City of Sweetwater

SPECIAL COMMISSION MEETING

MEETING DATE: MONDAY, JULY 27, 2015 AT 8;00 PM COMMISSION CHAMBERS, 500 SW 109 AVENUE

1. ROLL CALL.

2. PLEDGE OF ALLEGIANCE.

3. INVOCATION.

4. A RESOLUTION OF THE CITY OF SWEETWATER DETERMINING THE PROPOSED MILLAGE RATE FOR 2015, THE ROLLED-BACK RATE AND THE DATE, TIME AND PLACE FOR PUBLIC HEARING AS REQUIRED BY LAW; DIRECTING THE CITY CLERK TO FILE SAID RESOLUTION WITH THE DADE COUNTY DEPARTMENT OF PROPERTY APPRAISAL, PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; PROVIDING FOR TRANSMITTAL AND AN EFFECTIVE DATE. (TRIM REQUIREMENT)

5. A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, APPROVING THE STIPULATION FOR SETTLEMENT, DISMISSAL WITH PREJUDICE AND GENERAL RELEASE IN CASE STYLED IN RE: FORFEITURE OF: 2000 FORD VAN (WHITE) V.I.N. 1FDWE35F2YHA17563, CASE NO. 12-26814 CA 20; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION AND AN EFFECTIVE DATE. (CITY ATTORNEY)

6. DISCUSSION OF STATUS OF MAYRA TOLEDO'S EMPLOYMENT. (COMMISSIONER LLANIO)

7. PRESENTATION OF TOM GUSTAFSON, DIRECTOR OF RESEARCH PROGRAMS, OFFICE OF FINANCE AND ADMINISTRATION, FLORIDA INTERNATIONAL UNIVERSITY, ON THE UNIVERSITYCITY TRANSPORTATION AND MANAGEMENT ASSOCIATION OF SWEETWATER, INC. (UTMA) AND POSSIBLE APPOINTMENT OF FIVE BOARD MEMBERS. (MAYOR LOPEZ)

8. RATIFICATION OF DEPARTMENT HEADS. (CARRIED OVER FROM JULY 6TH AGENDA)

9. ADJOURNMENT

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE 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. PERSONS WHO NEED AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT CITY CLERK MARIE SCHMIDT AT 221-0411 BY NOON ON THE DAY BEFORE THE MEETING IN ORDER TO REQUEST SUCH ASSISTANCE.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SWEETWATER DETERMINING THE PROPOSED MILLAGE RATE FOR 2015, THE ROLLED-BACK RATE AND THE DATE, TIME AND PLACE FOR PUBLIC HEARING AS REQUIRED BY LAW; DIRECTING THE CITY CLERK TO FILE SAID RESOLUTION WITH THE DADE COUNTY DEPARTMENT OF PROPERTY APPRAISAL PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; PROVIDING FOR TRANSMITTAL AND AN EFFECTIVE DATE .

WHEREAS, on July 1, 2015, The Honorable Pedro Garcia, Property Appraiser for Metropolitan Dade County, Florida served upon the City of Sweetwater through the Finance Director, Department of Revenue Form DR-420, the "Certification of Taxable Value" which provided the taxing authority for the City of Sweetwater with its based assessed valuation for 2015; and,

WHEREAS, the provisions of Florida Statutes 200.065 require that within thirty-five (35) days of service of the "Certification of Taxable Value" upon a municipality, said municipality shall be required to supply to the County Property Appraiser the proposed millage rate, the rolled-back rate and the date, time and place at which a public hearing will be held to consider the proposed millage and the tentative budget; and,

WHEREAS, the Mayor is required by Section 5.01 of the City Charter to submit a proposed operating budget and a "proposed millage" for ad valorem taxation; and,

WHEREAS, the City Commission shall consider the Mayor's proposed millage and set a public hearing to adopt a tentative millage as required by State law:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SWEETWATER, DADE COUNTY, FLORIDA as follows:

SECTION 1. That the proposed millage for the first Public Budget Hearing be and is hereby declared to be 4.5065 mils which is $4.5065 dollars per thousand dollars of assessed property within the City of Sweetwater.

SECTION 2. That the date, time and place of the first Public Budget Hearing be and is hereby set by the Mayor and City Commission for 8:00 P.M. o'clock of the 14th day of September, 2015, in the City Hall Commission Chambers, 500 S.W. 109 Avenue, Sweetwater, Florida 33174-1398.

SECTION 3. That the City Clerk and the Mayor be directed to attach the original of Department of Revenue Form DR-420, "Certification of Taxable Value" to a certified copy of this resolution and serve same upon the Honorable Pedro Garcia, Property Appraiser of Metropolitan Dade County, on or before 4:30 P.M., August 4, 2015.

PASSED AND ADOPTED this 27th day of July, 2015.

_____
ORLANDO LOPEZ, MAYOR

_____
JOSE M. DIAZ, COMMISSION PRESIDENT

ATTEST:

_____
MARIE O. SCHMIDT, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
GUILLERMO CUADRA, CITY ATTORNEY

VOTE UPON ADOPTION:

JOSE M. DIAZ, COMMISSION PRESIDENT	_____
JOSE BERGOUIGNAN, JR., COMMISSION VICE-PRESIDENT	_____
PRISCA BARRETO, COMMISSIONER	_____
MANUEL DUASSO, COMMISSIONER	_____
IDANIA LLANIO, COMMISSIONER	_____
ISOLINA MAROÑO, COMMISSIONER	_____
EDUARDO M. SUAREZ, COMMISSIONER	_____

Reset Form | Print Form

DR-420
R. 5/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

FLORIDA DEPARTMENT OF REVENUE

CERTIFICATION OF TAXABLE VALUE

Year: 2015	County: MIAMI-DADE
Principal Authority: CITY OF SWEETWATER	Taxing Authority: CITY OF SWEETWATER

SECTION I: COMPLETED BY PROPERTY APPRAISER

1.	Current year taxable value of real property for operating purposes	$ 1,310,902,781			(1)
2.	Current year taxable value of personal property for operating purposes	$ 130,801,113			(2)
3.	Current year taxable value of centrally assessed property for operating purposes	$ 86,530			(3)
4.	Current year gross taxable value for operating purposes *(Line 1 plus Line 2 plus Line 3)*	$ 1,441,790,424			(4)
5.	Current year net new taxable value (Add new construction, additions, rehabilitative improvements increasing assessed value by at least 100%, annexations, and tangible personal property value over 115% of the previous year's value. Subtract deletions.)	$ 49,485,964			(5)
6.	Current year adjusted taxable value *(Line 4 minus Line 5)*	$ 1,392,304,460			(6)
7.	Prior year FINAL gross taxable value from prior year applicable Form DR-403 series	$ 1,255,368,471			(7)
8.	Does the taxing authority include tax increment financing areas? If yes, enter number of worksheets (DR-420TIF) attached. If none, enter 0	☐ YES	☑ NO	Number 0	(8)
9.	Does the taxing authority levy a voted debt service millage or a millage voted for 2 years or less under s. 9(b), Article VII, State Constitution? If yes, enter the number of DR-420DEBT, *Certification of Voted Debt Millage* forms attached. If none, enter 0	☐ YES	☑ NO	Number 0	(9)

SIGN HERE	**Property Appraiser Certification**	I certify the taxable values above are correct to the best of my knowledge.
	Signature of Property Appraiser: Electronically Certified by Property Appraiser	Date: 7/1/2015 11:15 AM

SECTION II: COMPLETED BY TAXING AUTHORITY

If this portion of the form is not completed in FULL your taxing authority will be denied TRIM certification and possibly lose its millage levy privilege for the tax year. If any line is not applicable, enter -0-.

