1, 1999, were providing taxicab service in compliance with the requirements of [Chapter 31](#) of the Code. The applicant shall be required to furnish such documentation as shall be required by the RER.

(v) If, in the future, additional luxury limousine sedan for-hire licenses are to be issued, all applicants must

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meet the requirements of [Section 31-602](#) and Section 603 and, shall be distributed as follows:

- (1) Two-thirds (2/3) to holders of a current and valid limousine for-hire license; and
- (2) One-third (1/3) to applicants who are not holders of current and valid limousine for-hire license.
- (vi) No lottery applicant may apply for more than ten (10) luxury limousine sedan licenses.
- (d) Renewals. Additional rule for renewal of luxury limousine sedan for-hire licenses. Failure to use a for-hire license during any nine (9) month period shall be deemed abandonment and shall result in automatic revocation of the for-hire license.
- (e) Leasing the for-hire license. A luxury limousine sedan license shall not be leased to another party.

ADDITIONAL RESEARCH FOUND, BROWARD COUNTY

The number of Broward County permits for limousines is unrestricted. Broward has similar procedures as Miami-Dade County, in order to operate as a for-hire vehicle.

(<http://www.broward.org/Consumer/ConsumerProtection/VehicleForHire/Pages/default.aspx>)

Applicants for a permit to operate a Luxury Limousine shall meet the following criteria:

- The applicant must have a place of business located in Broward County and must have a Broward County Occupational License for its business;
- The applicant must produce as of the date of application, a title or lease agreement for each individual vehicle operating on the applicant's behalf in Broward County;
- The applicant must produce proof that it carries public automobile insurance for each individual vehicle, as required by this Chapter, effective on or before the date of application; and
- The applicant must produce proof that, as of the date of application, the applicant maintains a Broward County telephone number in the applicant's name.

https://library.municode.com/fl/broward_county/codes/code_of_ordinances?nodeId=PTIICOR_CH22_1-2MOCA_S22_1-2_-6CPEUXLITRVA

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**Item No. 1G2
File No. 172013**

Researcher: BM Reviewer: PGE

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-284.62 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING DOWNTOWN KENDALL URBAN CENTER ZONING DISTRICT REGULATIONS RELATED TO DEVELOPMENT IN THE "CENTER" SUB-DISTRICT; REVISING PROVISIONS RELATING TO BUILDING HEIGHT AND PLACEMENT, MAXIMUM FLOORPLATE SIZE, VEHICULAR ENTRYWAYS, AND FRONTAGE FOR OFF-STREET PARKING; CREATING REQUIREMENT PERTAINING TO PEDESTRIAN CONNECTIVITY WITH PUBLIC TRANSIT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 33-284.62 of the County Code relating to the Downtown Kendall Urban Center (DKUC) Zoning District Regulations to create a requirement pertaining to pedestrian connectivity with public transit.

APPLICABLE LEGISLATION/POLICY

Section 33-284.62 of the County Code sets forth definitions relating to zoning district regulation related to development in the Downtown Kendall Urban Center Zoning District.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH33ZO_ARTXXXIII_I_DOKEURCEDI_S33-284.62DEPA

Section 33-284.99.41 of the County Code relates to Model City Urban Center District (MCUCD) requirements and mixed-used policies.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH33ZO_ARTXXXIII_R_MOURCEDIMC_S33-284.99.41MOURCEDIMCRE

Ordinance No. 14-134 relates to amendment to the Urban Center District Land Use Plan. This ordinance was adopted by the Board on December 16, 2014.

<http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2014/14-134.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Xavier L. Suarez, District 7

This item was adopted on first reading by the Board on October 3, 2017.

At the November 16, 2017 meeting of the Transportation and Public Works Committee, no action was taken due to lack of a quorum.

FISCAL IMPACT

Enactment of this ordinance is not anticipated to create a fiscal impact to the County, i.e., it will not result in additional staffing needs nor create future operational costs.

ANALYSIS

The proposed ordinance makes the following amendments Section 33-284.62 of the Code of Miami-Dade County: (1) provisions related to building height and placement, maximum floorplate size, vehicular entryways, frontage of off-street parking; and (2) creates requirement pertaining to pedestrian connectivity with public transit.

The item is intended to provide an integration of uses that encourages more efficient use of resources and infrastructure, including transportation and housing.

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Specifically, the proposed ordinance revises the following items of Section 33-284.62 of the County Code of Miami-Dade County:

The table below summarizes the proffered amendments to the Development Parameters of the zoning ordinance relating to the Downtown Kendall Urban Center District.

