

RESOLUTION No. 17-92

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A PUBLIC PRIVATE PARTNERSHIP AGREEMENT BY AND BETWEEN THE CITY AND MILLENNIA ATLANTIC UNIVERSITY, IN SUBSTANTIALLY THE FORM PROVIDED, FOR THE DEVELOPMENT OF A PASSIVE POCKET PARK ADJACENT TO THE DORAL POLICE SUBSTATION; AUTHORIZING THE CITY MANAGER TO FINALIZE, EXECUTE, AND ACCOMPLISH THE OBLIGATIONS OF THE PUBLIC PRIVATE PARTNERSHIP AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the “City”) has a leasehold interest on a certain parcel of land owned by the State of Florida, located on the East side of the 3800 block of NW 97th Avenue, West of United States Southern Command and South of Millennia Atlantic University (the “Property”), which was granted for the purposes of developing a police station; and

WHEREAS, on October 21, 2015, the Florida Department of Environmental Protection approved a modified land use plan at the request of the City which changed the program of the Property to include a police substation, a civic building, and passive recreational areas; and

WHEREAS, in order to advance of the Property in a timely manner, the City issued Request For Proposal # 2015-35 Design-Build Police Substation Facility for the construction of the first phase of the development of the Property, which included the police substation, and award same to MCM Construction; and

WHEREAS, during the construction of the substation, Millennia Atlantic University (“MAU”) approached the City with idea of partnering to develop further the passive space on the Property between the Police substation and MAU;

WHEREAS, with input from City staff, MAU developed a conceptual design for the passive space, which was approved by the City Council in April of 2017; and

WHEREAS, after considerable negotiations, the City and MAU have reached an agreement on terms of a public private partnership which calls for the joint development of the passive space on the Property, in substantially the form attached hereto as Exhibit “A” (the “P3 Agreement”), which is incorporated herein and made a part hereof by this reference; and

WHEREAS, the agreement calls for the City to provide the Property and to construct, and for MAU to design and cover the costs of constructing, a passive park with various amenities on the northwest corner of the Property, and for both MAU and the City to share in the operational and maintenance responsibilities; and

WHEREAS, staff has recommended the City Council approve P3 Agreement and to authorize the Manager to proceed to effectuate same; and

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

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

Section 2. Approval. The P3 Agreement, in substantially the form attached hereto as Exhibit “A”, which is incorporated herein and made a part hereof by this reference, is hereby approved.

Section 3. Authorization. The City Manager is hereby authorized to finalize and enter into the P3 Agreement, subject to approval as to form and legal sufficiency by the City Attorney, and to effectuate the City's obligations in the P3 Agreement, including, without limitation, a change order to the Agreement with MCM Construction for construction of the subject park space, receipt, transfer, and expenditure of sponsorship funds paid by MAU, and any purchase associated with completion of the subject park space.

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

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

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

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Absent/Excused
Councilwoman Christi Fraga	Yes
Councilwoman Claudia Mariaca	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED this 10 day of May, 2017.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, CMC
CITY CLERK

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



WEISS, SEROTA, HELEMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY