# Memo

DT: May 23, 2006

TO: Honorable Mayor and Members of the Village Council

FR: Jacqueline R. Menendez, Village Manager

**RE: Capital Project Authorizing Ordinance – Crandon Boulevard Phase III**

## RECOMMENDATION

It is recommended that the Village Council adopt the accompanying ordinance authorizing the Village's Crandon Boulevard Improvements - Phase III Project.

## BACKGROUND

Pursuant to Village Charter Section 3.07(b) and Section 4.03(9), as amended at the July 9, 2002 Charter amendment election, the adoption of an ordinance is required in order to authorize a capital project in excess of $500,000.00.

Village Charter Section 3.07(b) defines capital projects. Village Charter Section 4.03(9) requires authorization of the Crandon Boulevard Improvements - Phase III Project to be by ordinance. Additionally, Village Charter Section 4.03(9) provides for specific publication and postcard notification requirements prior to second reading of this ordinance.

The enclosed ordinance, as prepared by the Village Attorney, is designed to fully comply with the above cited Village Charter provisions.

The Project construction contract may be subsequently awarded by Resolution, following completion of the competitive bidding process.

Please call me or the Village Attorney if there are any questions.

cc: Village Attorney, Stephen J. Helfman
Village Attorney, David M. Wolpin

103001\memos\Mayor and Council from Menendez re capital Phase III project 5.9.06

**ORDINANCE NO. 2006-**

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (THE "VILLAGE"), CONCERNING THE CONSTRUCTION OF CRANDON BOULEVARD IMPROVEMENTS – PHASE III OF THE VILLAGE; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO CONSTRUCT IMPROVEMENTS ON CRANDON BOULEVARD AND AT CERTAIN ROADWAYS IN THE VICINITY OF CRANDON BOULEVARD, AS DESCRIBED HEREIN; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR NOTICE OF ORDINANCE ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council of the Village of Key Biscayne (the "Village") desires to authorize and provide for the construction of Crandon Boulevard Improvements – Phase III, as described herein.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

**Section 1. Recital Adopted**. That the recital stated above is hereby adopted and confirmed.

**Section 2. Capital Project Authorizing Ordinance**.

A. That pursuant to Village Charter Section 3.07 (b), this Ordinance shall constitute a Capital Project Authorizing Ordinance.

B. The Capital Project consists of the construction of Crandon Boulevard Improvements – Phase III.

C. Phase III of the Crandon Boulevard work is the third and final phase implementing the Crandon Boulevard Master Plan. The Project limits are from the McIntyre – Galen intersection down to the entrance of Bill Baggs Cape Florida State Park. The improvements include pavement

widening to accommodate bicycle lanes, curb and gutter construction, drainage modifications, construction of wider sidewalks, construction of paver and concrete intersections and crosswalks, asphalt resurfacing, signalization, lighting, pavement markings and signage, landscaping, irrigation, street furniture and other amenities.

D. The cost of the entire Project is approximately $4.2 Million Dollars. This amount represents the projected cost of the Project based upon the estimate of the Village's Project Engineer. The actual cost shall be determined by the Village Council, based upon the contract of construction which is entered into following the completion of the competitive bidding process. The Project shall also be subject to financing costs. The Project will be funded with monies to be received from Miami-Dade County (the "County Funds") from toll revenues provided pursuant to Section 338.165, Florida Statutes. The Village anticipates initially financing the Project by borrowing funds, pending the receipt of the County Funds which shall be used for payment of the annual debt service on such loan.

**Section 3. Project Authorized.**

A. That the Project, as described herein, is hereby authorized to be constructed by the Village.

B. That the Project shall be constructed in substantial conformity to the Crandon Boulevard Master Plan which was approved by the Village Council, and any amendments thereto.

C. That the Village Council shall, by resolution, enter into contracts for the construction of the Project in accordance with the plans prepared by Corzo Castella Carballo Thompson Salmon, P.A. (the "C3TS"), the Village's Project Engineer, upon completion of the Village's competitive bidding process.

D. That the Village Manager is authorized to take all action necessary to implement this Ordinance, and is authorized to expend Village funds held, obtained or received by the Village in accordance with this Resolution and as authorized by any borrowing ordinance for the Project, and to provide for the construction of the Project pursuant to Village budget appropriations. The Project shall not proceed unless the County Funds which are identified above are committed to the Village, and the Project is hereby authorized subject to such condition.

**Section 4. Notice of Ordinance Adoption.** That pursuant to Village Charter Section 4.03(9), following the passage of this Ordinance on first reading, the Village Clerk shall provide notice of the date and time of the second reading (the "Second Reading Notice"). The Second Reading Notice shall include a brief description of the Project and its cost and shall be published in addition to and contemporaneously with notices regularly published for second readings of ordinances. The published notice shall be in substantially the form attached hereto as Exhibit "A". Further, the Village Clerk shall provide for each Village elector to be sent a Second Reading Notice by postcard. The postcard notice shall be in substantially the form attached hereto as Exhibit "B". Any action taken by the Council on this Ordinance shall not be voided by the failure of an individual Village elector to receive a Second Reading Notice postcard.

