



CITY OF MIAMI GARDENS CITY COUNCIL MEETING AGENDA

Meeting Date: May 13, 2015
18605 NW 27th Avenue
Miami Gardens, Florida 33056
Next Regular Meeting Date: May 27, 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**
 - D-1) Regular City Council Minutes – April 22, 2015
- (E) ORDER OF BUSINESS** (Items to be pulled from Consent Agenda at this time)
- (F) SPECIAL PRESENTATIONS (5 minutes each)**
 - F-1) Councilwoman Lisa C. Davis – Mother’s Day Honorees
 - F-2) Councilman David Williams Jr. - Recognitions
 - F-3) Proclamation – National Public Works Week – May 18-22, 2015

(G) PUBLIC COMMENTS (2 minutes each)

(H) ORDINANCE(S) FOR FIRST READING:

None

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

None

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

J-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CO-DESIGNATING NW 167TH TERRACE FROM NW 29TH AVENUE TO NW 32ND AVENUE AS “EMMANUEL BOULEVARD”; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (COUNCILMAN ERHABOR IGHODARO)

(K) CONSENT AGENDA:

K-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CREATION OF A BUSINESS INCUBATOR IN THE CITY OF MIAMI GARDENS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY MAYOR OLIVER GILBERT)

K-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO LOCATE FUNDING TO CONSTRUCT AN ARTS AND CULTURAL CENTER IN THE CITY OF MIAMI GARDENS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY MAYOR OLIVER GILBERT)

K-3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, SUPPORTING THE CIRCLE OF MOTHERS RETREAT TO BE HELD ON MAY 22, 2015 THROUGH MAY 24, 2015; AUTHORIZING A SPONSORSHIP OF THE EVENT IN THE AMOUNT THREE THOUSAND DOLLARS (\$3,000.00) FROM THE CITY MANAGER’S SPECIAL EVENT FUND; 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, SUPPORTING A TEACHER APPRECIATION BRUNCH FOR EDUCATORS AT CAROL CITY MIDDLE AND CAROL CITY HIGH SCHOOLS, RESPECTIVELY; AUTHORIZING A SPONSORSHIP OF THE EVENT, IN THE AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00), FROM THE SPECIAL EVENTS FUND FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY VICE MAYOR ROBINSON)**
- K-5) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, SUPPORTING THE ANNUAL MOTHER’S DAY LUNCHEON AT THE BETTY T. FERGUSON RECREATIONAL COMPLEX; AUTHORIZING A SPONSORSHIP OF THE EVENT, IN THE AMOUNT ONE THOUSAND DOLLARS (\$1000.00), FROM THE SPECIAL EVENTS FUND FOR THIS PURPOSE; PROVIDING FOR NUNC PRO TUNC EFFECT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY VICE MAYOR ROBINSON)**
- K-6) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, SUPPORTING MEDICAID EXPANSION OF THE AFFORDABLE CARE ACT AND URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION EXPANDING MEDICAID IN FLORIDA; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (COUNCILWOMAN LISA C. DAVIS)**
- K-7) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY TO PARTNER WITH THE EDO ASSOCIATION OF FLORIDA, INC., TO HOST A FOURTH OF JULY EVENT IN THE CITY OF MIAMI GARDENS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY COUNCILMAN IGHODARO)**
- K-8) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO NEGOTIATE AND EXECUTE A JOINT INTEREST AGREEMENT WITH AMERICAN TRAFFIC SOLUTIONS (ATS), XEROX STATE & LOCAL SOLUTIONS, INC. (“XEROX”), GATSO USA INC. (“GATSO”), AND VARIOUS MUNICIPALITIES, IN THE MATTER OF *CHRISTOPHER L.***

PARKER ET AL. V. AMERICAN TRAFFIC SOLUTIONS, INC. ET AL.; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.(SPONSORED BY THE CITY ATTORNEY)

- K-9) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY THAT CERTAIN INTERLOCAL AGREEMENT ATTACHED HERETO AS EXHIBIT “A”, WITH MIAMI-DADE COUNTY FOR REIMBURSEMENT OF PARKING FINES; PROVIDING FOR FUTURE AUTHORIZATION TO THE CITY MANAGER; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**
- K-10) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REJECTING ALL PROPOSALS RECEIVED IN RESPONSE TO ITB NO. 14-15-017 FOR DRAINAGE INFRASTRUCTURE AND ROADWAY IMPROVEMENTS FOR THE LIVABLE NEIGHBORHOOD IMPROVEMENT FOR VISTA VERDE PHASE II PROJECT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**
- K-11) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REJECTING ALL PROPOSALS RECEIVED IN RESPONSE TO ITB NO. 14-15-012 FOR BUS TRANSPORTATION SERVICES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**
- K-12) 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 BIFURCATION OF THE AMENDED MORTGAGE DEED AND RESTRICTIVE COVENANT WITH RUDG-THE COMMONS, LLC, ATTACHED HERETO AS EXHIBIT “A”; AUTHORIZING THE CITY MANAGER TO EXECUTE AND ATTEST RESPECTIVELY THAT CERTAIN COMMERCIAL MORTGAGE DEED AND RESTRICTIVE COVENANT AND THAT CERTAIN RESIDENTIAL MORTGAGE DEED AND RESTRICTIVE COVENANT WITH RUDG-THE COMMONS, LLC, ATTACHED**

HERETO AS EXHIBITS “B” AND “C”; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; 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, AUTHORIZING A GRANT MATCH IN THE AMOUNT OF ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00) TOWARDS FUNDING FOR THE AFRICAN MUSEUM OF ARTS AND CULTURAL CENTER UPON THE AFRICAN MUSEUM OF ARTS AND CULTURAL CENTER’S RECEIPT OF A GRANT FROM THE FLORIDA DEPARTMENT OF STATE, THROUGH IT’S CULTURAL FACILITIES PROGRAM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

QUASI-JUDICIAL ZONING HEARINGS:

(M) ORDINANCES ON FOR FIRST READING(S):

M-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 34-287 OF THE LAND DEVELOPMENT CODE TO ALLOW THE WHOLESALE OF FIREWORKS AS A PERMITTED USE; PROHIBITING RETAIL SALE OF FIREWORKS; ALLOWING THE RETAIL SALE OF SPARKLERS AS A PERMITTED USE; AMENDING 34-288 TO ESTABLISH ADDITIONAL REQUIREMENTS FOR THE WHOLESALE OF FIREWORKS AND RETAIL SALE OF SPARKLERS; AMENDING SECTION 34-733 ENTITLED “MASTER USE LIST AND DEFINITIONS”; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

(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) 914-9010 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:	May 13, 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:	<i>General Fund</i>		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						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	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, CO-DESIGNATING NW 167TH TERRACE FROM NW 29TH AVENUE TO NW 32ND AVENUE AS "EMMANUEL BOULEVARD"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

The City amended its Land Development regulations to amend the criteria required when the City Council considers whether to rename or co-designate a street or to recommend to the state, county or federal government that a street be renamed or co-designated. Section 34-233 (b) (8) states, "In order for a resolution renaming or co-designating a street with a person's name to be approved, the unanimous vote of the city council shall be required".

**Item J-1) Public Hearing
Resolution
"Emmanuel Boulevard"**

Councilman Ighodaro wishes to co-designate NW 167th Terrace between NW 29th Avenue to NW 32nd Avenue “3001 NW Emmanuel Boulevard”.

That portion of NW 167th Terrace from NW 29th Avenue to 32nd Avenue is a city street located in the City of Miami Gardens.

Iglesia de Avivamiento, Emmanuel Church, located at 3001 NW 167th Terrace, Miami Gardens, has been in this community for over 48 years. The church has grown to the point that it extends from NW 29th Avenue to NW 32nd Avenue.

Iglesia de Avivamiento, Emmanuel Church has significant history in this particular neighborhood due to the exemplary humanitarian services it provides to the community. Currently the church has three schools: Emmanuel Kindergarten and Day Care Center, Emmanuel Elementary and Emmanuel High School where many of the neighborhood children attended all the way through high school. The church also provides a shelter for the homeless and a program for men who were struggling with substance abuse. The church has helped hundreds of men get jobs and integrate back into society.

Furthermore, Iglesia de Avivamiento, Emmanuel Church provides families in need of domestic violence counseling. There is also a pro-life ministry, as well as counseling for youth. There is a Royal Rangers Program for young boys and Missionettes program for young girls.

Proposed Action:

In accordance with Section 34-233 of the City’s Code of Ordinances, Councilman Ighodaro is asking the City Council to approve this resolution co-designating that portion of NW 167th Terrace between NW 29th Avenue and 32nd Avenue as: “3001 NW Emmanuel Boulevard”

Attachment(s)

Attachment (A) – Section 34-233 of the City of Miami Gardens Land Development Code
Entitled “Alternatives to renaming streets

RESOLUTION NO. 2015_____

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 MIAMI GARDENS, FLORIDA, CO-DESIGNATING NW 167TH
5 TERRACE FROM NW 29TH AVENUE TO NW 32ND AVENUE AS
6 "EMMANUEL BOULEVARD"; PROVIDING FOR THE ADOPTION
7 OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE
8 DATE.
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10 WHEREAS, Iglesia de Avivamiento, Emmanuel Church, located at 3001 NW
11 167th Terrace has served the Miami Gardens community for over 48 years, and

12 WHEREAS, Emmanuel Church operates a day care, and elementary and high
13 schools, and

14 WHEREAS, Emmanuel Church also provides shelter to the homeless, and
15 operates a program for men struggling with substance abuse addiction, and

16 WHEREAS, Emmanuel Church also operates the Royal Rangers program for
17 young boys and the Missionettes program for young girls, and

18 WHEREAS, Councilman Erhabor Ighodaro recommends that the City Council co-
19 designate NW 167th Terrace from NW 29th Avenue to NW 32nd Avenue as "Emmanuel
20 Boulevard",

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

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

26 Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens
27 hereby codesignates NW 167th Terrace from NW 29th Avenue to NW 32nd Avenue as
28 "3001 NW Emmanuel Boulevard".

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

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

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OLIVER GILBERT, III, MAYOR

36 **ATTEST:**

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RONETTA TAYLOR, MMC, CITY CLERK

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

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46 SPONSORED BY: COUNCILMAN ERHABOR IGHODARO, PH.D.

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48 Moved by: _____

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50 **VOTE:** _____

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

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

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

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

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

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

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

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Sec. 34-233. - Alternatives to renaming streets.

- (a) The city council shall consider three alternatives to renaming or codesignating streets as follows:
 - (1) Marker, by which a plaque or sign bearing a designation shall be mounted separately on a stone or post in the right-of-way.
 - (2) Plaza, by which only the intersection of two streets shall be designated. The designation shall be mounted on the post under the street signs at the intersection.
 - (3) Codesignation, by which a numbered street shall receive an additional designation over the numbered street designation on the street signs. The police department and department of fire-rescue and United States Postal Service shall be notified of codesignation.
- (b) Procedure to rename or codesignate streets. The city council may, by resolution adopted after a public hearing, name, rename or co-designate any city road, street or public way. The following criteria shall be considered for street codesignation:
 - (1) Named or numbered streets shall not be so renamed or codesignated in a manner that will be confused with or duplicate the names of existing streets.
 - (2) Named streets, e.g., as in Honeyhill Drive, N.W. 199 Street, shall not be changed where there is an historical tradition attached to the existing name. Miami Gardens Drive, N.W. 183rd Street shall not be renamed or codesignated.
 - (3) Named streets shall not be codesignated because of the resulting confusion.
 - (4) Numbered streets shall not be codesignated for merely commercial purposes.
 - (5) Numbered streets shall only be codesignated if there is significant historical, neighborhood or community benefit to the codesignation.
 - (6) Numbered street codesignations shall not exceed five blocks in length.
 - (7) There shall be a hiatus at least five blocks in length between consecutive codesignations in numbered streets.
 - (8) In order for a resolution renaming or codesignating a street with a person's name to be approved, the unanimous vote of the city council shall be required.
 - (9) Persons whose names are considered for the renaming or codesignation of a street shall meet the following criteria:
 - a. Such persons must have demonstrated extraordinary service to the city and its residents; or
 - b. Such persons shall have brought exceptional credit or recognition to the city and its residents; or
 - c. Such persons shall be of significant prominence nationally or internationally.
 - (10) Only the mayor and members of the city council may sponsor a resolution for the renaming or codesignation of a street.
 - (11) Block numbers shall be added to any new street signs that reflect codesignations, markers or plazas.
 - (12) City council must approve a resolution for renaming or codesignation of streets. This resolution must be submitted to the county's traffic engineer division for final approval and sent to the county's public works department for fabrication and installation. The county commission will need to approve the sign prior to installation. A county fee will be charged to provide and install the signs.
- (c) The criteria outlined above shall also apply when the city council considers whether to recommend the renaming or codesignation of county, state or federal streets.

- (d) Upon adoption of a resolution naming, renaming or co-designating any city road, street or public way, the city clerk shall provide a certified copy of the adopted resolution to the city's planning and zoning department, building department, public works department, the police department, and the United States Postal Service. Additionally, the city clerk shall publish notice of any street name change in a newspaper of general circulation within the city in substantially the following form:

NOTICE OF STREET NAME CHANGE

Public notice is hereby given that the City Council of the City of Miami Gardens, Florida has enacted a resolution changing the name of _____/_____/_____ to _____/_____/_____. This name change is effective immediately and has been duly recorded with the United States Postal Service.

- (e) Expenses.
- (1) All expenses on the part of the city or any other governmental agency resulting from requests for street codesignations, markers or plazas shall be borne by the applicant.
 - (2) Initial expenses include, but are not limited to, newspaper advertising, posting of notification placards, and postal correspondence to the applicant. Upon approval by the city council of a request for street codesignation or a marker or a plaza, the applicant shall pay all additional expenses related to the permits, manufacture and installation of the appropriate signs and related appurtenances. A nonrefundable deposit in the amount determined by the director of public works toward the initial expenses outlined in this section shall accompany any request for a street codesignation or for a designation of a marker or a plaza.
- (f) Schedule of fees. Any request for a street codesignation or for a designation of a marker or a plaza shall also be accompanied by an application fee in the amount set forth in the city's fee schedule.

(Ord. No. 2010-10-218, § 2(7-250), 4-7-2010; Ord. No. 2012-10-283, § 2, 7-25-2012)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	May 13, 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:	<i>(Enter Fund & Dept)</i> 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	X			
			Communcation	<input type="checkbox"/>			
Sponsor Name	Oliver Gilbert III, Mayor		Department:	<i>Office of the Mayor/City Council</i>			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CREATION OF A BUSINESS INCUBATOR IN THE CITY OF MIAMI GARDENS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Business incubators are organizations geared toward accelerating the growth and success of startup and early-stage companies. In recent years, incubators have seen an upswing in popularity and played a pivotal role in launching companies that are now household names; AirBnB, Dropbox and Reddit were all launched after participating in business incubators.

To bring this valuable business resource to the City of Miami Gardens, the Mayor proposes the creation of a business incubator in the City of Miami Gardens. The incubator will be located at

**Item K-1) Consent Agenda
Resolution
Business Incubator Creation**

1020 Northwest 163rd Drive in Miami Gardens which currently functions as the City's Police Department. Upon the Police Department's relocation to the City's municipal complex, a portion of the space will be used for the creation of a business incubator.

Through this business incubator, Miami Gardens Residents will receive free business development consultations, attendance preference for workshops and seminars, discounted co-working space fees, free after school technology-based education, free monthly technology courses, and business related mentoring.

