



CITY OF MIAMI GARDENS CITY COUNCIL MEETING AGENDA

Meeting Date: January 14, 2015
18605 NW 27th Avenue
Miami Gardens, Florida 33056
Next Regular Meeting Date: January 28, 2015
Phone: (305) 622-8000 **Fax:** (305) 622-8001
Website: www.miamigardens-fl.gov
Time: 7:00 p.m.

Mayor Oliver Gilbert
Vice Mayor Felicia Robinson
Councilman Rodney Harris
Councilwoman Lisa C. Davis
Councilman David Williams Jr.
Councilwoman Lillie Q. Odom
Councilman Erhabor Ighodaro, Ph.D.
City Manager Cameron Benson
City Attorney Sonja K. Dickens, Esq.
City Clerk Ronetta Taylor, MMC

Article VII of the Miami Gardens Code entitled, “Lobbyist” requires that all lobbyists before engaging in any lobbying activities to register with the City Clerk and pay a one-time annual fee of \$250.00. This applies to all persons who are retained (whether paid or not) to represent a business entity or organization to influence “City” action. “City” action is broadly described to include the ranking and selection of professional consultants, and virtually all-legislative, quasi-judicial and administrative action. All not-for-profit organizations, local chamber and merchant groups, homeowner associations, or trade associations and unions must also register however an annual fee is not required.

(A) CALL TO ORDER/ROLL CALL

(B) INVOCATION

(C) PLEDGE OF ALLEGIANCE

(D) APPROVAL OF MINUTES

Regular City Council Minutes – December 11, 2014

(E) ORDER OF BUSINESS (Items to be pulled from Consent Agenda at this time)

(F) SPECIAL PRESENTATIONS (5 minutes each)

F-1) Office of the City Clerk

(G) PUBLIC COMMENTS

(H) ORDINANCE(S) FOR FIRST READING:

H-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2009-06-178 OF THE CITY COUNCIL THAT AUTHORIZED THE BORROWING OF SEVEN MILLION, THREE HUNDRED THOUSAND DOLLARS (\$7,300,000), AND THAT AUTHORIZED THE ISSUANCE OF CITY OF MIAMI GARDENS, FLORIDA TAXABLE LAND ACQUISITION REVENUE BONDS NOT TO EXCEED SEVEN MILLION, THREE HUNDRED THOUSAND DOLLARS (\$7,300,000); AUTHORIZING AN EXTENSION OF THE MATURITY DATE OF SAID BONDS AT A REVISED INTEREST RATE; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

(I) ORDINANCE(S) FOR SECOND READING/PUBLIC HEARING(S)

I-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CREATING SECTION 2-790 OF THE CITY'S CODE OF ORDINANCES TO PROVIDE FOR THIRD PARTY SPONSORSHIPS OF CITY SERVICES, PROJECTS, EVENTS, FACILITIES AND ACTIVITIES; CREATING SECTION 34-670(3) OF THE CITY'S SIGN CODE TO PROVIDE FOR EXEMPTIONS FOR SPONSORSHIPS; CREATING SECTION 34-672 TO PROVIDE FOR ADVERTISING REGULATIONS ON CITY-OWNED PROPERTY; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

(J) RESOLUTION(S)/PUBLIC HEARING(S)

None

(K) CONSENT AGENDA:

K-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ACKNOWLEDGING VICE MAYOR FELICIA ROBINSON'S APPOINTMENT OF TIM TURNER TO THE CITIZENS ADVISORY COMMITTEE FOR A THREE YEAR TERM; PROVIDING FOR THE ADOPTION OF

**REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.
(SPONSORED BY VICE MAYOR FELICIA ROBINSON)**

- K-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RECOGNIZING FEBRUARY AS BLACK HISTORY MONTH; AUTHORIZING AN ESSAY CONTEST FOR ELEMENTARY STUDENTS; AUTHORIZING THE EXPENDITURE OF ONE THOUSAND DOLLARS (\$1,000.00) FROM THE SPECIAL EVENT FUND; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY COUNCILMAN ERHABOR IGHODARO)**
- K-3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE AND ATTEST RESPECTIVELY, THAT CERTAIN LOBBYIST UNDERTAKING AGREEMENT WITH YOLANDA CASH JACKSON OF BECKER & POLIAKOFF, P.A., FOR A ONE (1) YEAR TERM, WITH THE OPTION TO RENEW FOR AN ADDITIONAL ONE (1) YEAR TERM, IN THE AMOUNT OF SIXTY THOUSAND DOLLARS (\$60,000.00), A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY MAYOR OLIVER GILBERT)**
- K-4) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE RENEWAL OF THE AGREEMENT WITH SANCHEZ ARANGO CONSTRUCTION COMPANY FOR BUS SHELTER MAINTENANCE THROUGH FEBRUARY 2016; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000.00), FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**
- K-5) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF NINETY FOUR THOUSAND ONE HUNDRED SIXTY DOLLARS AND FIFTY THREE CENTS (\$94,160.53) TO TYLER TECHNOLOGIES, INC., FOR FISCAL YEAR 2015 EDEN SOFTWARE MAINTENANCE SUPPORT AND LICENSES;**

PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

- K-6) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DECLARING TWELVE (12) FLEET VEHICLES TO BE SURPLUS; AUTHORIZING THE CITY MANAGER TO UTILIZE RENE BATES AUCTIONEERS, INC. FOR AUCTION SERVICES TO DISPOSE OF THE SURPLUS VEHICLES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**
- K-7) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING SUBSTANTIAL AMENDMENTS TO THE CITY OF MIAMI GARDENS' HOUSING POLICIES, ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**
- K-9) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A POLICY FOR THIRD PARTY SPONSORSHIPS OF SERVICES, PROJECTS, EVENTS, FACILITIES AND ACTIVITIES, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

(L) RESOLUTION(S)

- L-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDED A BID TO _____ FOR PLANNING AND ZONING SERVICES; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR THIS PURPOSE; PROVIDING FOR AN EFFECTIVE DATE (SPONSORED BY THE CITY MANAGER) (Deferred from December 11, 2014)**

QUASI-JUDICIAL ZONING HEARINGS:

- (M) ORDINANCES ON FOR FIRST READING(S):**
None

(N) ORDINANCES ON FOR SECOND READING/PUBLIC HEARING(S)
None

(O) RESOLUTION(S)/PUBLIC HEARING(S)
None

(P) REPORTS OF CITY MANAGER/CITY ATTORNEY/CITY CLERK

(Q) REPORTS OF MAYOR AND COUNCIL MEMBERS

(R) WRITTEN REQUESTS, PETITIONS & OTHER WRITTEN COMMUNICATIONS FROM THE PUBLIC

(S) ADJOURNMENT

IN ACCORDANCE WITH THE AMERICAN WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT RONETTA TAYLOR, MMC, CITY CLERK (305) 622-8000 EXT. 2830, NO LATER THAN 48 HOURS PRIOR TO SUCH PROCEEDINGS. TDD NUMBER 1-800-955-8771.

ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM MAY CONTACT RONETTA TAYLOR, MMC, CITY CLERK (305) 622-8000 EXT. 2830. THE ENTIRE AGENDA PACKET CAN ALSO BE FOUND ON THE CITY'S WEBSITE AT www.miamigardens-fl.gov.

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF MIAMI GARDENS WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.



City of Miami Gardens Agenda Cover Memo

| | | | | | | | |
|---|--|-----------|---|---|------------------|-------------------------------|-----------|
| Council Meeting Date: | January 14, 2015 | | Item Type: | | Ordinance | Other | |
| | | | <i>(Enter X in box)</i> | | X | | |
| Fiscal Impact: <i>(Enter X in box)</i> | Yes | No | Ordinance Reading: <i>(Enter X in box)</i> | 1st Reading | | 2nd Reading | |
| | X | | | <i>(Enter X in box)</i> | X | | |
| | | | Public Hearing: <i>(Enter X in box)</i> | Yes | No | Yes | No |
| | | | <i>(Enter X in box)</i> | | X | | |
| Funding Source: | <i>(Enter Fund & Dept)</i> General Fund | | Advertising Requirement: <i>(Enter X in box)</i> | Yes | | No | |
| | | | | | | | |
| Contract/P.O. Required: <i>(Enter X in box)</i> | Yes | No | RFP/RFQ/Bid #: | N/A | | | |
| | | X | | | | | |
| Strategic Plan Related <i>(Enter X in box)</i> | No | | Strategic Plan Priority Area: | Strategic Plan Objective/Strategy: <i>(list the specific objective/strategy this item will address)</i> | | | |
| | | X | | | | | |
| | | | Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/> | | | | |
| Sponsor Name | Cameron Benson, City Manager | | Department: | Finance | | | |

Short Title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2009-06-178 OF THE CITY COUNCIL THAT AUTHORIZED THE BORROWING OF SEVEN MILLION, THREE HUNDRED THOUSAND DOLLARS (\$7,300,000), AND THAT AUTHORIZED THE ISSUANCE OF CITY OF MIAMI GARDENS, FLORIDA TAXABLE LAND ACQUISITION REVENUE BONDS NOT TO EXCEED SEVEN MILLION, THREE HUNDRED THOUSAND DOLLARS (\$7,300,000); AUTHORIZING AN EXTENSION OF THE MATURITY DATE OF SAID BONDS AT A REVISED INTEREST RATE; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

In 2009, under Ordinance Number 2009-06-178 Council approved the borrowing of \$7.3 million for the acquisition of economic development property located at NW 7 avenue extension and NW 7 Ave (Warren Henry property). The bond is to be matured on February 1, 2014 with a balloon payment of \$6,311,999

**Item H-1) Ordinance
First Reading
Amending \$7.3 mil bond**

in principal. On January 8, 2014, under Ordinance Number 2014-01-313, and on July 23, 2104 under Ordinance Number 2014-12-323 Council approved an extension till February 1, 2015.

At the May 14, 2014 Council meeting, Council authorized the City Manager to negotiate and enter in to a contract for the sale of the property. On December 11, 2014, the proposer has submitted a request to the City Manager to extend the closing to before June 1, 2015. Therefore, the City has to request an additional extension of the bond payment to February 1, 2016. The terms of the agreement will remains with the exception that the interest rate will be a variable rate tied to 30day LIBOR rate plus 175 basis point, which is 1.91 % based on December 29, 2014. The variable rate also provides the City flexibility to pay off the loan without penalty at the end of each month.

Fiscal Impact

The bond counsel cost proposed by the bank is not to exceed \$1,000 for this extension which will be paid from the City's General Fund.

Proposed Action:

That Council approves the ordinance on its first reading.

Attachment:

ORDINANCE NO. 2015-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2009-06-178 OF THE CITY COUNCIL THAT AUTHORIZED THE BORROWING OF SEVEN MILLION, THREE HUNDRED THOUSAND DOLLARS (\$7,300,000), AND THAT AUTHORIZED THE ISSUANCE OF CITY OF MIAMI GARDENS, FLORIDA TAXABLE LAND ACQUISITION REVENUE BONDS NOT TO EXCEED SEVEN MILLION, THREE HUNDRED THOUSAND DOLLARS (\$7,300,000); AUTHORIZING AN EXTENSION OF THE MATURITY DATE OF SAID BONDS AT A REVISED INTEREST RATE; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 2009-06-178, enacted by the City Council on January 28, 2009, as supplemented by Resolution No. 2009-25-970 adopted by the City Council on January 28, 2009, as amended by Resolution No. 2011-121-1514, adopted by the City Council on July 13, 2011, as amended by Ordinance 2014-001-313 enacted on January 8, 2014, and as further amended by Ordinance 2014-12-323 enacted on July 23, 2014 (collectively, the “Original Ordinance”), the City of Miami Gardens, Florida (the “City”) has issued its Taxable Land Acquisition Revenue Bonds, Series 2009 in the original aggregate principal amount of Seven Million Three Hundred Thousand Dollars (\$7,300,000) for the purpose of financing the costs of purchasing land for economic development (the “Series 2009 Bonds”), which Series 2009 Bonds are payable from and secured by a pledge of a portion of the City’s utilities service taxes, and

WHEREAS, the Series 2009 Bonds mature on February 1, 2015 and City desires to extend such maturity to February 1, 2016 and to change the interest rate on the Series 2009 Bonds to a variable rate agreed to by the current holder of the Series 2009 Bonds; and

WHEREAS, Wells Fargo Bank, N.A., as successor to Wachovia Bank, National Association, is the current holder and owner of the Series 2009 Bonds (the “Bondholder”) has agreed to such extension and modification;

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

SECTION 1. ADOPTION OF RECITATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. EXTENSION OF MATURITY DATE; MODIFICATION OF INTEREST RATE: The extension of the maturity date of the Series 2009 Bonds to February 1,

2016, is hereby authorized. The Series 2009 Bonds shall bear interest for the period from and including February 1, 2015 to maturity or earlier prepayment at a variable rate equal to i) LIBOR (as defined below) plus ii) 175 basis points (1.75 per cent), subject to adjustment as provided in the Original Ordinance upon the occurrence of an Event of Default.

