

Sanchez, Rodzandra (COE)

From: Centorino, Joseph (COE)
Sent: Wednesday, October 26, 2016 4:18 PM
To: Diaz-Greco, Gilma M. (COE)
Cc: Sanchez, Rodzandra (COE)
Subject: INQ 16-241
Attachments: Untitled.pdf; Untitled.pdf

Please include these attachment in the file on INQ 16-241.

From: maria.y.gonzalez@akerman.com [mailto:maria.y.gonzalez@akerman.com] **On Behalf Of** jose.villalobos@akerman.com
Sent: Wednesday, October 12, 2016 10:03 AM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: City of West Miami

Message from Jose Villalobos:

Joe,

Enclosed you will find copies of a resolution that was adopted by the City of West Miami reaffirming municipal jurisdiction and authority over its local roads which was adopted this past month. Also attached is resolution 2016-16 approving the closure of 63rd Avenue which is subject to the acceptance of the Florida Department of Transportation, Miami-Dade County Public Works Departmental and any other authority in Miami-Dade County that may have jurisdiction herein.

I will give you a call later on.

Maria Y. Gonzalez

Legal Administrative Assistant to
Jose A. Villalobos / Augusto E. Maxwell /
Jose F. Diaz / Joseph Falk / Benjamin Hedrick
Akerman LLP | Three Brickell City Centre | 98 Southeast Seventh Street | Suite 1100 | Miami, FL 33131
Dir: 305.679.5488 | Main: 305.374.5600 | Fax: 305.374.5095
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Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, October 21, 2016 1:39 PM
To: Sanchez, Rodzandra (COE)
Subject: Jose Villalobos, Esq., City Attorney, City of West Miami (Conflicting Employment) INQ 16-241

[INQ 16-241 Villalobos](#)

From: Centorino, Joseph (COE)
Sent: Friday, October 21, 2016 1:30 PM
To: 'jose.villalobos@akerman.com' <jose.villalobos@akerman.com>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: INQ 16-241 Jose Villalobos, Esq., City Attorney, City of West Miami (Conflicting Employment)

Mr. Villalobos:

This will serve to memorialize our conversation in which I indicated that I do not see a conflict of interest occurring for you in your capacity as a salaried employee at Akerman Senterfitt law firm, which includes your service as City Attorney in West Miami, where a partner at Akerman Senterfitt, where you are a salaried employee, has been retained by a West Miami developer to represent it in negotiations with Miami-Dade County.

You explained that that you are employed at Akerman where you are paid a salary and are not a partner in the firm. You are the City Attorney for the City of West Miami, but the funds paid to you for your services by the City are turned over to Akerman.. A developer is in the process of seeking approval, in connection with a proposed multi-family residential development in West Miami, to close a street that is within the development. The approval for the street closing lies with the County and State of Florida. The Public Works Department at the County has indicated that it opposes the closing. As City Attorney, you have drafted ordinances and/or resolutions that pertain to the development, but the City has not taken a position with regard to the street closing. Gus Maxwell, Esq., a partner at Akerman has been retained by the developer to represent it in connection with negotiations taking place with Miami-Dade County toward the end of securing the County's approval of the street closing. You will not be involved with those negotiations. In the event that the matter cannot be resolved amicably and there is litigation between the developer and the County, neither Mr. Maxwell, nor any other attorney from Akerman, will be representing the developer in that litigation.

As City Attorney for the City of West Miami, you are subject to the Miami-Dade Conflict of Interest and Code of Ethics Ordinance, even though you are not technically a City employee, but an employee of a private law firm.

It is my opinion that the above circumstances related by you do not create a prohibited conflict of interest under Section 2-11.1(j) of the Ethics Code, whereby your employment at Akerman would interfere with your independence of judgment in your work as City Attorney in West Miami. Additionally, I do not see that you have any financial interest in the work being done by your colleague at Akerman or any connection with the developer that might create issues under other provisions of the Ethics Code. I appreciate your bringing this to our attention in an abundance of caution.