This incubator will provide City of Miami Gardens Residents with concrete resources to become successful entrepreneurs and small business owners. In turn, these newly minted entrepreneurs will spur economic development in the City of Miami Gardens.

Proposed Action:

It is recommended that the City Manager take all necessary steps to create a business incubator in the City of Miami Gardens.

Attachment:

No.

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CREATION OF A BUSINESS INCUBATOR IN THE CITY OF MIAMI GARDENS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, business incubators are organizations geared toward accelerating the growth and success of startup and early-stage companies, and

WHEREAS, in recent years, incubators have seen an upswing in popularity and played a pivotal role in launching companies that are now household names, and

WHEREAS, Mayor Oliver Gilbert proposes the creation of a business incubator in the City of Miami Gardens, and

WHEREAS, the incubator will be located at 1020 Northwest 163rd Drive in Miami Gardens which currently functions as the City's Police Department, and

WHEREAS, through this business incubator, Miami Gardens Residents will receive free business development consultations, attendance preference for workshops and seminars, discounted co-working space fees, free after school technology-based education, free monthly technology courses, and business related mentoring, and

WHEREAS, this incubator will provide City of Miami Gardens Residents with concrete resources to become successful entrepreneurs and small business owners,

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.

28 Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens
29 hereby authorizes the creation of a Business Incubator in the City of Miami Gardens
30 and directs the City Manager to take any steps necessary to create the program.

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

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

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OLIVER GILBERT, III, MAYOR

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41 **ATTEST:**

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RONETTA TAYLOR, MMC, CITY CLERK

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48 PREPARED BY: SONJA KNIGHTON DICKENS, CITY ATTORNEY

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51 SPONSORED BY: MAYOR OLIVER GILBERT, III

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53 Moved by: _____

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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 C. Davis	_____ (Yes)	_____ (No)
62 Councilman Rodney Harris	_____ (Yes)	_____ (No)
63 Councilman Erhabor Ighodaro, Ph.D.	_____ (Yes)	_____ (No)

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City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	May 13, 2015		Item Type:	Resolution	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		Public Hearing: <i>(Enter X in box)</i>		Yes	No	Yes	No
						X		
Funding Source:	<i>(Enter Fund & Dept)</i>		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 checked="" type="checkbox"/> Communcation <input type="checkbox"/>
Sponsor Name	Oliver Gilbert III, Mayor		Department:		<i>Office of the Mayor/City Council</i>			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO LOCATE FUNDING TO CONSTRUCT AN ARTS AND CULTURAL CENTER IN THE CITY OF MIAMI GARDENS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

To enhance the cultural offerings in the City of Miami Gardens, the Mayor proposes the creation of the Miami Gardens Arts and Cultural Center. This facility will contain approximately 900 – 1500 seats and offer facilities and programming aimed at promoting performing and visual arts in the City of Miami Gardens.

**Item K-2) Consent Agenda
Resolution
Arts and Cultural Center**

Similar to cultural facilities in Aventura and Miramar, the City of Miami Gardens' Arts and Cultural Center will create a hub of artistic activity in the City. The Miami Gardens Arts and

Cultural Center will be located near the City's municipal complex, on the three acres retained for City use. This location will also house the City's Culinary Arts campus funded through the general obligation bond. When taken together, the addition of the Miami Gardens Arts and Cultural Center into this space will create a unique area where residents are able to enjoy visual, performing and culinary arts while being a stone's throw away from their City administrators, police officers, and elected officials.

The creation of an artistic venue, like this one, has been supported by a meaningful number of organizations in the Miami Gardens community and beyond. Therefore, the Mayor authorizes the City Manager to identify and pursue diverse funding streams to construct an Arts and Cultural Center in the City of Miami Gardens. These funds may be obtained from the general fund, general obligation bond proceeds and/or grant funds.

The construction of the Miami Gardens Arts and Cultural Center will enhance resident quality of life and enrich the cultural offerings in the City of Miami Gardens.

Proposed Action:

It is recommended the City Manager take all necessary steps to provide funding toward the completion of the Miami Gardens Arts and Cultural Center.

Attachment:

No.

RESOLUTION NO. 2015_____

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI
4 GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO TAKE
5 ALL NECESSARY STEPS TO LOCATE FUNDING TO CONSTRUCT AN
6 ARTS AND CULTURAL CENTER IN THE CITY OF MIAMI GARDENS;
7 PROVIDING FOR THE ADOPTION OF REPRESENTATIONS;
8 PROVIDING FOR AN EFFECTIVE DATE.
9

10 WHEREAS, to enhance the cultural offerings in the City of Miami Gardens, the
11 Mayor proposes the creation of the Miami Gardens Arts and Cultural Center, and

12 WHEREAS, the City of Miami Gardens' Arts and Cultural Center will create a hub
13 of artistic activity in the City, and

14 WHEREAS, this facility will offer programming aimed at promoting performing
15 and visual arts, and

16 WHEREAS, the City of Miami Gardens Arts and Cultural Center will be located
17 near the City's municipal complex and this will create a unique area where residents are
18 able to enjoy visual, performing and culinary arts, and

19 WHEREAS, this location will also house the City's Culinary Arts campus funded
20 through the General Obligation Bond, and

21 WHEREAS, the construction of the Miami Gardens Arts and Cultural Center will
22 enhance resident quality of life and enrich the cultural offerings in the City of Miami
23 Gardens, and

24 WHEREAS, this Resolution authorizes the City Manager to identify and pursue
25 diverse funding streams to construct an Arts and Cultural Center in the City of Miami
26 Gardens,

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

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

32 Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens
33 hereby authorizes the City Manager to locate funding to construct an Arts and Cultural
34 Center in the City of Miami Gardens.

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 _____, 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: MAYOR OLIVER GILBERT, III

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Moved by: _____

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VOTE: _____

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63 Mayor Oliver Gilbert, III	_____ (Yes)	_____ (No)
64 Vice Mayor Felicia Robinson	_____ (Yes)	_____ (No)
65 Councilwoman Lillie Q. Odom	_____ (Yes)	_____ (No)

66	Councilman David Williams Jr	_____ (Yes)	_____ (No)
67	Councilwoman Lisa C. Davis	_____ (Yes)	_____ (No)
68	Councilman Rodney Harris	_____ (Yes)	_____ (No)
69	Councilman Erhabor Ighodaro, Ph.D.	_____ (Yes)	_____ (No)

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City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	May 13, 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:	Special Event 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 #:	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					
Sponsor Name	Oliver Gilbert III, Mayor		Department:	<i>Office of the Mayor/City Council</i>			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, SUPPORTING THE CIRCLE OF MOTHERS RETREAT TO BE HELD ON MAY 22, 2015 THROUGH MAY 24, 2015; AUTHORIZING A SPONSORSHIP OF THE EVENT IN THE AMOUNT THREE THOUSAND DOLLARS (\$3,000.00) FROM THE CITY MANAGER'S SPECIAL EVENT FUND; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

The Trayvon Martin Foundation has created a "Circle of Mothers" program that will assemble mothers, May 22-24, 2015, who have lost children or family members to senseless gun violence. The program is a developmental and educational initiative that brings together a multicultural and intergenerational mix of women. The goal of the Circle of Mothers is to build a mother's capacity and facilitate the strengthening of mothers in our communities.

**Item K-3) Consent Agenda
Resolution
Circle of Mothers Retreat**

Proposed Action:

It is being recommended by Mayor Oliver Gilbert to provide a sponsorship in the amount of Three Thousand Dollars (\$3,000.00) from Account No. 01-12-01-512-492-00 of the Special Event fund in order to ensure the success of the event.

Attachment:

No.

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, SUPPORTING THE CIRCLE OF MOTHERS RETREAT TO BE HELD ON MAY 22, 2015 THROUGH MAY 24, 2015; AUTHORIZING A SPONSORSHIP OF THE EVENT IN THE AMOUNT THREE THOUSAND DOLLARS (\$3,000.00) FROM THE CITY MANAGER'S SPECIAL EVENT FUND; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Trayvon Martin Foundation has created a "Circle of Mothers" program that assembles mothers who have lost children or family members to senseless gun violence, and

WHEREAS, the Circle of Mothers initiative is a developmental and educational initiative that brings together a multicultural and intergenerational mix of women.

WHEREAS, the goal of the Circle of Mothers is to build a mother's capacity and facilitate the strengthening of mothers in our communities, and

WHEREAS, it is being recommended by Mayor Oliver Gilbert to provide a sponsorship in the amount of Three Thousand Dollars (\$3,000.00) from Account No. 01-12-01-512-492-00 of the Special Event fund in order to ensure the success of the event,

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 supports the Circle of Mothers Retreat to be held on May 22, 2015 through May 24, 2015. The City Council further authorizes a sponsorship of the event in the amount Three Thousand Dollars (\$3,000.00) from the City Manager's Special Event fund.

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

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

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OLIVER GILBERT, III, MAYOR

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41 **ATTEST:**

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RONETTA TAYLOR, MMC, CITY CLERK

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48 PREPARED BY: SONJA KNIGHTON DICKENS, CITY ATTORNEY

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51 SPONSORED BY: MAYOR OLIVER GILBERT, III

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53 Moved by: _____

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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 C. Davis _____ (Yes) _____ (No)

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

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

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City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	May 13, 2015		Item Type:	Resolution	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			Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
Funding Source:	Special Events in the amount of \$500.00		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	Office of the Mayor/City Council			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, SUPPORTING A TEACHER APPRECIATION BRUNCH FOR EDUCATORS AT CAROL CITY MIDDLE AND CAROL CITY HIGH SCHOOLS, RESPECTIVELY; AUTHORIZING A SPONSORSHIP OF THE EVENT, IN THE AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00), FROM THE SPECIAL EVENTS FUND FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

*Item K-4) Consent Agenda
Resolution
Teacher Appreciation Brunch*

In 1953, Eleanor Roosevelt persuaded Congress to proclaim National Teacher Day. This year, National Teacher Day was celebrated on May 5th. Teacher Appreciation Week is celebrated annually, during the first week of May.

The National Education Association (NEA) describes National Teacher Day as “a day of honoring teachers and recognizing the lasting contributions they make to our lives”.

As an educator, Vice Mayor Felicia Robinson recognizes the invaluable contributions and positive influence, dedications teachers make ensuring that our youth are empowered with the necessary educational skills to succeed.

In recognition and celebration of Teacher Appreciation Week, Vice Mayor Robinson is hosting a brunch to honor educators at Carol City Middle and Carol City High, respectively. Vice Mayor Robinson is requesting an allocation of Five Hundred Dollars (\$500.00) from the Special Events Fund, for this purpose.

Fiscal Impact

The funding of this request is derived from the City Manager’s special event account. After the above allocation, the remaining funding will be \$10,792.58.

Proposed Action:

That the Council approves the attached resolution.

Attachment:

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, SUPPORTING A TEACHER APPRECIATION BRUNCH FOR EDUCATORS AT CAROL CITY MIDDLE AND CAROL CITY HIGH SCHOOLS, RESPECTIVELY; AUTHORIZING A SPONSORSHIP OF THE EVENT, IN THE AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00), FROM THE SPECIAL EVENTS FUND FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1953, Eleanor Roosevelt persuaded Congress to proclaim National Teacher Day, and

WHEREAS, each year, National Teacher Appreciation Week is celebrated during the first week of May, and

WHEREAS, as an educator, Vice Mayor Felicia Robinson recognizes the contributions made by teachers to ensure that students obtain the necessary educational skills to succeed, and

WHEREAS, Vice Mayor Robinson is hosting a brunch to honor educators at Carol City Middle and Carol City High, respectively, and

WHEREAS, Vice Mayor Robinson is requesting an allocation of Five Hundred Dollars (\$500.00) 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.

Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens hereby supports a Teacher Appreciation Brunch for educators at Carol City Middle and

31 Carol City High Schools, respectively; and authorizes a sponsorship In the amount of
32 Five Hundred Dollars (\$500.00).

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

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

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OLIVER GILBERT, III, MAYOR

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42 **ATTEST:**

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RONETTA TAYLOR, MMC, CITY CLERK

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PREPARED BY: SONJA KNIGHTON DICKENS, 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)

60

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

Council Meeting Date:	May 13, 2015		Item Type:	Resolution	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				Public Hearing: <i>(Enter X in box)</i>		Yes	No
Funding Source:	"Special Events Account" 01-12-01-512-492, in the amount of \$1,000.00		Advertising Requirement: <i>(Enter X in box)</i>				Yes	
							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> N/A			
		X						
Sponsor Name	Felicia Robinson, Vice Mayor		Department:		<i>Office of the Mayor/City Council</i>			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, SUPPORTING VICE MAYOR FELICIA ROBINSONS' ANNUAL MOTHER'S DAY LUNCHEON EVENT; AUTHORIZING A SPONSORSHIP OF THE EVENT IN THE AMOUNT ONE THOUSAND DOLLARS (\$1,000.00) FROM "SPECIAL EVENTS" ACCOUNT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Each year in recognition of Mother's Day, Vice Mayor Felicia Robinson co-sponsors a Mother's Day Luncheon at the Betty T. Ferguson Recreation Complex.

**Item K-5) Consent Agenda
Resolution
Annual Mother's Day Luncheon**

Vice Mayor Robinson continues that tradition and will be acknowledging mothers, at Tuesday, May 5, 2015. To ensure the success of this event and to cover expenses Vice Mayor Robinson utilized funds from Account No. 01-11-01-511-494. She is requesting reimbursement of funds from the City Manager's "Special Events" Account.

Fiscal Impact

The funding of this request is derived from the City Manager's special event account. After the above allocation, the remaining funding will be \$9,792.58.

Proposed Action:

That the City Council approve the attached Resolution reimbursing Account No. 01-12-01-512-492-00 from the City Manager's Special Events Account.

Attachment:

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, SUPPORTING THE ANNUAL MOTHER'S DAY LUNCHEON AT THE BETTY T. FERGUSON RECREATIONAL COMPLEX; AUTHORIZING A SPONSORSHIP OF THE EVENT, IN THE AMOUNT ONE THOUSAND DOLLARS (\$1000.00), FROM THE SPECIAL EVENTS FUND FOR THIS PURPOSE; PROVIDING FOR NUNC PRO TUNC EFFECT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Vice Mayor Felicia Robinson continues the tradition of honoring mothers at an annual luncheon at the Betty T. Ferguson Recreational Complex, and

WHEREAS, the Mother's Day luncheon was held at on May 5, 2015, and

WHEREAS, Vice Mayor Felicia Robinson recommends that the City Council support the annual Mother's Day luncheon, and

WHEREAS, in order to ensure the success of the event, Vice Mayor Robinson provided a sponsorship in the amount of \$1,000.00 from Account No. 01-11-01-511-49, and is requesting a reimbursement of the expenditure from the Special Events Fund,

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 supports the Annual Mother's Day Luncheon; and further authorizes a sponsorship of the event, in the amount One Thousand Dollars (\$1000.00), from the Special Events Fund for this purpose.

Section 3: NUNC PRO TUNC EFFECT: This Resolution shall be effective as of May 5, 2015.

32 Section 4: 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.

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ATTEST:

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RONETTA TAYLOR, MMC, CITY CLERK

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PREPARED BY: SONJA KNIGHTON DICKENS, 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)

61

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

62

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

Council Meeting Date:	May 13, 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	Lisa C. Davis. Councilwoman		Department: City Manager	Office of the Mayor/City Council			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, SUPPORTING MEDICAID EXPANSION OF THE AFFORDABLE CARE ACT AND URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION EXPANDING MEDICAID IN FLORIDA; PROVIDING FOR THE ADOPTION OF REPRESENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Councilwoman Lisa C. Davis understands the importance of supporting Medicaid expansion in Florida pursuant to the Patient Protection and Affordable Act of 2010.

