



TOWN OF CUTLER BAY

Mayor Paul S. Vrooman
Vice Mayor Edward P. MacDougall
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Councilmember Peggy R. Bell

Town Manager Steven Alexander
Town Attorney Mitchell Bierman
Town Attorney Chad Friedman
Town Clerk Erika Santamaria

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (305) 234-4262 for assistance no later than four days prior to the meeting.

TOWN COUNCIL SPECIAL MEETING

Tuesday, March 3, 2009, 6:00 p.m.
Town Hall Conference Room
10720 Caribbean Boulevard, Suite 105
Cutler Bay, Florida 33189

1. CALL TO ORDER/ROLL CALL

2. ACTION ITEM:

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE TOWN'S LOCAL AGENCY CERTIFICATION QUALIFICATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") IN ORDER TO ALLOW THE TOWN TO RECEIVE FEDERAL STIMULUS MONIES FOR TRANSPORTATION PROJECTS AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT AND ALL FUTURE FORMS AND AGREEMENTS REQUIRED FOR THE TOWN'S PARTICIPATION IN THE PROGRAM ON BEHALF OF THE TOWN AND PROVIDING FOR AN EFFECTIVE DATE.**

3. ADJOURNMENT

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.



MEMORANDUM

To: Honorable Mayor & Town Council

From: Steven J. Alexander, Town Manager

Date: March 2, 2009

Re: Local Approved Program (LAP) requirement for Stimulus

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE TOWN'S LOCAL AGENCY CERTIFICATION QUALIFICATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") IN ORDER TO ALLOW THE TOWN TO RECEIVE FEDERAL STIMULUS MONIES FOR TRANSPORTATION PROJECTS AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT AND ALL FUTURE FORMS AND AGREEMENTS REQUIRED FOR THE TOWN'S PARTICIPATION IN THE PROGRAM ON BEHALF OF THE TOWN

BACKGROUND AND ANALYSIS

The federal stimulus legislation has provided the state of Florida funds to disperse to encourage a financial and employment recovery. The state Department of Transportation has made an allocation to the Miami Dade MPO to further distribute to local governments. Under the leadership of Chairman Dennis Moss, the MPO determined that funds be distributed on the basis of population which means that Cutler Bay will receive some \$941,285 for surface transportation issues as approved by FDOT and the MPO. The list of eligible projects in the approximate value of the allocated amount was to be submitted to FDOT no later than noon February 22. The Town staff has submitted a list of transportation projects within the Town to FDOT. The staff has made every effort to address previously identified transportation needs and to distribute the projects through out the Town of Cutler Bay.



Office of the Town Manager

In order to receive federal stimulus funding, the Town is required to obtain certification from FDOT as a certified local agency under FDOT's Local Agency Program ("LAP"). The LAP requirements include the requirement that the local agency enter into a Local Agency Certification Qualification Agreement, a copy of which is attached hereto as an exhibit to this resolution. Due to the rigorous time constraints the Town Council is strongly encouraged to authorize the Town Manager to enter into the Local Agency Certification Qualification Agreement with FDOT and to authorize the Town Manager or his designee to execute all further documents and agreements necessary in order for the Town to receive federal stimulus funds and participate in the LAP.

RECOMMENDATION

I recommend approval of this proposed resolution.

RESOLUTION NO. 09-____

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE TOWN'S LOCAL AGENCY CERTIFICATION QUALIFICATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") IN ORDER TO ALLOW THE TOWN TO RECEIVE FEDERAL STIMULUS MONIES FOR TRANSPORTATION PROJECTS AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT AND ALL FUTURE FORMS AND AGREEMENTS REQUIRED FOR THE TOWN'S PARTICIPATION IN THE PROGRAM ON BEHALF OF THE TOWN AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay, Florida (the "Town") has prepared a list of transportation projects within the Town and a request to have said projects funded through the federal stimulus package recently passed by Congress and signed by the President, to be administered through FDOT; and

WHEREAS, in order to receive federal stimulus funding, the Town is required to obtain certification from FDOT as a certified local agency under FDOT's Local Agency Program ("LAP"); and