"LIBOR" means the rate of interest per annum determined by Bank based on the rate for United States dollar deposits for delivery of funds for one (1) month as reported on Reuters Screen LIBOR01 page (or any successor page) at approximately 11:00 a.m., London time, or, for any day not a London Business Day, the immediately preceding London Business Day (or if not so reported, then as determined by Bank from another recognized source or interbank quotation). "London Business Day" means any day that is a day for trading by and between banks in Dollar deposits in the London interbank market.

While the Series 2009 Bonds bear interest at a variable rate, interest shall be payable on the first Business Day of each month. "Business Day" means any day except a Saturday, Sunday or any other day on which commercial banks in the State of Florida are authorized or required by law to close. While the Series 2009 Bonds bear interest at a variable rate, the Series 2009 Bonds may be redeemed in whole at the option of the City on any interest payment date at a price of par plus accrued interest.

The execution and delivery to the Bondholder of the Allonge to the Bond making and evidencing such extension and modifications, in substantially the form attached hereto, is hereby authorized. Except as set forth herein and in such Allonge, the provisions of the Original Ordinance and the Series 2009 Bonds shall remain in force and effect and shall continue until the maturity date of the Series 2009 Bonds as so extended.

SECTION 3. AUTHORITY OF OFFICERS: The Mayor, the City Manager, the City Attorney and the City Clerk are and each of them is hereby authorized and directed to execute and deliver such Allonge, and to do and cause to be done any and all acts and things necessary or proper for effectuating the amendment made by this Ordinance.

SECTION 4. SEVERABILITY: In case any one or more of the provisions of this Ordinance, the Series 2009 Bonds or the Allonge shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance, the Series 2009 Bonds or the Allonge, but this Ordinance, the Series 2009 Bonds and the Allonge shall be construed and enforced as if such illegal or invalid provision had not been contained therein. The Series 2009 Bonds and the Allonge are issued and this Ordinance is enacted with the intent that the laws of the State shall govern their construction.

SECTION 5. OPEN MEETING FINDINGS: It is hereby found and determined that all official acts of the City Council concerning and relating to the enactment and adoption of this Ordinance and all prior ordinances and resolutions affecting the City Council's ability to issue the Series 2009 Bonds were taken in an open meeting of the City Council and that all deliberations of the City Council or any of its committees that resulted in such official acts were in meetings open to the public, in compliance with all legal requirements, including Section 286.011, Florida Statutes.

SECTION 6. REPEALING CLAUSE: All ordinances and resolutions and parts thereof in conflict herewith, to the extent of such conflicts, are hereby superseded and repealed.

SECTION 7. EFFECTIVE DATE: This Ordinance shall take effect immediately upon its final passage.

PASSED ON FIRST READING THE __ DAY OF JANUARY, 2015.

PASSED ON SECOND READING THE __ DAY OF JANUARY, 2015.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON JANUARY __, 2015.

OLIVER GILBERT III, MAYOR

ATTEST:

RONETTA TAYLOR, CMC, CITY CLERK

Prepared by: Akerman LLP, Bank Counsel
Reviewed by Sonja Dickens, City Attorney

SPONSORED BY: CITY MANAGER

MOVED BY:

VOTE:

| | | |
|------------------------------------|----------|---------|
| Mayor Oliver G. Gilbert, III | ___(Yes) | ___(No) |
| Vice Mayor Felicia Robinson | ___(Yes) | ___(No) |
| Councilman Rodney Harris | ___(Yes) | ___(No) |
| Councilman Erhabor Ighodaro, Ph.D. | ___(Yes) | ___(No) |
| Councilwoman Lillie Q. Odom | ___(Yes) | ___(No) |
| Councilwoman Lisa C. Davis | ___(Yes) | ___(No) |
| Councilman David Williams, Jr. | ___(Yes) | ___(No) |

**THIRD ALLONGE TO
CITY OF MIAMI GARDENS, FLORIDA
TAXABLE LAND ACQUISITION REVENUE BONDS
SERIES 2009 BOND**

This Allonge No. 3, dated as of February 1, 2015, is to be attached to and made a part of the City of Miami Gardens, Florida Taxable Land Acquisition Revenue Bond, Series 2009, dated February 18, 2009, as heretofore amended, in the original principal amount of \$7,300,000, bearing interest at the original interest rate of 4.80 per cent per annum, subject to adjustment as set forth therein, and with a revised maturity date of February 1, 2015 (the "Series 2009 Bond"). The Series 2009 Bond is held by Wells Fargo Bank, N.A. (successor by merger to Wachovia Bank, National Association) (the "Bondholder").

Effective as of the date hereof the Maturity Date of the Series 2009 Bond is extended to be February 1, 2016.

This Bond shall bear interest for the period from and including February 1, 2015 to maturity or earlier prepayment at a variable rate equal to i) LIBOR (as defined below) plus ii) 175 basis points (175 per cent), subject to adjustment as provided in the body of the Bond upon the occurrence of an Event of Default.

"LIBOR" means the rate of interest per annum determined by Bank based on the rate for United States dollar deposits for delivery of funds for one (1) month as reported on Reuters Screen LIBOR01 page (or any successor page) at approximately 11:00 a.m., London time, or, for any day not a London Business Day, the immediately preceding London Business Day (or if not so reported, then as determined by Bank from another recognized source or interbank quotation). "London Business Day" means any day that is a day for trading by and between banks in Dollar deposits in the London interbank market.

While the Series 2009 Bonds bear interest at a variable rate, interest shall be payable on the first Business Day of each month. "Business Day" means any day except a Saturday, Sunday or any other day on which commercial banks in the State of Florida are authorized or required by law to close. While the Series 2009 Bonds bear interest at a variable rate, the Series 2009 Bonds may be redeemed in whole at the option of the City on any interest payment date at a price of par plus accrued interest.

Except as expressly modified and amended by this Allonge, the covenants, terms and conditions of the Series 2009 Bond and the Bond Resolution (as defined in the Series 2009 Bonds) shall remain unaffected and shall remain in full force and effect.

CITY OF MIAMI GARDENS, FLORIDA

Date: February 1, 2015

By: _____
Name _____
Title: Mayor

The Bondholder hereby acknowledges and consents to the foregoing amendment.

WELLS FARGO BANK, N.A.

Date: February 1, 2015

By: _____
Name: _____
Title: Vice President

This Allonge No. 3 shall be appended to and shall modify and amend and become a part of the Series 2009 Bond.



City of Miami Gardens Agenda Cover Memo

| | | | | | |
|--------------------------------|------------------------------------|-------------------|--------------------------------------|---------------------|---|
| Council Meeting Date: | January 14, 2014 | Item Type: | Resolution | Ordinance | Other |
| | | | | X | |
| Fiscal Impact: | Yes | No | Ordinance Reading: | | 1st Reading |
| | | X | Public Hearing: | | 2nd Reading |
| | | | | X | X |
| | | | | Yes | No |
| Funding Source: | | | Advertising Requirement: | X | |
| | | | | | |
| Contract/P.O. Required: | Yes | No | RFP/RFQ/Bid #: 13-14-033 | | |
| | | X | | | |
| Strategic Plan Related: | Yes | No | Strategic Plan Priority Area: | | Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i> |
| | X | | | | |
| | | | | | Business and Economic Development |
| Sponsor Name: | Cameron D. Benson, City Manager | | Department: | City Manager | |

Short Title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CREATING SECTION 2-790 OF THE CITY'S CODE OF ORDINANCES TO PROVIDE FOR THIRD PARTY SPONSORSHIPS OF CITY SERVICES, PROJECTS, EVENTS, FACILITIES AND ACTIVITIES; CREATING SECTION 34-670(3) OF THE CITY'S SIGN CODE TO PROVIDE FOR EXEMPTIONS FOR SPONSORSHIPS; CREATING SECTION 34-672 TO PROVIDE FOR ADVERTISING REGULATIONS ON CITY-OWNED PROPERTY; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE

Staff Summary:

**Item I-1) Ordinance
Second Reading - Public Hearing
Sponsorship Ordinance**

Background:

On May 28, 2014, Council adopted Ordinance No. 2014-09-320, authorizing the borrowing of sixty million dollars (\$60,000,000) through a general obligation bond issuance. The adoption of the aforementioned ordinance provided the authority to pay costs of remodeling, reconstructing, constructing, reconfiguring, retrofitting, furnishing and equipping City parks and park facilities, providing facilities for expanding community activities in parks, and renovating, constructing and purchasing park facilities and land for new or expanded parks. Additionally, on September 22, 2014, Council approved the fiscal year 2015 operating budget which included staff's recommendation to pursue potential advertising on City owned bus benches, bus shelters and trash receptacles. The purpose of inclusion of this item in the budget was to relieve the transportation fund of its current burden of over \$200,000 annually for the provision of maintenance to City bus benches, shelters, and trash cans.

Bond financing does not cover the costs of future operations and maintenance of the newly built or newly renovated facilities. Staff is interested in pursuing sponsorship agreements with third parties, wherein the third party receives access to the commercial and/or marketing potential associated with the City in exchange for cash considerations. This legislation will provide authorization and control over those sponsorship agreements. Staff will pursue sponsorships that are mutually beneficial to all parties involved. Furthermore, the legislation will assist in the Administration's continuous effort to build relationships with major businesses and corporations interested in investing in the City. The proposed change will allow staff an opportunity to obtain another non-tax revenue source.

Proposed Action:

It is recommended that the City Council approve the attached ordinance.

Attachments

Attachments:

- A- Ordinance – City Sponsorships
- B- City of Miami Gardens Sponsorship Policy

ORDINANCE NO. 2014_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CREATING SECTION 2-790 OF THE CITY'S CODE OF ORDINANCES TO PROVIDE FOR THIRD PARTY SPONSORSHIPS OF CITY SERVICES, PROJECTS, EVENTS, FACILITIES AND ACTIVITIES; CREATING SECTION 34-670(3) OF THE CITY'S SIGN CODE TO PROVIDE FOR EXEMPTIONS FOR SPONSORSHIPS; CREATING SECTION 34-672 TO PROVIDE FOR ADVERTISING REGULATIONS ON CITY-OWNED PROPERTY; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City desires to authorize third party sponsorships for City services, project, events, facilities and activities, and

WHEREAS, such sponsorships will permit the City to accept cash and/or in-kind donations, in exchange for third party marketing and advertising, and

WHEREAS, it is necessary to amend the City's Code of Ordinances for this purpose,

NOW, THEREFORE, BE IT ORDAINED 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 Ordinance.

Section 2. AMENDMENT: Section 2-790 of the Code of Ordinances are hereby created as follows:

Added language is underlined. Deleted language is stricken through.

Sec. 2-790. Third Party Sponsorships.

- (a) The provisions of this Article regarding competitive bidding shall not apply to sponsorships. The City Council may establish policies, procedures and criteria for securing and approving sponsorships by resolution.

Section 3. AMENDMENT: Section 34-670(3) is hereby created as follows:

Sec. 34-670

- (3) Nothing in this section shall be deemed to preclude the City from entering into a sponsorship agreement with commercial or noncommercial entities for advertising on City property or facilities in accordance with Section 2-790.

Section 4. AMENDMENT: Section 34-672 is hereby created as follows:

Sec. 34-672. Advertising, publicity and signs on City-owned property.

- (a) No person shall use City-owned or managed lands for the purpose of advertising or calling attention to any article or service for sale or for hire, nor shall any signs, slogans, loudspeakers, vehicles or advertising display of any nature whatsoever be used for such purposes, without prior approval from the City.
- (b) Nothing in this section shall be deemed to preclude the City from entering into a sponsorship agreement with commercial or noncommercial entities in accordance with Section 2-790.

Section 5. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 6. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or Added language is underlined. Deleted language is stricken through.

unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the section of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 8. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE ____ DAY OF _____,
2014.

PASSED ON SECOND READING ON THE ____ DAY OF _____,
2014.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF
MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE ____ DAY OF
_____, 2014.

OLIVER GILBERT, III, MAYOR

Added language is underlined. Deleted language is stricken through.

ATTEST:

RONETTA TAYLOR, MMC, CITY CLERK

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

SPONSORED BY: CAMERON D. BENSON, CITY MANAGER

Moved by: _____

Second by: _____

VOTE: _____

| | | |
|------------------------------------|-------------|------------|
| Mayor Oliver Gilbert, III | _____ (Yes) | _____ (No) |
| Vice Mayor Lisa Davis | _____ (Yes) | _____ (No) |
| Councilwoman Lillie Q. Odom | _____ (Yes) | _____ (No) |
| Councilman David Williams Jr | _____ (Yes) | _____ (No) |
| Councilwoman Felicia Robinson | _____ (Yes) | _____ (No) |
| Councilman Rodney Harris | _____ (Yes) | _____ (No) |
| Councilman Erhabor Ighodaro, Ph.D. | _____ (Yes) | _____ (No) |

Added language is underlined. Deleted language is stricken through.