10.	Prior year operating millage levy *(If prior year millage was adjusted then use adjusted millage from Form DR-422)*	2.7493	per $1,000	(10)
11.	Prior year ad valorem proceeds *(Line 7 multiplied by Line 10, divided by 1,000)*	$ 3,451,385		(11)
12.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value *(Sum of either Lines 6c or Line 7a for all DR-420TIF forms)*	$ 0		(12)
13.	Adjusted prior year ad valorem proceeds *(Line 11 minus Line 12)*	$ 3,451,385		(13)
14.	Dedicated increment value, if any *(Sum of either Line 6b or Line 7e for all DR-420TIF forms)*	$ 0		(14)
15.	Adjusted current year taxable value *(Line 6 minus Line 14)*	$ 1,392,304,460		(15)
16.	Current year rolled-back rate *(Line 13 divided by Line 15, multiplied by 1,000)*	2.4789	per $1000	(16)
17.	Current year proposed operating millage rate	4.5065	per $1000	(17)
18.	Total taxes to be levied at proposed millage rate *(Line 17 multiplied by Line 4, divided by 1,000)*	$ 6,497,429		(18)

Continued on page 2

19.	TYPE of principal authority (check one)	☐ County ☑ Municipality	☐ Independent Special District ☐ Water Management District	(19)
20.	Applicable taxing authority (check one)	☑ Principal Authority ☐ MSTU	☐ Dependent Special District ☐ Water Management District Basin	(20)
21.	Is millage levied in more than one county? (check one)	☐ Yes	☑ No	(21)

DEPENDENT SPECIAL DISTRICTS AND MSTUs STOP **STOP HERE - SIGN AND SUBMIT**

22.	Enter the total adjusted prior year ad valorem proceeds of the principal authority, all dependent special districts, and MSTUs levying a millage. *(The sum of Line 13 from all DR-420 forms)*	$ 3,451,385		(22)
23.	Current year aggregate rolled-back rate *(Line 22 divided by Line 15, multiplied by 1,000)*	2.4789	per $1,000	(23)
24.	Current year aggregate rolled-back taxes *(Line 4 multiplied by Line 23, divided by 1,000)*	$ 3,574,054		(24)
25.	Enter total of all operating ad valorem taxes proposed to be levied by the principal taxing authority, all dependent districts, and MSTUs, if any. *(The sum of Line 18 from all DR-420 forms)*	$ 6,497,429		(25)
26.	Current year proposed aggregate millage rate *(Line 25 divided by Line 4, multiplied by 1,000)*	4.5065	per $1,000	(26)
27.	Current year proposed rate as a percent change of rolled-back rate *(Line 26 divided by Line 23, **minus 1**, multiplied by 100)*	81.79 %		(27)

First public budget hearing	Date :	Time :	Place :

SIGN HERE

Taxing Authority Certification	I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.	
Signature of Chief Administrative Officer :		Date :
Title :	Contact Name and Contact Title : MARIE O SCHMIDT, CITY CLERK	
Mailing Address : JOSE M DIAZ, MAYOR	Physical Address : 500 SOUTHWEST 109TH AVENUE	
City, State, Zip : SWEETWATER, FL 33174	Phone Number : 3054854528	Fax Number : 3052212541

Instructions on page 3

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DR-420MM-P
R. 5/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

FLORIDA DEPARTMENT OF REVENUE

MAXIMUM MILLAGE LEVY CALCULATION
PRELIMINARY DISCLOSURE
For municipal governments, counties, and special districts

Year: **2015**	County: MIAMI-DADE
Principal Authority : CITY OF SWEETWATER	Taxing Authority: CITY OF SWEETWATER

1.	Is your taxing authority a municipality or independent special district that has levied ad valorem taxes for less than 5 years?	☐ Yes	☑ No	(1)

IF YES, STOP ***STOP HERE. SIGN AND SUBMIT. You are not subject to a millage limitation.***

2.	Current year rolled-back rate from Current Year Form DR-420, Line 16	2.4789	per $1,000	(2)
3.	Prior year maximum millage rate with a majority vote from 2014 Form DR-420MM, Line 13	4.6915	per $1,000	(3)
4.	Prior year operating millage rate from Current Year Form DR-420, Line 10	2.7493	per $1,000	(4)

If Line 4 is equal to or greater than Line 3, skip to Line 11. If less, continue to Line 5.

Adjust rolled-back rate based on prior year majority-vote maximum millage rate

5.	Prior year final gross taxable value from Current Year Form DR-420, Line 7	$	1,255,368,471	(5)
6.	Prior year maximum ad valorem proceeds with majority vote *(Line 3 multiplied by Line 5 divided by 1,000)*	$	5,889,561	(6)
7.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value from Current Year Form DR-420 Line 12	$	0	(7)
8.	Adjusted prior year ad valorem proceeds with majority vote *(Line 6 minus Line 7)*	$	5,889,561	(8)
9.	Adjusted current year taxable value from Current Year form DR-420 Line 15	$	1,392,304,460	(9)
10.	Adjusted current year rolled-back rate *(Line 8 divided by Line 9, multiplied by 1,000)*	4.2301	per $1,000	(10)

Calculate maximum millage levy

11.	Rolled-back rate to be used for maximum millage levy calculation *(Enter Line 10 if adjusted or else enter Line 2)*	4.2301	per $1,000	(11)
12.	Adjustment for change in per capita Florida personal income *(See Line 12 Instructions)*		1.0196	(12)
13.	Majority vote maximum millage rate allowed *(Line 11 multiplied by Line 12)*	4.3130	per $1,000	(13)
14.	Two-thirds vote maximum millage rate allowed *(Multiply Line 13 by 1.10)*	4.7443	per $1,000	(14)
15.	Current year proposed millage rate	4.5065	per $1,000	(15)
16.	**Minimum vote required to levy proposed millage:** (Check one)			(16)

☐ a. Majority vote of the governing body: Check here if Line 15 is less than or equal to Line 13. The maximum millage rate is equal to the majority vote maximum rate. *Enter Line 13 on Line 17.*

☑ b. Two-thirds vote of governing body: Check here if Line 15 is less than or equal to Line 14, but greater than Line 13. The maximum millage rate is equal to proposed rate. *Enter Line 15 on Line 17.*

☐ c. Unanimous vote of the governing body, or 3/4 vote if nine members or more: Check here if Line 15 is greater than Line 14. The maximum millage rate is equal to the proposed rate. *Enter Line 15 on Line 17.*

☐ d. Referendum: The maximum millage rate is equal to the proposed rate. *Enter Line 15 on Line 17.*