Sincerely,
Joe Centorino

Joseph M. Centorino
Executive Director and General Counsel

Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
ethics.miamidade.gov





RESOLUTION # 2016-16

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI EXHIBIT A, VACATING, ABANDONING AND CLOSING THE STREET OF SW 63 AVENUE BETWEEN SW 9 STREET AND SW 8 STREET TO THE NORTH; SUBJECT TO APPROVAL OF RE-PLATTING BY THE APPROPRIATE GOVERNMENTAL AGENCIES, APPROVAL BY FLORIDA DEPARTMENT OF TRANSPORTATION, MIAMI DADE COUNTY PUBLIC WORKS DEPARTMENT AND ANY OTHER REGULATORY AGENCY; A SKETCH OF STREET TO BE VACATED; A SURVEY ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 6320 Holdings, LLC filed an application to close that portion of "Public Street of SW 63 Avenue, between SW 9th Street and SW 8 Street to the North, as described in the proposed development plan and survey filed with the Application to Close Public Street; and

WHEREAS, said application included a survey describing that portion of Public Street that is sought to be closed and abandoned; and

WHEREAS, 6320 Holdings, LLC have filed an application to vacate the Public Street on SW 63 Avenue between SW 9 Street and SW 8 Street to the North per attached survey and proposed development plan is attached hereto as Exhibit B.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA AS FOLLOWS:

SECTION 1. The above recitals are herein adopted as if fully stated herein.

SECTION 2. The City Commission found that this action will serve a public purpose and benefit the public without violating private property rights.

SECTION 3. That the application for closure of SW 63 Avenue between SW 9 Street and SW 8 Street (a/k/a Tamiami Trail) to the North, as described in the survey and legal documents attached herein as Exhibit B is hereby approved to be vacated, abandoned and closed and all rights of the City of West Miami and the public in and to said location subject to the acceptance of the Florida Department of Transportation, Miami-Dade County Public Works Department and any other authority in Miami-Dade County that may have jurisdiction herein. *A*

SECTION 4. In passing this Resolution, after public hearing, the City of West Miami Commission is requesting the Miami-Dade County Public Works Department to consider the proposed Traffic Flow Modification/Street Closure.

SECTION 5. That the procedure used in the adoption of this Resolution is expressly ratified and approved.

SECTION 6. That the City Clerk is hereby directed to publish notice of the adoption of this Ordinance one time within thirty (30) days hereafter in a newspaper of general circulation in the City of West Miami.

PASSED AND ADOPTED this 20th, day of April, 2016.

APPROVED

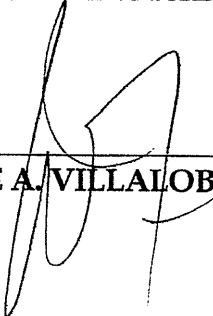
Attest:


EDUARDO MUHINA, MAYOR


ANNERY GONZALEZ, CMC
CITY CLERK

Date of publication: April 4th, 2016
Public Hearing: April 20th, 2016

Approved as to form and sufficiency:

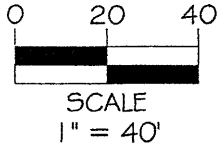
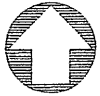

JOSE A. VILLALOBOS, CITY ATTORNEY

ROLL CALL VOTE:

MAYOR EDUARDO H. MUHIÑA	<u>Y</u>
VICE-MAYOR CANDIDA BLANCA	<u>Y</u>
COMMISSIONER JUAN M. BLANES	<u>Y</u>
COMMISSIONER RHONDA A. RODRIGUEZ	<u>Y</u>
COMMISSIONER LUCIANO L. SUAREZ	<u>Y</u>