CITY OF MIAMI GARDENS SPONSORSHIP POLICY

I. PURPOSE:

- A. The aim of this policy is to create an authorized environment for entering into sponsorship agreements with third parties where such sponsorships are mutually beneficial to both parties in a manner that is consistent with all applicable policies set by City of Miami Gardens. The purpose of the policy and procedures as outlined is to:
 - 1. Uphold the City stewardship role to safeguard the City's assets and interests.
 - 2. Provide employees with guidelines and procedures based on best practices.
 - 3. Protect the City of Miami Gardens from risk.
- B. The policy provides an enabling environment for the City to enter into sponsorship agreements within set guidelines and procedures for the purpose of optimizing non-tax revenue sources. Under the conditions of this policy, City staff may solicit such sponsorship agreements.
- C. The City shall not relinquish to the sponsor any aspect of the City's right to manage and control the City's assets or facilities.
- D. This policy is not applicable to philanthropic contributions, grants, or unsolicited donations in which no benefits are granted to the sponsor and where no business relationship exists.

II. SCOPE:

- A. This policy applies to all City departments and divisions.
- B. This policy does not apply to:
 - 1. Independent foundations or registered charitable organizations from which the City may receive benefit.
 - 2. Philanthropic contributions or unsolicited donations to the City.
 - 3. Funding obtained from other orders of government through formal grant programs.

4. City sponsorship support of external projects where the City provides funds to an outside organization.
5. Third parties who lease City property or hold permits with the City for activities or events.

III. DEFINITIONS:

- A. “Sponsorship” shall mean a mutually beneficial business arrangement between the City and a third party, wherein the third party provides cash and/or in-kind services to the City in return for access to the commercial and/or marketing potential associated with the City. Sponsorships may include sponsorship of one or more of the City’s services, projects, events, facilities or activities.
- B. “Sponsorship agreement” shall mean a mutually beneficial, contractual agreement that reflects the business arrangement for the exchange of commercial and/or marketing benefits between the City and a third party for a specified period of time.
- C. “Sponsor” shall mean a third party that enters into a sponsorship agreement with the City.
- D. “In-kind sponsorship” shall mean a sponsorship received in the form of goods and/or services rather than cash.
- E. “Request for sponsorship (RFS)” shall mean an open and competitive process whereby third parties may express their interest in participating in sponsorship opportunities with the City. Requests for sponsorship should include a summary of the sponsorship opportunity, benefits for participation, and a description of the open and competitive procedure for expressing interest in participating in sponsorship opportunities.
- F. “Naming rights” shall mean a type of sponsorship in which a third party purchases the exclusive right to name a whole asset or venue. The naming of a component of an asset or venue (e.g. – bench in a park, specific room in a building) is not considered to be naming rights for the purposes of this policy and would be categorized as per Section VI (Type A or C). Sponsorship naming rights are considered in the commercial context only, where the naming right is sold or exchanged for significant cash or other revenue support. This arrangement must be documented in an agreement signed by the interested parties and shall have a specified end date to the contractual obligations.
- G. “Philanthropic contribution” shall mean a contribution to City of Miami Gardens from a third party for which there is no reciprocal commercial and/or marketing benefit expected or required from the City. Such contributions are separate and distinct from sponsorship and shall be governed by a separate City policy.

IV. RESTRICTIONS:

- A. In general, the following industries and products are not eligible for sponsorships With the City of Miami Gardens: political or faith-based organizations, companies whose business is substantially derived from the sale of alcohol, tobacco, firearms or adult use businesses. Only the City Council may grant a waiver from this provision. The City reserves the right to reject any sponsorship when it is deemed not to be in the best interest of the City.
- B. City of Miami Gardens shall reject advertising that does not comply with the standards set forth in this policy. All full advertising graphic designs must be submitted in sufficient detail to determine content and final general appearance to the City Manager or his/her designee for review and approval before application. The approval process for advertising design shall not exceed thirty (30) business days from time of submittal.
- C. The following standards for advertising are adopted and will not be displayed:
 - 1. Is false, misleading or deceptive
 - 2. Relates to an illegal activity
 - 3. Is explicit sexual material, obscene material, or material harmful to minors
 - 4. Advertises tobacco products
 - 5. Includes language which is obscene, vulgar, profane, or scatological
 - 6. Relates to instruments, devices, items, products or paraphernalia that are designed for use in connection with specific sexual activities
 - 7. Depicts violence and/ or anti-social behavior

V. POLICY:

- A. Program Sponsorship: Sponsorship of a City of Miami Gardens event, program or asset.
- B. Naming Rights Sponsorship: Any sponsorship that falls into the definition for Naming Rights.
- C. Purchasing Sponsorship: Any sponsorship that includes purchasing of commodities, materials, equipment, or services.

VI. PROCEDURES & AUTHORITY:

A. The City shall provide notice of all sponsorship opportunities. Sponsorship opportunities shall at a minimum be posted on the City's website for a minimum period of ten (10) days.

B. Sponsorship opportunities that do not exceed the City Manager's authority as outlined in Sec. 2-752 of the City's Code shall be awarded using the process outlined below:

1. Person's wanting to respond to a sponsorship opportunity shall submit a *Request For Sponsorship Form (RFS)* by the deadline posted in the notice or if no deadline is posted, at any time that the sponsorship is available. The City reserves the right to entertain and accept multiple RFS' and to enter into multiple sponsorship agreements for the same purpose.
2. Upon the submission of a RFS, the City Manager or his/her designee shall engage in negotiations with the proposed sponsor. Nothing herein shall prohibit the City Manager or his/her designee from negotiating with multiple persons for the same sponsorship opportunity. Upon completion of negotiations, a *Sponsorship Agreement Form* shall be completed.
3. After approval by the City Manager or his/her designee, the agreement shall be forwarded to City Attorney's Office for review and approval.
4. If not approved at any stage of approval process, the Sponsorship Agreement form shall be returned to designated contact with explanation for non-approval.

C. Sponsorship opportunities that exceed the City Manager's authority as outlined in Sec. 2-752 of the City's Code shall be awarded by the City Council.

D. All sponsorships that relate to purchasing opportunities shall be governed by Chapter 2, Article IX of the City's Code of Ordinances.

E. All approved sponsorship agreements must include:

1. Signatures by authorized representatives of the City and the sponsor. Authorized representative of the City shall be the highest ranking approval authority from the above-stated review process.
2. Term of the agreement, including provisions for termination.
3. Details of the exchange of benefits, including what will be provided to the City by the sponsor and what will be provided by the City to the sponsor.

F. A report summarizing approved sponsorship agreements shall be submitted to the City Council at least quarterly and filed with the City Clerk.



City of Miami Gardens Agenda Cover Memo

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|---|---------------------------------|-----------|---|--|------------------|-------------------------------|------------|
| Council Meeting Date: | January 14, 2015 | | Item Type: <i>(Enter X in box)</i> | Resolution | Ordinance | Other | |
| | | | | X | | | |
| Fiscal Impact: <i>(Enter X in box)</i> | Yes | No | Ordinance Reading: <i>(Enter X in box)</i> | 1st Reading | | 2nd Reading | |
| | | x | | Public Hearing: <i>(Enter X in box)</i> | Yes | No | Yes |
| Funding Source: | | | Advertising Requirement: <i>(Enter X in box)</i> | Yes | | No | |
| | | | | | | | |
| Contract/P.O. Required: <i>(Enter X in box)</i> | Yes | No | RFP/RFQ/Bid #: | | | | |
| | | X | | | | | |
| Strategic Plan Related <i>(Enter X in box)</i> | Yes | No | Strategic Plan Priority Area: Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/> | Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i> N/A | | | |
| | | X | | | | | |
| Sponsor Name | Felicia Robinson, Vice Mayor | | Department: City Manager | <i>Office of the Mayor/Council</i> | | | |

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ACKNOWLEDGING VICE MAYOR FELICIA ROBINSON'S APPOINTMENT OF TIM TURNER TO THE CITIZENS ADVISORY COMMITTEE FOR A THREE YEAR TERM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

In accordance with the establishment of the Citizens Advisory Committee, Vice Mayor Felicia Robinson has appointed Tim Turner in accordance with Section 2-176 of the Code of Ordinances. This Resolution acknowledges Vice Mayor Robinson's appointment of Tim Turner. The term of this appointment will expire January 14, 2018. This appointed member will adhere to duties and powers of the Advisory Committee as outlined in the Ordinance.

**Item K-1) Consent Agenda
Resolution
Board Appointment**

Proposed Action:

That the City Council approves this resolution.

Attachment:

RESOLUTION NO. 2014_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ACKNOWLEDGING VICE MAYOR FELICIA ROBINSON'S APPOINTMENT OF TIM TURNER TO THE CITIZENS ADVISORY COMMITTEE FOR A THREE YEAR TERM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has created the Citizens Advisory Committee ("the Committee"), and

WHEREAS, Vice Mayor Felicia Robinson and each member of the City Council have the right to appoint members to the Committee, and

WHEREAS, in accordance Section 2-172 of the Code of Ordinances, Vice Mayor Felicia Robinson has appointed Tim Turner to the Committee for a three year term, and

WHEREAS, it is appropriate for the City Council to acknowledge the appointment,

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 acknowledges Vice Mayor Felicia Robinson's appointment of Tim Turner to the Citizens Advisory Committee for a three year term.

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 REGULAR MEETING HELD ON _____, 2014.

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OLIVER GILBERT, III, MAYOR

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35 **ATTEST:**

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RONETTA TAYLOR, MMC, CITY CLERK

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

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SPONSORED BY: VICE MAYOR FELICIA ROBINSON

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Moved by: _____

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VOTE: _____

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Mayor Oliver Gilbert, III _____ (Yes) _____ (No)

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Vice Mayor Felicia Robinson _____ (Yes) _____ (No)

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Councilwoman Lillie Q. Odom _____ (Yes) _____ (No)

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Councilman David Williams Jr. _____ (Yes) _____ (No)

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Councilwoman Lisa C. Davis _____ (Yes) _____ (No)

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Councilman Rodney Harris _____ (Yes) _____ (No)

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Councilman Erhabor Ighodaro, Ph.D. _____ (Yes) _____ (No)

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City of Miami Gardens Agenda Cover Memo

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|---|---|-----------|--|--|------------------|-------------------------------|------------|
| Council Meeting Date: | January 14, 2014 | | Item Type: <i>(Enter X in box)</i> | Resolution | Ordinance | Other | |
| | | | | x | | | |
| Fiscal Impact: <i>(Enter X in box)</i> | Yes | No | Ordinance Reading: <i>(Enter X in box)</i> | 1st Reading | | 2nd Reading | |
| | x | | | Public Hearing: <i>(Enter X in box)</i> | Yes | No | Yes |
| Funding Source: | Council Special Events in the amount of \$1,000 | | Advertising Requirement: <i>(Enter X in box)</i> | | Yes | | No |
| | | | | | | | |
| Contract/P.O. Required: <i>(Enter X in box)</i> | Yes | No | RFP/RFQ/Bid #: | | | | |
| | | X | | | | | |
| Strategic Plan Related <i>(Enter X in box)</i> | Yes | No | Strategic Plan Priority Area: | Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i> N/A | | | |
| | | X | | | | | |
| Sponsor Name | Erhabor Ighodaro, Council Member | | Department: City Manager | <i>Office of the Mayor/Council</i> | | | |

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RECOGNIZING FEBRUARY AS BLACK HISTORY MONTH; AUTHORIZING AN ESSAY CONTEST FOR ELEMENTARY STUDENTS; AUTHORIZING THE EXPENDITURE OF ONE THOUSAND DOLLARS (\$1,000.00) FROM THE SPECIAL EVENT FUND; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

This resolution supports Councilman Ighodaro’s annual Black History Month event scheduled for Saturday, February 28, 2015, at the Betty T. Ferguson Recreation Complex. The event honors residents from Miami Gardens for their outstanding contributions as well as sharing important moments in Black History.

**Item K-2) Consent Agenda
Resolution
Black History Month**

From a historical perspective Black History Month had its beginnings in 1926 in the United States, when historian Carter G. Woodson and the Association for the Study of Negro Life and History announced the second week of February to be “Negro History Week”. This week was chosen because it marked the birthday of both Abraham Lincoln and Frederick Douglas.

In 1976, the federal government acknowledged the expansion of Black History Week to Black History Month by the leaders of the Black United Students at Kent State University in February of 1969. The first celebration of Black History Month occurred at Kent State in February 1970. Six years later during the bicentennial, the expansion of Negro History Week to Black History Month was recognized by the U.S. government. Gerald Ford spoke in regards to this, urging Americans to “seize the opportunity to honor the too-often neglected accomplishments of black Americans in every area of endeavor throughout our history.

In honor of Black History Month, and in an effort to reiterate the significant importance of this historical moment, Councilman Ighodaro is seeking to encourage the Miami-Dade County School Board and the 18 local elementary schools in Miami Gardens to participate by inviting fourth and fifth grade students to write a 300 word essay on (title to be determined). The winners will be selected and recognized at the February 25, 2015, City Council Meeting.

Fiscal Impact

Funding will be derived from 01-11-01-511-496-01 which currently has \$1,000 available to be spent.

Proposed Action:

Recommend Council approval of this resolution with a funding of \$1,000.00 to be allocated from Council Member Special Events Account.