17.	The selection on Line 16 allows a maximum millage rate of *(Enter rate indicated by choice on Line 16)*	4.5065	per $1,000	(17)
18.	Current year gross taxable value from Current Year Form DR-420, Line 4	$	1,441,790,424	(18)

Continued on page 2

Taxing Authority : CITY OF SWEETWATER			DR-420MM-P R. 5/12 Page 2
19.	Current year proposed taxes *(Line 15 multiplied by Line 18, divided by 1,000)*	$ 6,497,429	(19)
20.	Total taxes levied at the maximum millage rate *(Line 17 multiplied by Line 18, divided by 1,000)*	$ 6,497,429	(20)
	DEPENDENT SPECIAL DISTRICTS AND MSTUs STOP	***STOP HERE. SIGN AND SUBMIT.***	
21.	Enter the current year proposed taxes of all dependent special districts & MSTUs levying a millage. *(The sum of all Lines 19 from each district's Form DR-420MM-P)*	$ 0	(21)
22.	Total current year proposed taxes *(Line 19 plus Line 21)*	$ 6,497,429	(22)
	Total Maximum Taxes		
23.	Enter the taxes at the maximum millage of all dependent special districts & MSTUs levying a millage *(The sum of all Lines 20 from each district's Form DR-420MM-P)*	$ 0	(23)
24.	Total taxes at maximum millage rate *(Line 20 plus Line 23)*	$ 6,497,429	(24)
	Total Maximum Versus Total Taxes Levied		
25.	Are total current year proposed taxes on Line 22 equal to or less than total taxes at the maximum millage rate on Line 24? (Check one)	☑ YES ☐ NO	(25)

SIGN HERE			
	Taxing Authority Certification	I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.	
	Signature of Chief Administrative Officer :	Date :	
	Title :	Contact Name and Contact Title : MARIE O SCHMIDT, CITY CLERK	
	Mailing Address : JOSE M DIAZ, MAYOR	Physical Address : 500 SOUTHWEST 109TH AVENUE	
	City, State, Zip : SWEETWATER, FL 33174	Phone Number : 3054854528	Fax Number : 3052212541

Complete and submit this form DR-420MM-P, Maximum Millage Levy Calculation-Preliminary Disclosure, to your property appraiser with the form DR-420, Certification of Taxable Value.

Instructions on page 3

Carmen Garcia

From: Marilyn Somodevilla <MSomodevilla@wsh-law.com>
Sent: Wednesday, July 15, 2015 11:37 AM
To: gc@cuadralaw.net
Cc: Marie Schmidt; Carmen Garcia; Ralph Ventura; Mayor Orlando Lopez; Gilberto Pastoriza
Subject: Forefiture of 2000 Ford Van
Attachments: 38R3822-Exhibit to Reso Re Stipulation for Settlement Forfeiture 2000 Ford Va.PDF; 38R3532-Settlement Re Forfiture 2000 Ford Van_.DOC

Pursuant to the executive session approving the settlement for the above captioned, attached please find a Resolution approving the Settlement to be placed on the next City agenda.

Marilyn Somodevilla

Legal Assistant to Gil Pastoriza, Gail Serota, and Tony Recio

2525 Ponce de Leon Blvd., Suite 700 | Coral Gables, FL 33134
P: (305) 854-0800 F: (305) 854-2323 wsh-law.com | vCard

RESOLUTION NO. 15 –

A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, APPROVING THE STIPULATION FOR SETTLEMENT, DISMISSAL WITH PREJUDICE AND GENERAL RELEASE IN CASE STYLED IN RE: FORFEITURE OF: 2000 FORD VAN (WHITE) V.I.N. 1FDWE35F2YHA17563, CASE NO. 12-26814 CA 20; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION AND AN EFFECTIVE DATE

BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AS FOLLOWS:

Section 1. Approval. The Stipulation for Settlement, Dismissal with Prejudice and General Release in Case Styled In Re: Forfeiture of: 2000 Ford Van (White) V.I.N. 1FDWE35F2YHA17563, Case No. 12-26814 CA 20 (the "Stipulation"), attached to this Resolution as Exhibit "A" is hereby approved.

Section 2. Authorization and Implementation. Authorizing John J. Quick, attorney representing the City of Sweetwater to sign the Stipulation authorizing the Mayor to issue a check in the amount of $17,000 as provided for in the Stipulation and to do all necessary things to implement this Resolution.

Section 3. Effective Date. This Resolution shall become effective upon its adoption by the City Commission and approval by the Mayor or if vetoed, upon its re-enactment by the City Commission as provided by the Charter of the City of Sweetwater.

PASSED and ADOPTED this ____ day of _____, 2015.

_____
ORLANDO LOPEZ, Mayor

_____
JOSE M. DIAZ, Commission President and
Vice Mayor

ATTEST:

_____
MARIE O. SCHMIDT, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
GILBERTO PASTORIZA, CITY ATTORNEY

VOTE UPON ADOPTION:

JOSE M. DIAZ, COMMISSION PRESIDENT	____
JOSE W. BERGOUIGNAN, JR., COMMISSION VICE PRESIDENT	____
PRISCA BARRETO, COMMISSIONER	____
MANUEL DUASSO, COMMISSIONER	____
IDANIA LLANIO, COMMISSIONER	____
ISOLINA MAROÑO, COMMISSIONER	____
EDUARDO M. SUAREZ, COMMISSIONER	____

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CASE NO.: 12-26814 CA 20

IN RE FORFEITURE OF:

2000 FORD VAN (WHITE)
V.I.N. 1FDWE35F2YHA17563

By the City of Sweetwater
Police Department
_____/

STIPULATION FOR SETTLEMENT,
DISMISSAL WITH PREJUDICE AND GENERAL RELEASE

The City of Sweetwater (the "City") and Claimant, Yadira Fontanilla ("Fontanilla" or "Claimant") stipulate and agree as follows:

1. On or about July 6, 2012, law enforcement officers from the City seized a 2000 Ford Van (White), V.I.N. 1FDWE35F2YHA17563 ("Van") from Fontanilla pursuant to an arrest in Miami-Dade County, Florida.

2. Following the seizure, the City filed these forfeiture proceedings. Following an order to return the vehicle, a counterclaim was filed by Fontanilla.

3. The parties further agree that Fontanilla shall receive Seventeen Thousand Dollars ($17,000), inclusive of all fees and costs, in settlement of this matter in the form of a check payable to the trust account of Alan R. Soven, Esq.

4. Fontanilla will not be responsible for any towing, storage, warehouse, or any other fee.

5. Fontanilla hereby waives and relinquishes any and all interests, rights or claims she has or may have in the Van.

6. By signing below, Fontanilla acknowledges and agrees to be bound by the general release set forth below and incorporated herein.

7. Fontanilla acknowledges that she has had the benefit and right to counsel before executing this Stipulation, and agrees to be bound by all terms thereof.

8. The parties hereby agree that this Stipulation shall be submitted to the Court for entry of an Order ratifying and adopting the Stipulation, directing each of the parties to comply with the terms of the Stipulation, reserving jurisdiction over the parties and the subject matter of this action and to enforce the terms of this Stipulation.

