

RESOLUTION NO. 2011-19-1412-Z-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA REAFFIRMING THE CITY COUNCIL'S DECISION TO APPROVE THE SEVEN (7) OPTIONAL AMENDMENTS TO THE CITY'S INTERLOCAL AGREEMENT FOR SCHOOL FACILITIES PLANNING AND TO REJECT AMENDMENT NO. 1 TO THE CITY'S INTERLOCAL AGREEMENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council previously approved a motion to approve all seven (7) of the Optional Substantive Amendments to the Interlocal Agreement for School Facilities Planning ("ILA") and rejected Amendment No. 1, which would require that all future amendments to the ILA must be approved by unanimous consent, and

WHEREAS, the School Board is requesting that a formal resolution be submitted by the City Council as to its decision,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AS FOLLOWS:

Section 1: ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

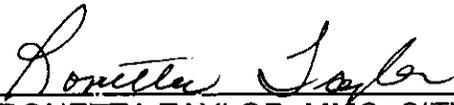
Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens hereby reaffirms the City Council's decision to approve the seven (7) optional amendments to the City's Interlocal Agreement for School Facilities Planning, and rejecting Amendment No. 1 to the City's Interlocal Agreement.

Section 3: EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI  
GARDENS AT ITS ZONING MEETING HELD ON FEBRUARY 2, 2011.

  
SHIRLEY GIBSON, MAYOR

**ATTEST:**

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

Moved by: Councilman Gilbert  
Second by: Councilwoman Davis

**VOTE: 6-0**

Mayor Shirley Gibson	<u>  X  </u> (Yes)	_____ (No)
Vice Mayor Aaron Campbell	<u>  X  </u> (Yes)	_____ (No)
Councilwoman Lisa Davis	<u>  X  </u> (Yes)	_____ (No)
Councilman Oliver Gilbert, III	<u>  X  </u> (Yes)	_____ (No)
Councilwoman Sharon Pritchett	_____ (Yes)	_____ (No) (not present)
Councilwoman Felicia Robinson	<u>  X  </u> (Yes)	_____ (No)
Councilman Andre' Williams	<u>  X  </u> (Yes)	_____ (No)



## City of Miami Gardens Zoning Agenda Cover Memo

<b>Zoning Board Meeting Date:</b> <i>(Enter X in box)</i>	February 2, 2011		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>	
				X			
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		X		<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Yes</b>
					X		
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>	
						X	
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>RFP/RFQ/Bid #:</b>	N/A			
		X					
<b>Strategic Plan Related</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Strategic Plan Priority Area:</b>	<b>Strategic Plan Obj./Strategy:</b>  <b>Objective: improve the quality of education in City of Miami Gardens.</b> <b>Strategy: 3.1 Establish an education model to achieve excellence in education in City of Miami Gardens.</b>			
	X						
<b>Sponsor Name</b>	Danny Crew, City Manager		<b>Department:</b>	Planning and Zoning			

**Short Title:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA REAFFIRMING THE CITY COUNCIL’S DECISION TO APPROVE THE SEVEN (7) OPTIONAL AMENDMENTS TO THE CITY’S INTERLOCAL AGREEMENT FOR SCHOOL FACILITIES PLANNING AND TO REJECT AMENDMENT NO. 1 TO THE CITY’S INTERLOCAL AGREEMENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

**Background**

Council will recall that there has been extensive conversation regarding this item, including presentations by Miami-Dade County Public School staff members. On December 1, 2010 the City Council passed a motion(s) to

**ITEM 7-A) CONSENT AGENDA  
RESOLUTION  
School Facilities Planning**

(1) approve all of the seven non-substantive Optional Amendments and (2) rejected Amendment No. 1 to the City's Interlocal Agreement (ILA) for School Facilities Planning.

### **Current Situation**

The City Council's motion to adopt all seven of the Optional non-substantive amendments and reject Amendment 1 is now followed by a resolution confirming Council's decision. The Resolution will be provided to the School Board.

### **Analysis**

**The following is a summary of the proposed (7) seven optional non-substantial changes:**

1. Section 9.2 (a) Capacity Methodology and Formula for Availability

Requires a review of the four Geographic Areas within one year of the effective date of the ILA.