Attachment:

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RECOGNIZING FEBRUARY AS BLACK HISTORY MONTH; AUTHORIZING AN ESSAY CONTEST FOR ELEMENTARY STUDENTS; AUTHORIZING THE EXPENDITURE OF ONE THOUSAND DOLLARS (\$1,000.00) FROM THE SPECIAL EVENT FUND; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Black History Month is observed annually to spotlight important people and events in the history of the African diaspora, and

WHEREAS, Black History Month began in 1926 when historian Carter G. Woodson and the Association for the Study of Negro Life and History, announced that the second week of February would be recognized as “Negro History Week”, and

WHEREAS, in 1976, Black History Week was extended to the entire month of February, and

WHEREAS, Councilman Erhabor Ighodaro recommends that the City recognize February as Black History Month, and

WHEREAS, to commemorate Black History Month, Councilman Ighodaro also recommends that the City hosts an essay contest for fourth and fifth graders at the Betty T. Ferguson Recreational Complex on February 28, 2015, and

WHEREAS, it is being recommended that One Thousand Dollars (\$1,000.00) be allocated from the Special Events Fund for this purpose,

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.

31 Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens
32 hereby recognizes February as Black History Month. The City Council authorizes an
33 essay contest for elementary school students to commemorate Black History Month;
34 and further authorizes the allocation of One Thousand Dollars (\$1,000.00) from the
35 Special Events Fund for this purpose.

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

38 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI
39 GARDENS AT ITS REGULAR MEETING HELD ON _____, 2015.

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OLIVER GILBERT, III, MAYOR

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45 **ATTEST:**

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RONETTA TAYLOR, MMC, CITY CLERK

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

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SPONSORED BY: COUNCILMAN ERHABOR IGHODARO, Ph.D.

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Moved by: _____

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VOTE: _____

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|---------------------------------------|-------------|------------|
| 62 Mayor Oliver Gilbert, III | _____ (Yes) | _____ (No) |
| 63 Vice Mayor Felicia Robinson | _____ (Yes) | _____ (No) |
| 64 Councilwoman Lillie Q. Odom | _____ (Yes) | _____ (No) |
| 65 Councilman David Williams Jr | _____ (Yes) | _____ (No) |
| 66 Councilwoman Lisa Davis | _____ (Yes) | _____ (No) |
| 67 Councilman Rodney Harris | _____ (Yes) | _____ (No) |
| 68 Councilman Erhabor Ighodaro, Ph.D. | _____ (Yes) | _____ (No) |



City of Miami Gardens Agenda Cover Memo

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|---|----------------------|-----------|--|---|------------------|-------------------------------|------------|
| Council Meeting Date: | January 14, 2015 | | Item Type: <i>(Enter X in box)</i> | Resolution | Ordinance | Other | |
| | | | | X | | | |
| Fiscal Impact: <i>(Enter X in box)</i> | Yes | No | Ordinance Reading: <i>(Enter X in box)</i> | 1st Reading | | 2nd Reading | |
| | X | | | Public Hearing: <i>(Enter X in box)</i> | Yes | No | Yes |
| | | | | | | X | |
| Funding Source: | General Fund | | Advertising Requirement: <i>(Enter X in box)</i> | Yes | | No | |
| | | | | | | X | |
| Contract/P.O. Required: <i>(Enter X in box)</i> | Yes | No | RFP/RFQ/Bid #: | | | | |
| | X | | | | | | |
| Strategic Plan Related <i>(Enter X in box)</i> | Yes | No | Strategic Plan Priority Area: | Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i> | | | |
| | X | | | Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/> | | | |
| Sponsor Name | Mayor Oliver Gilbert | | Department: | Mayor and City Council | | | |

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE AND ATTEST RESPECTIVELY, THAT CERTAIN LOBBYIST UNDERTAKING AGREEMENT WITH YOLANDA CASH JACKSON OF BECKER & POLIAKOFF, P.A., FOR A ONE (1) YEAR TERM, WITH THE OPTION TO RENEW FOR AN ADDITIONAL ONE (1) YEAR TERM, IN THE AMOUNT OF SIXTY THOUSAND DOLLARS (\$60,000.00), A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Yolanda Cash Jackson of Becker & Poliakoff has provided lobbying services to the City from 2004 through 2014. A contract was executed in December 2012 for one year, with a one-year renewal. The City is pleased with the services provided by the firm.

**Item K-3) Consent Agenda
Resolution
Lobbyist Agreement**

Mayor Gilbert is recommending that the City Council enter into a new one (1) year Agreement with Becker & Poliakoff to provide Federal and State lobbying services, with an option to renew for an additional one (1) year term. Becker & Poliakoff has agreed to once again provide Federal and State lobbying services for the same amount as the previous contractual term.

Fiscal Impact

In the FY 2015 budget, \$60,000 was budgeted for this service.

Proposed Action:

That the City Council approves the attached resolution.

Attachment:

Exhibit A: Lobbyist Agreement

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE AND ATTEST RESPECTIVELY, THAT CERTAIN LOBBYIST UNDERTAKING AGREEMENT WITH YOLANDA CASH JACKSON OF BECKER & POLIAKOFF, P.A., FOR A ONE (1) YEAR TERM, WITH THE OPTION TO RENEW FOR AN ADDITIONAL ONE (1) YEAR TERM, IN THE AMOUNT OF SIXTY THOUSAND DOLLARS (\$60,000.00), A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Becker & Poliakoff has provided lobbying services to the City since 2004, and

WHEREAS, the City Council has determined that it would like to enter into a new one (1) year Agreement with Becker & Poliakoff, with an option to renew for an additional one (1) year term, and

WHEREAS, under the Agreement Becker & Poliakoff will provide state and federal lobbying services,

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 authorizes the City Manager and the City Clerk to execute and attest respectively, that certain Lobbyist Undertaking Agreement with Yolanda Cash Jackson of Becker & Poliakoff, P.A., for a one (1) year term, with the option to renew for an

32 additional one (1) year term, in the amount of Sixty Thousand Dollars (\$60,000.00), a
33 copy of which is attached hereto as Exhibit "A".

34 Section 3: INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby
35 authorized to obtain two (2) fully executed copies of the subject Agreement with one to
36 be maintained by the City, and one to be delivered to Becker & Poliakoff, P.A.

37 Section 4: EFFECTIVE DATE: This Resolution shall take effect immediately
38 upon its final passage.

39 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI
40 GARDENS AT ITS REGULAR MEETING HELD ON _____, 2015.

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ATTEST:

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RONETTA TAYLOR, MMC, CITY CLERK

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

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SPONSORED BY: CAMERON D. BENSON, CITY MANAGER

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Moved by: _____

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VOTE: _____

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Mayor Oliver Gilbert, III _____ (Yes) _____ (No)

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Vice Mayor Felicia Robinson _____ (Yes) _____ (No)

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Councilwoman Lillie Q. Odom _____ (Yes) _____ (No)

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Councilman David Williams Jr _____ (Yes) _____ (No)

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Councilwoman Lisa C. Davis _____ (Yes) _____ (No)

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Councilman Rodney Harris _____ (Yes) _____ (No)

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Councilman Erhabor Ighodaro, Ph.D. _____ (Yes) _____ (No)

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CITY OF MIAMI GARDENS

LOBBYIST UNDERTAKING

THIS AGREEMENT, made as of the ____ day of _____, 2015, by and between the CITY OF MIAMI GARDENS, Miami-Dade County, Florida, a municipal corporation organized and existing under the laws of the State of Florida ("CITY"), and BECKER & POLIAKOFF, P. A. ("CONSULTANT").

WITNESSETH:

WHEREAS, since 2004, CONSULTANT has provided lobbying services to the City, and

WHEREAS, the City Council has determined that it would like to enter into a one year agreement with CONSULTANT to provide lobbying services with an option to renew for an additional one-year term, and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the legal sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **SCOPE OF SERVICES:**

CONSULTANT's services during the term of this Agreement shall include but not be limited to:

STATE GOVERNMENT

- A. Work with the City Council, City Manager's Office in developing special or general legislation as directed by the Council.

- B. Attend the State legislative Session on behalf of the City.
- C. Testify and Lobby on behalf of the City, to the Governor and Cabinet, and all state agencies, on behalf of the CITY.
- D. Appear and testify at State agency hearings, rulemaking proceeding and other administrative and legislative meetings, in order to promote and seek passage of legislation affecting the CITY as directed by the City Council.
- E. Coordinate appointments/meetings between the Mayor, City Council, and other City staff, upon request, with appropriate State officials /Legislators.
- F. Report regularly to the City Council, City Manager, and other applicable staff as designated by the CITY, through correspondence, informational bulletins, and personal briefings concerning legislation, rules, policy and program directions. This will include, but not be limited to, forwarding copies of appropriate bills to CITY; informing CITY of various meetings/hearings attended on CITY's behalf; providing CITY with any applicable interim studies prepared by the House or Senate, clippings information from the Florida Administrative Weekly which may be pertinent to the CITY; and individually meeting with or contacting the Mayor and City Council on issues, as required by the City.
- G. The CONSULTANT shall provide the City Council and the City Manager's Office with periodic reports during the time that the Florida Legislature has been called into regular and special session. Additionally, the CONSULTANT shall be required to send immediate alerts to the City Manager and Mayor's Offices when an immediate action may be required to be taken by the CITY or any action is being contemplated by the Florida Legislature, which will directly impact the CITY. Furthermore, the CONSULTANT shall assist in arranging trips to Tallahassee for

staff or elected officials when required to address specific issues affecting the CITY. Additionally, the CONSULTANT shall enhance the legislative program process by initiating discussions, conferences and meetings with the CITY, by and through its elected representatives and Senior Management staff personnel prior to the commencement of the Regular Session of the Legislature. A report summarizing the status of the CITY's legislative priorities shall be provided within one week of the closing of the session and a more detailed final written report on specific legislation and new requirements affecting the CITY shall be provided within a reasonable time period, not to exceed thirty days from the close of session.

- H. CONSULTANT shall prepare and submit periodic written reports (at least monthly) during those months that the legislature is not in session, on issues of interest or concern to the CITY. Such information may include, but not limited to action taken at interim committee meetings, rulemaking hearings, status of studies underway, and advance notice of legislation being proposed.
- I. CONSULTANT shall upon request by the CITY, assist the CITY in coordinating applications and obtaining State grants. The CONSULTANT is not expected to prepare grant applications.

FEDERAL GOVERNMENT

CITY intends to engage CONSULTANT on a temporary basis to provide legislative consulting services relating to federal matters before the U.S. Congress, federal administrative agencies and the Executive branch. It is expressly understood between the parties that the City intends to issue an RFP and/or otherwise retain a separate Lobbying Firm for federal lobbying purposes. If the City engages a separate federal lobbyist, the parties agree to reevaluate the terms of this Agreement.

CONSULTANT shall provide the federal lobbying services as set forth below:

- J. CONSULTANT is expected to attend all scheduled, extended, or special legislative sessions and meetings; federal administrative and agency hearings, meetings, or rule making proceedings; and legal and legislative consulting services.

- K. CONSULTANT shall review on a continuing basis all existing and proposed Federal policies, programs and legislation; identify those issues that may affect the CITY or its citizens, and regularly inform the CITY as to these matters, both written and orally; and to provide legal and legislative expertise and consulting services.

- L. CONSULTANT shall assist the City Council and staff in the coordination and development of the CITY's federal legislative program. These issues may include: public safety, law enforcement, business attraction and retention, infrastructure improvements, telecommunications, transportation, environmental, affordable housing, economic development, revenue enhancement, mandates and other issues.

- M. CONSULTANT shall monitor federal legislative committee meetings, agencies hearings and meetings prior to and during the regular and special legislative session(s) at which specific issues within the CITY's adopted legislative program are considered, as well as others that may arise that affect the CITY.

- N. CONSULTANT shall work with the City Council and staff to develop special or general federal legislation in keeping with, or that are supportive of, the CITY's adopted legislative program.

- O. CONSULTANT shall develop strategies to obtain and maximize funding for all areas of City services including but not limited to public works, law enforcement, transportation infrastructure, water resources, housing, appropriations and grant programs administered by the Federal government;
- P. CONSULTANT shall coordinate funding, legislation and policy related activities with the United States Congress and Federal agencies; Securing appropriate authorizations and funding from the United States Congress and Federal agencies to implement the CITY'S projects;
- Q. CONSULTANT shall maintain direct and frequent contact with key United States Senators and Representatives, and advocate for the CITY'S interests during the United States legislative and regulatory process;
- R. CONSULTANT shall, upon request, coordinate appointments/meetings between the City Council or other CITY staff, and appropriate federal officials and legislators.

GENERAL

- S. CONSULTANT shall prepare and submit reports that may include but not limited to: personal briefings and information bulletins pertinent to any legislation, rules or regulations, and other federal policies or programs that affect the CITY and its citizens either directly or indirectly. A report summarizing the status of the CITY's legislative priorities shall be provided within one week of the closing of the session and a more detailed final written report on specific legislation and new requirements affecting the CITY shall be provided within a reasonable time period, not to exceed thirty days from the close of session.

T. CONSULTANT shall prepare and submit periodic written reports (at least monthly) during those months that the legislature is not in session, on issues of interest or concern to the CITY. Such information may include, but not limited to action taken at interim committee meetings, rulemaking hearings, status of studies underway, and advance notice of legislation being proposed.

U. CONSULTANT shall upon request by the CITY, assist the CITY in coordinating applications and obtaining Federal grants. The CONSULTANT is not expected to prepare grant applications.