Medicaid expansion would provide nearly one million Florida residents access to preventive and therapeutic health care services, improving health outcomes. Expanding Medicaid in Florida under the

**Item K-6) Consent Agenda
Resolution
Support of Medicaid Expansion/
Affordable Care Act**

Affordable Care Act is made all the more important by the fact that medical care providers will experience significant payment reductions from Medicare and Medicaid over the next several years because of federal reductions in the Disproportionate Share Hospital Program and Low-Income Pool Program.

The financial impact of not expanding would be felt at many Miami-Dade hospitals. Surrounding hospitals, including Jackson Health Systems, University of Miami, Mount Sinai Medical Center and Children’s hospital, which services our residents’ could lose several million dollars a combined \$200 million a year in federal funding. If Medicaid is expanded, Florida would receive approximately \$5.2 billion in federal funding. Florida is a donor state to the federal government that sends more money in tax revenue than it receives in benefits.

The 111th United States Congress passed the Patient Protection and Affordable Care Act of 2010 (“Affordable Care Act”) and on March 23, 2010, the President signed the bill into law. One of the key components of the Affordable Care Act required states to expand Medicaid to the minimum national eligibility threshold of 138 percent of the federal poverty level effective January 1, 2014. This provision, however, was not upheld by the United States Supreme Court, in effect allowing states the option of whether or not to expand Medicaid.

Under the Affordable Care Act, the federal government initially funds Medicaid expansion at 100 percent for the first three years. In Florida and other states, Medicaid had gaps in coverage for adults because eligibility was restricted to specific categories of low-income individuals, such as children, pregnant women, the elderly or individuals with disabilities. In most states, including Florida, adults without dependent children were ineligible for Medicaid, regardless of their income, and income limits for parents were very low – often below half the poverty level.

Enacting Medicaid expansion in Florida would fill the gap left by the United States Supreme Court ruling and ensure access to improved medical care benefits for many hard-working Floridians, including veterans, students and working parents who are not otherwise eligible for Medicaid or insurance through the Affordable Care Act.

Proposed Action:

That the Council approve the attached resolution supporting Medicaid expansion to the Affordable Care Act and urges the Florida Legislature to pass legislation expanding Medicaid in Florida.

Attachment:

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, SUPPORTING MEDICAID EXPANSION OF THE AFFORDABLE CARE ACT AND URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION EXPANDING MEDICAID IN FLORIDA; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 111th United States Congress passed the Patient Protection and Affordable Care Act of 2010 ("Affordable Care Act") and on March 23, 2010, the President signed the Bill into law, and

WHEREAS, the key components of the Affordable Care Act require each State to expand Medicaid to the minimum national eligibility threshold of 138 percent of the federal poverty level effective January 1, 2014, and

WHEREAS, expanding Medicaid in Florida under the Affordable Care Act is made all the more important by the fact that medical care providers will experience significant payment reductions from Medicare and Medicaid, and

WHEREAS, Medicaid expansion would provide nearly one million Florida residents access to preventive and therapeutic health care services, and

WHEREAS, the financial impact of not expanding would affect many Miami-Dade hospitals, including Jackson Health Systems, University of Miami, Mount Sinai Medical Center and Children's hospital, which services our residents, and

WHEREAS, these facilities could lose several million dollars a combined Two Hundred Million Dollars a year in federal funding, and

WHEREAS, if Medicaid is expanded, Florida would receive approximately 5.2 Billion Dollars in federal funding, and

WHEREAS, enacting Medicaid expansion in Florida would fill the gap left by the United States Supreme Court ruling, and ensure access to improved medical care

31 benefits for many hard-working Floridians including veterans, students and working
32 parents who are not otherwise eligible for Medicaid or insurance through the Affordable
33 Care Act, and

34 WHEREAS, Councilwoman Lisa C. Davis recommends that the City Council
35 gives its support to the Medicaid expansion in Florida pursuant to the Patient Protection
36 and Affordable Act of 2010,

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

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

42 Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens
43 hereby supports Medicaid Expansion of the Affordable Care Act and urges the Florida
44 Legislature to pass legislation expanding Medicaid in Florida.

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

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

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OLIVER GILBERT, III, MAYOR

ATTEST:

RONETTA TAYLOR, MMC, CITY CLERK

60 PREPARED BY: SONJA KNIGHTON DICKENS, CITY ATTORNEY

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62 SPONSORED BY: COUNCILWOMAN LISA C. DAVIS

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64 Moved by: _____

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66 **VOTE:** _____

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

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

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

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

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

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

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

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City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	May 13, 2015		Item Type:	Resolution	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	
				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:	Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i> N/A			
		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	Erhabor Ighodaro, Councilman		Department: City Manager	Office of the Mayor/City Council			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY TO PARTNER WITH THE EDO ASSOCIATION OF FLORIDA INC. TO HOST A FOURTH OF JULY EVENT IN THE CITY OF MIAMI GARDENS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Councilman Ighodaro wishes to partner with Edo Association of Florida, Inc., on the Fourth of July Celebration, scheduled for July 4, 2015, at Betty T. Ferguson Recreation Complex. This is a free event

**Item K-7) Consent Agenda
Resolution
Partnership w/ Edo Association**

opened to the public. Food, entertainment and activities for children are being provided by Edo Association of Florida, Inc.

Background on Organization:

Edo Association of Florida, Inc., is a non-profit, 501 C (3) organization open to all Edos in the entire state of Florida, U.S.A. who share a common commitment to the goals and objectives of the Association. The organization's objectives are noble and worthy of their distinguished membership. The organization promotes culture and social values, in conjunction with other Nigerian and African cultures. They cooperate with other Nigerians in the attempt to promote the GOOD IMAGE of Nigeria both at home and abroad. They organize social and cultural activities in accordance with the laws of the state of Florida and the United States of America.

For over twenty years Edo Association of South Florida has sponsored annual 4th of July commemorative events at various parks in our South Florida community. This organization has partnered with Commissioner Barbara Jordan to organize a community clean up event. In addition Edo Association of South Florida sponsored a Miami Carol City Senior High School student exchange program with various countries in clean up Africa and has planned as part of this year's event a book bat giveaway for children of veterans of the US armed forces.

Proposed Action:

That the Council approves the attached resolution.

Attachment:

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY TO PARTNER WITH THE EDO ASSOCIATION OF FLORIDA, INC. TO HOST A FOURTH OF JULY EVENT IN THE CITY OF MIAMI GARDENS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Councilman Ighodaro wishes to partner with the Edo Association of Florida, Inc., on the Fourth of July Celebration, scheduled for July 4, 2015, at Betty T. Ferguson Recreation Complex, and

WHEREAS, the event will be free and open to the public, and

WHEREAS, food, entertainment and activities for children are being provided by Edo Association of Florida, Inc., and

WHEREAS, the Edo Association of Florida, Inc., is a non-profit, 501(C)(3) organization open that promotes culture and social values, in conjunction with other Nigerian and African cultures, and

WHEREAS, the organization cooperates with other Nigerians in the attempt to promote the good image of Nigeria both at home and abroad, and EDO's organize social and cultural activities in accordance with the laws of the state of Florida and the United States of America, and

WHEREAS, for over twenty years, the Edo Association of South Florida, Inc. has sponsored annual Fourth of July commemorative events at various parks in the South Florida community, and

WHEREAS, the EDO Association of South Florida, Inc., has planned as part of this year's event a book bag giveaway for children of veterans of the US armed forces,

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

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

34 Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens
35 hereby authorizes the City to partner with the EDO Association of Florida, Inc. for the
36 hosting of a Fourth of July event in the City of Miami Gardens.

37 Section 3: 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, 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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Mayor Oliver Gilbert, III _____ (Yes) _____ (No)

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

65

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

66

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

67

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

68	Councilman Rodney Harris	_____ (Yes)	_____ (No)
69	Councilman Erhabor Ighodaro, Ph.D.	_____ (Yes)	_____ (No)

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City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	May 13, 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 #:	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> N/A			
		X					
Sponsor Name	Sonja Dickens, City Attorney		Department:	<i>Office of the City Attorney</i>			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO NEGOTIATE AND EXECUTE A JOINT INTEREST AGREEMENT WITH AMERICAN TRAFFIC SOLUTIONS (ATS), XEROX STATE & LOCAL SOLUTIONS, INC. ("XEROX"), GATSO USA INC. ("GATSO"), AND VARIOUS MUNICIPALITIES, IN THE MATTER OF CHRISTOPHER L. PARKER ET AL. V. AMERICAN TRAFFIC SOLUTIONS, INC. ET AL.; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

The City of Miami Gardens, American Traffic Solutions ("ATS"), Xerox State & Local Solutions, Inc. ("Xerox"), Gatso USA Inc. ("Gatso"), and other municipalities have been named as Defendants in a

**Item K-8) Consent Agenda
Resolution
Christopher L. Parker, et al. V.
American Traffic Solutions, Inc. et al.**

federal class action lawsuit in the matter of *Parker vs. American Traffic Solutions, Inc. et al.* The lawsuit is based on the recent decision of the Fourth District Court of Appeals, in the matter of *City of Hollywood v. Arem*. In *Arem*, the Court ruled that Florida law does not grant a local government the authority to allow third party vendors, such as ATS, the unfettered discretion to determine what constitutes a red light camera violation.

On November 12, 2014, the City Council adopted Resolution No. 2014-205-2184, which authorized the City Attorney to negotiate and execute a Joint Litigation Agreement with ATS. Pursuant to the terms of the Joint Litigation Agreement, ATS will cover the cost of defense of *Arem*-based class action lawsuits.

ATS, Xerox, Gatso, and the other municipalities, which have been named as Defendants in the *Parker* matter, desire to share information with each other on a confidential basis, and to cooperate in certain joint defense efforts in connection with the Action, without waiving any applicable privilege or allowing any confidential information to be disclosed to third parties. It is necessary to execute a Joint Interest Agreement to formalize the expectations of each party, and to protect privileged and confidential work product.

Proposed Action:

That the City Council adopts the attached Resolution.

Attachment:

None.

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO NEGOTIATE AND EXECUTE A JOINT INTEREST AGREEMENT WITH AMERICAN TRAFFIC SOLUTIONS (ATS), XEROX STATE & LOCAL SOLUTIONS, INC. (XEROX), GATSO USA INC. (GATSO), AND VARIOUS MUNICIPALITIES, IN THE MATTER OF *CHRISTOPHER L. PARKER ET AL. V. AMERICAN TRAFFIC SOLUTIONS, INC. ET AL.*; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 12, 2014, the City Council adopted Resolution No. 2014-205-2184, which authorized the City Attorney to negotiate and execute a Joint Litigation Agreement with American Traffic Solutions (ATS), to cover the cost of defense of *Arem*-based class action lawsuits, and

WHEREAS, ATS, Xerox State & Local Solutions, Inc. (Xerox), Gatso USA Inc. (Gatso), and other municipalities have been named as Defendants in a federal class action lawsuit in the matter of *Parker vs. American Traffic Solutions, Inc.*, and

WHEREAS, the lawsuit is based on the recent decision of the Fourth District Court of Appeals, in the matter of *City of Hollywood v. Arem*, and

WHEREAS, ATS, Xerox, Gatso, and the other municipalities, which have been named as Defendants in the *Parker* matter, desire to share information with each other on a confidential basis, and to cooperate in certain joint defense efforts in connection with the class action lawsuit, and

WHEREAS, it is necessary to execute a Joint Interest Agreement to formalize the expectations of each party,

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

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

34 Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens
35 hereby authorizes the City Attorney to negotiate and execute a Joint Interest Agreement
36 with American Traffic Solutions (ATS), Xerox State & Local Solutions, Inc. (XEROX),
37 Gatso USA Inc. (GATSO), and various municipalities, in the matter of *Christopher L.*
38 *Parker et al. v. American Traffic Solutions, Inc., et al.*

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

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

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45 OLIVER GILBERT, III, MAYOR
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49 **ATTEST:**

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54 RONETTA TAYLOR, MMC, CITY CLERK

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57 PREPARED BY: SONJA KNIGHTON DICKENS, CITY ATTORNEY

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60 SPONSORED BY: SONJA KNIGHTON DICKENS, CITY ATTORNEY

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62 Moved by: _____

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64 **VOTE:** _____

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

66	Vice Mayor Felicia Robinson	_____ (Yes)	_____ (No)
67	Councilwoman Lillie Q. Odom	_____ (Yes)	_____ (No)
68	Councilman David Williams Jr	_____ (Yes)	_____ (No)
69	Councilwoman Lisa C. Davis	_____ (Yes)	_____ (No)
70	Councilman Rodney Harris	_____ (Yes)	_____ (No)
71	Councilman Erhabor Ighodaro, Ph.D.	_____ (Yes)	_____ (No)

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City of Miami Gardens Agenda Cover Memo

Council Meeting Date: <i>(Enter X in box)</i>	May 13, 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:	Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i> N/A			
		X					
Sponsor Name	Cameron Benson, City Manager		Department: City Manager	<i>Finance Department</i>			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY THAT CERTAIN INTERLOCAL AGREEMENT ATTACHED HERETO AS EXHIBIT "A", WITH MIAMI-DADE COUNTY FOR REIMBURSEMENT OF PARKING FINES; PROVIDING FOR FUTURE AUTHORIZATION TO THE CITY MANAGER; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

The City received a letter from the Office of the Mayor of Miami-Dade County requesting execution of an interlocal agreement for reimbursement of parking fines to the City. Reimbursements to municipalities are based on a percentage of revenue collected during Fiscal Year 2013-2014. The

**Item K-9) Consent Agenda
Resolution
Reimbursement of Parking Fines**

amount is determined by calculating the total amount of fines collected on tickets issued in a municipality divided by the total number of tickets paid countywide. Funding estimates also include a percentage of carryover monies that were not distributed to any municipality in the previous year. The estimate for the City of Miami Gardens to be received is \$2,793.

These proceeds must be used to improve accessibility and equal opportunity to qualified physically disabled persons and to conduct public awareness programs concerning physically disabled persons. This revenue will be deposited in the Transportation Fund.

Fiscal Impact

The City of Miami Gardens will receive \$2,793 which will be deposited to the Transportation Fund for the specific use as indicated under Section 3-447 of the Code of Miami Dade County.

Proposed Action:

Recommends approval for the City Manager to execute the interlocal agreement for the current year and any other future year agreements.

Attachment:

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY THAT CERTAIN INTERLOCAL AGREEMENT ATTACHED HERETO AS EXHIBIT "A", WITH MIAMI-DADE COUNTY FOR REIMBURSEMENT OF PARKING FINES; PROVIDING FOR FUTURE AUTHORIZATION TO THE CITY MANAGER; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, has been operating under an Interlocal Agreement with Miami-Dade for reimbursement of parking fine to the City, and

WHEREAS, the Interlocal Agreement will need to be renewed in order for the City to continue to receive parking revenues, and

WHEREAS, reimbursements to municipalities as based on a percentage of revenue collected during Fiscal Year 2013-2014, and

WHEREAS, this revenue will be deposited in the Transportation Fund, and

WHEREAS, it is also being recommended that the City Council grant the City Manager the authority to execute future Interlocal Agreements with Miami-Dade County 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.

Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens hereby authorizes the City Manager and City Clerk to execute and attest, respectively

31 that certain Interlocal Agreement attached hereto as Exhibit "A", with Miami-Dade
32 County for reimbursement of parking fines.

