

To: The Honorable Acting Mayor and City Council

From: Wisler Pierre-Louis, P.E., Interim Public Works Director

Date: June 24, 2014

RE: Intergovernmental agency agreement with Miami-Dade County for Traffic Calming Devices

RECOMMENDATION

It is recommended that the Mayor and Council approve the attached resolution authorizing the City Manager to execute an intergovernmental agency agreement giving the City the ability to install specified traffic calming devices.

BACKGROUND

Many North Miami residents are concerned about vehicles speeding through their neighborhoods and request traffic calming devices, such as speed humps and traffic circles, be installed on their streets. Following the City's Administrative Regulation 09-14, City staff or the Police Department will conduct a traffic analysis of a particular street once a signed petition is received. In many cases the traffic analysis will not meet Miami-Dade County's requirements for the installation of the traffic calming device and they will not install the devices.

The City's Administrative Regulation allows the City Manager to override the findings of the traffic study if he feels that the installation of the device is important for the health and safety of the affected residents. However, Miami-Dade County has exclusive jurisdiction over traffic control devices under Section 2-96.1 of the Miami-Dade County Code and they are requiring that the City sign the attached intergovernmental agency agreement to install devices on our own. The agreement stipulates that the City will assume all responsibility for the cost of installing and maintaining these devices and will abide by County traffic engineering requirements and submit plans to Miami-Dade County for approval.



Council Report

Attachments

Resolution
Intergovernmental Agency Agreement

RESOLUTION NO. _____

A RESOLUTION OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGENCY AGREEMENT WITH MIAMI-DADE COUNTY, IN SUBSTANTIALLY THE ATTACHED FORM, TO ALLOW THE CITY TO PERFORM TRAFFIC ENGINEERING FUNCTIONS PERTAINING TO THE INSTALLATION AND MAINTENANCE OF TRAFFIC CALMING DEVICES ON CITY STREETS, IN ACCORDANCE WITH SECTION 2-96.1, MIAMI-DADE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, City of North Miami (“City”) residents are increasingly concerned of vehicles speeding through residential neighborhoods and therefore, desire the installation and maintenance of traffic calming devices as a proven method of protecting the wellbeing of residents as well as public and private property; and

WHEREAS, the basis for the installation of traffic calming devices at a particular street will be based on the findings of a traffic study analysis, or by the decision of the City Manager by a written finding that the installation of a traffic calming device is important for the preservation of the health and safety of affected residents, pursuant to City Administrative Regulation 09-14; and

WHEREAS, Miami-Dade County, Florida, (“County”) has exclusive jurisdiction over all traffic control devices in both, the incorporated and unincorporated areas of the County; and

WHEREAS, the City is prohibited from installing and maintaining traffic calming devices, unless an Intergovernmental Agency Agreement with the County (“Intergovernmental Agreement”), is approved and executed in accordance with Section 2-96.1 County Code of Ordinances; and

WHEREAS, the City administration is respectfully requesting the approval of the Intergovernmental Agreement, in order to proceed with the appropriate installation and maintenance of traffic calming devices, on those City streets deemed to be necessary; and

WHEREAS, the Vice Mayor as Acting Mayor and City Council find that the execution of the Intergovernmental Agreement is a crucial step in protecting the health, safety and welfare of affected residents and serves to safeguard both, public and private property.

NOW THEREFORE, BE IT RESOLVED BY THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Authority of City Manager. The Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to execute an Intergovernmental Agency Agreement with Miami-Dade County, in substantially the attached form, to allow the City to perform Traffic Engineering Functions pertaining to the installation and maintenance of traffic calming devices on City streets, in accordance with Section 2-96.1, Miami-Dade County Code of Ordinances.

Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, this _____ day of June, 2014.