2. **RESPONSIBILITIES OF THE CITY:**

a. CITY shall designate the City Manager as the lead staff person to coordinate with CONSULTANT; however, other individuals may be designated by City Manager.

b. CITY shall have appropriate staff available as required to discuss issues with CONSULTANT. CITY acknowledges that especially during the legislative session, it is important to have the appropriate staff available.

c. CITY shall use its best efforts in cooperating with CONSULTANT in providing the information and documentation necessary to CONSULTANT in the performance of the lobbying services under this agreement.

3. **CONSULTANT RESPONSIBILITIES:**

CONSULTANT shall perform the scope of services, as set out in Section 1 and throughout this Agreement. This list shall not be deemed all-inclusive and may be changed from time to time as authorized by the City Council.

4. **RETAINER**

a. The CITY hereby retains the CONSULTANT, and the CONSULTANT hereby accepts a retainer from the CITY in the amount of Sixty Thousand (\$60,000) Dollars annually ("RETAINER") to perform the services as set forth in the Scope of Services.

b. The retainer shall be paid in monthly installments of \$5,000.00 per month upon presentation of an invoice outlining services rendered during the preceding month, payable in arrears.

c. The retainer shall cover all out-of-pocket expenses incurred by CONSULTANT.

5. **TERM:** The CONSULTANT is retained for a one year term. The parties shall have the option to renew for an additional one (1) year term.

6. **EARLY TERMINATION:** The CITY reserves the right to terminate this Lobbyist Undertaking at the CITY's convenience, provided that should the termination occur after the fifth (5th) day of the month, the retainer for the month in which the termination occurs shall be due in full.

7. **OFFICE SPACE:** CONSULTANT agrees to make office space available, to the CITY in Tallahassee and Washington D.C. during the course of this Agreement, which will be accessible to the CITY and its staff while in Tallahassee and Washington D.C., if needed. CONSULTANT shall also provide any staff necessary to assist the CITY and its staff while in the Tallahassee and Washington, D.C. area.

8. **COMPLIANCE WITH RULES AND REGULATIONS:** CONSULTANT agrees to abide by any and all CITY ordinances and resolutions that relate to the services provided pursuant to this Agreement.

9. **CONFLICT OF INTEREST:** CONSULTANT agrees that it shall not represent any entity in any form or support a position in opposition to a position of the CITY, unless the City Council grants a specific waiver for a specific lobbying activity. The failure to comply with this provision shall result in either or both of the following:

- (i) This Agreement shall be voidable by the CITY or
- (ii) CONSULTANT shall be prohibited for a period of up to three (3) years as determined by the City Council in its sole discretion from entering into a lobbying contract with the CITY.

10. **NOTIFICATION:**

a. CONSULTANT shall have the obligation to declare in writing the existence of a conflict and request a waiver, if applicable, within five (5) business days of the discovery of a conflict.

b. Separate and independent from the above-referenced obligation, CONSULTANT must advise the City Manager, in writing, of any position in opposition that of the CITY, taken by the selected CONSULTANT and at the CITY's discretion, this may require that a request of waiver of such conflict be taken before the City Council. A position in opposition to a position of the CITY may take the form of an adverse policy position or something having adverse fiscal impact on the CITY, either directly or indirectly. A position in opposition to a position of the CITY is not limited to a position that conflicts with an expressed provision of the legislative package adopted by the City Council. It may also arise in other areas. Not every CITY interest can be anticipated or enumerated in the CITY's legislative package, and issues arise and change over the course of the legislative process. It is incumbent upon the CONSULTANT to remain mindful of the CITY's policy and fiscal interests and positions. If an actual or perceived conflict arises, CONSULTANT shall advise the City Manager in writing within five business days, and seek a waiver of the conflict before the City Council, as necessary.

c. Once a conflict waiver has been received by the CITY, the City Manager, in consultation with the City Attorney, reserves the right to determine whether CONSULTANT may continue representing the CITY and the other party's interest until the City Council can consider the conflict issue. The City Council may take, in its sole discretion, any action regarding a waiver request, including but not limited to the following:

(i) Grant a waiver and allow the CONSULTANT to continue to represent the both the CITY and the other party;

(ii) Refuse to grant a waiver and require the CONSULTANT to choose between representing the CITY or the other party, or to discontinue representing the other party;

(iii) Refuse to grant a waiver and void this Agreement;

(iv) Grant a limited waiver and allow the CONSULTANT to continue to represent both the CITY and the other party under whatever limitations or restrictions the CITY, in its sole discretion, determines to be proposed appropriate.

11. **AUDIT:** CONSULTANT shall maintain all records produced as a result of this Agreement for at least three (3) years from the date of final payment. The CITY shall have access to such books, records, and documents for the purpose of inspection or audit during normal business hours at a place convenient and agreeable to the CONSULTANT and the CITY.

12. **KEY PERSONNEL:** CONSULTANT agrees that the key personnel who will be providing services to the CITY are Yolanda Cash Jackson and Clarence Williams. CITY understands that it may be necessary for CONSULTANT to replace certain key personnel. However, the City shall be consulted and shall have input prior to the replacement of any Key Personnel.

13. **INDEMNIFICATION:** CONSULTANT shall indemnify and hold harmless the CITY, its officers, employees, representatives and agents, from any and all liability arising out of claims and litigation related to the services to be provided, including

any actions that may arise from allegations regarding determination of appropriateness or inappropriateness of care or any errors or omissions related to the service provided.

14. **INSURANCE:** CONSULTANT shall maintain during the term hereof, comprehensive automobile liability insurance in the minimum amount of one million (\$1,000,000.00) dollars, combined single-limit for bodily injury and property damage liability to protect CONSULTANT and CITY from claims of damages for bodily and personal injury, including death, as well as from claims for property damage, which may arise from the ownership, use or maintenance of owned and non-owned automobiles, including rented automobiles, whether such operations be by CONSULTANT or anyone directly or indirectly employed by CONSULTANT. As well, CONSULTANT shall maintain, during the term hereof, comprehensive general liability insurance in the amount of one million (\$1,000,000.00) dollars per occurrence, to protect CONSULTANT and CITY from claims for damages for bodily and personal injury including wrongful death, as well as from claims of property damages which may arise from any operations in connection herewith, whether such operations be by CONSULTANT or by anyone directly employed by or contracting with CONSULTANT. All insurance required hereunder be maintained by CONSULTANT shall be subject to the CITY's reasonable approval as to ratings of the insurer, and such policies, as evidenced by a certificate thereof, shall specifically include CITY an additional insured and provide thirty (30) days written notice to CITY prior to any adverse changes, cancellation or non-renewal coverage thereunder.

15. **BAR ON CONTINGENCY FEES:** No remuneration or reimbursement described herein shall be based upon a "contingency factor" connected with the success or failure of the CONSULTANT's efforts.

16. **ATTORNEY'S FEES:** Should any dispute arise hereunder, CITY shall be entitled to recover against CONSULTANT all costs, expenses and attorney's fees incurred

by CITY in such dispute, whether or not suit is brought, and such right shall include all of such costs, expenses and attorney's fees through all appeals or other actions.

17. **WAIVER**: No waiver by CITY of any provision of this Agreement shall be deemed to be a waiver of any other provisions hereof or of any subsequent breach by CONSULTANT of the same, or any other provision or the enforcement thereof. CITY's consent to or approval of any act by CONSULTANT requiring CITY's consent or approval shall not be deemed to render unnecessary the obtaining of CITY's consent to or approval of any subsequent consent or approval of CONSULTANT, whether or not similar to the act so consented to or approved.

18. **NON-ASSIGNABILITY**: This Agreement or any portion hereof shall not be assigned or transferred by either party without the written consent of the other party.

19. **NOTICE**: The delivery of any items and the giving of notice in compliance with the terms of this Agreement shall be accomplished by making same, in writing, and by the delivery thereof to the party intended to receive it or by mailing the same to the address of such party as hereinafter set forth. In the event such notice is made by mail, the same shall be given via U.S. mail, Return Receipt Requested and, unless otherwise provided herein, notice or delivery by mail shall be effective when mailed to:

**City Of Miami Gardens
18605 NW 27th Avenue
Miami Gardens, Florida 33056
Phone: 305-914-9010
Attention: Cameron Benson, City Manager**

**BECKER & POLIAKOFF, P. A.
1 East Broward Boulevard
Suite 1800
Fort Lauderdale, Florida 33301
954-987-7550**

Attention: Yolanda Cash Jackson

20. **PUBLIC RECORDS**: To the extent required by law, Consultant shall comply with the public records laws in accordance with Chapter 119, Florida Statutes. Specifically, Consultant agrees to comply with Section 119.0701, Florida Statutes. Public records shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency, as defined in Section 119.011, Florida Statutes, as amended. The City shall make the sole determination of which records, if any, are exempt from inspection.

21. **BINDING EFFECT**: All of the terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto, their respective assigns, successors, legal representatives, heirs and beneficiaries, as applicable.

22. **CONSTRUCTION**: This Agreement and the terms hereof shall be construed in accordance with the laws of the State of Florida and venue for all actions in a court of competent jurisdiction shall lie in Miami-Dade County, Florida.

23. **SEVERABILITY**: Should any word, phrase or provision hereof be declared illegal or invalid by a court of competent jurisdiction, such declaration of illegality and/or invalidity shall not affect the remainder hereof.

24. **ENTIRE AGREEMENT; MODIFICATION**: No statements, representations, warranties, either written or oral, from whatever source arising, except as expressly stated in this Agreement, shall have any legal validity between the parties or be binding upon any of them. The parties acknowledge that this Agreement contains the entire understanding

and agreement of the parties. No modifications hereof shall be effective unless made in writing and executed by the parties hereto with the same formalities as this Agreement is executed.

25. **CAPTIONS AND PARAGRAPH HEADINGS:** Captions and paragraph headings contained in this Agreement are for convenience and reference only and in no way define, describe, extend or limit the scope and intent of this Agreement, nor the intent of any provisions hereof.

26. **JOINT PREPARATION:** The preparation of this Agreement has been a joint effort of the parties, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other. It is the parties' further intention that this Agreement be construed liberally to achieve its intent.

27. **COUNTERPARTS:** This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same agreement.

28. **EXHIBITS ARE INCLUSIONARY:** All exhibits attached hereto or mentioned herein which contain additional terms shall be deemed incorporated herein by reference. Typewritten or handwritten provisions inserted in this form or attached hereto shall control all printed provisions in conflict therewith.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year set forth below their respective signatures.

(Signatures to Follow)

CITY OF MIAMI GARDENS

CAMERON BENSON, CITY MANAGER

Date: _____

ATTEST:

City Clerk,
RONETTA TAYLOR, CMC

Approved As To Form
Sufficiency:

SONJA K. DICKENS, CITY ATTORNEY

BECKER & POLIAKOFF, P.A.

By: _____
YOLANDA CASH JACKSON

Date: _____



City of Miami Gardens Agenda Cover Memo

| | | | | | | | | |
|---|------------------------------------|-----------|--|--|------------------|-------------------------------|--------------|-----------|
| Council Meeting Date: | January 14, 2015 | | Item Type: <i>(Enter X in box)</i> | Resolution | Ordinance | | Other | |
| | | | | XXX | | | | |
| Fiscal Impact: <i>(Enter X in box)</i> | Yes | No | Ordinance Reading: <i>(Enter X in box)</i> | 1st Reading | | 2nd Reading | | |
| | X | | | Public Hearing: <i>(Enter X in box)</i> | Yes | No | Yes | No |
| Funding Source: | General Fund – Fleet Department | | Advertising Requirement: <i>(Enter X in box)</i> | Yes | | No | | |
| | | | | | | | | |
| Contract/P.O. Required: <i>(Enter X in box)</i> | Yes | No | RFP/RFQ/Bid #: | Renewal ITB#12-13-006 Bus Shelter Maintenance | | | | |
| | X | | | | | | | |
| Strategic Plan Related <i>(Enter X in box)</i> | Yes | No | Strategic Plan Priority Area: Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communcation <input type="checkbox"/> | Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i> N/A | | | | |
| | | X | | | | | | |
| Sponsor Name | Cameron D. Benson, City Manager | | Department: | Public Works Department | | | | |

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE RENEWAL OF THE AGREEMENT WITH SANCHEZ ARANGO CONSTRUCTION COMPANY FOR BUS SHELTER MAINTENANCE THROUGH FEBRUARY 2016; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS, IN AN AMOUNT NOT TO EXCEED THE ANNUAL ALLOCATED BUDGETED AMOUNT.

Staff Summary:

Background

The City of Miami Gardens Public Works Department has oversight of the 117 bus shelters, 325 bus benches, and 450 trash receptacles located throughout the City. On February 13, 2013, City Council awarded a bid for Bus Shelter Maintenance to Sanchez Arango Construction Company. The first renewal was approved by Council on September 10, 2014.

**Item K-4) Consent Agenda
Resolution
Bus Shelters**

Current Situation

The current solicitation allows for annual renewals for a maximum of three years. This is the second renewal. Sanchez Arango Construction Company continues to provide maintenance of these amenities. Staff is pleased with the company's performance and recommends renewal of this contract for one (1) year through February 2016. The company's insurance is up to date.