9. The parties agree that this settlement is no admission of guilt, liability, or an expression of their inability to continue to fully litigate the legal and factual issues which exist in this action to a full and final conclusion. This settlement is a compromise, by all parties to same, considering the delays of litigation, the uncertainty of same and the fees and costs associated with litigation.

10. The parties to this Stipulation further agree to the entry of Final Judgment resolving any and all claims that were or could have been asserted by the parties in this matter.

DATED this 13 day of July, 2015.

LAW OFFICES OF ALAN R. SOVEN
Attorney for Claimant
1571 NW 13th Court
Miami, FL 33125
Telephone: (305) 326-0330

Alan R. Soven
Florida Bar. No. 259421
Email: alan@alansoven.com

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Attorneys for the City of Sweetwater
2525 Ponce de Leon Boulevard, Suite 700
Coral Gables, FL 33134
Telephone: (305) 854-0800

John J. Quick
Florida Bar No. 648418
Email: jquick@wsh-law.com

GENERAL RELEASE

KNOW ALL MEN BY THESE PRESENTS that YADIRA FONTANILLA, her heirs, assigns, legal representatives, successors and personal representatives (hereinafter referred to as the "Releasing Party"), for and in consideration of the total sum of SEVENTEEN THOUSAND DOLLARS ($17,000.00), paid by the CITY OF SWEETWATER, receipt of which is hereby acknowledged, hereby knowingly, voluntarily, irrevocably and unconditionally releases, acquits, remises, and forever discharges the CITY OF SWEETWATER its elected officials, officers, employees and attorneys in their official and individual capacities, and their heirs, executors, administrators, successors, and assigns (hereinafter referred to as the "Released Party"), of and from all, and all manner of action and actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, executions, claims and demands whatsoever, in law or in equity, which said first party ever had, now has, or which any personal representative, successor, heir or assign of said first party, hereafter can, shall or may have, against said Released Party, for, upon or by reason of any matter, cause or thing whatsoever, from the beginning of the world to the day of these presents, including, but not limited to any and all current or potential claims they have or may have concerning, related to or otherwise stemming from the seizure of a certain 2000 Ford Van (White), V.I.N. 1FDWE35F2YHA17563 seized from the Releasing Party on or about July 6, 2012, pursuant to an arrest made by the City of Sweetwater Police Department, which claims are the subject matter of litigation styled In Re Forfeiture of 2000 Ford Van (White), V.I.N. 1FDWE35F2YHA17563, Miami-Dade County Circuit Court Case No. 12-26814 CA 20 ("Lawsuit").

This Release specifically covers, but is not limited to, any and all claims for inverse condemnation, Fourth Amendment violations, due process violations, pain and suffering, loss of capacity for enjoyment of life, mental anguish, emotional distress, humiliation and embarrassment, loss of earnings and earning potential, personal injuries, expenses for hospitals, doctors, nurses, and other medical expenses (including chiropractic and physical therapy charges), expenses for future treatment and care, any loss of consortium resulting from the allegations asserted, or which could have been asserted, in the Lawsuit, past and present attorney's fees and related legal costs, and any other damages or remedies allowed by law as a result of the incident and matters set forth in that certain lawsuit referred to above.

ALL PARTIES TO THIS SETTLEMENT AGREEMENT AND GENERAL RELEASE ARE TO BEAR THEIR OWN RESPECTIVE ATTORNEY'S FEES AND COSTS.

It is understood and agreed that the payment made herein is not to be construed as an admission of any liability by or on behalf of the Released Parties; but, instead, the monies being paid hereunder as consideration for this release are being given in order to avoid litigation, the uncertainties stemming from litigation, as well as to protect and secure the good name and good will of the Released Parties.

To secure this settlement and the payment of the aforesaid sum, the undersigned hereby declares that she is of legal age and that he relies wholly upon his own judgment, belief, and knowledge of the nature, extent, and duration of his injuries, disabilities and damages and that no representations or statements about any such claims, past, present, or future, made by any

physician, agent, adjuster, attorney, or employee of the Released Parties, or their insurers, have influenced the undersigned in making or induced the undersigned to make this settlement.

It is further acknowledged that there is no agreement or compromise on the part of the Released Parties to do or omit to do any act or thing not herein mentioned and that the within consideration is in full and complete settlement of any and all claims, damages, or demands to the undersigned for all claims arising from or out of any and all matters referenced in this release against the Released Parties.

I HAVE READ THIS GENERAL RELEASE AND HEREBY ACKNOWLEDGE THAT I UNDERSTAND AND ACCEPT ALL OF THE TERMS AND CONDITIONS THEREIN AND THAT I HAVE DONE SO WITH THE ADVICE OF MY COUNSEL, ALAN R. SOVEN.

IN WITNESS WHEREOF, YADIRA FONTANILLA, has hereunto set my hand and seal this 13 day of July, 2015.

BY: _____
YADIRA FONTANILLA

STATE OF FLORIDA)
) ss.:
COUNTY OF MIAMI-DADE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared YADIRA FONTANILLA (✓) who is personally known to me; or (__) who has produced _____ as identification, and who executed the foregoing instrument and who acknowledged before me that he executed the same.

WITNESS my hand and seal in the County and State last aforesaid this 13th day of July, 2015.

_____
Notary Public
State of Florida at Large

My Commission Expires:

STEPHANIE CARDONA
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF111598
Expires 4/9/2018

Carmen Garcia

From: Idania Llanio <captllanioi@yahoo.com>
Sent: Wednesday, July 15, 2015 6:57 AM
To: Carmen Garcia
Subject: July 27, 2015 Agenda

Good morning Carmen:
Deputy city clerk

Please add to the agenda for the NEXT IMMEDIATE meeting to discuss the status of Mayda Toledo. Should you have any questions, please do not hesitate to contact me directly.

Thank you,

Idania Llanio
Commissioner

Marie Schmidt

From: Ralph Ventura
Sent: Monday, July 20, 2015 1:38 PM
To: Thomas Gustafson
Cc: Marie Schmidt; Guillermo Cuadra; Robert Herrada; Kenneth Jessell
Subject: RE: UTMA@Sweetwater

Val and Carmen,

Please place this matter on the agenda for July 27.

Ralph Ventura, JD
Chief of Staff
Mayor's Office
City of Sweetwater

From: Thomas Gustafson [mailto:tgustafs@fiu.edu]
Sent: Monday, July 20, 2015 12:43 PM
To: Ralph Ventura
Cc: Marie Schmidt; Guillermo Cuadra; Robert Herrada; Kenneth Jessell
Subject: UTMA@Sweetwater

This is the presentation I would like to hand out at the City commission meeting on July 27th with the hopes Sweetwater City commission can appoint the five Board Members that evening. To review the pending grant for UTMA@Sweetwater and the current Bylaws, please see http://cake.fiu.edu/TIGER2013/drop/post_submittal/2015_FDOT_SDG_UniversityCity_Tansit_Services_Submitted_version.pdf.

Would you confirm this matter is on the agenda?

I have some suggestions as to how best to proceed if you have time to see me.

Thank you.

