Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Board of County Commissioners

Tuesday, January 24, 2006
9:30 AM
Commission Chamber

Charles Anderson, CPA
Commission Auditor

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Miami-Dade County Board of County Commissioners
Office of the Commission Auditor

Legislative Analysis

Board of County Commissioners
Meeting Agenda

Tuesday, January 24, 2006

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

4(A)	5(L)
7(A)	7(E)
7(F)	7(H)
7(I)	8(A)(1)(G)
8(J)(1)(E)	8(L)(1)(B)
11(A)(9)	11(A)(45)

Additional information items:

8(A)(1)(F)	11(A)(37)
12(A)(7)	

A LEGISLATIVE ANALYSIS FOR ITEMS 8(A)(1)(A) AND 8(A)(1)(B) IS CURRENTLY BEING FINALIZED AND WILL BE FORWARDED ON MONDAY JANUARY 23, 2006.

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Esq., Chief Legislative Analyst, at (305) 375-5469.

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BCC ITEM 4(A)
January 24, 2006

LEGISLATIVE ANALYSIS

ORDINANCE CREATING THE BISCAYNE CORRIDOR COMMUNITY REDEVELOPMENT AGENCY.

Commissioner Sally A. Heyman

I. SUMMARY

This item creates a citizen board of commissioners to oversee the Biscayne Corridor Community Redevelopment Agency, and sets the qualifications, duties and powers of the board.

II. PRESENT SITUATION

On July 21, 1998 the Board of County Commissioners approved resolution R-609-05, declaring portions of Miami-Dade County, known as the Biscayne Corridor, as slum and blighted and found that there was a need to create a community redevelopment agency to oversee the redevelopment of this area. The area is bounded on the North by NE 112 Street, on the East by Biscayne Boulevard, on the South by NE 112 Street, and on the West by NE 12 Avenue.

III. POLICY CHANGE AND IMPLICATION

This ordinance creates a citizen-controlled board of commissioners for the 7th Avenue CRA, which replaces the Board of County Commissioners as the administering agency. According to this ordinance:

- The board shall comprise seven members who serve 4 year terms; three of the members first appointed will serve one, two, and three years, respectively.
- Commissioners will not be compensated but could be reimbursed for travel and other charges incurred while carrying out their official duties.
- All expenditures of the CRA must be approved by the Board of County Commissioners.

The Board of County Commissioners must adopt a separate resolution to appoint the commissioners of the CRA.

IV. ECONOMIC IMPACT

Community Redevelopment Agencies are financed by tax-increment proceeds.

V. COMMENTS AND QUESTIONS

None.

BCC ITEM 5(L)
January 24, 2006

LEGISLATIVE ANALYSIS

RESOLUTION ACCEPTING THE FINDING OF NECESSITY STUDY FOR THE GOULDS/CUTLER RIDGE AREA AND APPROVING THE PREPARATION OF A COMMUNITY REDEVELOPMENT PLAN.

Office of Community and Economic Development

I. SUMMARY

This item amends Resolution 211-05, which adopted a Finding of Necessity study for the Goulds/Cutler Ridge area, and approved the preparation of a community redevelopment plan for the area. This amendment would expand the previously approved boundaries of the redevelopment area by three square miles.

II. PRESENT SITUATION

The Board of County Commissioners (BCC) directed the County Manager in July 2004 to prepare a Finding of Necessity study as required by the Community Redevelopment Act of 1969 (the "Act") for the Goulds/Cutler Ridge area**.** The Board adopted the study for this area on March 1, 2005. A subsequent study concluded that slum and blight existed in a three-square-mile area to the south of the original area. This expanded area is adjacent to the previously approved redevelopment area.

The Act authorizes counties and municipalities in the State of Florida to create community redevelopment agencies and to prepare redevelopment plans for certain defined areas. The purpose of these redevelopment projects is to prevent and possibly eliminate the development of slum and blighted areas.

The Act also authorizes the County to delegate redevelopment after a finding has been made determining that slum or blight exists. According to the Finding of Necessity study:

- **Goulds/Cutler Ridge** area slum and blight exists in the form of unsanitary and unsafe conditions, and deterioration within the defined area.

III. POLICY CHANGE AND IMPLICATION

In order for the County to proceed with community redevelopment in this area, the Board must adopt each of the Finding of Necessity report and approve the respective Community Redevelopment Plan.

IV. ECONOMIC IMPACT

On December 5, 2005, the County's Tax Increment and Financing Coordination Committee reviewed the Finding and Necessity reports and recommended its acceptance by the Board.

V. COMMENTS AND QUESTIONS

None.

BCC ITEM 7(A)
January 24, 2006

LEGISLATIVE ANALYSIS

ORDINANCE AMENDING SECTION 8-16 OF THE CODE RELATING TO SPECIAL HURRICANE INSPECTIONS.