Building Maximum	As it currently reads:	Proposed amendment:
Pedestal – At street front	6 stories	7 stories
Tower	2	15
		Combined pedestal and tower height may not exceed 18 stories
Building Placement	From	To
Front – Build-to line	40 feet	15 feet minimum
Interior Side/Rear	20 foot minimum setback for pedestal/30 foot minimum setback for tower.	No minimum setback pedestal and tower.
Maximum Floorplate Size	As it currently reads:	Proposed amendment:
	Maximum building floorplates above eight stories for all uses shall be twenty thousand (20,000) square feet. Cantilever balconies six (6) feet or less in depth shall not be counted towards the maximum building floorplate area.	Maximum building floorplates above eight stories for all uses shall be twenty-five thousand square feet or 25 percent of the lot area whichever is greater. Cantilever balconies six (6) feet or less in depth shall not be counted towards the maximum building floorplate area.
Streetwalls	As it currently reads:	Proposed amendment:
Vehicular Entries	Allowed. Each entry may be up to thirty-three (33) feet wide, with a minimum interval of seventy (70) feet between each vehicular entry along frontage.	Allowed. Each entry may be up to 33 feet wide, with a minimum interval of 70 feet between each vehicular entry along frontage for abutting non-designated streets.
Habitable Space	Twenty (20) foot minimum depth for first story and entire length of pedestal.	20 foot minimum depth for first story and entire length of pedestal.
Off-street Parking	As it currently reads:	Proposed amendment:
Street Level	Street Level - Eight (8) foot minimum setback from the front property line.	Colonnade Level – When provided, 20 foot minimum setback from interior wall of colonnade.
	Other Levels—Parking garages may be no closer to the front property line than the build-to line. At least one (1) vehicular connection shall be provided.	All Building Level – 20 foot minimum setback from pedestal's build-to line.

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This ordinance creates the following requirement by amendment to Section 33-284.62 of the County Code regarding Pedestrian Connection to public transit:

Proposed amendment:

Parcels south of South Datan Drive shall provide a 10 foot wide pedestrian walkway or colonnade or property that is located in such a manner as to encourage pedestrian access to the Metrorail station.

Implementing the proposed ordinance will encourage County residents in this area to more efficiently use public transit along the premium transit corridors.

ADDITIONAL INFORMATION

Below is a detailed report on the DKUC District explaining its purpose and intent:

<https://www.miamidade.gov/zoning/library/reports/downtown-kendall-district.pdf>

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**Item No. 1G4
File No. 172649**

Researcher: BM Reviewer: PGE

RESOLUTION APPROVING APPLICATION FOR THREE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO EXECUTIVE RIDE TRANSPORT, INC. TO PROVIDE WHEELCHAIR NON-EMERGENCY MEDICAL TRANSPORTATION SERVICE

ISSUE/REQUESTED ACTION

Whether the Board should approve the application for three certificates of public convenience and necessity to Executive Ride Transport, Inc., to operate three non-emergency vehicles.

APPLICABLE LEGISLATION/POLICY

Section 4-42 of the County Code refers to the intent and history of the county with non-emergency vehicles and public convenience certificates.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AMMETRVE_ARTIINOMETR_S4-42LEFIIN

Section 4-43 of the County Code defines all the terms involved with driving fares and public convenience.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AMMETRVE_ARTIINOMETR_S4-43DE

Section 4-44 of the County Code specifies how to obtain a certificate of public convenience and necessity.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AMMETRVE_ARTIINOMETR_S4-44OBCEPUCONE

Section 4-47 of the County Code elaborates on the fares and rates for the services.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AMMETRVE_ARTIINOMETR_S4-47SAARRA

Section 4-48 of the County Code speaks to the insurance requirements.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AMMETRVE_ARTIINOMETR_S4-48SANSRE

Section 4-49 of the County Code expands on the vehicle standards.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AMMETRVE_ARTIINOMETR_S4-49SAEHST

Ordinance No. 80-145 was adopted by the Board, on December 18, 1980, to provide regulations on non-emergency medical transportation. This ordinance is not available on the internet.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Department of Transportation and Public Works (DTPW)

A similar item was adopted by the Board on 10/3/17.

<http://intra/gia/legistarfiles/MinMatters/Y2017/171677min.pdf>

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FISCAL IMPACT

If this proposed resolution is approved, the revenue generated for the County will be an annual regulatory fee of \$625 per certificate, which will yield \$1,875 for all three certificates, and a vehicle inspection fee of \$38 at a maximum of four inspections per year for the DTPW.