Tom Gustafson, J.D.
Director, Research Programs
Office of Finance & Administration
Florida International University
11200 SW 8th Street, GL470
Miami, Florida 33199
Email: tgustafs@fiu.edu

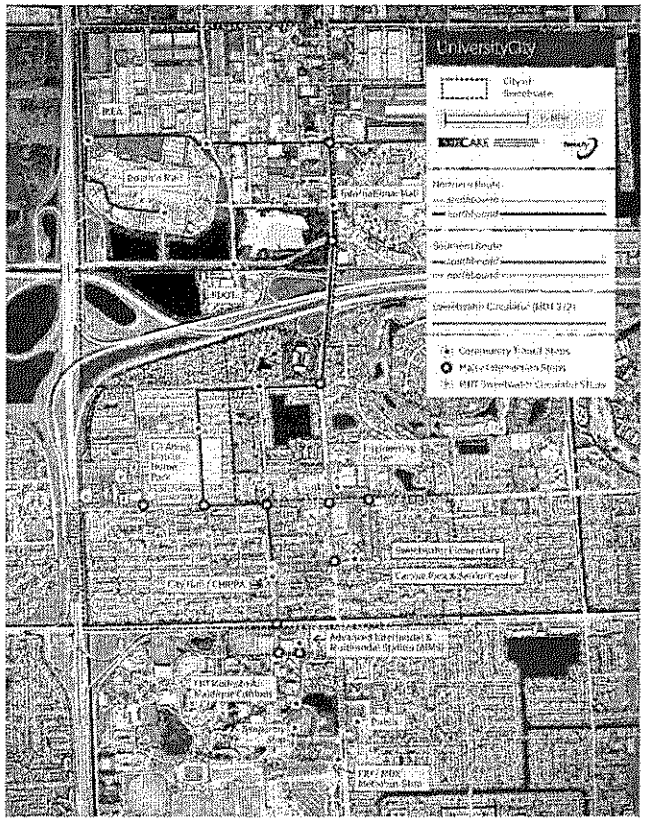
Office: 305 348-4748
Cell: 954 661-7848

UniversityCity Transportation and Management Association of Sweetwater, Inc. (UTMA)

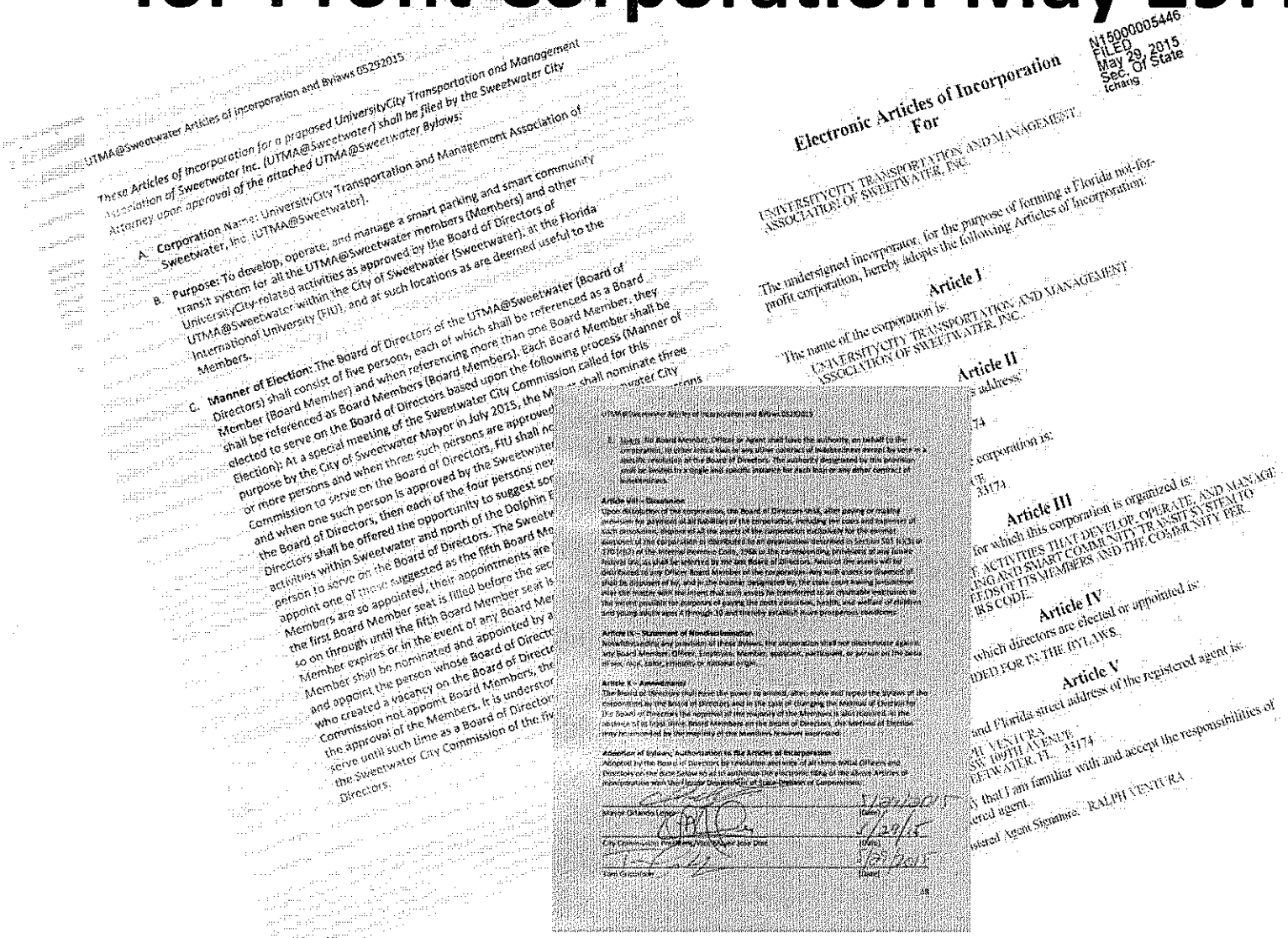
July 27, 2015

Sweetwater City Commission Briefing & Appointments of the UTMA@Sweetwater Board of Directors

Sweetwater City Commission Workshop January 14, 2015



UTMAS Incorporation as a Florida Not-for-Profit Corporation May 29. 2015



UTMA@Sweetwater Articles of Incorporation and Bylaws 05292015

These Articles of Incorporation for a proposed UniversityCity Transportation and Management Association of Sweetwater Inc. (UTMA@Sweetwater) shall be filed by the Sweetwater City Attorney upon approval of the attached UTMA@Sweetwater Bylaws:

A. Corporation Name: UniversityCity Transportation and Management Association of Sweetwater, Inc. (UTMA@Sweetwater).

B. Purpose: To develop, operate, and manage a smart parking and smart community transit system for all the UTMA@Sweetwater members (Members) and other UniversityCity-related activities as approved by the Board of Directors of UTMA@Sweetwater within the City of Sweetwater (Sweetwater), at the Florida International University (FIU), and at such locations as are deemed useful to the Members.