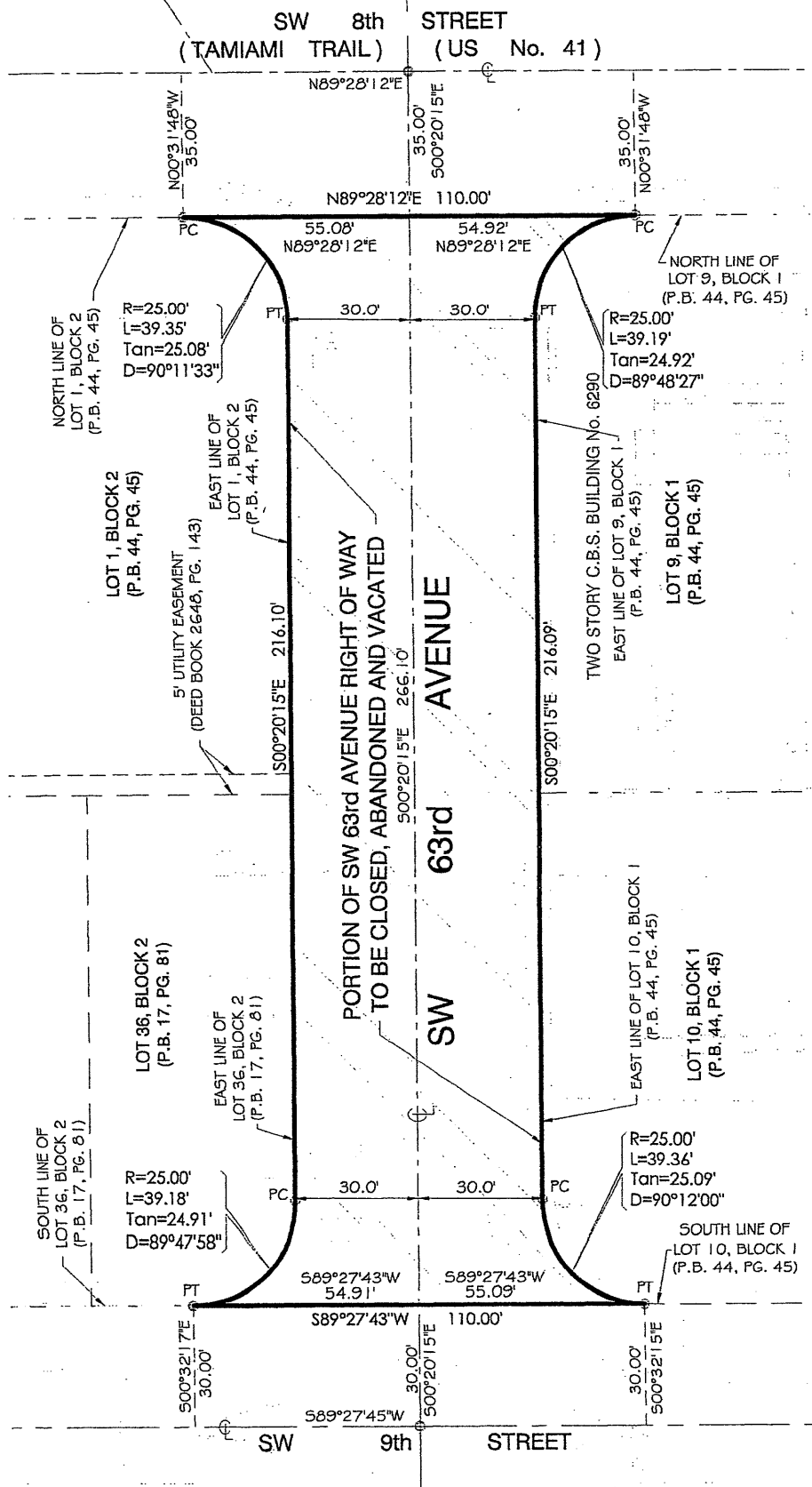
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PORTION OF SW 63rd AVENUE TO BE CLOSED, ABANDONED AND VACATED



LEGEND:

- PB. = PLAT BOOK
- O.R.B. = OFFICIAL RECORDS BOOK
- PG. = PAGE
- PC = POINT OF CURVATURE
- PT. = POINT OF TANGENCY
- S.F. = SQUARE FEET
- R = RADIUS CURVE
- L = ARCH LENGTH
- D = CENTRAL ANGLE
- T = TANGENT



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JOB No. 15572 PAGE 1 OF 3

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PORTION OF SW 63rd AVENUE TO BE CLOSED, ABANDONED AND VACATED**

LEGAL DESCRIPTION

PORTION OF SW 63rd STREET RIGHT OF WAY TO BE CLOSED, ABANDONED AND VACATED:

That portion of SW 63rd Avenue Right of Way, as shown on the Plat of "RESUBDIVISION OF SECOND REVISED PLAT PORTION OF ALAMEDA", according to the plat thereof, as recorded in Plat Book 44, at Page 45, of the Public Records of Miami-Dade County, Florida, bounded on the North by the Easterly prolongation of the North Line of Lot 1, Block 2 of said Plat of "RESUBDIVISION OF SECOND REVISED PLAT PORTION OF ALAMEDA" and the Westerly prolongation of the North Line of Lot 9, Block 1 of said Plat of "RESUBDIVISION OF SECOND REVISED PLAT PORTION OF ALAMEDA"; bounded on the South by the Easterly prolongation of the South Line of Lot 36, Block 2 of "ALAMEDA", according to the plat thereof, as recorded in Plat Book 17, at Page 81, of the Public Records of Miami-Dade County, Florida, and the Westerly prolongation of the South Line of Lot 10, Block 1 of said Plat of "RESUBDIVISION OF SECOND REVISED PLAT PORTION OF ALAMEDA"; bounded on the East by the West Line of Lots 9 and 10, Block 1 of said Plat of "RESUBDIVISION OF SECOND REVISED PLAT PORTION OF ALAMEDA"; and bounded on the West by the East Line of said Lot 1, Block 2 of "RESUBDIVISION OF SECOND REVISED PLAT PORTION OF ALAMEDA" and the East Line of said Lot 36, Block 2 of "ALAMEDA"

AND

The external area of a 25 foot radius curve, concave to the Southwest, bounded by the North and the East Lines of Lot 1, Block 2 of said Plat of "RESUBDIVISION OF SECOND REVISED PLAT PORTION OF ALAMEDA", said curve being tangent to both of the last described lines.

AND

The external area of a 25 foot radius curve, concave to the Southeast, bounded by the North and the West Lines of Lot 9, Block 1 of said Plat of "RESUBDIVISION OF SECOND REVISED PLAT PORTION OF ALAMEDA", said curve being tangent to both of the last described lines.

AND

The external area of a 25 foot radius curve, concave to the Northwest, bounded by the South and the East Lines of Lot 36, Block 2 of said Plat of "ALAMEDA", said curve being tangent to both of the last described lines.

AND

The external area of a 25 foot radius curve, concave to the Northeast, bounded by the South and the West lines of Lot 10, Block 1 of said Plat of "RESUBDIVISION OF SECOND REVISED PLAT PORTION OF ALAMEDA", said curve being tangent to both of the last described lines.

Containing 16,502 Square Feet or 0.38 Acres, more or less, by calculations.

NOTICE: This document is not valid, full and complete without all pages.

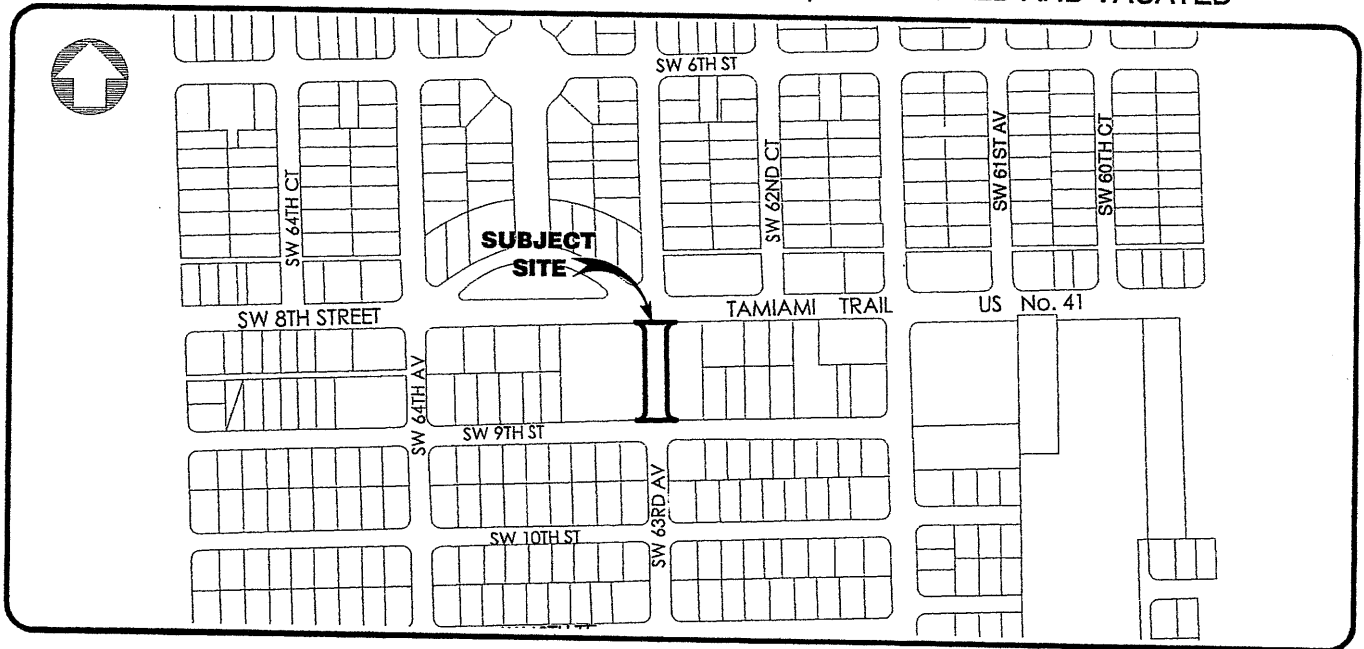
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JOB No. 15572 PAGE 2 OF 3