ANALYSIS

If approved by the Board, the resolution approves the application for three certificates of public convenience and necessity to Executive Ride Transport, Inc., to operate three non-emergency vehicles throughout the County.

Executive Ride Transport, Inc. provides non-emergency medical transportation services. Executive Ride Transport, Inc., would be a new permit holder and is based out of Pompano Beach, FL. This is an important service, which allows the members of the community affordable access to non-emergency medical transportation throughout the County. Companies that provide this service work to meet the demand of residents in need of non-emergency transportation services throughout the county, including driving to and from hospital appointments, rehabilitation centers. The services span countywide, both incorporated, and unincorporated areas. The management plan submitted by Executive Ride Transport, Inc., including maintenance, communication, and recordkeeping systems meet the requirements of the County Code.

The County does not dictate the rates, nor does it choose one vendor to work with – rather it allows for the providers to compete with one another to provide low and fair rates, and allows the customer to have preference over the service providers. Section 4-47 of the County Code states that the rates can be done in 2 ways: public rates and contract rates. The public rates must be clearly posted within the vehicle on the passenger side, and the rates must be explained to the person requesting the service prior to the transport.

Executive Ride Transport, Inc. proposed rates are summarized in the table below:

Weekday Rates 6:00am – 6:00pm		
Service	Rates	Additional Fees
Wheelchair Lift Equipped Vehicles	First 5 miles: \$35.00	After 5 miles: \$35.00, plus; per mile: \$2.00
Stretcher Service	Load Fee: \$80.00	Per Mile: \$4.00
Ambulatory Service	First 5 miles: \$20.00	After 5 miles: \$20.00, plus; per mile: \$1.50
Weekend Rates and after 6:00 pm		
Service	Rates	Additional Fees
Wheelchair Lift Equipped Vehicles	First 5 miles: \$45.00	After 5 miles: \$45.00, plus; per mile: \$2.50
Stretcher Service	Load Fee: \$90.00	Per Mile: \$4.50
Ambulatory Service	First 5 miles: \$30.00	After 5 miles: \$30.00, plus; per mile: \$2.00

Increasing the availability of licensed non-emergency medical transportation in the county increases competition and higher service standards to the public.

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Executive Ride Transport, Inc., has an active status and first filed and registered on 10/09/2015.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder>

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[=EXECUTIVERIDETRANSPORT%20P150000836390&aggregateId=domp-p15000083639-4514718d-24e5-4dc0-81c5-c718580d372d&searchTerm=executive%20ride%20transport%2C%20inc&listNameOrder=EXECUTIVERIDETRANSPORT%20P150000836390](#)

Additional information on Non-Emergency Transportation is available on the County's website:
<http://www.miamidade.gov/licenses/non-emergency-transportation.asp>

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Research Notes**

**Item No. 1G6
File No. 172654**

Researcher: BM Reviewer: PGE

RESOLUTION APPROVING APPLICATION FOR THREE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO EXECUTIVE RIDE TRANSPORT, INC. TO PROVIDE WHEELCHAIR NON-EMERGENCY MEDICAL TRANSPORTATION SERVICE

ISSUE/REQUESTED ACTION

Whether the Board should approve the application for three certificates of public convenience and necessity to Palm Medical Transportation, LLC, to operate three non-emergency vehicles.

APPLICABLE LEGISLATION/POLICY

Section 4-42 of the County Code refers to the intent and history of the county with non-emergency vehicles and public convenience certificates.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AMMETRVE_ARTIINOMETR_S4-42LEFIIN

Section 4-43 of the County Code defines all the terms involved with driving fares and public convenience.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AMMETRVE_ARTIINOMETR_S4-43DE

Section 4-44 of the County Code specifies how to obtain a certificate of public convenience and necessity.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AMMETRVE_ARTIINOMETR_S4-44OBCEPUCONE

Section 4-47 of the County Code elaborates on the fares and rates for the services.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AMMETRVE_ARTIINOMETR_S4-47SAARRA

Section 4-48 of the County Code speaks to the insurance requirements.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AMMETRVE_ARTIINOMETR_S4-48SANSRE

Section 4-49 of the County Code expands on the vehicle standards.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AMMETRVE_ARTIINOMETR_S4-49SAEHST

Ordinance No. 80-145 was adopted by the Board, on December 18, 1980, to provide regulations on non-emergency medical transportation. This ordinance is not available on the internet.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Department of Transportation and Public Works (DTPW)

A similar item was adopted by the Board on 10/3/17.