C. Manner of Election: The Board of Directors of the UTMA@Sweetwater (Board of Directors) shall consist of five persons, each of which shall be referenced as a Board Member (Board Member) and when referencing more than one Board Member, they shall be referenced as Board Members (Board Members). Each Board Member shall be elected to serve on the Board of Directors based upon the following process (Manner of Election): At a special meeting of the Sweetwater City Commission called for this purpose by the City of Sweetwater Mayor in July 2015, the M... shall nominate three or more persons and when three such persons are approved ... Sweetwater City Commission to serve on the Board of Directors, FIU shall no... and when one such person is approved by the Sweetwater ... the Board of Directors, then each of the four persons new... Directors shall be offered the opportunity to suggest son... activities within Sweetwater and north of the Dolphin F... person to serve on the Board of Directors. The Sweetw... appoint one of these suggested as the fifth Board Me... Members are so appointed, their appointments are ... the first Board Member seat is filled before the sec... so on through until the fifth Board Member seat is ... Member expires or in the event of any Board Me... Member shall be nominated and appointed by a... And appoint the person whose Board of Directo... who created a vacancy on the Board of Directo... Commission not appoint Board Members, the ... the approval of the Members. It is understor... serve until such time as a Board of Director... the Sweetwater City Commission of the fiv... Directors.

N15000005446
FILED
May 29, 2015
Sec. Of State
tchang

Electronic Articles of Incorporation
For

UNIVERSITYCITY TRANSPORTATION AND MANAGEMENT ASSOCIATION OF SWEETWATER, INC.

The undersigned incorporator, for the purpose of forming a Florida not-for-profit corporation, hereby adopts the following Articles of Incorporation:

Article I

The name of the corporation is:

UNIVERSITYCITY TRANSPORTATION AND MANAGEMENT ASSOCIATION OF SWEETWATER, INC.

Article II

...s address:

...74

...corporation is:

...E
33174

Article III

...for which this corporation is organized is:

...F ACTIVITIES THAT DEVELOP, OPERATE, AND MANAGE ...ING AND SMART COMMUNITY TRANSIT SYSTEM TO ...EEDS OF ITS MEMBERS AND THE COMMUNITY PER ...IRS CODE.

Article IV

...which directors are elected or appointed is:

...DED FOR IN THE BYLAWS.

Article V

...and Florida street address of the registered agent is:

...H VENTURA
...SW 109TH AVENUE
...EETWATER, FL 33174

...y that I am familiar with and accept the responsibilities of ...ered agent.

...istered Agent Signature: RALPH VENTURA

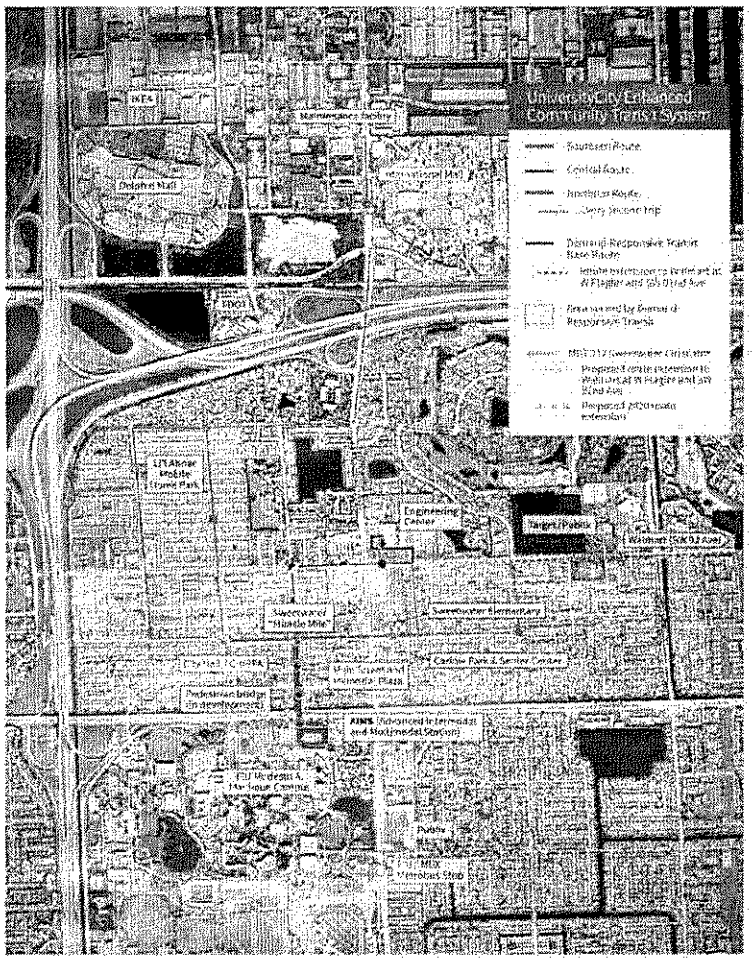
FY2016-2017 FDOT Service Development Grant ($500,000) July 1, 2015

- Builds on the FY2015-2016 FDOT Service Development Grant ($171,450) and the 2013 TIGER/UniversityCity match funds ($342,900) that are to be use for capital improvements to Sweetwater & FIU community transit vehicles (totals $ 514,350)
- Provides for the operational budget for a ten-vehicle UTMA smart community transit and feeder bus fleet by December 2016
  - Initially operating six vehicles over five UTMA routes plus the MDT 212 Sweetwater Circulator routes
  - Eventually, with further support from business north of SR 836, operating eight vehicles over six routes using (with the remaining two vehicles for backup and express trips) and an expanded MDT 212 Sweetwater Circulator route

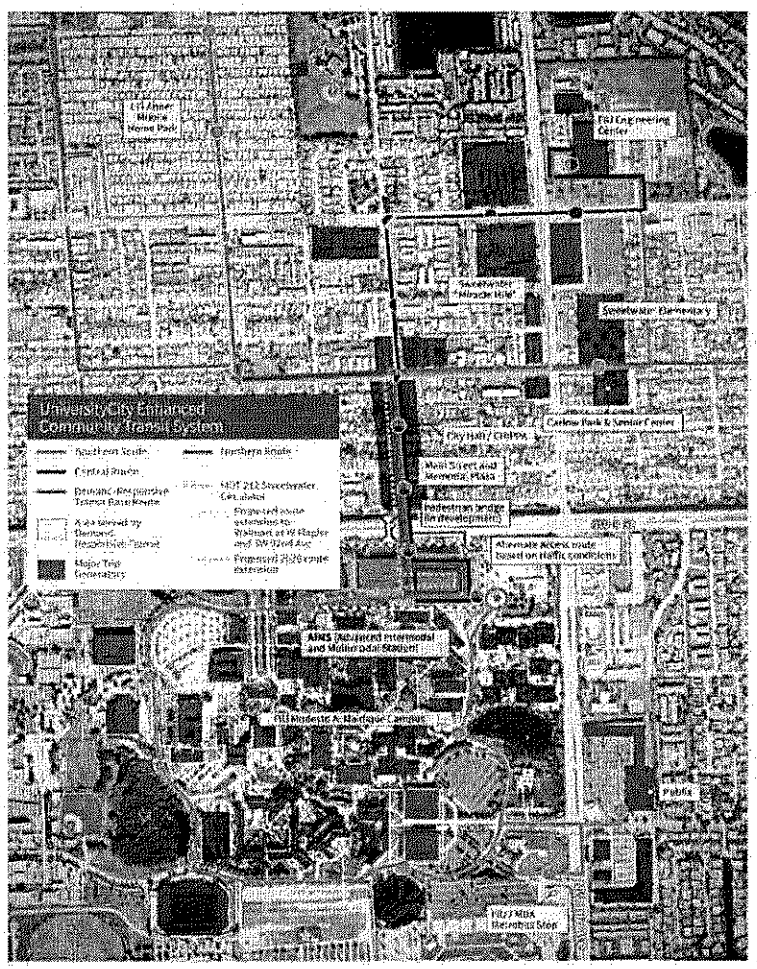
See http://cake.fiu.edu/TIGER2013/drop/post_submittal/2015_FDOT_SDG_UniversityCity_Tansit_Services_Submitted_version.pdf