WHEREAS, the LAP requirements include the requirement that the local agency enter into a Local Agency Certification Qualification Agreement, a copy of which is attached hereto as an exhibit to this resolution; and

WHEREAS, the Town desires to enter into the Local Agency Certification Qualification Agreement with FDOT and to authorize the Town Manager or his designee to execute all further documents and agreements necessary in order for the Town to receive federal stimulus funds and participate in the LAP.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval of Agreement and Authorization. The Local Agency Certification Qualification Agreement in substantially the form attached hereto is hereby approved by the Town Council and the Town Manager is authorized to execute the same on behalf of the Town. Additionally, the Town Manager is hereby authorized to sign any and all additional agreements or documents and provide any further documentation to state or federal authorities required in order for the Town to receive federal stimulus funding or other funding from the state of Florida for Town infrastructure projects.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2009.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENC
FOR THE SOLE USE OF
THE TOWN OF CUTLER
BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest S. Sochin _____



Department of Public Works

Ralph G. Casals
Public Works Director

MEMORANDUM

To: Steven J. Alexander, Town Manager

From: Rafael G. Casals, Public Works Director

Date: February 27, 2009

Re: LAP Program and Certification Process

The Florida Department of Transportation (Department) is empowered by legislative authority to contract with other Local Agencies to plan; develop, design, acquire right-of-way, and construct transportation facilities. The Department reimburses these Local Agencies for services provided to the public. The formal name given to this project is the Local Agency Program (LAP). Authority for LAP is provided in Sections **20.23(3) (a)**, **334.044(7)**, **339.05**, and **339.12** of the Florida Statutes.

The program was established in 1991 with the enactment of the **Intermodal Surface Transportation Efficiency Act (ISTEA)**. The Department has assigned the responsibility of administration and program oversight to the State LAP Administrator in the Central Office. In each District, a District LAP Administrator manages the program. The District LAP Administrator is supported by and provides project level direction and oversight through the Offices of Planning, Environmental Management, Design, Right of Way, and Construction.

The LAP Process consists of eight steps: Project Selection; Local Agency Certification; Federal Authorization; LAP Agreement; Plans, Specifications, and Estimates; Local Agency Advertisement and Award; Project Management a Development; and Project Close-out (Final Inspection and Acceptance). Although not listed, the above steps contain a number of sub-steps. The majority of funds used for LAP projects are spent during the construction phase; however, a project may receive Federal Funds for one or more of its phases. These phases are:

- Planning
- Preliminary Engineering for Project Development and Environmental (PD&E)
- Design
- Right of Way Acquisition
- Construction
- Construction Engineering and Inspection (CEI)

Each Local Agency wishing to participate in LAP must complete the *Local Agency Certification Qualification Agreement (Form No. 525-010-33)* and must be interviewed by the applicable District LAP Administrator. A Local Agency is defined as a unit of government with less than statewide jurisdiction or any officially designated public agency or authority of such a unit of government that

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Department of Public Works

has the responsibility for planning, construction, operation or maintenance of, or jurisdiction over, a transportation facility. The term includes, but is not limited to, a county, an incorporated municipality, a metropolitan planning organization (MPO), an expressway or transportation authority, a road and bridge district, a special road and bridge district or a regional governmental unit. If qualified, the Local Agency will receive one of the following certification types:

- Full administration of all project types (except for Environmental Class of Action Determination and Right of Way Certification)
- Project Specific (limited to a project-type)
- Risk-Based (determined on a project-by-project basis)

LAP Agreement

A LAP Agreement is developed and executed for each LAP project. The purpose of the LAP Agreement is to ensure that the correct amount of Federal fund is spent according to all relevant State and Federal laws and regulations.

Submit the following to the District LAP Administrator:

- Two copies of the **Local Agency Certification Qualification Agreement (Form 525-010-33)**
- Local Agency's Organizational Chart
- Narrative addressing its capabilities, staff, and experience in specific areas where certification is requested, focusing on previous "Federal Experience" (i.e. Community Development Block Grants, managing Federal Grants, etc.)
- Transmittal letter signed by an appointed elected official of the Local Agency
- Copy of its latest Single Audit Report
- Completed Administrative Checklist