<http://intra/gia/legistarfiles/MinMatters/Y2017/171677min.pdf>

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FISCAL IMPACT

If this proposed resolution is approved, the annual regulatory fee of \$625 per certificate will yield \$1,875 of revenue and could possibly generate up to \$38 per vehicle inspection up to four inspections per year for the DTPW.

ANALYSIS

If approved by the Board, the resolution approves the application for three certificates of public convenience and necessity to Palm Medical Transportation, LLC, to operate three non-emergency vehicles.

Palm Medical Transportation, LLC, provides non-emergency medical transportation services to patients that require assistance to medical facilities. The applicant seeks to provide service seven days a week, 24 hours a day. This is an important service, which allows the members of the community affordable access to non-emergency medical transportation throughout the County. Companies that provide this service work to meet the demand for medical transportation throughout the county, including driving to and from hospital appointments, rehabilitation centers. The services span countywide, both incorporated, and unincorporated areas.

The County does not dictate the rates, nor does it choose one vendor to work with – rather it allows for the providers to compete with one another to provide low and fair rates, and allows the customer to have preference over the service providers. Section 4-47 of the County Code states that the rates can be done in 2 ways: public rates and contract rates. The public rates must be clearly posted within the vehicle on the passenger side, and the rates must be explained to the person requesting the service prior to the transport.

Palm Medical Transportation, LLC, proposed rates are summarized in the table below:

Cost per trip:		
Service	Rates	Additional Fees
Wheelchair Passenger – One Way	Load Fee: \$34.00	Per mile: \$2.50 (7 mile minimum) \$8.75 (per wheelchair use)
Ambulatory Passenger – One Way	Load Fee: \$34.00	Per mile: \$2.00 (7 mile minimum)
Wait time (after initial 15 minutes)	Per 15 minutes: \$9.50	-
Night Call (7:00 pm. – 7:00 am.)	Each Way additional: \$15.50	-
Immediate Response Call (Same Day)	Each Way additional: \$25.00	-
Out of Area Pickup Charge	Each Way additional: \$25.00	-

Increasing the availability of licensed non-emergency medical transportation in the county increases competition and higher service standards to the public.

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Palm Medical Transportation, LLC, has an active status and first filed and registered on 05/25/2017.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=PALMMEDICALTRANSPORTATION%20L170001159890&aggregateId=fla1-117000115989-3d708b4c-0249-4c14-98d7-051703225ee5&searchTerm=palm%20medical%20transportation&listNameOrder=PALMMEDICALTRANSPORTATION%20L170001159890>

Additional information on Non-Emergency Transportation is available on the County's website:

<http://www.miamidade.gov/licenses/non-emergency-transportation.asp>

TPWC Meeting: December 14, 2017
Research Notes

Item No. 3A
File No. 172456

Researcher: BM Reviewer: PGE

RESOLUTION AUTHORIZING THE USE OF CONTRACT NO. RFP-00199, FINANCIAL AND P3 ADVISORY SERVICES FOR THE DEPARTMENT AND TRANSPORTATION AND PUBLIC WORKS PROJECT TITLED LED ROADWAY LIGHTING DEVELOPMENT AND INSTALLATION AND AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY FOR SAID CONTRACT IN A TOTAL AMOUNT UP TO \$150,000.00

ISSUE/REQUESTED ACTION

Whether the Board should authorize the use of Contract No. RFP-00199, Financial and P3 Advisory Services, for the LED roadway lighting development and installation project for the Department of Transportation and Public Works (DTPW) in the amount of \$150,000.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases, Generally); this section requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved, including legacy and 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

Master Procurement Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services, including professional services.

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

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directed 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-706-16, adopted by the Board on July 19, 2016, approved award of Contract No. 00199 to KPMG LLP for delivery of financial and public-private partnership advisory services in an amount not to exceed \$2,000,000 for an 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-151-15, adopted by the Board on February 3, 2015, directed the County Mayor to prepare and issue a solicitation for the retention of a financial consultant to provide specialized financial services to support the County in its desire to explore P3 delivery methods for the design, construction, operation and maintenance of court and jail facilities. Under the resolution, a P3 solicitation shall consist of two steps, a Request for Qualifications followed by a Request for Proposals.

<http://intra/gia/matter.asp?matter=150167&file=true&yearFolder=Y2015>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

11/16/17: No action taken due to lack of a quorum by the Transportation and Public Works Committee.