UniversityCity Enhanced Community Transit system routes

UniversityCity Enhanced Community Transit System



Map 4 – UniversityCity Enhanced Community Transit System, overview



Map 5 - UniversityCity Enhanced Community Transit System, details

New Small (10 Passenger) Rubber Tire Hybrid-Electric Trolley Route

New Proposed Small Rubber-Tire Hybrid-Electric Trolley Route using $165,000 of Sweetwater funds for three years of operation beginning July 1, 2016 for three years at $55,0000 per year pursuant to Sweetwater Resolution #3904

Image 6: Small rubber-tire electric trolley would operate on traffic-calmed streets as well as mixed-mode corridors and transit greenways in MMC and elsewhere. Designed for speeds of 25 mph and less it is a worthy alternative to golf cart vehicles in for use in pedestrian oriented public space. This vehicle is sized between the electric vehicles and golf carts and can work within pedestrian oriented built environments.

$1,075,000 Annual Operational Budget*

Map 6 – UniversityCity Enhanced Community Transit System, proposed Malls/Express Route

4. Funding and Project Cost Table

Funding table

Funding institution	Amount
City of Sweetwater (80% match)	$400,000.00
Florida International University (20% match)	$100,000.00
FDOT Service Development Grant (requested)	$500,000.00
UTMA of Sweetwater, Inc. (non-match earned funds, estimated)	$75,000.00
Total	**$1,075,000.00**

Project cost table for FY 2016

Description	UTMA/SW	FIU match	SW match	FDOT grant	Total
Operations of Southern Line (1)		$ 85,000		$ 205,000	**$ 290,000**
Operations of Central Line (1)			$ 85,000	$ 60,000	**$ 145,000**
Operations of Northern Line (1)			$ 85,000	$ 60,000	**$ 145,000**
Operations of Demand-Responsive Transit Base Line (1)			$ 105,000	$ 40,000	**$ 145,000**
Vehicle maintenance (2)				$ 9,000	**$ 9,000**
UTMA of Sweetwater Management and Board of Directors (3)		$ 15,000	$ 125,000	$ 50,000	**$ 190,000**
ITPA (4)				$ 76,000	**$ 76,000**
Transit and/or parking services associated with special interest events or other fee earning services (5)	$ 75,000				**$ 75,000**
Total of required funds	**$ 75,000**	**$ 100,000**	**$ 400,000**	**$ 500,000**	**$ 1,075,000**

(1) Gas, oil, drivers, with any vendor contracts
(2) Minimum maintenance due to recently completed major maintenance refurbishing under 2013 TIGER award agreement and 2014 FDOT SDG
(3) Assume president, vice president, part time secretary/treasurer, and students hired to monitor the operations center
(4) Intelligent Traveler Program and Applications (ITPA) services (i.e., training, operational oversight, trouble shooting, and providing a repair or enhancement to software when needed)
(5) Funds expected to be raised through UTMA@Sweetwater through transit and parking event services contracts and other fee earning services when vehicles not needed for transit services.

*It may be useful for the UTMA Board of Directors seek an additional $120,000 beginning July 1, 2016 from those businesses that exist north of SR 836 and who are to be served by UTMA's UniversityCity Transit Service and amend the budget, Northern Route and Malls/Express Route accordingly as appropriate.

Project Schedule

5. Project Schedule

The FY2015 FDOT Service Development Grant supported rebuild, repair and enhancement of the UniversityCity Transportation Association's fleet of community transit vehicles will be concluded by June 30, 2016. The UniversityCity Enhanced Community Transit System will commence operation on July 1, 2016, the first day of FY2016.

Phase	Time Period	Task
Preparation	July 1, 2015 – June 30, 2016	Technical assessment of public transit vehicles
		Rebuild, repair and enhancement of public transit vehicles
		Equipping of public transit vehicles with ITPA technology
Administrative Organization	July 1, 2015– July 1, 2016	Appointment of UTMA@Sweetwater Board and hiring of offices and staff; Transit Development Plan formation; and, contracting with Sweetwater and FIU to assume responsibility for UTMA@Sweetwater transit operations
Operations	July 1, 2016 – June 30, 2017	First year of UTS operations by UTMA@Sweetwater
	July 1, 2017 – June 30, 2018	Second year of UTS operations by UTMA@Sweetwater
	July 1, 2018 – June 30, 2019	Third year of UTS operations by UTMA@Sweetwater

Commitments

Funding Commitments

FIU | FLORIDA INTERNATIONAL UNIVERSITY

OFFICE OF FINANCE & ADMINISTRATION

June 1, 2015

Mr. Gus Pego
District Secretary
Florida Department of Transportation District Six
1000 NW 111 Avenue
Miami, Florida 33172

RE: FDOT Service Development Grant – 2016-17
University City Transportation and Management Association of Sweetwater, Inc.

Dear Mr. Pego:

Florida International University supports the 2016-17 Service Development Grant proposal for $500,000 submitted by the UniversityCity Transportation and Management Association of Sweetwater, Inc. (Association). The requested funds within the proposal reflect an investment in smart transit by providing adequate operating funds to support the goals and objectives of the Association within our community.

Florida International University is pleased to commit $100,000 in funding to the Association to support the operation of the CATS Shuttle service routes on behalf of FIU. Combined with the committed amount of $400,000 by the City of Sweetwater and the $500,000 Service Development Grant, the total funding will enable the operation of a visible and vibrant transit program.

If you have any questions or need additional information, please do not hesitate to email me at kjewell@fiu.edu or call me at 305-348-2101.

With kind regards,

Kenneth A. Jewell, Ph.D.
Senior Vice President for Finance and Chief Fiscal Officer and Professor

cc: The Honorable Orlando Lopez, Mayor, City of Sweetwater

Miami-Dade Campus, 11200 SW 8th Street, Miami, Florida 33199 (305) 348-2101 Fax: (305) 348-3878
Equal Opportunity Employer, Affirmative Action Employer and Institution

Mayor's Office

June 17, 2015

Mr. Gus Pego, P.E.
District Secretary, District 6
Florida Department of Transportation
1000 NW 111th Avenue
Miami, FL 33172

Dear Mr. Pego:

The City of Sweetwater supports the FY2016-2017 FDOT Service Development Grant proposal for $500,000 for UniversityCity Transportation and Management Association of Sweetwater, Inc. (UTMA of Sweetwater) annual transit and parking operation funds in operating funds (UniversityCity Transit Services). The City of Sweetwater commits to the sum of $400,000 in the event that UTMA of Sweetwater operates the Sweetwater Trolley service routes with concurrence of the Sweetwater City Commission.