33 Section 3: INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby
34 authorized to obtain two (2) fully executed copies of the subject Agreement with one to
35 be maintained by the City, and one to be delivered to Miami-Dade County.

36 Section 4: 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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ATTEST:

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RONETTA TAYLOR, MMC, CITY CLERK

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PREPARED BY: SONJA KNIGHTON DICKENS, 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)

63

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

64

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

65

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

66

Councilman Rodney Harris _____ (Yes) _____ (No)

67

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

OFFICE OF THE MAYOR
MIAMI-DADE COUNTY, FLORIDA



CARLOS A. GIMENEZ
MAYOR

April 9, 2015

Patricia Kravitz
FEUT
OK

Cameron Benson, City Manager
Office of the City Manager
City of Miami Gardens
18605 NW 27th Ave
Miami Gardens, FL 33056

Re: Parking Fines Reimbursement Program

Dear Mr Benson:

Miami-Dade County (County) is commencing the process for reimbursement of the Fiscal Year 2014-2015 Parking Fines. In order to participate in the program, each municipality must submit an executed Interlocal Agreement and the annual Affidavit (both enclosed). The executed Interlocal Agreement will remain on file until further notice. The Affidavit states that the funds reimbursed shall be used to improve accessibility and equal opportunity to qualified persons who have disabilities in the municipality and to conduct disability public awareness programs.

Reimbursements to municipalities are based on a percentage of revenue collected during Fiscal Year 2013-2014. The amount is determined by calculating the total amount of fines collected on tickets issued in a municipality divided by the total number of tickets paid countywide. Funding estimates include a percentage of the carryover monies that were not distributed to any municipality in the previous year.

The **City of Miami Gardens** is entitled to **\$2,793** as a result of fines collected in the previous fiscal year and unspent funds from other municipalities. **The aforementioned Interlocal Agreement and Affidavit must be submitted within 60 days of the date of this letter to receive these funds.**

In accordance with Section 30-447 of the Code of Miami-Dade County, parking fine funds generated from the misuse of marked spaces for people with disabilities are used in the following manner:

- One-third of the funds are to be used to defray the Clerk of Courts' administrative expenses, and
- Two-thirds of the funds are to be used to improve accessibility and equal opportunity to qualified physically disabled persons and to provide funds to conduct public awareness programs concerning physically disabled persons. Of this amount, 30 percent is retained by the County for countywide purposes, in accordance with State law, and 70 percent is allocated to the governmental entity having jurisdiction over the violation.

Page 2

If you need additional information regarding the Parking Fines Reimbursement Program, please contact Heidi Johnson-Wright, ADA Coordinator, at 305-375-2013 or hiwrig@miamidade.gov Please return the Affidavit and Interlocal Agreement to the attention of Ms. Johnson-Wright at Miami-Dade County, Internal Services Department, 111 NW 1 Street, 24 Floor, Miami, FL 33128.

Sincerely,



Carlos A. Gimenez
Mayor

Enclosures

- c: Edward Marquez, Deputy Mayor, Office of the Mayor
- Lester Sola, Director, Internal Services Department
- Jennifer Moon, Director, Office of Management and Budget
- Tara Smith, Assistant Director, Internal Services Department
- Heidi Johnson-Wright, ADA Coordinator, Internal Services Department

MUNICIPAL PARKING FINES REIMBURSEMENT PROGRAM

AFFIDAVIT

State of Florida, County of _____

BEFORE ME, the undersigned Notary, _____ [name of Notary before whom affidavit is sworn], on this _____ [day of month] day of _____ [month], 20____, personally appeared _____ [name of affiant], known to me to be a credible person and of lawful age, who being by me first duly sworn, on _____ [his or her] oath, deposes and says:

The municipal parking fines funds reimbursed shall be used to improve accessibility and equal opportunity to qualified persons who have disabilities in the municipality and to conduct public awareness programs in the municipality concerning persons who have disabilities.

If only a portion of the project or program is being promoted to benefit people with disabilities, then only that portion of the project or program will be funded with these monies.

The municipality shall return funds to the Clerk of the Board of Miami-Dade County Commissioners if the project is not successfully completed and allow the Miami-Dade County Internal Services Department to audit projects and conduct site visits. Any such audits or inspections shall be conducted in such manner and at such times so as not to unreasonably interfere with the day-to-day operation of the parties.

[signature of affiant]

[typed name of affiant]

[address of affiant, line 1]

[address of affiant, line 2]

State of Florida, County of _____

Sworn to (or affirmed) and subscribed before me this _____ day of

_____ (month), _____ (year), by

_____ (name of person making statement).

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

**MIAMI-DADE COUNTY
MUNICIPAL PARKING FINES REIMBURSEMENT PROGRAM
INTERLOCAL AGREEMENT**

This agreement is entered into this _____ (day) of _____ (month/year),
by and between Miami-Dade County, Florida, a political subdivision of the State of Florida
(the "County") and _____ (the "municipality"), a municipal corporation
organized and existing under the laws of the State of Florida.

WITNESSETH

WHEREAS, Section 316.008 Florida Statutes, and Section 30-447 Code of Miami-Dade County, authorizes the charging of fines for misuse of specially marked parking spaces for people with disabilities, and

WHEREAS, Miami-Dade County proposes to distribute said fines under the provisions of Section 30-447 of the Code of Miami-Dade County, Florida.

NOW THEREFORE in consideration of the covenants contained herein, the parties agree as follows

1. This agreement shall become effective upon its execution by the authorized officers of the parties and will continue annually upon agreement by both parties.

2. The allocation of the disabled parking fine monies shall be used to provide funds to improve accessibility and equal opportunity to qualified persons who

have disabilities and to provide funds to conduct public awareness programs in the County or municipality concerning persons who have disabilities.

3. The municipality shall annually submit an affidavit sworn by the chief administrative official to the Miami-Dade County Internal Services Department ("ISD").

4. The affiant will affirm that expenditures meet the following criteria:
 - a. The funds reimbursed shall be used to improve accessibility and equal opportunity to qualified persons who have disabilities in the municipality and to conduct public awareness programs in the municipality concerning persons who have disabilities.

 - b. If only a portion of the project or program is being promoted to benefit people with disabilities, then only that portion of the project or program may be funded with these monies.

5. The parties agree to follow the terms and conclusions regarding payment as follows:
 - a. The percentage for distribution shall be calculated by the County annually. Each year the County shall notify all municipalities of the percentages of distribution of the disabled permit parking fine money for the upcoming annual period. The percentage for distribution to the County and to the

municipalities is based on a percentage of total revenue which is determined by calculating the total number of fines paid county-wide. Funding estimates include a percentage of the monies which were not distributed to any municipality in the previous year.

- b. The County agrees to pay the County and the municipality under this agreement based on a payment schedule agreed upon by ISD, accompanied by such documentation as requested.
- c. In no event shall County funds be advanced to any subcontractor hereunder.
- d. The parties shall return funds to the Clerk of the Board of County Commissioners if the project is not successfully completed and allow ISD to audit projects and conduct site visits. Any such audits or inspections shall be conducted in such manner and at such times so as not to unreasonably interfere with the day-to-day operation of the parties.
- e. The County may amend the terms of this agreement from time to time, as it may deem necessary.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their respective and duly authorized officers on the date hereinabove first mentioned.

ATTEST:

Harvey Ruvin, Clerk

MIAMI-DADE COUNTY, FLORIDA

By: _____

Carlos A. Gimenez, Mayor

ATTEST:

City/Town/Village Clerk

MUNICIPALITY OF _____, FLORIDA

By: _____

City/Town/Village Manager

(Date)

(Official Seal)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	May 13, 2015		Item Type:	Resolution X	Ordinance	Other	
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:	NA		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 #:	ITB No. 14-15-017			
		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	Cameron Benson, City Manager		Department:	<i>Development Services</i>			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REJECTING ALL PROPOSALS RECEIVED IN RESPONSE TO ITB NO. 14-15-017 FOR DRAINAGE INFRASTRUCTURE AND ROADWAY IMPROVEMENTS FOR THE LIVABLE NEIGHBORHOOD IMPROVEMENTS FOR VISTA VERDE PHASE II PROJECT; PROVIDING FOR THE ADOPTION OF REPRESENTATIVES; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

BACKGROUND

The City's engineers, Craven Thompson & Associates, Inc prepared the drainage infrastructure, and roadway improvements plans and specifications for the Livable Neighborhood Improvement Vista Verde Phase II. The solicitation requested sealed bids from qualified licensed general contractors to construct drainage infrastructure,

**Item K-10) Consent Agenda
Resolution
Vista Verde Phase II Project**

and roadway improvement in the neighborhood of Vista Verde located from North West 39th Avenue on the east, North West 39th Avenue on the south and North West 215th street to the north.

CURRENT SITUATION

The Bid was advertised on February 2, 2015. Solicitations notifications were sent to 716 vendors. Thirty-four (34) vendors requested bid packages. The bids were opened March 5, 2015. Five (5) bids were received. A copy of the solicitation documents and proposals submitted are available at the assistant to the Mayor and Council's office for review.

On March 30, 2015, proposals were evaluated and the consultant, Craven Thompson & Associates, Inc informed City staff that there were discrepancies in the solicitation for the Livable Neighborhood Improvement Vista Verde Phase II.

Staff carefully reviewed the bid document and acknowledged the discrepancies. Staff has concurred that to ensure a fair and open competitive procurement process, it is advisable to re-bid this project. This project is jointly funded by the Community Development Block Grant fund, the State of Florida Department of Environmental Protection, the People's Transportation Fund and the city's stormwater fund.

Proposed Action:

It is recommended that City Council approve the attached resolution authorizing the rejection of all of the Bids and grant approval for the City Manager to re-solicit the bid for qualified general contractors to construct drainage infrastructure, and roadway improvements in the neighborhood of Vista Verde located from North West 39th Avenue on the east, North West 39th Avenue to the south and North West 215th Street to the north.

Attachment:

None.

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REJECTING ALL PROPOSALS RECEIVED IN RESPONSE TO ITB NO. 14-15-017 FOR DRAINAGE INFRASTRUCTURE AND ROADWAY IMPROVEMENTS FOR THE LIVABLE NEIGHBORHOOD IMPROVEMENT FOR VISTA VERDE PHASE II PROJECT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City's consultant engineer, Craven Thompson & Associates, Inc., prepared specifications for ITB No.14-15-017 for drainage infrastructure and roadway improvements for the Livable Neighborhood Improvement Vista Verde Phase II, and

WHEREAS, the bid was advertised on February 2, 2015, and

WHEREAS, on March 5, 2015, five (5) proposals were received and opened, and

WHEREAS, on March 30, 2015, the proposals were evaluated and the consultant, Craven Thompson & Associates, Inc., informed City staff of discrepancies in the solicitation for the Livable Neighborhood Improvement Vista Verde Phase II Project, and

WHEREAS, City staff recommends rejecting all proposals and re-soliciting the bid,

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 rejects all proposals received in response to ITB No.14-15-017 for drainage

31 infrastructure and roadway improvements for the Livable Neighborhood Improvement
32 for Vista Verde Phase II project.

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

35 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI
36 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, 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

Council Meeting Date:	May 13, 2015		Item Type: <small>(Enter X in box)</small>	Resolution X	Ordinance	Other
Fiscal Impact: <small>(Enter X in box)</small>	Yes	No	Ordinance Reading: <small>(Enter X in box)</small>	1st Reading		2nd Reading
		X		Public Hearing: <small>(Enter X in box)</small>	Yes	No
Funding Source:	NA		Advertising Requirement: <small>(Enter X in box)</small>	Yes		No
				X		
Contract/P.O. Required: <small>(Enter X in box)</small>	Yes	No	RFP/RFQ/Bid #:	ITB No. 14-15-012		
		X				
Strategic Plan Related <small>(Enter X in box)</small>	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: <small>(list the specific objective/strategy this item will address)</small>		
		X				
Sponsor Name	Cameron Benson, City Manager		Department:	Parks and Recreation Department		

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REJECTING ALL PROPOSALS RECEIVED IN RESPONSE TO ITB NO. 14-15-012 FOR BUS TRANSPORTATION SERVICES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

BACKGROUND

The City requested sealed bids from licensed qualified companies for Bus Transportation Services for recreational programs for the Parks & Recreation Department.

On December 23, 2014, the City advertised Invitation To Bid (ITB) No. 14-15-012, a replacement contract for Bus Transportation Services. Solicitation notifications were sent to 132 vendors. Nine (9) vendors requested bid packages. The bids were opened on January 8, 2015. Three (3) bids were received and publicly read. Bids were received from Air B Bus School Bus, located in Miami, FL; Academy Bus, located in Miami, FL; and Corporate Coaches located in Fort Lauderdale, FL.

On January 13, 2015 an Evaluation Committee consisting of the Director of Parks and Recreation, Athletics Manager, and Recreation District Supervisor assembled to evaluate the proposals in accordance with the bid evaluation criteria.

CURRENT SITUATION

After further review of operational needs, staff has decided there is a need to amend the specifications for Bus Transportation Services in order to better meet departmental objectives; hence, staff is recommending rejecting all bids, amending the specifications, and re-advertising the solicitation.

Proposed Action:

It is recommended that City Council approve the attached resolution authorizing the rejection of all of the Bids and grant approval for the City Manager to re-solicit the bid for licensed qualified companies for Bus Transportation Services for athletics and recreation programs for the Parks & Recreation Department.

Attachment:

Exhibit – Bid Tabulation

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REJECTING ALL PROPOSALS RECEIVED IN RESPONSE TO ITB NO. 14-15-012 FOR BUS TRANSPORTATION SERVICES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 23, 2014, the City advertised ITB No. 14-15-012 for Bus Transportation Services, and

WHEREAS, on January 8, 2015, three (3) bids were received and publicly read, and

WHEREAS, after further review of operational needs, City staff determined that the specifications for Bus Transportation Services should be amended, and

WHEREAS, City staff recommends rejecting all bids and re-advertising the solicitation with additional specifications,

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 rejects all proposals received in response to ITB No. 14-15-012 for Bus Transportation Services.

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, 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)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	May 13, 2015		Item Type:	Resolution	Ordinance	Other	
			<i>(Enter X in box)</i>	X			
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading:	1st Reading		2nd Reading	
		X	<i>(Enter X in box)</i>	Public Hearing:	Yes	No	Yes
			<i>(Enter X in box)</i>		X		
Funding Source:			Advertising Requirement:	Yes		No	
			<i>(Enter X in box)</i>			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 checked="" type="checkbox"/> Communication <input type="checkbox"/>		Quality of Life and City Image		
Sponsor Name	Cameron Benson, City Manager		Department:		<i>Community Development</i>		

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 BIFURCATION OF THE AMENDED MORTGAGE DEED AND RESTRICTIVE COVENANT WITH RUDG-THE COMMONS, LLC. ATTACHED HERETO AS EXHIVIT "A"; AUTHORIZING THE CITY MANAGER TO EXECUTE AND ATTEST RESPECTIVELY THAT CERTAIN COMMERCIAL MORTGAGE DEED AND RESTRICTIVE COVENANT AND THAT CERTAIN RESIDENTIAL MORTGAGE DEED AND RESTRICTIVE COVENANT WITH RUDGE-THE COMMONS, LLC, ATTACHED HERETO AS EXHIBITS "B" AND "C"; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

Background:

*Item K-12) Consent Agenda
Resolution
RUDG -The Commons, LLC - Bifurcation*

The City was allocated \$1,940,337 in Neighborhood Stabilization Program 3 (NSP3) Funds. This specific grant required that the funds be leveraged and that the required housing units be developed in targeted areas. The two neighborhoods listed in the City's NSP3 Plan were Rainbow Park & Riverdale.