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Research Notes

FISCAL IMPACT

DTPW is requesting an allocation of \$150,000 to cover the cost of financial and P3 advisory services. The mayoral memorandum does not explain how that allocation was determined and what specific services the vendor – KPMG LLP – would deliver. Per information found in the Bid Tracking System on December 13, 2017, \$1,000,000 have been allocated to the contract's Blanket Purchase Order, of which \$360,000 has been released leaving a balance of \$640,000. As specified in the contract, the performance and payment for any work shall be expressly conditioned upon the execution of a Work Order by both parties.

ANALYSIS

This item seeks Board authorization for DTPW to be added to the County's Financial and P3 Advisory Services contract with KPMG with an allocation of \$150,000; the addition of the department to the contract will authorize the firm's delivery of financial advising and consulting services associated with the LED roadway lighting development and installation project. As indicated in the mayoral memorandum, the project proposes to convert roughly 12,597 existing high pressure sodium streetlights to LED (i.e., energy efficient light emitting diodes) and to maintain the new LED lighting system for a 15-year term. LED lighting is considered more efficient than traditional lighting sources, reducing energy consumption, decreasing the use of fossil fuels and having a longer lifespan, ostensibly resulting in cost savings. However, medical professionals have issued warnings about the potential health hazards of LED streetlights, such as severe discomfort and glares which may result in personal injury. (see: <http://www.cnn.com/2016/06/21/health/led-streetlights-ama/index.html>).

Under the County's contract with KPMG, the firm is required to deliver financial advising and P3 consulting services associated with the acquisition of projects through the P3 delivery method. A P3 (i.e., public-private partnership) is a contractual arrangement between a public agency and a private sector entity through which the skills and assets of each sector are shared to deliver a service or facility that serves a public purpose for use by the general public. The specific services KPMG contracted to deliver relating to the County's efforts to develop court and jail facilities via P3 initiatives are: preparation of solicitation documents; production of market research; analysis of County assets; review of proposals received; formation of benchmarks; preparation of project cost comparisons/normalizations; analysis of financing options; and review and assessment of project risks. KPMG may also assist the County in any project negotiations and subsequent contract preparation as well as the presentation of recommendations to the County administration, the Mayor's Office and the Board on such projects.

DTPW issued a Request for Expressions of Interest (RFI) to solicit market feedback on the project. A summary of the results of that RFI was not included in the mayoral memorandum. Information pertaining to the project's timeline and contractor deliverables were also not included in the memorandum. Finally, note that based on a search for KPMG LLP on December 11, 2017 in the Florida Department of State, Division of Corporation website, OCA concludes that the firm is not a registered, active state of Florida business entity.

[http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResults?inquiryType=EntityName
&searchNameOrder=KPMG&searchTerm=kpmg](http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResults?inquiryType=EntityName&searchNameOrder=KPMG&searchTerm=kpmg)

**TPWC Meeting: December 14, 2017
Research Notes**

Item No. 3C

File No. 172461

Researcher: BM Reviewer: PGE

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF NW 24 AVENUE FROM NW 119 STREET SOUTH FOR APPROXIMATELY 336 FEET (ROAD CLOSING PETITION NO. P-911)

ISSUE/REQUESTED ACTION

Whether the Board should approve the petition by Rosal Westview, LLC, for road closure of a 336-foot portion of NW 24 Avenue from NW 119 Street South, in order to incorporate the land into the proposed plat of Westview Logistics Center (tentative plat number T-23768) in District 2 represented by Commissioner Monestime.

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Sections 336.09 – 336.12:

Section 336.09 (Closing and abandonment of roads; authority)

Section 336.10 (Closing and abandonment of roads; publication of notice)

Section 336.12 (Closing and abandonment of roads; termination of easement; conveyance of fee)

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0336/0336ContentsIndex.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

Department/Requester: Transportation and Public Works

11/16/17: No action was taken due to lack of a quorum by the Transportation and Public Works Committee.

FISCAL IMPACT

If this resolution is approved, the closure will not affect the tax roll since an alternate road will be dedicated by plat. The fee to close the road is \$800.

ANALYSIS

The proposed resolution approves a petition for road closure by Rosal Westview, LLC, of a 336-foot portion of NW 24 Avenue from NW 119 Street South, in order to incorporate the land into the proposed plat of Westview Logistics Center (tentative plat number T-23768) in District 2 represented by Commissioner Monestime. The right-of-way is currently zoned IU-1 (Industrial District, light manufacturing) and BU-2 (Business Districts, special). The closing of the right-of-way is contingent on recordation of the plat.