Sincerely,

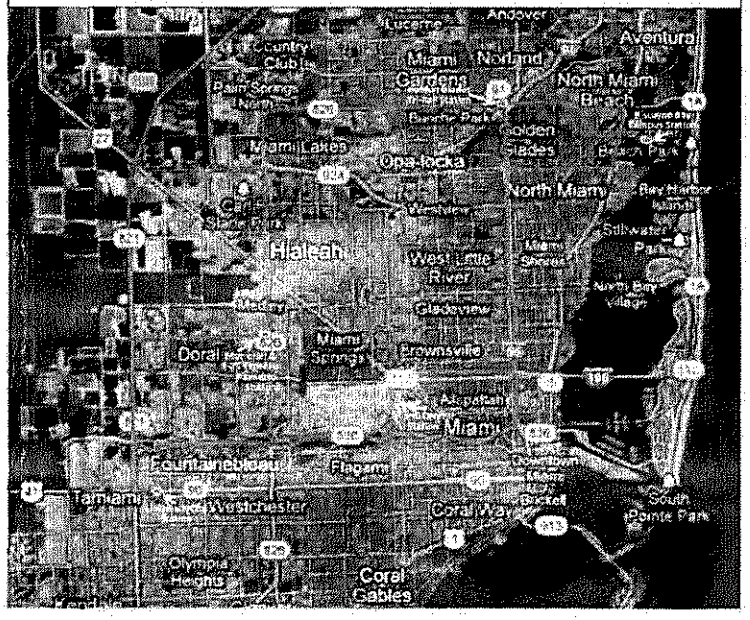
Mayor Orlando Lopez
City of Sweetwater

City of Sweetwater: City Hall 15.0 S.W. 109 Ave. Sweetwater, FL 33178
City Hall: (305) 221-9411

836 Express & Golden Panther Express

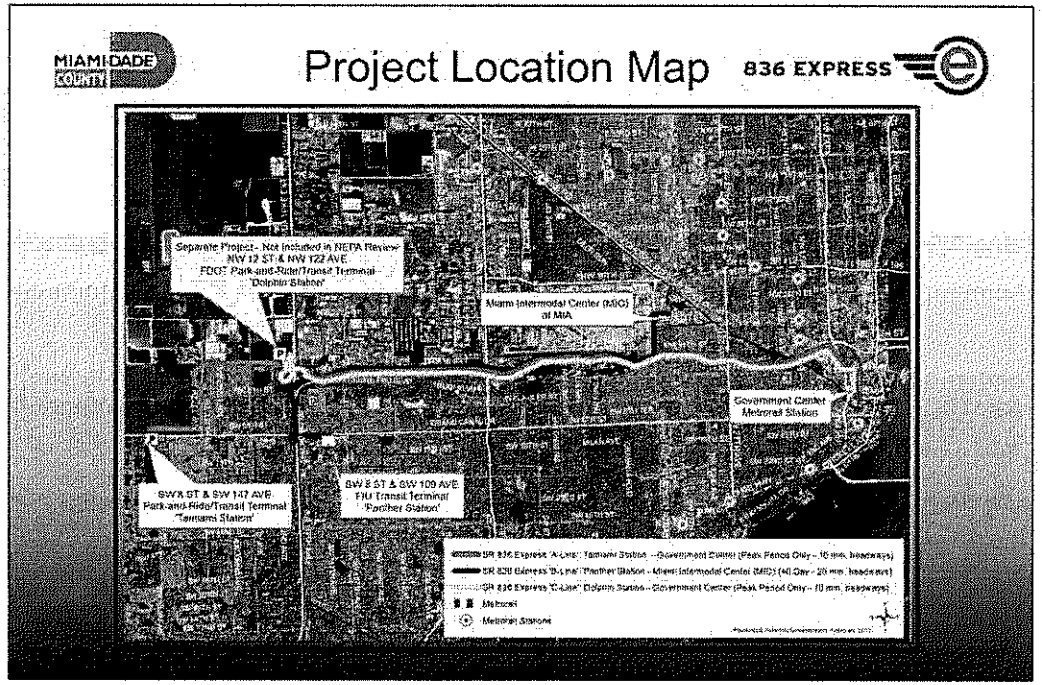
Draft 05.13.2013

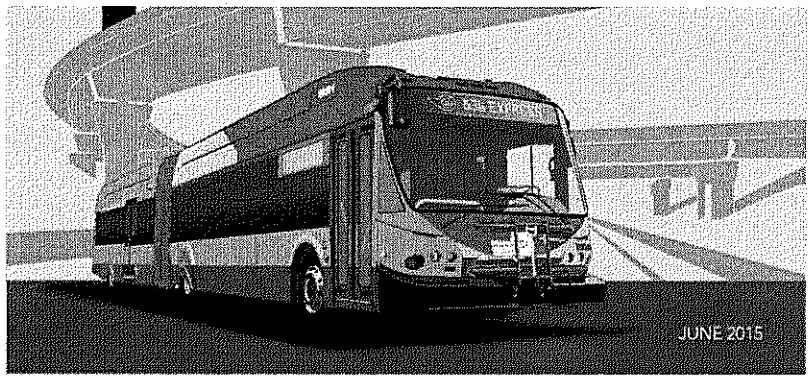
Draft 2013 TIGER/UniversityCity submittal: Expanded Use of Golden Panther Express to improve Services over flexible routes with ITPA Guidance



Proposed Expanded Golden Panther (GPE) Bus Service may be integrated with other transit opportunities as follows:

- GPE is assessable to the selected ITPA customers when seats are reserved 15 minutes before departure and to other ITPA users on a seat available basis thereafter and back up transit access is proposed using back-up community transit and metropolitan transit vehicles coordinated through a customer service centric ITPA.
- Use of MOT Kendal Cruiser-type tracker or similar system that is integrated within ITPA
- Use of Traffic Signal Priority (TSP) system to avoid longer trip times
- Over time the routing for each GPE trip will be able to respond to ITPA customers trip requests including, after the SR826/I-75 express lanes are completed and I-75 Express





TAKE AWAY

Special Meeting in July 2015 to appoint the five member UTMA Board of Directors for their respective terms of office:

1. Nominated by Mayor and City Commission Appoints for initial one year term and three year terms thereafter
2. Nominated by Mayor and City Commission Appoints for initial two year term and three year terms thereafter
3. Nominated by Mayor and City Commission Appoints for initial three year term and three year terms thereafter
4. Nominated by FIU and City Commission Appoints for initial two year term and two year terms thereafter
5. First four Board Members suggest persons who might serve as a fifth Board Member and City Commission Appoints (must be a person who actually is engaged in business north of SR 836) for initial one year term and two year terms thereafter