In order to seek leveraging of awarded funds, the City issued a formal Request for Proposals. Three (3) proposals were received. As a result, one of the applicants awarded funding was RUDG-The Commons, LLC. The City Council awarded \$1,150,000.00 to this developer for the acquisition of land and construction of 189 units for elderly residents. The parcels totaling 6.83 acres on which this housing project was to be constructed is located on the west side of N.W. 27 Avenue, just south of 207 Street.

The City entered into a Developer's Agreement with RUDG – The Commons on December 19, 2011, for the acquisition of the land on which the multi-family elderly housing was to be built. Consequently a Mortgage Deed and Restricted Covenant was recorded on the property to secure the City's investment.

In January 2013, the Developer met with City Staff and expressed their interest in modifying the site development from multifamily housing to a mixed-use development. Given the location of the site, the City believed that the highest and best use for the land would be to include commercial development rather than only multi-family housing. The project will now consist primarily of commercial development, but will also contain a housing component on the Northwest corner of the site. The housing component will be comprised of 24-units that will be developed for elderly rental housing.

An Amended Developer's Agreement and an Amended Mortgage Deed and Restrictive Covenant were negotiated to replace the previously executed documents, and approved by the City Council on July 24, 2013 (Res. 2013-178-1974). Both were recorded in the public record of Miami Dade County.

Current Situation:

The Developer has received site plan approval and begun the plan review and permitting process for the 24-unit building. They are also in the process of soliciting businesses for the commercial development. As part of that solicitation, the Developer has requested that the City agree to Bifurcate the existing Amended Mortgage Deed and Restrictive Covenant into two separate documents, each encumbering only part of the originally encumbered parcel and together encumbering the entire originally encumbered parcel. Essentially creating a "Restricted Mortgage and Covenant" encumbering the residential parcel described in Exhibit A, and a separate "Non-Restricted Mortgage and Covenant" encumbering the commercial parcel described in Exhibit B.

City staff has worked with the Developer to negotiate a Bifurcation of the Amended Mortgage Deed and Restrictive Covenant, as well as a Second and Third Amendment to the Amended Mortgage Deed and Restrictive Covenant. The Second Amendment creates the "Non-Restricted Mortgage and Covenant". The Third Amendment creates the "Restricted Mortgage and Covenant". The Bifurcation and Amendments will allow the Developer to enter into agreements for the Commercial parcel (described in Exhibit B) with businesses interested in establishing a location in Miami Gardens without the added restrictions that are tied to the Housing development (described in Exhibit A).

In addition, the City and Developer wish to further amend the Amended Developer's Agreement to replace *Exhibit B: Housing Project Budget and Schedule* and *Exhibit C: Commercial Project Budget and Schedule* with updated project schedules and budgets to more accurately reflect the current and projected status of these projects.

The attached resolution requests Council's approval of the Bifurcation of Mortgage, the Second and Third Amendments to the Mortgage Deed and Restrictive Covenant, and Second Amendment to the Developer's Agreement, and authorizes the City Manager to execute and record all documents in the public record of Miami Dade County.

Financial Impact:

There is no fiscal impact for this action.

Proposed Action:

That City Council approve the attached resolution.

Attachment:

- Bifurcation of Amended Mortgage Deed and Restrictive Covenant
- 2nd and 3rd Amendments to the Amended Mortgage Deed and Restrictive Covenant with Exhibits A and B
- Amended Mortgage Deed and Restrictive Covenant
- 2nd Amendment to the Amended Developer's Agreement

RESOLUTION NO. 2015_____

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY
5 MANAGER AND THE CITY CLERK TO EXECUTE AND ATTEST
6 RESPECTIVELY THAT CERTAIN BIFURCATION OF THE
7 AMENDED MORTGAGE DEED AND RESTRICTIVE COVENANT
8 WITH RUDG-THE COMMONS, LLC, ATTACHED HERETO AS
9 EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO
10 EXECUTE AND ATTEST RESPECTIVELY THAT CERTAIN
11 COMMERCIAL MORTGAGE DEED AND RESTRICTIVE
12 COVENANT AND THAT CERTAIN RESIDENTIAL MORTGAGE
13 DEED AND RESTRICTIVE COVENANT WITH RUDG-THE
14 COMMONS, LLC, ATTACHED HERETO AS EXHIBITS "B" AND
15 "C"; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK;
16 PROVIDING FOR THE ADOPTION OF REPRESENTATIONS;
17 PROVIDING FOR AN EFFECTIVE DATE.
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19 WHEREAS, the City of Miami Gardens was awarded One Million, Nine Hundred
20 Forty, Three Hundred Thirty-Seven Dollars (\$1,940,337.00) in NSP3 funds, and

21 WHEREAS, the City awarded One Million, One Hundred Fifty Thousand Dollars
22 (\$1,150,000.00) to RUDG-The Commons, LLC, (the "Developer") for a mixed used
23 development, which will to include a 24 unit multi-family housing for the elderly and
24 commercial development, and

25 WHEREAS, the City entered into a Developer's Agreement with RUDG-The
26 Commons on December 19, 2011, for the acquisition of the land on which the multi-
27 family elderly housing was to be built; Consequently a Mortgage Deed and Restricted
28 Covenant was recorded on the property to secure the City's investment, and

29 WHEREAS, an amended Developer's Agreement and an amended Mortgage
30 Deed and Restrictive Covenant were negotiated to replace the previously executed
31 documents, and approved by the City Council on July 24, 2013, Resolution No. 2013-
32 178-1974, and

33 WHEREAS, the Developer has received site plan approval and is in the plan
34 review and permitting phase for the 24 unit elderly housing, and

35 WHEREAS, the Developer is requesting that the City bifurcate the existing
36 amended Mortgage Deed and Restrictive Covenant to create separate deeds and
37 restrictive covenants for the multi-unit residential property and the commercial property,
38 respectively, and

39 WHEREAS, the bifurcation and amendments will allow the Developer to enter
40 into agreements for the commercial parcel with businesses interested in establishing a
41 location in Miami Gardens without the added restrictions that are associated with the
42 housing development,

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

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

48 Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens
49 hereby authorizes the City Manager and the City Clerk to execute and attest,
50 respectively that certain Bifurcation of the Amended Mortgage Deed and Restrictive
51 Covenant with RUDG-The Commons, LLC, a copy of which is attached hereto as
52 Exhibit "A"; and further authorizes the City Manager and City Clerk to execute and
53 attest, respectively that certain Commercial Mortgage Deed and Restrictive Covenant
54 and that certain Residential Mortgage Deed and Restrictive Covenant with RUDG-The
55 Commons, LLC, attached hereto as Exhibits "B" and "C".

56 Section 3: INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby
57 authorized to obtain two (2) fully executed copies of the subject Deeds and Restrictive

58 Covenants with one to be maintained by the City, and one to be delivered to RUDG-The
59 Commons, LLC.

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

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

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69 **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, 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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This Instrument Prepared by:

Ellen Rose, Esquire
Katz, Barron, Squitiero & Faust, P.A.
2699 South Bayshore Drive, 7th Floor
Miami, Florida 33133

BIFURCATION OF AMENDED MORTGAGE DEED AND RESTRICTIVE COVENANT

WHEREAS, RUDG-THE COMMONS, LLC, a Florida limited liability company, as (“Owner”) executed an Amended Mortgage Deed and Restrictive Covenant in favor of the City of Miami Gardens and recorded in Official Records Book 28827 at Page 2870 of the Public Records of Miami-Dade County, Florida (the “Mortgage and Covenant”); and

WHEREAS, the **CITY OF MIAMI GARDENS** (“City”) and the Owner have agreed to bifurcate the Amended Mortgage and Covenant into two separate mortgages, each encumbering only part of the originally encumbered parcel;

NOW, THEREFORE, in consideration of the premises and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. The foregoing recitations are true and correct and are incorporated herein by reference.
2. The Amended Mortgage and Covenant are hereby separated into two separate mortgages, each encumbering part of the originally encumbered parcel and together encumbering the entire originally encumbered parcel, with the same terms as the Amended Mortgage and Covenant and in accordance with the following:
 - a. One of such Mortgages and Covenants (the “Restricted Mortgage and Covenant”) is hereby agreed to encumber only the parcel described on Exhibit “A” hereto, and the other Mortgage and Covenant (the “Non-Restricted Mortgage and Covenant”) is hereby agreed to encumber only the parcel described on Exhibit “B” hereto.
 - b. Simultaneously with the execution hereof, the parties are entering into an Amendment to the Restricted Mortgage and Covenant which will modify the terms of the Amended Mortgage and Covenant as to the parcel described on Exhibit “A” only and into an Amended and Restated Non-

Restricted Mortgage and Covenant which will restate the terms of the Amended Mortgage and Covenant as to Exhibit "B" only.

- c. The parcel described in Exhibit A encumbered by the Restricted Mortgage and Covenant shall be liable only for \$279,450 of the \$1,150,000 secured by the Amended Mortgage and Covenant, and the parcel described in Exhibit B encumbered by the Non-Restricted Mortgage and Covenant shall be liable only for \$870,550.00 of the \$1,150,000 secured by the Amended Mortgage and Covenant. In addition, the Non-Restricted Mortgage shall secure the \$200,000.00 contribution required by Section 11 of the Amended Mortgage.

- 3. Except as hereinabove amended, the terms of the Mortgage and Covenant are ratified, confirmed and approved.

IN WITNESS WHEREOF, the parties have executed this Bifurcation of Mortgage Deed and Restrictive Covenant on the dates written below.

RUDG-THE COMMONS, LLC, a Florida limited liability company

By: RUDG-The Commons Manager, LLC, a Florida limited liability company

By: _____

Print Name: _____

Its: _____

Printed Name: _____

Print Name: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was sworn to and acknowledged before me this _____ day of _____, 2015 by _____, as _____ of RUDG-The Commons, LLC, a Florida limited liability company, by and on behalf of said company as manager of RUDG-THE COMMONS, LLC, a Florida limited liability company, on behalf of the company. He/she is personally known to me or has produced _____ as identification.

NOTARY PUBLIC - STATE OF FLORIDA

My Commission Expires:

CITY OF MIAMI GARDENS, FLORIDA

Attest:

Ronetta Taylor, City Clerk

By: _____
Cameron D. Benson, City Manager

Date: _____

Approved as to form and legal sufficiency

Sonja K. Dickens, City Attorney

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was sworn to and acknowledged before me this _____ day of _____, 2015 by _____, as City Manager of the City of Miami Gardens, Florida, by and on behalf of said City. He/she is personally known to me or ho has produced _____ as identification.

NOTARY PUBLIC - STATE OF FLORIDA

My Commission Expires:

EXHIBIT "A"
LEGAL

A portion of Tracts 34 and 34, EVERGLADES SUGAR AND LAND COMPANY'S SUBDIVISION, of Section 33, Township 51 South, Range 41 East, according to the Plat thereof as recorded in Plat Book 2, Page 75, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the East 1/4 corner of said Section 33; along the North line of the Southeast 1/4 of said Section 33 and the North line of said Tract 33 for a distance of 41.27 feet to the Point of Beginning and a point on the South Right-of-Way line of N.W. 207th Street as recorded in Official Records Book 17813, Page 4115, and Official Records Book 15868, Page 2851, Miami-Dade County records, said point being the northwest corner of Tract "A", 27th AVENUE RACETRAC, according to the Plat thereof as recorded in Plat Book 160, Page 34, of the Public Records of Miami-Dade County, Florida, said point also being on the arc of a curve concave to the South (a radial line Westerly along the arc of said curve, also being the South Right-of-Way line of N.W. 207th Street, a point also being the southwest corner of said Tract "A"; Beginning, also being a point on the South Right-of-Way line of N.W. 207th Street. Containing 89,811 sq.ft. more or less (2.06 acres more or less).

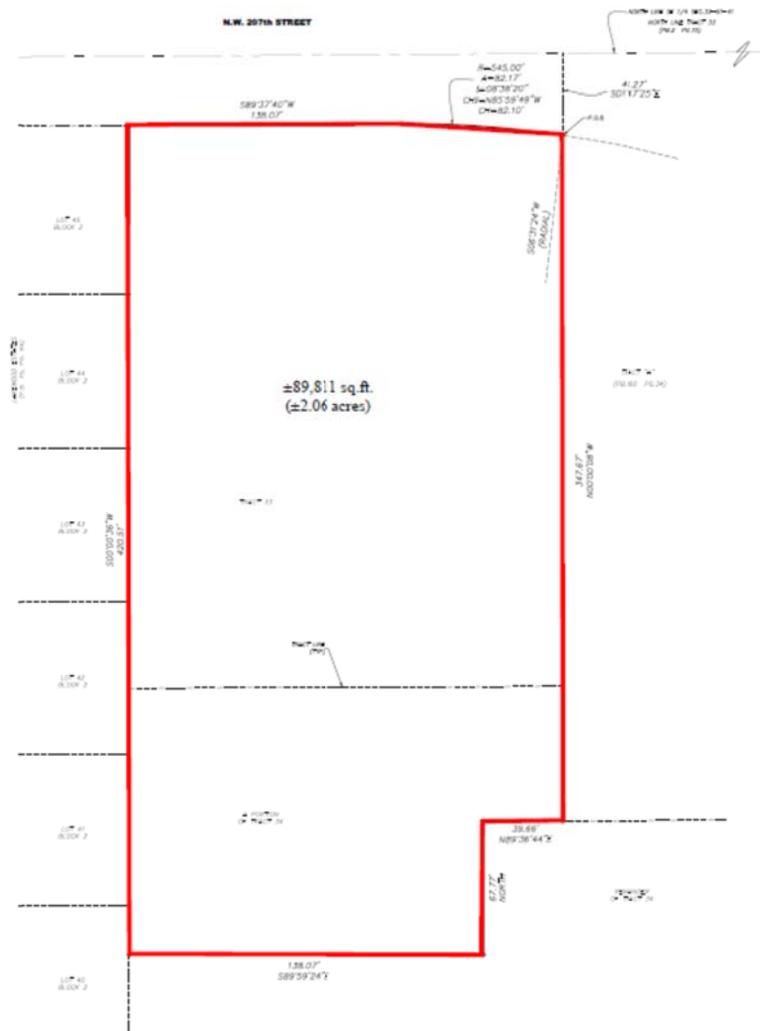
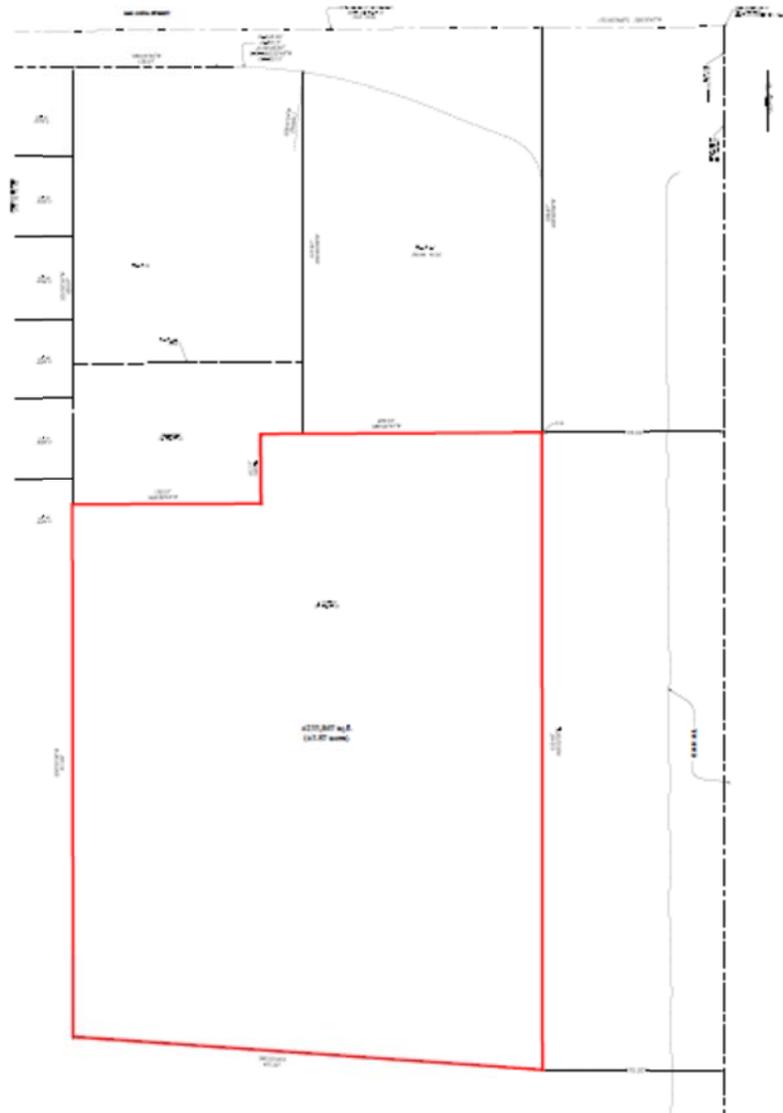