**Section 5. Severability**. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6**. **Effective Date**. That this Ordinance shall be effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this 13th day of June, 2006.

PASSED AND ADOPTED on second reading this 27th day of June, 2006.

_____
MAYOR ROBERT OLDAKOWSKI

ATTEST:

_____
CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
VILLAGE ATTORNEY

## EXHIBIT "A"

## PUBLIC NOTICE

Pursuant to Village of Key Biscayne Charter Section 4.03(9), notice is hereby provided that on Tuesday, June 27th, 2006, at 7:00 p.m., in the Village Council Chamber, at 560 Crandon Boulevard, Key Biscayne, Florida, a public hearing on the second and final reading of an Ordinance concerning the Crandon Boulevard Improvements – Phase III, (the "Project") shall be heard by the Village Council, as follows:

**A CAPITAL PROJECT AUTHORIZING ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA (THE "VILLAGE"), CONCERNING THE CONSTRUCTION OF CRANDON BOULEVARD IMPROVEMENTS – PHASE III OF THE VILLAGE; AUTHORIZING AND PROVIDING FOR THE VILLAGE TO CONSTRUCT IMPROVEMENTS ON CRANDON BOULEVARD AND AT CERTAIN ROADWAYS IN THE VICINITY OF CRANDON BOULEVARD, AS DESCRIBED HEREIN; AUTHORIZING EXPENDITURE OF FUNDS; PROVIDING FOR NOTICE OF ORDINANCE ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**Capital Project:** Phase III of the Crandon Boulevard work is the third and final phase implementing the Crandon Boulevard Master Plan. The Project limits are from the McIntyre – Galen intersection down to the entrance of Bill Baggs Cape Florida State Park. The improvements include pavement widening for bicycle lanes, curb and gutter construction, drainage modifications, construction of wider sidewalks, construction of paver and concrete intersections and crosswalks, asphalt resurfacing, signalization, lighting, pavement markings and signage, landscaping, irrigation, street furniture and other amenities.

**Cost:** The projected cost of the Project is approximately $4.2 Million Dollars. This amount represents the projected cost based upon the estimate of the Project Engineer. The actual cost shall be determined by the Village Council based upon the contract of construction which is entered into following the completion of the competitive bidding process. The Project will be funded with monies to be received from Miami-Dade County (the "County Funds"). The Village anticipates initially financing the Project by borrowing funds, pending receipt of County Funds which are to be used for payment of the annual debt service for the term of the loan. Financing costs shall also apply to the Project.

This Notice is published in addition to and contemporaneously with notices regularly published for second readings of Ordinances. For any question on this item, please contact the Village Clerk at (305) 365-5506 or visit the Village website at www.keybiscayne.fl.gov.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST McINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5506, NOT LATER THAN TWO (2) BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S. 286.0105).

## EXHIBIT "B"

## PUBLIC NOTICE

## (POSTCARD TO ELECTORS)

Pursuant to Village of Key Biscayne Charter Section 4.03(9), notice is hereby provided that on Tuesday, June 27th, 2006, at 7:00 p.m., in the Village Council Chamber, at 560 Crandon Boulevard, Key Biscayne, Florida, a public hearing on the second and final reading of a Capital Project Authorizing Ordinance for the Crandon Boulevard Improvements – Phase III shall be heard by the Village Council.

**Capital Project:** Phase III of the Crandon Boulevard work is the third and final phase implementing the Crandon Boulevard Master Plan. The Project limits are from the McIntyre – Galen intersection down to the entrance of Bill Baggs Cape Florida State Park. The improvements include pavement widening for bicycle lanes, curb and gutter construction, drainage modifications, construction of wider sidewalks, construction of paver and concrete intersections and crosswalks, asphalt resurfacing, signalization, lighting, pavement markings and signage, landscaping, irrigation, street furniture and other amenities.

**Cost:** The projected cost of the Project is approximately $4.2 Million Dollars. This amount represents the projected cost based upon the estimate of the Project Engineer. The actual cost shall be determined by the Village Council based upon the contract of construction which is entered into following the completion of the competitive bidding process. The Project will be funded with monies to be received from Miami-Dade County (the "County Funds"). The Village anticipates initially financing the Project by borrowing funds, pending receipt of the County Funds for payment of annual debt service on such loan.

For any question on this item, please contact the Village Clerk at (305) 365-5506 or visit the Village website at www.keybiscayne.fl.gov.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S. 286.0105).

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