Explanation - During a public school concurrency review of a proposed residential project, the School District first looks at the locally impacted schools for a determination of school capacity available to serve the proposed project. If capacity is not available. The District looks at the adjoining school boundaries within the same Geographic Area. If capacity is not available at the locally impacted schools or the adjoining schools in the same Geographic Area of the project, the project will be denied unless new facilities are constructed to meet the need. The County has been subdivided into four quadrants namely Northwest, Northeast, Southwest and Southeast. Miami Gardens falls in the Northeast geographic quadrant.

2. Section 9.2 (b) Level of Service Standard

Requires Miami-Dade Public Schools to submit an annual report to municipalities.

Explanation – This requirement is a new requirement where the School District must report annually by September 30 of each year to the municipalities regarding the schools which do not meet Level of Service Standards and all annual projects related to school capacity that were due to be completed by the date of the annual report.

This information is currently available through the School District; but is not required to be distributed to impacted municipalities. This change will require the School District to send out an annual report every year. This promotes the intergovernmental coordination policy aspects contained in the City's Comprehensive Development Master Plan (CDMP). Pursuant to County ILA, this requirement implementation has already begun and the School District has submitted the said report to all municipalities on September 30, 2010.

3. Section 9.2 ( c ) Concurrency Service Areas (CSA)

All amendments to CSA must be in accordance with ILA.

Explanation - This change states that amendments to Concurrency Service Areas (CSA) must be in accordance with the amendment provisions and normal amendment process contained in the Interlocal Agreement.

4. Section 9.2 (d) Student Generation Multipliers

Amends the process for developing Student Generation Multipliers and removes requirement of adoption into CDMP.

Explanation – Currently Miami-Dade Public Schools utilizes Miami-Dade County population numbers in addition to School Board statistics to derive at Student Generation Multipliers. The amendment specifies that the new Student Generation Multipliers will be derived utilizing actual student addresses cross referenced with their unit types. This method will be more refined compared to the existing method. Miami-Dade Public Schools will be using this new methodology regardless of the outcome of the amendments.

5. Section 9.2 (f) Proportionate Share Mitigation

- i. Any proportionate share mitigation must be approved by the School Board

Explanation - Further clarifies the School Board's policy in accepting mitigation for school related impacts by developers. This amendment specifically states that the School Board must approve any proposed proportionate-share-mitigation plan as the Consensus ILA is silent on this issue.

- ii. Add Charter Schools as mitigation option

Explanation – Clarifies that charter school may be offered as mitigation option, but solely at the discretion of the School Board.

City of Miami Gardens is part of the sub-committee assigned to develop criteria for the School Board to consider charter school as mitigation option. The sub-committee's proposed recommendations will be submitted to Miami-Dade Public Schools Interlocal Agreement Staff Working Group (SWG). The SWG will consider the recommendations in their April 2011 meeting and forward to the School Board for final adoption at their next meeting.

6. Section 9.3 Updates to Public School Concurrency

Certain actions to be taken when the School Board closes an existing school or modifies, or delays a school facility project planned in the first three years of the Public School Facilities Work Plan.

Explanation - This change proposes that although the School Board may change its 5-year plan, it can do that under very special circumstances only. The second part of this amendment adds language that emphasizes the impact of potential school closings and the methodology to be utilized in the event a development approval was based on the condition of a school which was later closed by the School District. This amendment is not specified in the Consensus ILA.

7. Section 22 Taking and Vested Rights

Re-emphasizes what is already contained in the Consensus ILA that nothing in the ILA shall be construed or applied to affect a permanent or temporary taking of private property in violation of citizen's rights contained in the Florida Constitution or the U.S. Constitution.

**The following is a summary of the proposed (non-optional) Amendment No. 1**

Unanimity versus 2/3 vote

Explanation - The Consensus ILA currently provides that any future amendments to the ILA must be approved by unanimous vote. The Miami-Dade County ILA on the other hand would allow an amendment to the ILA to become effective only upon approval by Miami-Dade County, the School Board and only two-thirds (2/3) of the non-exempt municipalities as opposed to all non-exempt municipalities. This amendment requires all municipalities to take action on it. Unless all non-exempt municipalities agree to this change unanimously, the modification will not take effect.

**Recommendation:**

Staff recommends that the City Council adopt a Resolution confirming a motion to approve all seven Optional Amendments and reject Amendment No. 1 to the City's Interlocal Agreement (ILA) for School Facilities Planning.