Implementing the proposed resolution will provide residents with an improved traffic flow and continuity in the area as it plans to connect a dead end into a through street. This is clearly demonstrated in the following drawn attachments, and in pictures on the Google Earth map:

<https://www.google.com/maps/@25.8820986,-80.23952466m/data=!3m1!1e3>

The petition is signed by all abutting property owners, which includes Rosal Westview, LLC, and Southeastern Conference Assn. of Seventh-Day Adventist, Inc. Rosal Westview, LLC signed the petition on August 17, 2017.

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Research Notes

ADDITIONAL INFORMATION

According to the Florida Department of State Website (Sunbiz), the petitioner, Rosal Westview, LLC, first filed with the State of Florida on July 26, 2011, and has an active status.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=ROSALWESTVIEW%20L110000861300&aggregateId=fla1-111000086130-b8178820-9116-4f46-b221-0dd0dc92111a&searchTerm=ROSAL%20WESTVIEW%20LLC&listNameOrder=ROSALWESTVIEW%20L110000861300>

**TPWC Meeting: December 14, 2017
Research Notes**

Item No. 3D

File No. 172367

Researcher: BM Reviewer: PGE

RESOLUTION AUTHORIZING THE EXECUTION OF A MIAMI-DADE COUNTY DISCLAIMER FOR THOSE PORTIONS OF THEORETICAL SW 222 AVENUE AND SW 240 STREET LOCATED WITHIN SECTION 20, TOWNSHIP 56 SOUTH, RANGE 38 EAST IN MIAMI-DADE COUNTY, FLORIDA

ISSUE/REQUESTED ACTION

Whether the Board should authorize execution of a Miami-Dade County Disclaimer in favor of the Florida Power and Light (FPL) for those portions of theoretical SW 222 Avenue and SW 240 Street (located in Section 20, Township 56 South, Range 38 East).

APPLICABLE LEGISLATION/POLICY

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

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2009/091900min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Dennis C. Moss, District 9

11/16/17: No action was taken due to lack of a quorum at the Transportation and Public Works Committee.

FISCAL IMPACT

There is no fiscal impact associated with this action since there are no existing roads within the areas being disclaimed.

ANALYSIS

The proposed resolution authorizes an execution of a Miami-Dade County Disclaimer of portions of theoretical SW 222 Avenue and SW 240 Street (located in Section 20, Township 56 South, Range 38 East) in favor of FPL. The project impact is in District 9. More specifically, FPL, the present property owner, is requesting that the Department of Transportation and Public Works disclaim any interest it might have to the property.

As FPL is the owner of all of the lands adjacent to theoretical SW 222 Avenue and SW 240 Street located in Section 20, Township 56 South, Range 38 East, it is asking the County to disclaim any rights it might have by virtue of a warranty deed created on March 24, 1966 by Arvida Corporation. There will be no impact to traffic since there are no existing roads along the lines being disclaimed. As stated in the mayoral memo, the subject area is agricultural and the possibility of it ever being developed is very remote.

ADDITIONAL INFORMATION

The link below demonstrates that the area in question is located in an agricultural area outside of the Urban Development Boundary, and near the Everglades National Park.

<https://www.google.com/maps/@25.5442166,-80.5493625,1016m/data=!3m1!1e3>

The Urban Development Boundary for Miami-Dade County was established by the Comprehensive Development Master Plan (CDMP) and generally approved through the year 2020. For reference, below is a link to the '2015 Urban Development Boundary'.

<http://www.miamidade.gov/planning/cdmp.asp>

TPWC Meeting: December 14, 2017
Research Notes

Item No. 3F

File No. 172269

Researcher: BM Reviewer: PGE

RESOLUTION APPROVING AN OFF-SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF IMPROVEMENTS ALONG SW 99 COURT FROM STATE ROAD 94/KENDALL DRIVE TO APPROXIMATELY 350 FEET NORTH; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the execution of an Off-System Construction and Maintenance Agreement between the County and the Florida Department of Transportation (FDOT) for the construction of improvements along SW 99 Court from State Road 94/Kendall Drive to approximately 350 feet north.

APPLICABLE LEGISLATION/POLICY

Chapter 337 of the Florida Statutes: relating to contracting, acquisition, disposal and use of property.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0337/0337ContentsIndex.html&StatuteYear=2017&Title=%2D%3E2017%2D%3EChapter%20337

Section 339.135 of the Florida Statutes: relating to transportation work programs, legislative budget requests and FDOT's budgeted fiscal year expenditures.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0339/Sections/0339.135.html

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

11/16/17: No action was taken due to lack of a quorum at the Transportation and Public Works Committee.

