

RESOLUTION No. 19-259

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE NW 74 STREET JOINT PARTICIPATION AGREEMENT WITH MIAMI-DADE COUNTY, FOR AN INCREASE IN FUNDING TO \$937,591.05 IN ORDER TO MATCH THE ESTIMATE DEVELOPMENT AS PART OF THE FINAL DESIGN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in August 2017, the City of Doral (City) Council authorized the City Manager to enter into a Joint Participation Agreement (JPA) with Miami-Dade County (County) for the construction of new traffic signals along NW 74 Street at NW 97 Avenue and NW 102 Avenue (Project); and

WHEREAS, in August 2017, per Resolution 17-144, City of Doral (City) Council authorized the City Manager to advance funds for construction of project in the amount of \$800,000; and

WHEREAS, in August 2017, the Mayor and City Council-Members authorized the Public Works Department (PWD) to proceed with the design of the Project which has been completed; and

WHEREAS, the construction cost submitted by the awarded contractor (\$937,591.05) is higher than the estimate developed at the time the original JPA was executed (\$800,000.00); and

WHEREAS, in June 2019, the Mayor and City Council-Members approved staff's recommendation to award the construction of the Project (ITB # 2019-22); and

WHEREAS, the PWD has coordinated with the County for the approval of the construction cost and initiated coordination of an amendment to the original JPA to increase the funding to the construction cost amount (\$937,591.05); and

WHEREAS, the PWD respectfully requests that the Mayor and City Council-Members authorize the City Manager to execute the First Amendment to the Joint Participation Agreement for the new traffic signals along NW 74 Street at NW 97 Avenue and at NW 102 Avenue that would increase the JPA funding to \$937,591.05 and would be available for reimbursements to the City for eligible costs on the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made part hereof by this reference.

Section 2. Approval. The First Amendment to the Joint Participation Agreement between the City and Miami-Dade County for the construction of new traffic signals along NW 74 Street at NW 97 Avenue and at NW 102 Avenue, a copy of which is attached hereto in Exhibit "A", that would increase the JPA funding to \$937,591.05 and would be available for reimbursements to the City for eligible costs on the Project together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is hereby approved.

Section 3. Authorization. The City Manager is authorized to execute the Local Funding Agreement and expend budgeted funds on behalf of the City.

Section 4. Implementation. The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and the provisions of this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Vice Mayor Mariaca who moved its adoption. The motion was seconded by Councilmember Cabral and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes

PASSED AND ADOPTED this 8 day of October, 2019.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:


CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY

EXHIBIT “A”

FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF DORAL TO COMPLETE THE CONSTRUCTION OF TWO TRAFFIC SIGNAL DEVICES (1) AT THE INTERSECTION OF NW 74 STREET AND NW 102 AVENUE AND (2) AT THE INTERSECTION OF NW 74 STREET AND NW 97 AVENUE

This First Amendment to the Joint Participation Agreement is made and entered into this _____ day of _____, 2019, by and between City of Doral, a municipal corporation of the STATE OF FLORIDA, hereinafter referred to as the "City", and MIAMI-DADE COUNTY, a political subdivision of the STATE OF FLORIDA, hereinafter referred to as the "County".

WITNESSETH

WHEREAS, pursuant to Resolution No. R-898-18, approved by the Board of County Commissioners of Miami-Dade County, Florida, on September 5, 2018, the parties hereto entered into a Joint Participation Agreement to complete the construction of two traffic signal devices in Miami-Dade County (the "Agreement"), (1) at the intersection of NW 74 Street and NW 102 Avenue and (2) at the intersection of NW 74 Street and NW 97 Avenue (the "Project"); and

WHEREAS, due to the inclusion of additional roadway items, additional funding is required to adjust the amount provided under the Joint Participation Agreement for each intersection; and

WHEREAS, it is estimated that the traffic light proposed at the NW 74 Street / NW 102 Avenue intersection costs approximately \$492,861.05; and

WHEREAS, it is estimated that the traffic light proposed at the NW 74 Street / NW 97 Avenue intersection costs approximately \$444,730.00; and

WHEREAS, the City of Doral shall commit to payment of \$246,430.52 towards the estimated cost (\$492,861.05) of the traffic signal device at the intersection of NW 74th Street and

NW 102nd Avenue and the County shall reimburse the City for the remaining \$246,430.53 of the estimated cost of the traffic signal installation; and

WHEREAS, the City of Doral will be reimbursed by the County for one hundred (100%) percent of the actual cost (\$444,730.00) for the traffic signal device at the intersection of NW 74th Street and NW 97th Avenue; and

WHEREAS, a developer has already made certain contributions towards the construction of the traffic signal devices, to wit: (1) \$100,000 paid to Miami-Dade County for the traffic signal device at the intersection of NW 74th Street and NW 102nd Avenue and (2) \$50,000 paid to Miami-Dade County for the traffic signal device at the intersection of NW 74th Street and NW 97th Avenue; and

WHEREAS, the Agreement allows for the amendment of the County funds available for the Project subject to the approvals of the parties' respective governing boards; and

WHEREAS, as of the date of this amendment the County has not made any reimbursement to the City.

NOW, THEREFORE, in consideration of the promises and covenants contained herein, the following modifications are made to the aforementioned Agreement:

1. **RESPONSIBILITIES OF CITY/COUNTY:**

3.1 **Funding Amount, Project Costs:** The traffic signal at the NW 74 Street / NW 102 Avenue intersection is estimated to cost ~~\$372,000.00~~ \$492,861.05 and the traffic signal at the NW 74 Street / NW 97 Avenue intersection is estimated to cost ~~\$375,000.00~~ \$444,730.00 (both amounts each including a 10% contingency). The City agrees to provide funding for these two traffic signal devices and Miami-Dade County will reimburse its share for each traffic signal as defined herein.

The City shall disburse the funds for the traffic lights. The City shall incur no liability for any costs in excess of said funding amount unless there has been a duly authorized increase approved by the City Council and formalized in an executed amendment to this Agreement.

3.3 **City's Share/County's Contribution:** The City funds provided for eligible expenses as defined herein, incurred for the construction of the Project are specified below:

Intersection of NW 74th Street and NW 102nd Avenue

<u>Total Cost</u>	<u>City's Share</u> (Non reimbursable)	<u>Reimbursement by County</u> <u>to the City</u>
\$372,000.00	\$186,000.00	\$186,000.00*
<u>\$492,861.05</u>	<u>\$246,430.52</u>	<u>\$246,430.53</u>

* \$100,000.00 contribution + ~~\$86,000.00~~ \$146,430.53 RIF

Intersection of NW 74th Street and NW 97th Avenue

<u>Total Cost</u>	<u>City's Share</u>	<u>Reimbursement by County</u> <u>to the City</u>
\$375,000.00	-0-	\$375,000.00*
<u>\$444,730.00</u>		<u>\$444,730.00</u>

* \$50,000.00 contribution + ~~\$325,000~~ \$394,730.00 RIF

In all other respects, except as herein amended, the original Agreement shall remain unchanged and in full force and effect.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day and year first above written.

ATTEST:
HARVEY RUVIN
CLERK OF THE BOARD

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
County Mayor or County Mayor's Designee

Approved by County Attorney
as to form and sufficiency

County Attorney

ATTEST:

CITY OF DORAL, a municipal
corporation of the State of Florida

BY: _____
Connie Diaz
City Clerk

BY: _____
Albert P. Childress
City Manager

(Affix City Seal)

Approved by City Attorney
as to legal form and correctness

Luis Figueredo
City Attorney