Fiscal Impact

The budget allocation for Bus Shelter Maintenance for the Public Works Department for FY 2015 is \$110,000.

Proposed Action:

That the City Council approve the proposed resolution authorizing the City Manager to issue a purchase order for Bus Shelter Maintenance for a total of \$110,000 and approve the one (1) year renewal option.

Attachment:

None.

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE RENEWAL OF THE AGREEMENT WITH SANCHEZ ARANGO CONSTRUCTION COMPANY FOR BUS SHELTER MAINTENANCE THROUGH FEBRUARY 2016; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000.00), FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 13, 2013, the City Council adopted Resolution No. 2013-41-1837, which awarded a bid Sanchez Arango Construction Company, for bus shelter maintenance, and

WHEREAS, the initial term of the Agreement was for a one year period, with an option to renew annually for the maximum of three years, and

WHEREAS, City staff recommends renewing the Agreement with Sanchez Arango Construction Company, and

WHEREAS, the total cost for bus shelter maintenance through February 2016 is One Hundred Ten Thousand Dollars (\$110,000.00),

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 authorizes the renewal of the Agreement with Sanchez Arango Construction Company for bus shelter maintenance through February 2016; and authorizes the City Manager to issue purchase orders, in an amount not to exceed One Hundred Ten Thousand Dollars (\$110,000.00), for this purpose.

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

34 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI
35 GARDENS AT ITS REGULAR MEETING HELD ON _____, 2015.

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ATTEST:

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OLIVER GILBERT, III, MAYOR

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RONETTA TAYLOR, MMC, CITY CLERK

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

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SPONSORED BY: CAMERON D. BENSON, CITY MANAGER

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Moved by: _____

54

55

VOTE: _____

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57

Mayor Oliver Gilbert, III _____ (Yes) _____ (No)

58

Vice Mayor Felicia Robinson _____ (Yes) _____ (No)

59

Councilwoman Lillie Q. Odom _____ (Yes) _____ (No)

60

Councilman David Williams Jr _____ (Yes) _____ (No)

61

Councilwoman Lisa Davis _____ (Yes) _____ (No)

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Councilman Rodney Harris _____ (Yes) _____ (No)

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Councilman Erhabor Ighodaro, Ph.D. _____ (Yes) _____ (No)

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City of Miami Gardens Agenda Cover Memo

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|---|--|-----------|--|--|------------------|-------------------------------|------------|
| Council Meeting Date: | January 14, 2015 | | Item Type: <i>(Enter X in box)</i> | Resolution | Ordinance | Other | |
| | | | | X | | | |
| Fiscal Impact: <i>(Enter X in box)</i> | Yes | No | Ordinance Reading: <i>(Enter X in box)</i> | 1st Reading | | 2nd Reading | |
| | X | | | Public Hearing: <i>(Enter X in box)</i> | Yes | No | Yes |
| | | | | | | X | |
| Funding Source: | General Fund- IT | | Advertising Requirement: <i>(Enter X in box)</i> | Yes | | No | |
| | | | | | | X | |
| Contract/P.O. Required: <i>(Enter X in box)</i> | Yes | No | RFP/RFQ/Bid #: | | | | |
| | X | | | | | | |
| Strategic Plan Related <i>(Enter X in box)</i> | Yes | No | Strategic Plan Priority Area: | Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i> N/A | | | |
| | X | | | | | | |
| Sponsor Name | Cameron Benson, City Manger | | Department: | Information Technology Department | | | |

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF NINETY FOUR THOUSAND ONE HUNDRED SIXTY DOLLARS AND FIFTY THREE CENTS (\$94,160.53) TO TYLER TECHNOLOGIES, INC., FOR FISCAL YEAR 2015 EDEN SOFTWARE MAINTENANCE SUPPORT AND LICENSES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

On November 21, 2005, the City Council adopted a Resolution which authorized the purchase of the Tyler Technologies' Enterprise Resource System (ERP) – EDEN. EDEN is the now the backbone by which the HR, Finance and Procurement Departments operate. The EDEN software package is also deeply ingrained in the business processed of almost every other City department/division's operations.

**Item K-5) Consent Agenda
Resolution
P.O. to Tyler Technologies**

The first five years of maintenance and licenses were negotiated not to exceed 5% of the previous year. The current cost for maintenance is a 3.3% increase above last year's cost. The time has come for the City to renew annual maintenance support and licenses for the EDEN software package. EDEN software is a propriety software system and therefore the only company that can service and maintain the ERP system is EDEN.

Fiscal Impact

For FY 2015, the annual cost for software maintenance is \$94,160.53.

Proposed Action:

That the City Council approve the attached resolution authorizing the City Manager to issue a purchase order to Tyler Technologies for the maintenance support and licenses of the EDEN software package in an amount of \$94,160.53.

Attachment:

Attachment A: Tyler Technologies Quote

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF NINETY FOUR THOUSAND ONE HUNDRED SIXTY DOLLARS AND FIFTY THREE CENTS (\$94,160.53) TO TYLER TECHNOLOGIES, INC., FOR FISCAL YEAR 2015 EDEN SOFTWARE MAINTENANCE SUPPORT AND LICENSES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 14, 2005, the City Council adopted Resolution 2005-169-346, which authorized the City Manager to execute an agreement for the purchase of the EDEN software package, and

WHEREAS, it is necessary for the City to renew the annual maintenance support and licenses for the use of EDEN software, and

WHEREAS, the cost of maintenance increased is Ninety Four Thousand One Hundred Sixty Dollars and Fifty Three Cents (\$94,160.53) for fiscal year 2015, and

WHEREAS, the competitive bidding requirements do not apply because Tyler Technologies is the sole source provider of EDEN software,

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 authorizes the City Manager to issue a Purchase Order in the amount of Ninety Four Thousand, One Hundred Sixty Dollars and Fifty Three Cents (\$94,160.53) to Tyler Technologies, Inc. for fiscal year 2015 EDEN software maintenance support and licenses.

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

34 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI
35 GARDENS AT ITS REGULAR MEETING HELD ON _____, 2015.

36

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42 **ATTEST:**

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46 _____
RONETTA TAYLOR, MMC, CITY CLERK

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48

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

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52 SPONSORED BY: CAMERON BENSON, CITY MANAGER

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55 Moved by: _____

56

57 **VOTE:** _____

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59 Mayor Oliver Gilbert, III _____ (Yes) _____ (No)

60 Vice Mayor Felicia Robinson _____ (Yes) _____ (No)

61 Councilwoman Lillie Q. Odom _____ (Yes) _____ (No)

62 Councilman David Williams Jr _____ (Yes) _____ (No)

63 Councilwoman Lisa Davis _____ (Yes) _____ (No)

64 Councilman Rodney Harris _____ (Yes) _____ (No)

65 Councilman Erhabor Ighodaro, Ph.D. _____ (Yes) _____ (No)

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Tyler Technologies, Inc.
 (FEIN 75-2303920)
 P.O. Box 203556
 Dallas, TX 75320-3556

Invoice

| | | |
|-------------------|-------------|-------------|
| Invoice No | Date | Page |
| 045-122426 | 12/01/2014 | 1 of 3 |

Empowering people who serve the public®

Questions:

Tyler Technologies - ERP & Schools
 Phone: 1-800-772-2260 Press 2, then 1
 Fax: 1-866-673-3274
 Email: ar@tylertech.com



Bill To: City of Miami Gardens
 Accounts Payable
 1515 NW 167th Street, Suite 200
 Miami Gardens, FL 33169

Ship To: City of Miami Gardens
 Accounts Payable
 1515 NW 167th Street, Suite 200
 Miami Gardens, FL 33169

| | | | | | |
|---------------------|---------------|------------------|-----------------|--------------|-----------------|
| Customer No. | Ord No | PO Number | Currency | Terms | Due Date |
| 5201 | 59914 | | USD | NET30 | 12/31/2014 |

| Date | Description | Units | Rate | Extended Price |
|--------------------------------------|---|-------|-----------|----------------|
| Contract No.: MIAMI GARDENS, CITY OF | | | | |
| | CORE Cashiering Support - 1 Station | 1 | 3,385.61 | 3,385.61 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | CORE Cashiering Support - 1 Station | 1 | 1,919.56 | 1,919.56 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | GL/AP/PG Support | 1 | 5,078.43 | 5,078.43 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | LaserFiche interface Support | 1 | 3,070.86 | 3,070.86 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | BMI Asset Tracking Interface Support | 1 | 729.18 | 729.18 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | State Package Support | 1 | 1,410.67 | 1,410.67 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | GASB Support | 1 | 2,031.37 | 2,031.37 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | CASS Support | 1 | 2,437.19 | 2,437.19 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | Accounts Receivable Support | 1 | 2,031.37 | 2,031.37 |
| | : | | | |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | Human Resources Support | 1 | 2,539.21 | 2,539.21 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | OSDBA Support | 1 | 15,044.56 | 15,044.56 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | Contract Management Support | 1 | 1,269.60 | 1,269.60 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | Data Dictionaries/Menu Support | 1 | 1,410.67 | 1,410.67 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | Disaster Recovery Support | 1 | 15,693.43 | 15,693.43 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | Parcel Manager Support | 1 | 846.40 | 846.40 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | Applicant Tracking Support | 1 | 1,269.60 | 1,269.60 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | Licensing Support | 1 | 3,047.06 | 3,047.06 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | Position Budgeting Support | 1 | 846.40 | 846.40 |
| | Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | |
| | Project Accounting Support | 1 | 3,554.90 | 3,554.90 |



Tyler Technologies, Inc.
 (FEIN 75-2303920)
 P.O. Box 203556
 Dallas, TX 75320-3556

Invoice

| | | |
|-------------------|-------------|-------------|
| Invoice No | Date | Page |
| 045-122426 | 12/01/2014 | 2 of 3 |

Empowering people who serve the public®

Questions:

Tyler Technologies - ERP & Schools
 Phone: 1-800-772-2260 Press 2, then 1
 Fax: 1-866-673-3274
 Email: ar@tylertech.com

Bill To: City of Miami Gardens
 Accounts Payable
 1515 NW 167th Street, Suite 200
 Miami Gardens, FL 33169

Ship To: City of Miami Gardens
 Accounts Payable
 1515 NW 167th Street, Suite 200
 Miami Gardens, FL 33169

| | | | | | |
|---------------------|---------------|------------------|-----------------|--------------|-----------------|
| Customer No. | Ord No | PO Number | Currency | Terms | Due Date |
| 5201 | 59914 | | USD | NET30 | 12/31/2014 |

| Date | Description | Units | Rate | Extended Price |
|---|--------------------------------------|-------|----------|----------------|
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | Tyler Output Processing Support | 1 | 1,530.21 | 1,530.21 |
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | Budget Preparation Support | 1 | 1,269.60 | 1,269.60 |
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | Crystal Reports Site License Support | 1 | 1,128.55 | 1,128.55 |
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | Payroll Support | 1 | 5,642.68 | 5,642.68 |
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | Permits & Inspections Support | 1 | 4,232.02 | 4,232.02 |
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | Requisitions Support | 1 | 507.84 | 507.84 |
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | Bid & Quote Support | 1 | 1,269.60 | 1,269.60 |
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | Forms Support | 1 | 1,015.69 | 1,015.69 |
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | Forms Support | 1 | 3,216.33 | 3,216.33 |
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | Custom Reports Support | 1 | 2,656.54 | 2,656.54 |
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | Accounts Payable Support Web | 1 | 768.10 | 768.10 |
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | Bid & Quote Support Web | 1 | 768.10 | 768.10 |
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | Human Resources Support Web | 1 | 846.40 | 846.40 |
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | Licensing Support Web | 1 | 846.40 | 846.40 |
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | Permits & Inspections Support Web | 1 | 846.40 | 846.40 |
| Maintenance: Start: 01/Jan/2015, End: 31/Dec/2015 | | | | |



Tyler Technologies, Inc.
 (FEIN 75-2303920)
 P.O. Box 203556
 Dallas, TX 75320-3556

Invoice

| | | |
|-------------------|-------------|-------------|
| Invoice No | Date | Page |
| 045-122426 | 12/01/2014 | 3 of 3 |

Empowering people who serve the public®

Questions:

Tyler Technologies - ERP & Schools
 Phone: 1-800-772-2260 Press 2, then 1
 Fax: 1-866-673-3274
 Email: ar@tylertech.com

Bill To: City of Miami Gardens
 Accounts Payable
 1515 NW 167th Street, Suite 200
 Miami Gardens, FL 33169

Ship To: City of Miami Gardens
 Accounts Payable
 1515 NW 167th Street, Suite 200
 Miami Gardens, FL 33169

| | | | | | |
|---------------------|---------------|------------------|-----------------|--------------|-----------------|
| Customer No. | Ord No | PO Number | Currency | Terms | Due Date |
| 5201 | 59914 | | USD | NET30 | 12/31/2014 |

| Date | Description | Units | Rate | Extended Price |
|------|-------------|-------|------|----------------|
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****ATTENTION****

Order your checks and forms from
 Tyler Business Forms at 877-749-2090 or
tylerbusinessforms.com to guarantee
 100% compliance with your software.

| | |
|---------------|-----------|
| Subtotal | 94,160.53 |
| Sales Tax | 0.00 |
| Invoice Total | 94,160.53 |



City of Miami Gardens Agenda Cover Memo

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|---|--------------------------------|-----------|---|---|------------------|-------------------------------|------------|
| Council Meeting Date: | January 14, 2015 | | Item Type: <i>(Enter X in box)</i> | Resolution | Ordinance | Other | |
| | | | | X | | | |
| Fiscal Impact: <i>(Enter X in box)</i> | Yes | No | Ordinance Reading: <i>(Enter X in box)</i> | 1st Reading | | 2nd Reading | |
| | X | | | Public Hearing: <i>(Enter X in box)</i> | Yes | No | Yes |
| | | | | | X | | X |
| Funding Source: | N/A | | Advertising Requirement: <i>(Enter X in box)</i> | Yes | | No | |
| | | | | | X | | |
| Contract/P.O. Required: <i>(Enter X in box)</i> | Yes | No | RFP/RFQ/Bid #: | | | | |
| | | X | | | | | |
| Strategic Plan Related <i>(Enter X in box)</i> | Yes | No | Strategic Plan Priority Area: | Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i> | | | |
| | | | | | | | |
| | | | Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/> | | | | |
| Sponsor Name | Cameron Benson, City Manger | | Department: | Fleet Management | | | |

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DECLARING TWELVE (12) FLEET VEHICLES TO BE SURPLUS; AUTHORIZING THE CITY MANAGER TO UTILIZE RENE BATES AUCTIONEERS, INC. FOR AUCTION SERVICES TO DISPOSE OF THE SURPLUS VEHICLES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

In accord with City policy, the City Manager, at his discretion may sell to the general public, by auction, sealed bid, or other acceptable method any City-owned surplus property. Sales or trades of surplus supplies or equipment of a value in excess of five thousand dollars (\$5,000.00) shall be approved by the City Council.