FISCAL IMPACT

The project's estimated cost is \$176,821.26, which will be financed with State of Florida funds. FDOT will cover the project's construction costs while the County's Department of Transportation and Public Works (DTPW) shall cover maintenance costs upon project completion. Such maintenance will be funded through DTPW's General Fund allocation at an estimated yearly cost of \$43.40.

ANALYSIS

This item seeks Board approval of an Off-System Construction and Maintenance Agreement between the County and FDOT for the construction of improvements along SW 99 Court from State Road 94/Kendall Drive to approximately 350 feet north, i.e., project limits. The work shall include milling and resurfacing, widening the existing roadway, constructing 72 feet of type F curb and gutter on the east side, replacing 50 feet of existing sidewalk and sod on the east side, upgrading signing and pavement markings and drainage improvements.

The project is located in District 7, which is represented by Commissioner Xavier L Suarez. As indicated in the mayoral memorandum, construction of improvements is scheduled to commence in August 2018. The memorandum does not indicate the project's anticipated completion date. Additionally, there is no mention in the memorandum whether citizen input will be solicited prior to execution of the agreement and/or project commencement.

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Research Notes

This project is included in FDOT's Work Program as a safety project. The project limits is located outside of the State's Highway System, and the County is the holder of the ownership rights to the road. Key provisions of the agreement are as follows:

- FDOT shall design and construct the project in accord with all applicable federal and state laws and regulations; FDOT shall have final decision authority with respect to the design, the design review process and construction of the local roadway improvements, and the relocation of any utilities that FDOT may determine to be required;
- The County shall review the project design plans and submit its comments, if any, via Electronic Reviewer Comments; once the review process is concluded, the County shall authorize its DTPW to issue a permit to FDOT's construction contractor, authorizing FDOT to construct the project in accord with the final project design plans;
- The County acknowledges that FDOT will be utilizing federal funds to construct the project, and as a result thereof, the County agrees to perpetually maintain the local roadway improvements; to maintain, means to perform normal maintenance operations for the preservation of the local roadway improvements, which shall include roadway surfaces, shoulders, roadside structures, drainage, signing and pavement markers and such traffic control devices as are necessary for the safe and efficient use of the local roadway improvements;
- After completion of construction, the County shall assume all maintenance responsibilities; upon completion of construction, FDOT will invite the County on the Final Inspection of the work within the project limits and will incorporate valid County concerns that are within the scope of the contract into the final project punch list to be corrected by the contractor; and
- Upon completion of all work related to construction of the project, FDOT will be required to submit to the County final as-built plans for the local roadway improvements and an engineering certification that construction was completed in accordance with the plans.

Note that the attached agreement has not been signed by FDOT.

**TPWC Meeting: December 14, 2017
Research Notes**

Item No. 3G
File No. 172436

Researcher: SM Reviewer: PGE

RESOLUTION APPROVING AN OFF-SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF IMPROVEMENTS ALONG NW 2 AVENUE FROM NW 123 STREET TO NW 127 STREET; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the execution of an Off-System Construction and Maintenance Agreement between the County and the Florida Department of Transportation (FDOT) for the construction of improvements along NW 2 Avenue from NW 123 Street to NW 127 Street.

APPLICABLE LEGISLATION/POLICY

Chapter 337 of the Florida Statutes: relating to contracting, acquisition, disposal and use of property.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0337/0337ContentsIndex.html&StatuteYear=2017&Title=%2D%3E2017%2D%3EChapter%20337

Section 339.135 of the Florida Statutes: relating to transportation work programs, legislative budget requests and FDOT's budgeted fiscal year expenditures.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0339/Sections/0339.135.html

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

11/16/17: No action was taken due to lack of a quorum at the Transportation and Public Works Committee.

FISCAL IMPACT

The mayoral memorandum states that the improvements will be built by FDOT with federal funds. The County's Department of Transportation and Public Works (DTPW) shall cover maintenance costs upon project completion; such maintenance will be funded through DTPW's General Fund allocation at an estimated yearly cost of \$226.33.

ANALYSIS

This item seeks Board approval of an Off-System Construction and Maintenance Agreement between the County and FDOT for the construction of improvements along NW 2 Avenue from NW 123 Street to NW 127 Street. The improvements are associated with a larger project abutting the project limits. The improvements to be constructed include milling and resurfacing and widening of NW 2 Avenue from NW 123 Street to NW 127 Street, a road not on the State Highway System. Additionally, FDOT shall install an additional signal head for both SR922/NW125 Street Eastbound and Westbound approaching N Miami Avenue and further install back plates for all Eastbound and Westbound signal heads at the intersection of SR922/NW 125 Street and N Miami Avenue.