EXHIBIT "B"
LEGAL

A portion of Tract 34, EVERGLADES SUGAR AND LAND COMPANY'S SUBDIVISION, of Section 33, Township 51 South, Range 41 East, according to the Plat thereof as recorded in Plat Book 2, Page 75, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the East 1/4 corner of said Section 33; thence based on an assumed meridian run S87°49'27"W along the North line of the Southeast 1/4 of said Section 33 and the North line of said Tract 33 for a distance of 175.00 feet; thence run S00°00'08"E for a distance of 388.87 feet to the Point of Beginning, said point being the southeast corner of Tract "A", 27th AVENUE RACETRAC, according to the Plat thereof as recorded in Plat Book 160, Page 34, of the Public Records of Miami-Dade County, Florida; thence S89°36'44"W for 269.65 feet; thence South for 67.77 feet; thence N89°59'24"W for 138.07 feet; thence S00°00'36"W for 511.84 feet; thence S86°03'30"E for 451.22 feet; thence N00°00'08"E for 612.42 feet to the Point of Beginning. Containing 255,867 sq.ft. more or less (5.87 acres more or less).



This Instrument Prepared by:

Ellen Rose, Esquire
Katz, Barron, Squitiero & Faust, P.A.
2699 South Bayshore Drive, 7th Floor
Miami, Florida 33133

SECOND AMENDMENT TO MORTGAGE DEED AND RESTRICTIVE COVENANT

WHEREAS, RUDG-THE COMMONS, LLC, a Florida limited liability company, as (“Owner”) executed an Amended Mortgage Deed and Restrictive Covenant in favor of the City of Miami Gardens (the “City”) and recorded in Official Records Book 28827 at Page 2870 of the Public Records of Miami-Dade County, Florida (the “Mortgage and Covenant”); and

WHEREAS, the Owner and the City bifurcated the Amended Mortgage and Covenant in a certain Bifurcation of Mortgage Deed and Restrictive Covenant (the “Bifurcation”) executed immediately prior to the execution hereof and intended to be recorded prior to the execution hereof; and

WHEREAS, the Bifurcation resulted in a Non-Restricted Mortgage and Covenant encumbering the parcel described on Exhibit “B” hereto; and; and

WHEREAS, the parties have agreed to certain modifications of the Non-Restricted Mortgage and Covenant, including a release of all development restrictions, all of which modifications are more particularly set forth herein;

NOW, THEREFORE, in consideration of the premises and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. The foregoing recitations are true and correct and are incorporated herein by reference.
2. The Non- Restricted Mortgage and Covenant is hereby amended as follows:
 - a. Paragraphs 1, 2, 3, 4, 5, and 8 are hereby deleted.
 - b. The reference to the Elderly Housing Rental Units in paragraph 9 shall mean a reference to those Units to be built on the portion of the originally encumbered Property which is now encumbered by the Restricted Mortgage (as defined in the Bifurcation Agreement).

- c. The NSP3 Amended Developer Agreement attached to the Amended Mortgage and Covenant shall not apply to the property described on Exhibit "B".
- 3. Except as hereinabove amended, all of the terms of the Non-Restricted Mortgage and Covenant, are hereby ratified, confirmed and approved.

IN WITNESS WHEREOF, the parties have executed this Amendment to Non-Restricted Mortgage and Covenant on the dates written below.

RUDG-THE COMMONS, LLC, a Florida limited liability company

By: RUDG-The Commons Manager, LLC, a Florida limited liability company

 Print Name: _____

By: _____
 Its: _____

 Print Name: _____

Printed Name: _____
 Dated: _____, 2015

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was sworn to and acknowledged before me this _____ day of _____, 2015 by _____, as _____ of RUDG-The Commons, LLC, a Florida limited liability company, by and on behalf of said company as manager of RUDG-THE COMMONS, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me or who has produced _____ as identification.

 NOTARY PUBLIC - STATE OF FLORIDA

My Commission Expires:

[Additional signatures on following pages]

CITY OF MIAMI GARDENS, FLORIDA

Attest:

Ronetta Taylor, City Clerk

By: _____
Cameron D. Benson, City Manager

Date: _____

Approved as to form and legal sufficiency

Sonja K. Dickens, City Attorney

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was sworn to and acknowledged before me this _____ day of _____, 2015 by _____, as City Manager of the City of Miami Gardens, Florida, by and on behalf of said City. He/she is personally known to me or ho has produced _____ as identification.

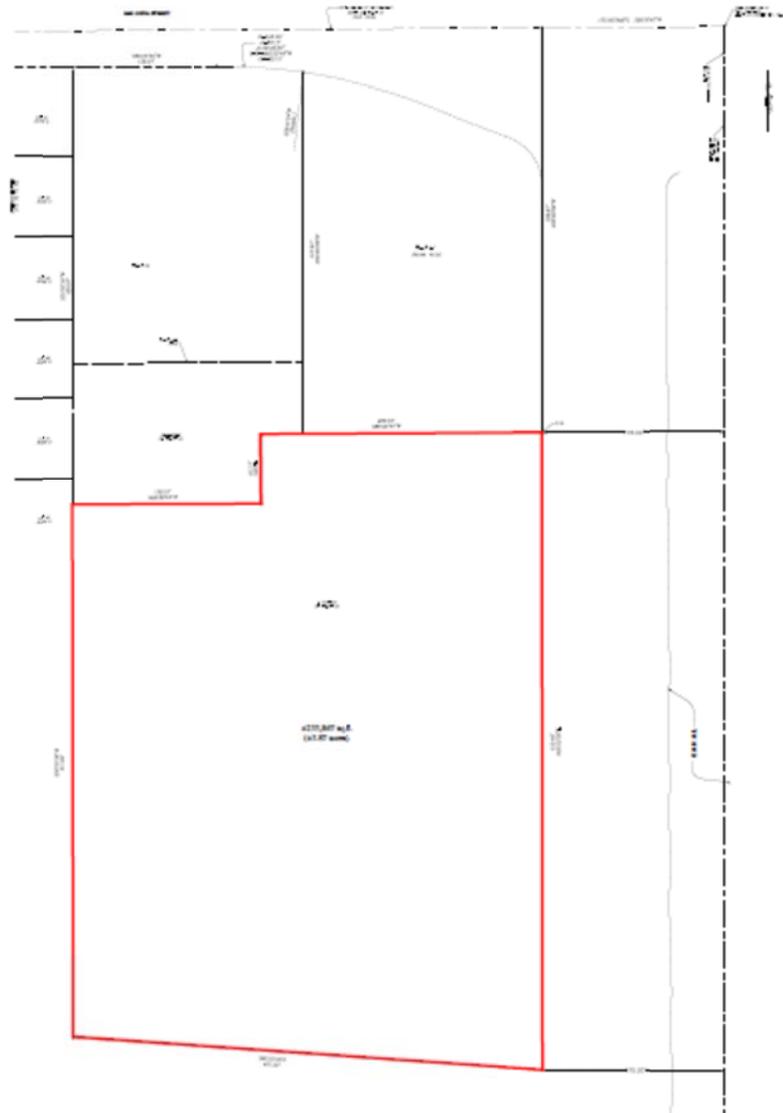
NOTARY PUBLIC - STATE OF FLORIDA

My Commission Expires:

EXHIBIT "B"
LEGAL

A portion of Tract 34, EVERGLADES SUGAR AND LAND COMPANY'S SUBDIVISION, of Section 33, Township 51 South, Range 41 East, according to the Plat thereof as recorded in Plat Book 2, Page 75, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the East 1/4 corner of said Section 33; thence based on an assumed meridian run S87°49'27"W along the North line of the Southeast 1/4 of said Section 33 and the North line of said Tract 33 for a distance of 175.00 feet; thence run S00°00'08"E for a distance of 388.87 feet to the Point of Beginning, said point being the southeast corner of Tract "A", 27th AVENUE RACETRAC, according to the Plat thereof as recorded in Plat Book 160, Page 34, of the Public Records of Miami-Dade County, Florida; thence S89°36'44"W for 269.65 feet; thence South for 67.77 feet; thence N89°59'24"W for 138.07 feet; thence S00°00'36"W for 511.84 feet; thence S86°03'30"E for 451.22 feet; thence N00°00'08"E for 612.42 feet to the Point of Beginning. Containing 255,867 sq.ft. more or less (5.87 acres more or less).



This Instrument Prepared by:

Ellen Rose, Esquire
Katz, Barron, Squitiero & Faust, P.A.
2699 South Bayshore Drive, 7th Floor
Miami, Florida 33133

THIRD AMENDMENT TO MORTGAGE DEED AND RESTRICTIVE COVENANT

WHEREAS, RUDG-THE COMMONS, LLC, a Florida limited liability company, as (“Owner”) executed an Amended Mortgage Deed and Restrictive Covenant in favor of the City of Miami Gardens (the “City”) and recorded in Official Records Book 28827 at Page 2870 of the Public Records of Miami-Dade County, Florida (the “Mortgage and Covenant”); and

WHEREAS, the Owner and the City bifurcated the Amended Mortgage and Covenant in a certain Bifurcation of Mortgage Deed and Restrictive Covenant (the “Bifurcation”) executed immediately prior to the execution hereof and intended to be recorded prior to the execution hereof; and

WHEREAS, the Bifurcation resulted in a Restricted Mortgage and Covenant encumbering the parcel described on Exhibit “A” hereto; and

WHEREAS, the parties have agreed to certain modifications of the Restricted Mortgage and Covenant which are more particularly set forth herein;

NOW, THEREFORE, in consideration of the premises and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. The foregoing recitations are true and correct and are incorporated herein by reference.
2. The Restricted Mortgage and Covenant is hereby amended as follows:
 - a. In Paragraph 2, the word “condominium” is hereby deleted, and the word “sale” is hereby changed to “rental”.
 - b. Paragraph 3 is hereby rewritten as follows:

The Owner agrees that all 24 Units will be reserved for households whose incomes do not exceed 50% of the Area Median Income. For determining income levels, the applicable area is the Miami-Miami Beach-Kendall HFMA

area. The income levels are subject to change annually as published by the U.S. Department of Housing and Urban Development (HUD).

- c. In paragraph 4 the words “25% or 6 of the total” are hereby deleted.
 - d. Paragraph 12 is modified to provide that the indebtedness secured hereby is forgiven if the City has not brought a foreclosure action on or before the expiration of the 20 year period described in paragraph 9 of the Restricted Mortgage and Covenant.
 - e. The City confirms that, from time to time upon request, it will subordinate its lien rights under the Covenant and encumbering the parcel described on Exhibit “A” to the liens of mortgages whose principal balances at the time of the subordination do not exceed a total of \$1,818,560.00.
3. Section II. C. 4 of the NSP3 Amended Developer’s Agreement which is dated July 26, 2013 is hereby rewritten as follows: “All 24 residential units developed on the properties being acquired and listed on Exhibit A must be occupied by households with annual incomes of less than 50% of the Area Median Income (AMI). Area Median Income is defined by HUD and published annually.” The Amended Developer’s Agreement is attached hereto as Exhibit “B”.
 4. Except as hereinabove amended, all of the terms of the Restricted Mortgage and Covenant, are hereby ratified, confirmed and approved.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties have executed this Amendment to Restricted Mortgage and Covenant on the dates written below.

RUDG-THE COMMONS, LLC, a Florida limited liability company

By: RUDG-The Commons Manager, LLC, a Florida limited liability company

By: _____

Print Name: _____

Its: _____

Printed Name: _____

Dated: _____, 2015

Print Name: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was sworn to and acknowledged before me this _____ day of _____, 2015 by _____, as _____ of RUDG-The Commons, LLC, a Florida limited liability company, by and on behalf of said company as manager of RUDG-THE COMMONS, LLC, a Florida limited liability company, on behalf of the company. He/she is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC - STATE OF FLORIDA

My Commission Expires:

[Additional signatures on following pages]

CITY OF MIAMI GARDENS, FLORIDA

Attest:

Ronetta Taylor, City Clerk

By: _____
Cameron D. Benson, City Manager

Date: _____

Approved as to form and legal sufficiency

Sonja K. Dickens, City Attorney

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was sworn to and acknowledged before me this _____ day of _____, 2015 by _____, as City Manager of the City of Miami Gardens, Florida, by and on behalf of said City. He/she is personally known to me or ho has produced _____ as identification.

NOTARY PUBLIC - STATE OF FLORIDA

My Commission Expires:

EXHIBIT "A"
LEGAL

A portion of Tracts 34 and 34, EVERGLADES SUGAR AND LAND COMPANY'S SUBDIVISION, of Section 33, Township 51 South, Range 41 East, according to the Plat thereof as recorded in Plat Book 2, Page 75, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the East 1/4 corner of said Section 33; along the North line of the Southeast 1/4 of said Section 33 and the North line of said Tract 33 for a distance of 41.27 feet to the Point of Beginning and a point on the South Right-of-Way line of N.W. 207th Street as recorded in Official Records Book 17813, Page 4115, and Official Records Book 15868, Page 2851, Miami-Dade County records, said point being the northwest corner of Tract "A", 27th AVENUE RACETRAC, according to the Plat thereof as recorded in Plat Book 160, Page 34, of the Public Records of Miami-Dade County, Florida, said point also being on the arc of a curve concave to the South (a radial line Westerly along the arc of said curve, also being the South Right-of-Way line of N.W. 207th Street, a point also being the southwest corner of said Tract "A"; Beginning, also being a point on the South Right-of-Way line of N.W. 207th Street. Containing 89,811 sq.ft. more or less (2.06 acres more or less).



2nd AMENDMENT TO THE DEVELOPER'S AGREEMENT for "The Commons": An NSP3 Housing Project And a Commercial Project

THIS AGREEMENT entered into between **The City of Miami Gardens**, a Municipal Corporation, located at 18605 NW 27 Avenue, Miami Gardens, Florida 33056, hereinafter referred to as the "GRANTEE", and **RUDG-The Commons, LLC**, a Florida Limited Liability Company hereinafter referred to as the "DEVELOPER" and which is located at 315 S. Biscayne Blvd, 3rd floor, Miami, Florida 33131, executed on July 26, 2013, is amended as follows:

Exhibits B and C are amended and replaced as indicated below in Exhibits B and C.