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
PORTION OF SW 63rd AVENUE TO BE CLOSED, ABANDONED AND VACATED**



LOCATION MAP
(NOT TO SCALE)

PERTINENT INFORMATION USED FOR THE PREPARATION OF THIS DOCUMENT:

The Legal Description of the Subject Parcel was generated from the following documents:

1. Plat of "RESUBDIVISION OF SECOND REVISED PLAT PORTION OF ALAMEDA", recorded in Plat Book 44, at Page 45, of the Public Records of Miami-Dade County Florida.
2. Plat of "ALAMEDA", recorded in Plat Book 17, at Page 81, of the Public Records of Miami-Dade County, Florida.
3. Plat of "FAIR LAWN", recorded in Plat Book 8, at Page 83, of the Public Records of Miami-Dade County, Florida.

Bearings as shown hereon are based upon the centerline of SW 8th Street (Tamiami Trail), (US No. 41), with an assumed bearing of N89°28'12"E, said line to be considered a well established and monumented line.

EASEMENTS AND ENCUMBRANCES:

No information was provided as to the existence of any easements other than what appears on the underlying Plat of record. Please refer to the Limitations item with respect to possible restrictions of record and utility services.

RESTRICTIONS:

Since no other information were furnished other than what is cited in the above pertinent information used for the preparation of this document, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on this Sketch or contained within this report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Sketch to Accompany Legal Description" and the Survey Map resulting therefrom was performed under my direction and is true and correct to the best of my knowledge and belief and further, that said "Sketch to Accompany Legal Description" meets the intent of the applicable provisions of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 through 5J-17.052 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

LONGITUDE SURVEYORS LLC., a Florida Limited Liability Company
Florida Certificate of Authorization Number LB7335

By: _____ Date: _____
Jose Senas, PSM
Registered Surveyor and Mapper LS5938
State of Florida

NOTICE:

Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps by other than the signing party are prohibited without the written consent of the signing party.

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**CITY OF WEST MIAMI
RESOLUTION # 2016-**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI RE-AFFIRMING THE CITY'S MUNICIPAL JURISDICTION AND SOVERGN AUTHORITY OVER ITS LOCAL ROADS WITHIN MUNICIPAL BOUNDARIES BY REAFFIRMING CITY RESOLUTION NUMBER 97-11, PROVIDING FOR A TRANSMITTAL OF SAID RESOLUTION TO MIAMI DADE COUNTY PUBLIC WORKS DEPARTMENT, PROVIDING FOR RECORDING OF SAID RESOLUTION, PROVIDING FOR EFFECTIVE DATE.