The project is located in District 2, which is represented by Commissioner Jean Monestime. As indicated in the mayoral memorandum, construction of improvements is scheduled to commence in August 2018. The memorandum does not indicate the project's anticipated completion date. Additionally, there is no mention in the memorandum whether citizen input will be solicited prior to execution of the agreement and/or project commencement.

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Research Notes

This project is included in FDOT's Work Program as a safety project. The project limits is located outside of the State's Highway System, and the County is the holder of the ownership rights to the road. Key provisions of the agreement are as follows:

- FDOT shall design and construct the project in accord with all applicable federal and state laws and regulations; FDOT shall have final decision authority with respect to the design, the design review process and construction of the local roadway improvements, and the relocation of any utilities that FDOT may determine to be required;
- The County shall review the project design plans and submit its comments, if any, via Electronic Reviewer Comments; once the review process is concluded, the County shall authorize its DTPW to issue a permit to FDOT's construction contractor, authorizing FDOT to construct the project in accord with the final project design plans;
- The County acknowledges that FDOT will be utilizing federal funds to construct the project, and as a result thereof, the County agrees to perpetually maintain the local roadway improvements; to maintain, means to perform normal maintenance operations for the preservation of the local roadway improvements, which shall include roadway surfaces, shoulders, roadside structures, drainage, signing and pavement markers and such traffic control devices as are necessary for the safe and efficient use of the local roadway improvements;
- After completion of construction, the County shall assume all maintenance responsibilities; upon completion of construction, FDOT will invite the County on the Final Inspection of the work within the project limits and will incorporate valid County concerns that are within the scope of the contract into the final project punch list to be corrected by the contractor; and
- Upon completion of all work related to construction of the project, FDOT will be required to submit to the County final as-built plans for the local roadway improvements and an engineering certification that construction was completed in accordance with the plans.

**TPWC Meeting: December 14, 2017
Research Notes**

Item No. 3J

File No. 172741

Researcher: BM Reviewer: PGE

RESOLUTION AUTHORIZING APPROVAL OF AN AGREEMENT BETWEEN MOBILITIE, LLC AND MIAMI-DADE COUNTY FOR THE PURPOSE OF PROVIDING A DEDICATED PLANS REVIEW STAFFER IN THE AMOUNT OF \$70,000.00 TO THE COUNTY IN THE FIRST YEAR

ISSUE/REQUESTED ACTION

Whether the Board should approve a Utility Structure Permitting Agreement between the County and Mobilitie, LLC to provide funding of \$70,000 for a dedicated Utility Permitting Employee, for one year, to review permits issued by the County's Department of Transportation and Public Works (DTPW) for applications for communications facilities.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-255-17, approved the agreement with FPL was adopted by the Board on March, 7, 2017.

<http://intra/gia/legistarfiles/MinMatters/Y2017/170034min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Department of Transportation and Public Works

This item has no procedural history.

FISCAL IMPACT

Mobilitie, LLC, will fully fund the \$70,000 for the requested Utility Permitting Employee position. The payment will be made at the start of the term, and the second payment at the six month period of the term. Mobilitie, LLC, will also reimburse for mileage expense and actual tolls expense for the employee's required visits related to the permit process, up to \$1,000 per month.

ANALYSIS

If approved by the Board, the proposed resolution approves a Utility Structure Permitting Agreement between the County and Mobilitie, LLC in the amount of \$70,000 to the County in the first year for the purpose of providing a dedicated plans review staffer for permits to be issued by the County Department of Transportation and Public Works for applications for communications facilities.

Per the Utility Structure Permitting Agreement, Mobilitie, LLC would provide the County with \$70,000 of funding for one employee, for one year, to exclusively process application for permits, on a priority basis, for communication facility projects within the unincorporated areas of the County. The agreement may be extended yearly through mutual consent.

Mobilitie, LLC's, duties under the agreement are to fully fund the requested position and the necessary expenses related to the permit process. Miami-Dade County's duties under the agreement are to diligently fill staffer position with a qualified individual and to initiate the rehiring process should the staffer leave or be terminated. Either party may terminate this agreement for convenience upon receipt of notice by the other party.

ADDITIONAL INFORMATION

Below is a link to an article posted by the Miami Herald as it relates to the contract position fully-funded by FPL to exclusively process FPL's applications for permits. The article address concerns about possible conflicts of interest. The item was adopted by the Board on March, 7, 2017

<http://www.miaminewtimes.com/news/fpl-wants-to-pay-salary-of-county-employee-in-charge-of-approving-its-permits-9188548>