

**RESOLUTION No. 2004-80-131**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR THE TRANSFER OF OWNERSHIP OF CERTAIN BUS BENCHES, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in July, 2002, Miami-Dade County entered into an Agreement with Cemusa Miami, Ltd. ("CEMUSA") for the provision of bus passenger shelters throughout the County, and

WHEREAS, pursuant to that Agreement, CEMUSA had the authority to install bus shelters in public rights-of-way and to sell advertising on those shelters, and

WHEREAS, pursuant to the Agreement between CEMUSA and the County, CEMUSA agreed to pay the County a certain percentage of advertising rights or an escalating minimum guarantee, whichever is greater, and

WHEREAS, the Contract between Miami-Dade County and CEMUSA provided that cities incorporated after the Contract would be required to participate in the Contract for at least the initial term of the Contract, and

WHEREAS, although there is no legal requirement that the City of Miami Gardens participate in the CEMUSA Contract, the City Manager has reviewed the same and found it to be in the best interest of the City to participate in the Agreement with CEMUSA, and

WHEREAS, the first step to be taken prior to the City entering into an Agreement

with CEMUSA, is for the City to enter into an Interlocal Agreement with the County for the transfer of ownership for approximately three hundred (300) bus passenger benches within the City, and

WHEREAS, pursuant to the Interlocal Agreement, the City will agree to pay the County One (\$1.00) Dollar per bench and will also agree that no advertising will be displayed on the benches, and

WHEREAS, pursuant to the Interlocal Agreement, the City must also agree to enter into an agreement with CEMUSA to install and maintain bus passenger shelters displaying certain advertising at bus stops within the City, and

WHEREAS, the Interlocal Agreement will require that the City's agreement with CEMUSA contain substantially the same terms and conditions as are contained in the Agreement between CEMUSA and Miami-Dade County; that the agreement will have an expiration date not earlier than October 3, 2013; and that the shelters will remain the property of CEMUSA until termination of that agreement, and

WHEREAS, the City Manager believes that it is in the best interest of the City to enter into this Interlocal Agreement with the County and to enter into a subsequent agreement with CEMUSA, in light of the fact that the City will realize substantial revenues from the same,

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. AUTHORITY: The Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, that certain Interlocal Agreement with

Miami-Dade County, a copy of which is attached hereto as **Exhibit A**.

Section 3. INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby authorized to obtain three (3) fully executed copies of the subject Agreement, with one to be maintained by the City; with one to be delivered to Miami-Dade County, and with one to be directed to the Office of City Attorney.

Section 4. 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 AUGUST 11, 2004.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA K. KNIGHTON, ESQ.  
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Councilwoman King  
SECONDED BY: Councilwoman Watson

VOTE: 7-0

Mayor Gibson	<u>  x  </u> (Yes)	<u>    </u> (No)
Vice Mayor Campbell	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilman Melvin L. Bratton	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilman Oscar Braynon, II	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilwoman Audrey J. King	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilwoman Sharon Pritchett	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilwoman Barbara Watson	<u>  x  </u> (Yes)	<u>    </u> (No)

SKK/bfc