Exhibit B: NSP3 Housing Project Budget & Schedule

The COMMONS

Miami Gardens, FL

NSP3 Housing Project Construction Schedule

rev. 4/2/2015

Notes	Task	Date
	Real Estate Closing	Complete
	Developer's Agreement Approval	Complete
	Complete Site Plan	Complete
	Commence Site Design	Complete
	Site Plan Approval	Complete
	Plans and Specs Completion	Complete
	Permit Submission	December 2014
	Permit Approval	May 2015
	Commence Construction	July 2015
	Construction – 50% completion	December 2015
	Construction – 75% completion	March 2016
	Construction C.O.	June 2016
	Leasing & Marketing start	April 2016
	50% Occupancy	July 2016
	Stabilization	August 2016

Construction
Lease-up

12 months
5 months

The COMMONS
Miami Gardens, FL
NSP3 Housing Project Construction Budget

rev. 4/2/2015

Address: 20700 NW 27th Ave. Miami Gardens, FL 33056
 Total Units 24
 Rentable Sqft 12,120
 Buildable Sqft 13,332
 Avg. Size 505

SOURCES	Construction	Per Unit	Construction	Per Unit
	Source of Funds		Source of Funds	
First Mortgage	800,000	33,333.33	800,000	33,333
FHLB	300,000	12,500	300,000	12,500
Surtax	718,560	29,940	718,560	29,940
City of Miami Gardens NSP 3	279,450	11,644	279,450	11,644
Deferred Developer Fee	179,436	7,477	179,436	7,477
TOTAL	2,277,446	94,894	2,277,446	94,894

USES	Total	Per Unit
Acquisition		
Acquisition Costs	279,450	11,644
Construction		
Construction	1,114,661	46,444
GC Fees	156,053	6,502
Hard Cost Contingency:	63,536	2,647
Total Construction	1,334,249	55,594
Soft Costs	268,964	11,207
Legal Costs	75,000	3,125
Financing Costs	31,000	
Reserves and Escrows	86,423	3,601
Total Soft Costs	461,387	19,224
Soft Cost Contingency	20,723	863
TOTAL COSTS before Developer Fee	2,095,810	87,325
DEVELOPER FEE	181,636	7,568
TOTAL COSTS	2,277,446	94,894

Exhibit C: Commercial Project Budget and Schedule

The COMMONS
Miami Gardens, FL
Commercial Project Construction Budget

rev. 6/11/2013

The Commons

COST ALLOCATION REPORT

Applicant and Project Name: RUDG - The Commons , Commercial/ Retail Budget - 36,400 SF

	Total Project	Financing Sources: Specify Name			
		%	Private Financing	City of Miami Gardens NSP3	Other
Land Acquisition	870,550	10%		870,550	-
Hard Costs					
Construction (incl. Site work)	4,560,000	50%	4,560,000	-	
Construction Contingency (10%)	456,000	5%	456,000	-	
Construction: Concrete / Soil Test	15,000	0%	15,000	-	
Construction of Pad	100,000	1%	100,000	-	
Construction Pad Contingency	10,000	0%	10,000	-	-
Site Work	600,000	7%	600,000	-	-
Total Hard Costs	5,741,000	63%	5,741,000	-	-
Soft Costs					
Architect & Engineering Fees	150,000	2%	150,000	-	-
Impact & School Fees	290,889	3%	290,889	-	
Permits / Fees / Licenses / Utilities	77,115	1%	77,115	-	
Legal Fees	100,000	1%	100,000	-	-
Construction Engineering Reviews	15,000	0%	15,000	-	
Appraisal / Surveys / Environmental	20,000	0%	20,000	-	
Insurance: Construction Period	50,000	1%	50,000	-	
Marketing / Advertising Fees	40,000	0%	40,000	-	
Loan Closing / Financing Fees	83,369	1%	83,369	-	
Interest / Carrying Costs	253,946	3%	253,946	-	
Administrative Overhead	-	0%	-	-	
Title Insurance & Recording	42,500	0%	42,500	-	
P&P BOND (1%)	51,410	1%	51,410	-	
Taxes	198,000	2%	198,000	-	
Municipal Liens	-	0%	-	-	
Construction Accounting / Audits	20,000	0%	20,000	-	
Misc.	-	0%	-	-	
Operating Reserves	90,000	1%	90,000	-	
Soft Cost Contingency	97,003	1%	97,003	-	
Developer Fees	878,428	12%	878,428	-	
Total Soft Costs	2,457,660	27%	2,457,660	-	-
Total Project Cost	9,069,210	100%	8,198,660	870,550	-

The COMMONS
Miami Gardens, FL
Commercial Project Construction Schedule – PAD

rev. 5/1/2015

Notes	Jessie Trice Community Center - Task	Date
	Developer's Agreement Approval	Complete
	Site Bifurcation	May 2015
	Complete Site Plan	June 2015
	Commence Architectural & Engineering Plans	June 2015
	Site Plan Approval	July 2015
	Plans and Specs Completion	August 2015
	Permit Submission	August 2015
	Permit Approval	February 2016
	Commence Construction	February 2016
	Construction – 50% completion	July 2016
	Construction C.O.	December 2016

Notes	Retail Pad Infrastructure Construction - Task	Date
	Developer's Agreement Approval	Complete
	Site Bifurcation	May 2015
	Complete Site Plan	June 2015
	Commence Engineering Plans	June 2015
	Site Plan Approval	July 2015
	Begin Marketing Future Retail Pads	August 2015
	Permit Submission	August 2015
	Permit Approval	December 2015
	Pre-Sale Future Retail Pad #1	December 2015
	Commence Construction of Roads & Infrastructure for Future Retail Pads	January 2016
	Pre-Sale Future Retail Pad #2	February 2016
	Construction – 50% completion	June 2016
	Construction Completion	December 2016
	Close on Retail Pads	January 2017

Effective Date

The effective date for this amendment is May 13, 2015.

Except for any changes enumerated above, all provisions of the agreement shall remain in full force and effect.

This 2nd Amendment and all its attachments are hereby made a part of the Agreement.

IN WITNESS THEREOF, the parties agree to the mutual covenants herein contained and have caused this five (5) page 2nd Amendment to the Agreement to be executed on their behalf this 13 day of May, 2015.

THE CITY OF MIAMI GARDENS

By: The City Manager

**RUDG-THE COMMONS, LLC, A FLORIDA
LIMITED LIABILITY COMPANY**

By: RUDG-The Commons Manager, LLC, a
Florida limited liability company, Manager

GRANTEE: Cameron D. Benson

DEVELOPER: Alberto Milo, Jr., Vice President

Approved as to form and legal sufficiency

Sonja K. Dickens, City Attorney



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	May 13, 2015		Item Type:	Resolution	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		Public Hearing: <i>(Enter X in box)</i>		Yes	No	Yes	No
						X		
Funding Source:	<i>(Enter Fund & Dept)</i>		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 checked="" type="checkbox"/> Communcation <input type="checkbox"/>
Sponsor Name	Cameron Benson, City Manager		Department:		City Manager's Office			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING A GRANT MATCH IN THE AMOINT OF ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00) TOWARDS FUNDING FOR THE AFRICAN MUSEUM OF ARTS AND CULTURAL CENTER UPON THE THE AFRICAN MUSEUM OF ARTS AND CULTURAL CENTER'S RECEIPT OF A GRANT FROM THE FLORIDA DEPARTMENT OF STATE, THROUGH IT'S CULTURAL FACILITIES PROGRAM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Summary:

On May 7, 2013, the Miami-Dade Board of County Commissioners unanimously approved Resolution No. 11 (A)(9) sponsored by County Commissioner Barbara J. Jordan authorizing a lease agreement with the Nigerian-American Foundation for the development, operation and

**Item L-1) Resolution
Grant/The African Museum of
Arts and Cultural Center**

maintenance of an African Museum and Cultural Art Center to be located at NW 207th Street and NW 32nd Avenue in Miami Gardens, Florida. This facility would house a museum, dance theatre and lecture hall aimed at enhancing the educational, social, historical and cultural offerings in the City of Miami Gardens. Since that time, the completion of this project has been stalled due to inadequate funding.

Recently, efforts to complete the African Museum of Arts and Culture (AMAC) Center have been renewed. The Nigerian-American Foundation established an AMAC Trust for this purpose and plan to submit a grant application to the Florida Department of State's Cultural Facilities Program to obtain grant funds to complete the AMAC Center. If the Nigerian-American Foundation receives the Cultural Facilities Program grant, the City of Miami Gardens will provide monetary assistance in the amount of \$125,000 to supplement the grant funds received and aid in the efforts to locate the AMAC Center in the City of Miami Gardens.

To provide these funds, the City Manager proposes pursuing a diverse set of funding streams to include general fund, sponsorships, charitable donations, and grants.

On March 25, 2015, the Miami Gardens City Council demonstrated their support of the AMAC Center project by passing Resolution Number 2015-58-2255 in support of the establishment of the AMAC Center in the City of Miami Gardens. The provision of these funds align with the stated desire of the Council.

Fiscal Impact

Depends on how much sponsorships and donations the City will receive, the General Fund will have to fund for the remaining of the costs that are not covered by the sponsorships or donations. If this amount to be funded from the General Fund budget is greater than what is available in the General Fund, the funding will have to be derived from fund balance and an ordinance will be required to amend the budget.

Proposed Action:

It is recommended the City Manager take all necessary steps to provide \$125,000 to the Nigerian-American Foundation upon its receipt of the Cultural Facilities Program grant.

Attachment:

No.

RESOLUTION NO. 2015_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING A GRANT MATCH IN THE AMOUNT OF ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00) TOWARDS FUNDING FOR THE AFRICAN MUSEUM OF ARTS AND CULTURAL CENTER UPON THE AFRICAN MUSEUM OF ARTS AND CULTURAL CENTER'S RECEIPT OF A GRANT FROM THE FLORIDA DEPARTMENT OF STATE, THROUGH IT'S CULTURAL FACILITIES PROGRAM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 7, 2013, the Miami-Dade Board of County Commissioners unanimously approved Resolution No. 11(A)(9) sponsored by County Commissioner Barbara J. Jordan authorizing a lease agreement with the Nigerian-American Foundation for the development, operation and maintenance of an African Museum of Arts and Cultural ("AMAC") Center to be located at NW 207th Street and NW 32nd Avenue in Miami Gardens, Florida, and

WHEREAS, the AMAC center will house a museum, dance theatre and lecture halls aimed at enhancing the educational, social, historical and cultural offerings, and

WHEREAS, the AMAC center will also promote tourism, international exchanges, economic growth and enrichment for the community, and

WHEREAS, the completion of this project has been stalled due to inadequate funding and efforts to complete the African Museum of Arts and Cultural Center have been renewed, and

WHEREAS, the Nigerian American Foundation recently established the AMAC center Trust to oversee the development fund to complete the project, and

WHEREAS, on March 25, 2015, the City of Miami Gardens' City Council passed Resolution No: 2015-58-2255 in support of the establishment of the AMAC center in the City of Miami Gardens, and

32 WHEREAS, the AMAC center will apply for the Cultural Facilities Program Grant
33 administered by the Florida Department of State to support and fund the renovation,
34 new construction or acquisition of cultural facilities, and

35 WHEREAS, if the AMAC receives the grant, the City of Miami Gardens will be
36 responsible for providing One Hundred Twenty-Five Thousand Dollars (\$125,000.00) in
37 matching funds required by the grant which will be paid from fund balance,

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

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

43 Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens
44 hereby authorizes a grant match for One Hundred Twenty-Five Thousand Dollars
45 (\$125,000.00) upon the African Museum of Arts and Cultural Center's receipt of a grant
46 from the Florida Department of State, through it's Cultural Facilities Program.

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

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

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OLIVER GILBERT, III, MAYOR

ATTEST:

60 RONETTA TAYLOR, MMC, CITY CLERK

61

62

63 PREPARED BY: SONJA KNIGHTON DICKENS, CITY ATTORNEY

64

65

66 SPONSORED BY: CAMERON D. BENSON, CITY MANAGER

67

68 Moved by: _____

69

70 **VOTE:** _____

71

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

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

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

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

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

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

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

79



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	May 13, 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		
			Advertising Requirement:		X					
Funding Source:	<i>(Enter Fund & Dept)</i>									
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:	<i>(Enter #)</i>						
		X								
Strategic Plan Related:	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: N/A						
		X								
Sponsor Name:	Cameron Benson, City Manager		Department:	<i>Development Services and Enforcement</i>						

Short Title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 34-287 OF THE LAND DEVELOPMENT CODE TO ALLOW THE WHOLESALE OR FIREWORKS AS A PERMITTED USE; PROHIBITING RETAIL SALE OF FIREWORKS; ALLOWING THE RETAIL SALE OR SPARKLERS AS A PERMITTED USE; AMENDING 34-288 TO ESTABLISH ADDITIONAL REQUIREMENTS FOR THE WHOLESALE OF FIREWORKS AND RETAIL SALE OF SPARKLERS; AMENDING SECTION 34-733 ENTITLED "MASTER USE LIST AND DEFINITIONS"; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

Background

*Item M-1) Quasi-Judicial
Ordinance/First Reading
Wholesale of Fireworks*

The City's current Land Development Regulations (LDRs) were adopted in 2010 as a means to promote development and stable neighborhoods within the City. Regulations were adopted specific to the development goals of the City to take advantage of the development opportunities along the major corridors, large commercial areas, and industrial parks. Periodically, and as needed, amendments are proposed to the regulations to better direct and achieve the City's development goals as well as address code compliance issues that arise.

Current Situation

Proposed are amendments to the City of Miami Gardens Land Development Regulations (LDRs) Section (s) 34-287 Use regulations, generally, 34-288 Uses permitted with extra requirements, and 34-733 Master use list and use definitions.

The City relies on the use of broader land use categories and performance criteria in the Land Development Regulations to guide new development and redevelopment that provide for complete neighborhoods without impacting established residential neighborhoods. Although several amendments have been made to the City's LDRs since adoption in 2010, as our current code is applied to projects discrepancies and conflicts are identified.

The purpose and intent of the amendments are as follows:

- Provide clarification of the regulations for better implementation and interpretation of the LDRs;
- Offer changes to specific regulations to better focus and guide land development due to the evolution of the City's development goals since the original adoption of the LDRs;

Proposed Action:

Recommend adoption of the Ordinance.

Attachments: Exhibit "A" – Proposed LDR Amendments

ORDINANCE NO. 2015 _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 34-287 OF THE LAND DEVELOPMENT CODE TO ALLOW THE WHOLESALE OF FIREWORKS AS A PERMITTED USE; PROHIBITING RETAIL SALE OF FIREWORKS; ALLOWING THE RETAIL SALE OF SPARKLERS AS A PERMITTED USE; AMENDING 34-288 TO ESTABLISH ADDITIONAL REQUIREMENTS FOR THE WHOLESALE OF FIREWORKS AND RETAIL SALE OF SPARKLERS; AMENDING SECTION 34-733 ENTITLED "MASTER USE LIST AND DEFINITIONS"; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's Land Development Code does not address the wholesale distribution of fireworks and sparklers, and

WHEREAS, in accordance with Chapter 791 of the Florida Statutes, retail sale of sparklers and the wholesale of fireworks is permitted in the City, and

WHEREAS, City staff recommends amending the Land Development Code to allow the retail sale of sparklers and the wholesale of fireworks as a permitted use in the Industrial Districts,

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: Sections 34-287 of the City Codes of Ordinances is hereby amended as follows:

Added language is underlined. Deleted language is stricken through.