PHILIPPE BIEN-AIME
VICE MAYOR AS ACTING MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Vice Mayor as Acting Mayor Philippe Bien-Aime
Councilperson Scott Galvin
Councilperson Carol Keys, Esq.
Councilperson Marie Erlande Steril

_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)

**INTERGOVERNMENTAL AGENCY AGREEMENT
TO PERFORM TRAFFIC ENGINEERING FUNCTIONS**

THIS INTERGOVERNMENTAL AGENCY AGREEMENT TO PERFORM TRAFFIC ENGINEERING FUNCTIONS (AGREEMENT), made and entered into this ____ day of _____, 2014, by and between the **CITY OF NORTH MIAMI, FLORIDA**, a municipal corporation of the STATE OF FLORIDA, hereinafter referred to as the **CITY** and **MIAMI-DADE COUNTY (COUNTY)**, a political subdivision of the STATE OF FLORIDA, MIAMI-DADE County.

WITNESSETH

WHEREAS, pursuant to Section 2-96.1 of the Miami-Dade County Code, all traffic control and traffic engineering services in Miami-Dade County are under the exclusive jurisdiction of the **COUNTY**; and

WHEREAS, the **CITY** desires to assume the installation and maintenance responsibilities of certain traffic engineering functions pertaining to its local municipal streets only; and

WHEREAS, the **COUNTY** has determined that the **CITY** is both equipped and able to perform the traffic engineering functions as herein specified on its local streets; and

WHEREAS the **CITY** has, by proper resolution attached hereto and by reference made a part hereof, authorized its officer(s) to enter into this **AGREEMENT**.

NOW THEREFORE, the **CITY** and the **COUNTY** agree as follows:

1. The recitals set forth above are incorporated herein by reference.
2. The **CITY** will only install and maintain the following designated types of traffic control devices and only on those local municipal streets operated and maintained by the **CITY** within its boundaries:

Speed Humps

Traffic Circles

Traffic calming devices may be installed on local municipal streets only after an appropriate traffic engineering study has been performed and ~~sealed and signed~~ plans have been submitted to the Public Works and Waste Management Department of the **COUNTY** for its review and approval.

3. The **CITY** shall attach a decal to the back of the sign panels indicating ownership and date of installation.

4. The **CITY** assumes sole and complete responsibility for the maintenance of all such signs that are installed by the **CITY** within its boundaries.

5. The **CITY** assumes sole and complete liability for any accidents and/or injuries which may or are alleged to occur or arise out of the installation, operation or maintenance of said traffic control devices, and hereby indemnifies and saves harmless the **COUNTY** from any and all claims of negligence as a result of the installation, operation or maintenance of said signs.

6. All traffic control signs installed by the **CITY** in accordance with this **AGREEMENT** shall conform to the applicable requirements established by the following publications:

Florida Department of Transportation's Standard Specifications for Road and Bridge Construction.

Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation Federal Highway Administration (ANSI D6.1e-1989), including latest revisions.

Standard Highway Signs, U.S. Department of Transportation, Federal Highway Administration.

Miami-Dade County Public Works Manual (available from the Public Works and Waste Management Department, Reproduction Services, 111 NW 1 Street, Suite 1604, Miami, FL 33128)

7. For installation of traffic control devices, the **CITY** shall hire a **COUNTY** licensed contractor or perform the work in-house by the **CITY** Public Works crew.

8. Should the **CITY** install street name signs at the same site where a stop-top street name exists, then the **CITY** shall utilize the other corners of the intersection.

Subsequently, the CITY, shall remove the COUNTY'S stop-top street name signs by an approved sign contractor. All signs and hardware removed shall be dismantled and returned to the Traffic Signals and Signs Division of the COUNTY'S Public Works and Waste Management Department.

9. The CITY shall be responsible for keeping records of any and all installations and repairs, and furnishing pertinent documents as and when said records may be requested.

10. Failure to carry out any of the duties and responsibilities assumed herein by the CITY may result in termination of this AGREEMENT, at the sole discretion of the COUNTY.

IN WITNESS WHEREOF, the CITY and the COUNTY have set their hands the day and year above written.

Attest:

MIAMI-DADE COUNTY

HARVEY RUVIN, CLERK

By: _____
Deputy Mayor

By: _____
County Deputy Clerk

Approved as to form and legal sufficiency:

Assistant County Attorney

Attest:

CITY OF

By: _____
City Clerk

By: _____
City Manager

Approved as to form and legal sufficiency:

City Attorney