The City participates in the Southeast Florida Cooperative Group RFP for Auction Services. Fisher Auction Company, Inc. located in Miami, Florida was awarded "On-Site Auction Services" and Rene Bates Auctioneers, Inc. located in McKinney, Texas was awarded "Internet Auction Services". Staff will arrange to have Rene Bates Auctioneers, Inc. conduct an on-line auction of vehicles that are being taken out service.

**Item K-6) Consent Agenda
Resolution
Declaring Surplus**

Staff estimates that 12 fleet units (which could consist of automobile, truck, trailer or motorcycle) will be taken out of service as surplus this fiscal year. The average selling price is \$3,000 each.

Proposed Action:

That the City Council approves the attached resolution authorizing the City Manager to dispose of the surplus property.

Attachment:

N/A

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DECLARING TWELVE (12) FLEET VEHICLES TO BE SURPLUS; AUTHORIZING THE CITY MANAGER TO UTILIZE RENE BATES AUCTIONEERS, INC. FOR AUCTION SERVICES TO DISPOSE OF THE SURPLUS VEHICLES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 22, 2013, the City Council adopted Resolution No. 2013-139-1935, which awarded a bid to Rene Bates Auctioneers, Inc. to conduct internet auction services on behalf of the City, and

WHEREAS, City staff estimates that 12 fleet vehicles will be taken out of service during Fiscal Year 2015, and

WHEREAS, in accordance with Section 2-844 of the City's Code of Ordinances, the City Council determines the disposition of any property valued over Five Thousand Dollars (\$5,000.00), and

WHEREAS, the City Manager is requesting that the City Council declare the vehicles surplus, and authorize the City Manager to dispose of the surplus property,

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 declares twelve (12) fleet vehicles to be surplus; and further authorizes the City Manager to utilize Rene Bates Auctioneers, Inc., for auction services, to dispose of the surplus vehicles.

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

32 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI
33 GARDENS AT ITS REGULAR MEETING HELD ON _____, 2015.

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OLIVER GILBERT, III, MAYOR

ATTEST:

RONETTA TAYLOR, MMC, CITY CLERK

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

SPONSORED BY: CAMERON D. BENSON, CITY MANAGER

Moved by: _____

VOTE: _____

| | | |
|------------------------------------|-------------|------------|
| Mayor Oliver Gilbert, III | _____ (Yes) | _____ (No) |
| Vice Mayor Felicia Robinson | _____ (Yes) | _____ (No) |
| Councilwoman Lillie Q. Odom | _____ (Yes) | _____ (No) |
| Councilman David Williams Jr | _____ (Yes) | _____ (No) |
| Councilwoman Lisa C. Davis | _____ (Yes) | _____ (No) |
| Councilman Rodney Harris | _____ (Yes) | _____ (No) |
| Councilman Erhabor Ighodaro, Ph.D. | _____ (Yes) | _____ (No) |

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City of Miami Gardens Agenda Cover Memo

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|---|--|-----------|---|---|------------------|-------------------------------|------------|
| Council Meeting Date: <i>(Enter X in box)</i> | <i>January 14, 2015</i> | | Item Type: <i>(Enter X in box)</i> | Resolution | Ordinance | Other | |
| | | | | X | | | |
| Fiscal Impact: <i>(Enter X in box)</i> | Yes | No | Ordinance Reading: <i>(Enter X in box)</i> | 1st Reading | | 2nd Reading | |
| | | X | | Public Hearing: <i>(Enter X in box)</i> | Yes | No | Yes |
| | | | | | X | | |
| Funding Source: | N/A | | Advertising Requirement: <i>(Enter X in box)</i> | Yes | | No | |
| | | | | | X | | |
| Contract/P.O. Required: <i>(Enter X in box)</i> | Yes | No | RFP/RFQ/Bid #: | N/A | | | |
| | | X | | | | | |
| Strategic Plan Related <i>(Enter X in box)</i> | Yes | No | Strategic Plan Priority Area: | Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i> | | | |
| | | X | | | | | |
| | | | Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/> | N/A | | | |
| Sponsor Name | <i>Cameron D. Benson, City Manager</i> | | Department: | <i>Community Development</i> | | | |

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING SUBSTANTIAL AMENDMENTS TO THE CITY OF MIAMI GARDENS' HOUSING POLICIES, ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Background

On December 13, 2006, the City Council approved the City of Miami Gardens Housing Program Policies, which were developed by the Department of Community Development (the Department) to establish and administer various Housing Programs. Over the past eight (8) years the Department has seen many changes to our funding sources and lessons learned, which have required amendments to the City's Housing Policies.

**Item K-7) Consent Agenda
Resolution
Housing Policy Amendment**

As a reminder, the purposes of the Housing Program Policies are:

- To ensure the City’s compliance with the requirements of the various funding sources, and
- To achieve program effectiveness, including consistency and fiscal responsibility.

Current Situation

Periodically, City Staff reviews the Housing Program Policies to ensure that they are in compliance with current program requirements and funding sources. In 2012, based on a 25% reduction in CDBG and a total cut in SHIP funds, staff recommended updating the housing policies to include only exterior Tier I home rehabilitation, awarding work to specialty trades on a rotating basis, and requiring applicants who fall into our 50-80% AMI category to repayable loans.

Hardening the exterior of homes has been the Department’s priority and in order to further protect and preserve the exterior of the home, the Department would like to add Exterior Paint to Tier I. This will not only help to resist stains, dirt and moisture, but it is an inexpensive way to improve the overall aesthetics of the property, increasing the value and hopefully prompting others in the neighborhood to do the same.

Furthermore, due to the square footage of the homes and rehabilitation work involved, awarding these projects to specialty trades on a rotating basis has proven to be more expensive and inefficient of staff time than putting the projects out through a competitive bidding process. As a result, staff through a Request For Qualifications, will establish an approved qualified contractor list. Thereafter, staff will place all rehab work out through a competitive bidding process to all approved contractors on said list and award accordingly to the lowest responsible and responsive bidder.

City Staff recommends amending Section 5 of the Housing Program Policies, as attached.

Fiscal Impact

This is a policy revision, therefore will have no fiscal impact.

Proposed Action:

That the City Council approves the attached resolution.

Attachment:

- Section 5 of the Housing Program Policies

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING SUBSTANTIAL AMENDMENTS TO THE CITY OF MIAMI GARDENS' HOUSING POLICIES, ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City's Housing Policies were established in 2006, and

WHEREAS, the Housing Policies are utilized by the Department of Community Development to establish and administer various Housing Programs, and

WHEREAS, due to a cut in funding from the State Housing Initiatives Partnership (SHIP) program, City staff recommends amending Section 5 of the Housing Policies to allow the completion of certain home rehabilitation projects by specialty trades, and

WHEREAS, the City's Housing Policies are also being amended to establish a list of qualified contractors that are selected through a competitive bidding process,

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 approves the amendments of Housing Policies, as outlined on Exhibit "A" attached hereto.

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 REGULAR MEETING HELD ON _____, 2015.

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OLIVER GILBERT, III, MAYOR

ATTEST:

RONETTA TAYLOR, MMC, CITY CLERK

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

SPONSORED BY: CAMERON BENSON, CITY MANAGER

Moved by: _____

VOTE: _____

| | | |
|------------------------------------|-------------|------------|
| Mayor Oliver Gilbert, III | _____ (Yes) | _____ (No) |
| Vice Mayor Felicia Robinson | _____ (Yes) | _____ (No) |
| Councilwoman Lillie Q. Odom | _____ (Yes) | _____ (No) |
| Councilman David Williams Jr | _____ (Yes) | _____ (No) |
| Councilwoman Lisa Davis | _____ (Yes) | _____ (No) |
| Councilman Rodney Harris | _____ (Yes) | _____ (No) |
| Councilman Erhabor Ighodaro, Ph.D. | _____ (Yes) | _____ (No) |



City of Miami Gardens Agenda Cover Memo

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|--------------------------------|------------------------------------|-------------------|--|---|-------------------|
| Council Meeting Date: | January 14, 2014 | Item Type: | Resolution | Ordinance | Other X |
| Fiscal Impact: | Yes | No | Ordinance Reading: | 1st Reading | |
| | | X | Public Hearing: | Yes | No |
| Funding Source: | | | Advertising Requirement: | Yes | |
| | | | | No X | |
| Contract/P.O. Required: | Yes | No | RFP/RFQ/Bid #: 13-14-033 | | |
| | | X | | | |
| Strategic Plan Related: | Yes | No | Strategic Plan Priority Area: Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input checked="" type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/> | Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i> Business and Economic Development | |
| | X | | | | |
| Sponsor Name: | Cameron D. Benson, City Manager | | Department: | City Manager | |

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A POLICY FOR THIRD PARTY SPONSORSHIPS OF SERVICES, PROJECTS, EVENTS, FACILITIES AND ACTIVITIES, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Background:

Staff is interested in pursuing sponsorship agreements with third parties, wherein the third party receives access to the commercial and/or marketing potential associated with the City in exchange for cash considerations. Sponsorship opportunities may also come in the form of in-kind services to the City. The agreement may be for

**Item K-8) Consent Agenda
Resolution
Sponsorship Policy**

one or more of the City's services, projects, events, facilities or activities. This legislation will provide authorization and control over those sponsorship agreements. Staff will pursue sponsorships that are mutually beneficial to all parties involved. Furthermore, the legislation will assist in the Administration's continuous effort to build relationships with major businesses and corporations interested in investing in the City. The proposed change will allow staff an opportunity to obtain another non-tax revenue source. Once the ordinance is passed, this item will approve the written policy attached.

Proposed Action:

It is recommended that the City Council approve the attached sponsorship policy.

Attachments

Attachments:

- A- City of Miami Gardens Sponsorship Policy

RESOLUTION NO. 2014_____

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A POLICY FOR THIRD PARTY SPONSORSHIPS OF SERVICES, PROJECTS, EVENTS, FACILITIES AND ACTIVITIES, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City desires to authorize third party sponsorships for City services, projects, events, facilities and activities, and

WHEREAS, such sponsorships will permit the City to accept cash and/or in-kind donations, in exchange for third party marketing and advertising, and

WHEREAS, the City Council would like to adopt policies and procedures as it relates to the City's acceptance of these sponsorships,

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 adopts the policies and procedures for third party sponsorships for City services, projects, events, facilities and activities, attached hereto as Exhibit "A."

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 REGULAR MEETING HELD ON _____, 2014.

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OLIVER GILBERT, III, MAYOR

ATTEST:

RONETTA TAYLOR, MMC, CITY CLERK

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

SPONSORED BY:

Moved by: _____

VOTE: _____

| | | |
|------------------------------------|-------------|------------|
| Mayor Oliver Gilbert, III | _____ (Yes) | _____ (No) |
| Vice Mayor Felicia Robinson | _____ (Yes) | _____ (No) |
| Councilwoman Lillie Q. Odom | _____ (Yes) | _____ (No) |
| Councilman David Williams Jr | _____ (Yes) | _____ (No) |
| Councilwoman Lisa C. Davis | _____ (Yes) | _____ (No) |
| Councilman Rodney Harris | _____ (Yes) | _____ (No) |
| Councilman Erhabor Ighodaro, Ph.D. | _____ (Yes) | _____ (No) |

CITY OF MIAMI GARDENS SPONSORSHIP POLICY

I. PURPOSE:

- A. The aim of this policy is to create an authorized environment for entering into sponsorship agreements with third parties where such sponsorships are mutually beneficial to both parties in a manner that is consistent with all applicable policies set by City of Miami Gardens. The purpose of the policy and procedures as outlined is to:
 - 1. Uphold the City stewardship role to safeguard the City's assets and interests.
 - 2. Provide employees with guidelines and procedures based on best practices.
 - 3. Protect the City of Miami Gardens from risk.
- B. The policy provides an enabling environment for the City to enter into sponsorship agreements within set guidelines and procedures for the purpose of optimizing non-tax revenue sources. Under the conditions of this policy, City staff may solicit such sponsorship agreements.
- C. The City shall not relinquish to the sponsor any aspect of the City's right to manage and control the City's assets or facilities.
- D. This policy is not applicable to philanthropic contributions, grants, or unsolicited donations in which no benefits are granted to the sponsor and where no business relationship exists.