Sec. 34-287. - Use regulations, generally.

Table 1: Permitted Uses												
Zoning Districts/Uses	R-1	R-2	R-15, R-25, R-50	NC	PCD	TCO (§ 34-474)	OF	I-1	I-2	PD	AU	GP
Industrial Type Uses												
<u>Wholesale fireworks in accordance with Section 791.04, Florida Statutes</u>	<input type="checkbox"/>	<u>P</u>	<u>P</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						
<u>Fireworks, retail</u>	<input type="checkbox"/>											
<u>Sparklers, retail, in accordance with Section 791.015, Florida Statutes</u>	<input type="checkbox"/>	<u>P</u>	<u>P</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						

Section 3. AMENDMENT: Section 34-288 of the City Codes of Ordinances is hereby amended as follows:

Sec. 34-288. - Uses permitted with extra requirements.

The extra requirements of this section shall be deemed necessary in order for uses subject to such requirements to be considered appropriate and compatible within the applicable zoning districts where such extra requirements apply.

- (43) Wholesale Fireworks. The sale, distribution and manufacture shall comply with Section 791.04, Florida Statutes, as amended.
- (44) Sparklers, Retail. The sale, distribution and manufacture shall comply with Section 791.015, Florida Statutes, as amended.

Section 4. AMENDMENT: Section 34-733 of the City Codes of Ordinances is hereby amended as follows:

Added language is underlined. Deleted language is stricken through.

Sec. 34-733. - Master use list and use definitions.

- (a) This list includes activities customary to the use. Uses not specifically listed as permitted, or found to be similar or customary with permitted uses, shall be prohibited.
- (b) This use list shall include all those related uses, but shall be limited to the list of related uses. In the determination of uses not specifically listed, the administrative official shall make the determination as to the appropriate category or deem the use prohibited.
- (c) The following definitions are provided for convenience. In case of conflict with the definitions in section 34-288, section 34-288 shall prevail.

APPENDIX A. MASTER USE LIST AND USE DEFINITIONS

Use	Related Uses	Definition
Industrial uses-light (See section 34-288 for special requirements)	<u>Wholesale fireworks.</u>	<u>Fireworks shall be defined in accordance with Chapter 791, Florida Statutes.</u>
	<u>Sparklers, retail.</u>	<u>Sparklers shall be defined in accordance with Chapter 791, Florida Statutes.</u>

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 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. Added language is underlined. Deleted language is stricken through.

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 _____,
2015.

PASSED ON SECOND READING ON THE ____ DAY OF _____,
2015.

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

OLIVER GILBERT, III, MAYOR

ATTEST:

RONETTA TAYLOR, MMC, CITY CLERK

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

Added language is underlined. Deleted language is stricken through.

SPONSORED BY: CAMERON BENSON, CITY MANAGER

Moved by: _____

Second 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)

Added language is underlined. Deleted language is stricken through.

Sec. 34-287. - Use regulations, generally.

Table 1: Permitted Uses												
Zoning Districts/Uses	R-1	R-2	R-15, R-25, R-50	NC	PCD	TCO (§ 34-474)	OF	I-1	I-2	PD	AU	GP
Industrial Type Uses												
<u>Wholesale fireworks and sparklers</u>	<input type="checkbox"/>	<u>P</u>	<u>P</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						

Sec. 34-288. - Uses permitted with extra requirements.

The extra requirements of this section shall be deemed necessary in order for uses subject to such requirements to be considered appropriate and compatible within the applicable zoning districts where such extra requirements apply.

(43) Wholesale Fireworks. The sale, distribution and manufacture shall comply with Section 791.015, Florida Statutes, as amended.

(44) Whoelsale Sparklers. The sale, distribution and manufacture shall comply with Section 791.015, Florida Statutes, as amended.

Sec. 34-733. - Master use list and use definitions.

- (a) This list includes activities customary to the use. Uses not specifically listed as permitted, or found to the similar or customary with permitted uses, shall be prohibited.
- (b) This use list shall include all those related uses, but shall be limited to the list of related uses. In the determination of uses not specifically listed, the administrative official shall make the determination as to the appropriate category or deem the use prohibited.
- (c) The following definitions are provided for convenience. In case of conflict with the definitions in section 34-288, section 34-288 shall prevail.

APPENDIX A. MASTER USE LIST AND USE DEFINITIONS

Use	Related Uses	Definition
Industrial uses-light (See section 34-288 for special requirements)	Aircraft and aircraft parts manufacturing. Apparel and other fabric and similar-material finished products manufacturing, not including dyeing, finishing and coating of textile products.	

	<p>Apparel and other fabric and similar-material finished products manufacturing, including dyeing, finishing and coating of textile products.</p> <p>Armature rewinding.</p> <p>Automatic merchandise machine operators and servicers.</p> <p>Bag manufacturing.</p> <p>Bakery products manufacturing.</p> <p>Beverage manufacturing.</p> <p>Boat hiring, except pleasure.</p> <p>Boat livery, except pleasure.</p> <p>Boat rental commercial.</p> <p>Boat yards.</p> <p>Boathouses.</p> <p>Boats, except pleasure, wholesale.</p> <p>Boot and shoe cut stock and findings manufacturing.</p> <p>Broom and brush manufacturing.</p> <p>Burial casket manufacturing.</p>	
	<p>Canned and preserved food specialties manufacturing.</p> <p>Canned fruits, vegetables, preserves, jams and jellies manufacturing.</p> <p>Carpet and upholstery cleaning including the following uses:</p> <p>Carpet cleaning on customers' premises.</p> <p>Catering establishments.</p> <p>Cleaning and maintenance services.</p> <p>Coin operated music machine operators.</p> <p>Coin operated service machine operators including scales, shoeshine machines and lockers.</p> <p>Commercial testing laboratories.</p> <p>Communication equipment manufacturing.</p> <p>Construction, mining and materials handling machinery and equipment</p>	

	<p>manufacturing.</p> <p>Convention decoration services.</p> <p>Converted paper and paperboard products manufacturing.</p> <p>Costume jewelry, costume novelties, buttons, and miscellaneous notions manufacturing.</p> <p>Cutlery, hand tools, and general hardware manufacturing.</p> <p>Dairy product manufacturing.</p> <p>Decoration services for special events.</p> <p>Die-cut paper and paper and paper products manufacturing.</p>	
	<p>Direct selling establishments.</p> <p>Distribution of advertising materials, including circulars coupons, handbills, samples and shopping news publications.</p> <p>Distribution of telephone and other directories.</p> <p>Doll manufacturing.</p> <p>Dried and dehydrated fruits, vegetables and soup mixes manufacturing.</p> <p>Drive away automobile.</p> <p>Electric and electronic equipment repair.</p> <p>Electric lighting and wiring equipment manufacturing.</p> <p>Electrical industrial apparatus manufacturing.</p> <p>Electrical transmission and distribution equipment manufacturing.</p> <p>Electronic components and accessories manufacturing.</p> <p>Engine and turbine manufacturing.</p> <p>Envelope manufacturing.</p> <p>Equipment rental and leasing service.</p> <p>Fabricated structural metal products manufacturing.</p> <p>Farm and garden machinery and</p>	

	<p>equipment manufacturing. Farm product warehousing and storage. Food specialty freezing and related packing. Footwear, except rubber, manufacturing. Freezer and locker meat provisioners. Fruit, fruit juice and vegetable freezing and related packing.</p>	
	<p><u>Wholesale fireworks.</u></p>	<p><u>Any combustible or explosive composition or substance or combination of substances or, except as hereinafter provided, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance, as defined by Section 791.01, Florida Statutes, as amended.</u></p>
	<p>Furnace and chimney cleaning. Furniture and fixture manufacturing. Furniture cleaning on customers' premises. Furniture stripping and refinishing. Games, toys, and children's vehicle manufacturing, except dolls and bicycles. General industrial machinery and equipment manufacturing, including all uses listed in SIC group 356.</p>	

	<p>General warehousing and storage. Glass products from purchased glass manufacturing. Grain mill products manufacturing. Guided missile and space vehicle parts manufacturing. Handbags and other personal goods manufacturing. Hardwood veneer and plywood manufacturing. Heating equipment, except electric and warm air, and plumbing fixtures manufacturing. Household appliance manufacturing. Ice dealers, retail. Industrial laundries. Jeweler's findings, materials and lapidary work manufacturing. Jewelry and precious metal products manufacturing.</p>	
	<p>Labeling of bottles, cans and other containers for the trade. Laundry cleaning and garment services. Leather gloves and mittens manufacturing. Locker rental, off premises. Luggage manufacturing. Mail order houses. Marinas. Marine basins, renting and operating. Marine construction services. Marine salvaging. Marine supplies (dunnage), wholesale. Marine supply dealers. Marine towing. Marine transportation, deep sea. Marine transportation, local water, ferries and lighterage. Marine transportation, local water, towing and tugboat service.</p>	

	<p>Marine transportation, rivers and canals.</p> <p>Marine wrecking, salvaging and removal of underwater hazards.</p> <p>Marine wrecking, ships for scrap. Ship and boat building and repair.</p> <p>Measuring, analyzing and controlling instrument manufacturing; photographic, medical and optical goods manufacturing; and watch and clock manufacturing.</p> <p>Metal cans and shipping containers manufacturing.</p> <p>Metal slitting and shearing.</p> <p>Metalworking machinery and equipment manufacturing.</p>	
	<p>Millwork.</p> <p>Miscellaneous advertising services including the following uses:</p> <p> Bus card advertising.</p> <p> Car carding services.</p> <p>Display advertising services, except outdoor.</p> <p> Poster advertising services.</p> <p>Miscellaneous electrical machinery, equipment and supplies manufacturing.</p> <p>Miscellaneous fabricated metal products manufacturing.</p> <p>Miscellaneous food preparation and kindled products manufacturing.</p> <p>Miscellaneous industrial-type business services including the following uses:</p> <p>Apparel pressing services, for the trade.</p> <p>Batik work and other hand painting on textiles.</p> <p> Bronzing baby shoes.</p> <p>Cloth cutting, bolting, or winding.</p> <p>Cosmetic kit assembling and packaging.</p> <p>Cotton inspection services.</p> <p>Cotton sampler service.</p>	

	<p>Embroidering of advertising on shirts. Exhibit construction services. Fire extinguishers, service of. Float construction services. Folding and refolding textile products. Hosiery pairing, on a contract or fee basis.</p>	
	<p>Human skeleton preparation, on material owned by others. Inspection of commodities. Laminating photographs. Liquidators of merchandise, contract. Mannequin service. Mounting merchandise on cards, contract. Outdoor storage facilities for families and small businesses. Packaging and labeling services. Parcel packing services, contract. Produce weighing services. Rug binding for the trade. Sampling of commodities. Tape slitting for the trade (cutting plastic, leather, and other tape into widths). Textile folding and packing services. Textile sponging or shrinking for tailors and dressmakers. Tobacco sheeting services, contract or fee. Weighing foods and other commodities. Welcome wagon services. Miscellaneous machinery, except electrical, manufacturing. Miscellaneous small item manufacturing, except not including dressing of furs or hand grenades. Miscellaneous small leather goods manufacturing. Miscellaneous sporting and athletic</p>	

	<p>goods manufacturing.</p>	
	<p>Miscellaneous transportation equipment manufacturing. Miscellaneous wood products manufacturing. Transit advertising services. Motion picture and television filming studios. Motor freight transportation, local and long distances. Motor vehicle body manufacturing and assembly. Motor vehicle parts and accessory manufacturing. Motorcycle, bicycle and parts manufacturing. Music distribution service operators and servicers. Music instruments manufacturing. Office computing and accounting machinery, and equipment manufacturing. Ordnance and accessories manufacturing, but excluding all ammunition manufacturing. Outdoor advertising services. Paints and allied products manufacturing. Paper coating and glazing. Paperboard container and box manufacturing. Particle board manufacturing. Pens, pencils and other office and artist's materials manufacturing. Pickled fruits and vegetables, vegetable sauces and seasoning, and dressing manufacturing. Pottery and related products manufacturing.</p>	

	<p>Poultry and egg processing.</p>	
	<p>Pressed and molded pulp goods manufacturing.</p> <p>Radio and television receiving equipment manufacturing.</p> <p>Radio and television repair.</p> <p>Refrigerated warehousing.</p> <p>Refrigeration and air conditioning service and repair.</p> <p>Refrigerator and service industry machinery manufacturing.</p> <p>Salvaging of damaged merchandise.</p> <p>Sanitary paper products manufacturing.</p> <p>Sausages and other prepared meat products manufacturing.</p> <p>Screw machine products and bolt, nut, screw, rivet and washer manufacturing.</p> <p>Ship and boat building and repairing.</p> <p>Shops or storage yards of building construction contractors.</p> <p>Shops or storage yards of gas system conversion contractors.</p> <p>Shops or storage yards for lawn and garden service contractors, including the following uses:</p> <p>Garden maintenance contractors.</p> <p>Garden planting contractors.</p> <p>Lawn care contract services.</p> <p>Public right-of-way lawn mowing and maintenance.</p> <p>Sprigging service contractors.</p> <p>Shops or storage yards of special trade contractors.</p> <p>Sign painting and lettering shops, but not including sign manufacturing.</p> <p>Signs and advertising displays manufacturing.</p>	
	<p><u>Wholesale sparklers.</u></p>	<p><u>A device which emits showers of sparks upon burning, does not contain any explosive compounds, does not detonate</u></p>

		<p><u>or explode, is handheld or ground based, cannot propel itself through the air, and contains not more than 100 grams of the chemical compound which produces sparks upon burning. Any sparkler that is not approved by the division is classified as fireworks, as defined in Section 791.01, Florida Statutes, as amended.</u></p>
	<p>Silverware, plated ware, and stainless steel ware manufacturing.</p> <p>Softwood veneer and plywood manufacturing.</p> <p>Special industry machinery and equipment, except metal working machinery and equipment, manufacturing.</p> <p>Special warehousing, except for the following:</p> <p>Chemical bulk stations and terminals for hire.</p> <p>Petroleum bulk stations and terminals for hire.</p> <p>Stationery, tablets and related products manufacturing.</p> <p>Structural industry machinery and equipment, except metal working machinery and equipment, manufacturing.</p> <p>Structural wood members manufacturing.</p> <p>Sugar and confectionery products manufacturing.</p> <p>Swimming pool cleaning and maintenance service contractors.</p> <p>Tank and tank component manufacturing.</p> <p>Textile mill products manufacturing.</p> <p>Tire retreading and repair shops.</p> <p>Tobacco processing and products manufacturing.</p>	

	<p>Travel trailer and camper manufacturing.</p> <p>Truck trailer manufacturing.</p> <p>Upholstery cleaning on customers' premises.</p> <p>Vegetable fat and oil mills, except not including animal and marine fat and oil manufacturing.</p> <p>Water softener services.</p> <p>Welding repair services.</p> <p>Window cleaning services.</p> <p>Window trimming services.</p>	
	<p>Wood buildings and mobile homes manufacturing.</p> <p>Wood containers manufacturing.</p> <p>Wood kitchen cabinets manufacturing.</p>	<p>Any combination of storage, research, fabrication, development, and testing of finished products intended for end users, rather than for use by other industries for additional processing; and other uses that are compatible with adjacent residential development provided there is basic landscaping buffering, access control and architectural treatment of the industrial development. The determination of compatibility is based upon an absence of negative externalities (noise, glare, smoke, odor, vibration, etc.) detectable by humans at the edge of the lot containing the light industrial use.</p>