Whereas, on March 19th, 1997 the City of West Miami passed and adopted Resolution #97-11 titled, RESOLUTION OF THE CITY OF WEST MIAMI REAFFIRMING MUNICIPAL JURISDICTION AND AUTHORITY OVER ITS LOCAL ROADS WITHIN MUNICIPAL BOUNDARIES AND PROVIDING FOR EFFECTIVE DATE (attached as Exhibit A); and

Whereas, Resolution #97-11 urged Miami Dade County to repeal all ordinances or sections thereof to convey jurisdiction over municipal roads to the county, and

Whereas, Resolution 97-11 declared that the City of West Miami by and through its City Commission that the City Retain municipal jurisdiction and authority as set forth under Florida Statutes; and

Whereas, The City of West Miami approved Resolution #93-5 and Resolution #92-01 (which was recorded with the Miami Dade County Clerk of the Courts under Recording #93R297339 - Recorded June 15th, 1993) authorizing a Special Use Permit for Planned Development Index Number 9301 to construct a planned development within the City of West Miami City limits under the authority granted by Zoning Ordinance #282 of the City of West Miami which involved a "T" or partial street closure; for the safety and the wellbeing of both automotive and pedestrian traffic as recited by the Resolution approving the Special Use Permit for Planned Development; and

Whereas, the City recently approved a Special Use Permit for Planned Development for 6320 SW 8th Street, applicant; 6320 HOLDINGS, LLC that included a Street closure for SW 63 Ave encompassing a portion of SW 63 Avenue where the City of West Miami granted the "vacation of the Street" for the safety and welfare of the community; and

Whereas, Miami Dade County rendered a determination letter to 6320 HOLDINGS dated August 10th, 2016; that states that "*MDC is not in favor of this proposed road closure in proximity to one of the most congested corridors in Miami Dade as it may have adverse traffic impacts*" which clearly contrasts the intent of City of West Miami Resolution #97-11; and

Whereas, Miami Dade County references the Miami Dade county Traffic Flow Modifications)/Street Closures(s) Procedure; Public Works Department; Traffic Engineering Division; Revised January 2009 "*Procedural Manual*", which clearly has not proven that it has sole jurisdiction of street closures or partial street closures for "local" roads located within municipalities; and

Whereas, Miami Dade County has failed to respect the approval by the City of West Miami under **Resolution #2016-17** (passed and adopted on April 20th, 2016) with respect to the street closure application by 6320 HOLDINGS LLC but has ignored and/or approved other streets (*i.e.*, SW 21 Street between 66th and 67th Avenue and SW 12 Street between 66th and 67th Avenue) closures of our local streets;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI THAT:

Section 1. The City Reaffirms City of West Miami Resolution #97-11 executed by the West Miami City Commission; and

Section 2. The City of West Miami urges officials of Miami Dade County to retract the August 10th, 2016 letter to 6320 HOLDINGS, LLC until such time that they enact or produce the Statute and or County Ordinance providing sole jurisdiction to Miami Dade county over local municipal roads; and

Section 3. The City of West Miami urges Miami Dade County to leave municipal matters to incorporated cities under their municipal jurisdiction and authority

Section 4. The City of West Miami instructs the City Clerk to file and record this resolution with the Miami Dade County Clerk of the Court along with the Exhibits marked as:

- **RESOLUTION 97-11 PASSED AND ADOPTED ON MARCH 19TH, 1997**
- **RESOLUTION 93-5 PASSED AND ADOPTED ON MAY 24TH, 1993**
- **RESOLUTION 92-01 PASSED AND ADOPTED JANUARY 8TH, 1992**
- **AUGUST 10TH, 2016 STREET CLOSURE REQUEST – SW 63RD AVENUE BETWEEN SW 8TH STREET AND 9TH STREET**

Passed and adopted this 14th day of September 2016.

APPROVED:

**EDUARDO H. MUHIÑA
MAYOR**

ATTEST:

**ANNERY GONZALEZ
CITY CLERK**

APPROVED AS TO LEGAL SUFFICIENCY:

**JOSE A. VILLALOBOS
CITY ATTORNEY**

ROLL CALL VOTE:

**MAYOR EDUARDO H. MUHIÑA ___
VICE MAYOR CANDIDA "CANDY" BLANCA ___
COMMISSIONER JUAN M. BLANES ___
COMMISSIONER RHONDA A. RODRIGUEZ ___
COMMISSIONER LUCIANO L. SUAREZ ___**