II. SCOPE:

- A. This policy applies to all City departments and divisions.
- B. This policy does not apply to:
 - 1. Independent foundations or registered charitable organizations from which the City may receive benefit.
 - 2. Philanthropic contributions or unsolicited donations to the City.
 - 3. Funding obtained from other orders of government through formal grant programs.

4. City sponsorship support of external projects where the City provides funds to an outside organization.
5. Third parties who lease City property or hold permits with the City for activities or events.

III. DEFINITIONS:

- A. “Sponsorship” shall mean a mutually beneficial business arrangement between the City and a third party, wherein the third party provides cash and/or in-kind services to the City in return for access to the commercial and/or marketing potential associated with the City. Sponsorships may include sponsorship of one or more of the City’s services, projects, events, facilities or activities.
- B. “Sponsorship agreement” shall mean a mutually beneficial, contractual agreement that reflects the business arrangement for the exchange of commercial and/or marketing benefits between the City and a third party for a specified period of time.
- C. “Sponsor” shall mean a third party that enters into a sponsorship agreement with the City.
- D. “In-kind sponsorship” shall mean a sponsorship received in the form of goods and/or services rather than cash.
- E. “Request for sponsorship (RFS)” shall mean an open and competitive process whereby third parties may express their interest in participating in sponsorship opportunities with the City. Requests for sponsorship should include a summary of the sponsorship opportunity, benefits for participation, and a description of the open and competitive procedure for expressing interest in participating in sponsorship opportunities.
- F. “Naming rights” shall mean a type of sponsorship in which a third party purchases the exclusive right to name a whole asset or venue. The naming of a component of an asset or venue (e.g. – bench in a park, specific room in a building) is not considered to be naming rights for the purposes of this policy and would be categorized as per Section VI (Type A or C). Sponsorship naming rights are considered in the commercial context only, where the naming right is sold or exchanged for significant cash or other revenue support. This arrangement must be documented in an agreement signed by the interested parties and shall have a specified end date to the contractual obligations.
- G. “Philanthropic contribution” shall mean a contribution to City of Miami Gardens from a third party for which there is no reciprocal commercial and/or marketing benefit expected or required from the City. Such contributions are separate and distinct from sponsorship and shall be governed by a separate City policy.

IV. RESTRICTIONS:

- A. In general, the following industries and products are not eligible for sponsorships With the City of Miami Gardens: political or faith-based organizations, companies whose business is substantially derived from the sale of alcohol, tobacco, firearms or adult use businesses. Only the City Council may grant a waiver from this provision. The City reserves the right to reject any sponsorship when it is deemed not to be in the best interest of the City.
- B. City of Miami Gardens shall reject advertising that does not comply with the standards set forth in this policy. All full advertising graphic designs must be submitted in sufficient detail to determine content and final general appearance to the City Manager or his/her designee for review and approval before application. The approval process for advertising design shall not exceed thirty (30) business days from time of submittal.
- C. The following standards for advertising are adopted and will not be displayed:
 - 1. Is false, misleading or deceptive
 - 2. Relates to an illegal activity
 - 3. Is explicit sexual material, obscene material, or material harmful to minors
 - 4. Advertises tobacco products
 - 5. Includes language which is obscene, vulgar, profane, or scatological
 - 6. Relates to instruments, devices, items, products or paraphernalia that are designed for use in connection with specific sexual activities
 - 7. Depicts violence and/ or anti-social behavior

V. POLICY:

- A. Program Sponsorship: Sponsorship of a City of Miami Gardens event, program or asset.
- B. Naming Rights Sponsorship: Any sponsorship that falls into the definition for Naming Rights.
- C. Purchasing Sponsorship: Any sponsorship that includes purchasing of commodities, materials, equipment, or services.

VI. PROCEDURES & AUTHORITY:

A. The City shall provide notice of all sponsorship opportunities. Sponsorship opportunities shall at a minimum be posted on the City's website for a minimum period of ten (10) days.

B. Sponsorship opportunities that do not exceed the City Manager's authority as outlined in Sec. 2-752 of the City's Code shall be awarded using the process outlined below:

1. Person's wanting to respond to a sponsorship opportunity shall submit a *Request For Sponsorship Form (RFS)* by the deadline posted in the notice or if no deadline is posted, at any time that the sponsorship is available. The City reserves the right to entertain and accept multiple RFS' and to enter into multiple sponsorship agreements for the same purpose.
2. Upon the submission of a RFS, the City Manager or his/her designee shall engage in negotiations with the proposed sponsor. Nothing herein shall prohibit the City Manager or his/her designee from negotiating with multiple persons for the same sponsorship opportunity. Upon completion of negotiations, a *Sponsorship Agreement Form* shall be completed.
3. After approval by the City Manager or his/her designee, the agreement shall be forwarded to City Attorney's Office for review and approval.
4. If not approved at any stage of approval process, the Sponsorship Agreement form shall be returned to designated contact with explanation for non-approval.

C. Sponsorship opportunities that exceed the City Manager's authority as outlined in Sec. 2-752 of the City's Code shall be awarded by the City Council.

D. All sponsorships that relate to purchasing opportunities shall be governed by Chapter 2, Article IX of the City's Code of Ordinances.

E. All approved sponsorship agreements must include:

1. Signatures by authorized representatives of the City and the sponsor. Authorized representative of the City shall be the highest ranking approval authority from the above-stated review process.
2. Term of the agreement, including provisions for termination.
3. Details of the exchange of benefits, including what will be provided to the City by the sponsor and what will be provided by the City to the sponsor.

F. A report summarizing approved sponsorship agreements shall be submitted to the City Council at least quarterly and filed with the City Clerk.



City of Miami Gardens Agenda Cover Memo

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|---|-----------------------------------|-----------|---|---|------------------|-------------------------------|--------------|-----------|
| Council Meeting Date: | January 14, 2015 | | Item Type: <i>(Enter X in box)</i> | Resolution | Ordinance | | Other | |
| | | | | X | | | | |
| Fiscal Impact: <i>(Enter X in box)</i> | Yes | No | Ordinance Reading: <i>(Enter X in box)</i> | 1st Reading | | 2nd Reading | | |
| | | X | | Public Hearing: <i>(Enter X in box)</i> | Yes | No | Yes | No |
| | | | | | X | | | |
| Funding Source: | | | Advertising Requirement: <i>(Enter X in box)</i> | Yes | | No | | |
| | | | | | | | | |
| Contract/P.O. Required: <i>(Enter X in box)</i> | Yes | No | RFP/RFQ/Bid #: | RFQ# 13-14-038 Planning & Zoning Services | | | | |
| | X | | | | | | | |
| Strategic Plan Related <i>(Enter X in box)</i> | Yes | No | Strategic Plan Priority Area: | Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i> | | | | |
| | X | | | | | | | |
| | | | Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input checked="" type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communcation <input type="checkbox"/> | | | | | |
| Sponsor Name | Cameron D. Benson City Manager | | Department: | City Manager | | | | |

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDDING A BID TO _____ FOR PLANNING AND ZONING SERVICES; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

BACKGROUND

This memo provides a recommendation regarding the provision of planning & zoning services (P & Z) for the City. The underlying factors supporting this recommendation include budgetary impacts to the General Fund and levels of service to residents.

**Item L-1) Resolution
Planning & Zoning Services**

The primary functions of this department include adoption and periodic updates to the City's Comprehensive Development Master Plan and application of Land Development Regulations through Zoning reviews and inspections. In Fiscal Year 13-14, The P & Z Division was restructured reducing its staff to 3 employees, all of which are in specialized professional capacities. Through personnel actions, staffing has been further reduced to 1 employee. P & Z services are currently supplemented through staffing from the professional services contract at the contracted hourly rate.

From inception to Fiscal year 13-14, the City's P & Z Division was funded from the Development Services Fund (which also includes our Building Division). As of Fiscal year 14-15, the P & Z Division is funded from the General Fund. P & Z's operating budget was approximately \$400k for the previous fiscal year. Salaries and fringes alone account for approximately \$200k. As of the end of Fiscal Year 13-14, there was only \$290k in fees collected.

As evidenced by the previous fees collected in P & Z, the City is unable to support a full P & Z staff. It is therefore recommended that P & Z services be outsourced to a professional planning & engineering firm such that the operating costs of this department would be immediately alleviated, and hence the projected General Fund expenditure significantly reduced. The current staff person will manage the planning & zoning services contract provisions and support staff; thus, ensuring the quality and level of service to the Residents and Businesses is maintained.

The basic cost of outsourcing is covered by the fees charged to the client for re-zoning processes or plans review, and hence at no cost to the City (cost recovery basis). Under cost recovery, the City will receive an administrative fee to cover the budgeted expenditures. The exceptions to a cost recovery scenario would be for special planning projects and services not covered as part of the day-to-day P & Z functions at which time we will use negotiated hourly rates.

CURRENT SITUATION

City Staff prepared specifications to retain a professional Planning and Zoning Consultant to provide planning and zoning services. The request for qualifications RFQ#13-14-038 was posted on July 14, 2014. A broadcast notice was sent to 1651 vendors. Thirty-one proposal packages were requested. Three proposals were received and publicity read on August 12, 2014. A copy of the proposal document and submittals are available at the assistant to the mayor and council's office for review. All proposals were reviewed and evaluated on September 9, 2014 by the selection committee consisting of Craig Clay, Shellie Ransom-Jackson, Irma Matos and Darian Martin. The consultants were evaluated based on a maximum of 340 points

Proposal Evaluation Scores:

| Firms | Score |
|------------------------------------|-------|
| Calvin Giordano & Associates, Inc. | 262 |
| The Corradino Group | 267 |
| E.L. Waters & Company LLC | 163 |

The consultants were invited to present their proposals orally on October 1, 2014. Each firm was allotted fifteen minutes with an additional ten minutes for questions and answers.

Oral Presentation Evaluation Scores:

| Firms | Score |
|------------------------------------|-------|
| Calvin Giordano & Associates, Inc. | 269 |
| The Corradino Group | 248 |
| E.L. Waters & Company LLC | 159 |

Based on the proposal and oral presentation scores, the selection committee recommends award to Calvin Giordano & Associates, Inc.

The City Manager is requesting authority to negotiate and execute a contract with the successful bidder.

Proposed Action:

Staff recommends Council approve the resolution authorizing the City Manager to negotiate and execute a contract for outsourcing the Planning and Zoning operation to _____.

Attachments:

Evaluation Sheet
Contract

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDED A BID TO _____ FOR PLANNING AND ZONING SERVICES; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Department has been restructured and reduced to one employee, and

WHEREAS, Planning and Zoning services are currently supplemented through staffing from a professional services contract at the contracted hourly rate, and

WHEREAS, it is being recommended that Planning and Zoning services be outsourced to further reduce the Department's operating costs, and

WHEREAS, City Staff prepared specifications to retain a professional Planning and Zoning consultant, and

WHEREAS, on August 12, 2014, three (3) proposals were received and publicly read, and

WHEREAS, on October 1, 2014, the following firms made presentations to City staff: Calvin, Giordano & Associates, Inc.; The Corradino Group, Inc.; and E.L. Waters & Company, LLC, and

WHEREAS, the City Council awards a bid to _____ for Planning and Zoning Services,

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.

31 Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens
32 hereby awards a bid to _____ for Planning and Zoning
33 Services; and authorizes the City Manager to negotiate and execute an Agreement for
34 this purpose.

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

37 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI
38 GARDENS AT ITS REGULAR MEETING HELD ON _____, 2014.

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OLIVER GILBERT, III, MAYOR

ATTEST:

RONETTA TAYLOR, MMC, CITY CLERK

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

SPONSORED BY: CAMERON D. BENSON, CITY MANAGER

Moved by: _____

VOTE: _____

| | | |
|------------------------------------|-------------|------------|
| Mayor Oliver Gilbert, III | _____ (Yes) | _____ (No) |
| Vice Mayor Felicia Robinson | _____ (Yes) | _____ (No) |
| Councilwoman Lillie Q. Odom | _____ (Yes) | _____ (No) |
| Councilman David Williams Jr | _____ (Yes) | _____ (No) |
| Councilwoman Lisa C. Davis | _____ (Yes) | _____ (No) |
| Councilman Rodney Harris | _____ (Yes) | _____ (No) |
| Councilman Erhabor Ighodaro, Ph.D. | _____ (Yes) | _____ (No) |

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