Commissioners Sally A. Heyman and Jose "Pepe" Diaz

I. SUMMARY

This ordinance amends Section 8-16 of the County Code, lowering the threshold to trigger special hurricane inspections from a hurricane warning to the issuance of a severe weather advisory, which is defined as a tropical storm warning, a hurricane watch, or a hurricane warning.

II. PRESENT SITUATION

Currently, according to Section 8-16 of the County Code, building inspectors and building officials certified in Miami-Dade County must do special hurricane inspections when the National Weather Service issues a hurricane watch for Miami-Dade County. These inspections of buildings are to ensure that materials that could become projectiles in hurricane-force winds (74 mph and above) are properly secured. Building officials and inspectors in the County's 32 municipalities and unincorporated area also conduct follow-up inspections after hurricanes to assess damage.

Most municipalities have in place already a standard process for building inspections in the event that a hurricane watch is issued. There are currently 435 building officials and certified inspectors in Miami-Dade County. Each municipality, including Miami-Dade County, has its own set of building officials and inspectors.

Watches and Warnings Affecting Miami-Dade County				
	Tropical Storm Watch	Tropical Storm Warning	Hurricane Watch	Hurricane Warning
Year 2004				
Charley	X			
Frances			X	X
Jeanne			X	X
Total	1		2	2
Year 2005				
Dennis			X	X
Katrina			X	X
Rita		X	X	X
Wilma			X	X
Total		1	4	4

Information provided by staff of National Weather Service

III. POLICY CHANGE AND IMPLICATION

This amendment to the Code would make the issuance of a severe weather advisory the trigger for special hurricane inspections. This amendment defines a severe weather advisory as a tropical storm warning, a hurricane watch, or a hurricane warning. This amendment also expands the scope of these special inspections to include the inspection of projects under construction.

According to the office of Building Code Compliance, this amendment to the Code would not place an additional strain on staffing and budget, as it only changes the time frame of beginning special hurricane inspections.

IV. ECONOMIC IMPACT

This item may have a financial impact on the construction industry and the office of Building Code Compliance depending on how active the storm season is. With each storm new notices would have be posted.

V. COMMENTS AND QUESTIONS

None.

BCC ITEMS 7(E) & 7(F)
January 24, 2006

LEGISLATIVE ANALYSIS

ITEM 7(E)
ORDINANCE REVISING ZONING AND OTHER LAND DEVELOPMENT REGULATIONS PERTAINING TO THE STANDARD URBAN CENTER ZONING DISTRICT ("STANDARD REGULATIONS"), GOULDS COMMUNITY URBAN CENTER ZONING DISTRICT ("GOULDS REGULATIONS"), PRINCETON COMMUNITY URBAN CENTER ZONING DISTRICT ("PRINCETON REGULATIONS"); AMENDING STANDARD REGULATIONS; REVISING GOULDS REGULATIONS TO PERMIT CERTAIN ADDITIONAL USES; REVISING GOULDS AND PRINCETON NONCONFORMING USE PROVISIONS RELATING TO SINGLE FAMILY HOMES; AMENDING SECTIONS 33-284.82, 33-284.85 THROUGH 33-284.87, 33-284.93 THROUGH 33-284.94, 33-284.97 AND 33-284.99.4, CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"), PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Department of Planning & Zoning

ITEM 7(F)
ORDINANCE REVISING ZONING AND OTHER LAND DEVELOPMENT REGULATIONS PERTAINING TO THE NARANJA COMMUNITY URBAN CENTER ZONING DISTRICT ("NARANJA CUC"); CONFORMING NARANJA CUC TO STANDARD URBAN CENTER DISTRICT REGULATIONS, ARTICLE XXXIII(K), CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"), EXCEPT AS SPECIFICALLY PROVIDED HEREIN; REVISING REGULATING PLANS; REVISING NONCONFORMING USE PROVISIONS RELATING TO SINGLE FAMILY HOMES; DELETING AND REPLACING SECTIONS 33-284.67 THROUGH 33-284.74 AND AMENDING SECTION 33-284.76, CODE, PERTAINING TO THE NARANJA CUC; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Department of Planning & Zoning

I. SUMMARY

Item 7(E):

- Revises the existing Standard Urban Center District Regulations (the Standard);
- Streamlines the existing Goulds Community Urban Center Zoning District (GCUCD) and the Princeton Community Urban Center Zoning District (PCUCD) regulations by incorporating the Standard language and regulations proposed; and
- Adds exemptions for GCUCD and PCUCD.

Item 7(F):

- Streamlines the existing Naranja Community Urban Center Zoning District (NCUCD) regulations by incorporating the Standard language and regulations to the existing NCUCD regulations; and
- Adds exemptions.

II. PRESENT SITUATION

The following chart displays the relevant legislation passed to date:

Legislation No.	Date Enacted	Significance
Ordinance No. 04-217	December 12, 2004	Established the NCUCD
Resolution Z-13-05	May 19, 2005	Rezoned Naranja Community Urban Center area to NCUCD
Ordinance No. 05-143	July 7, 2005	Established the Standard
Ordinance No. 05-144	July 7, 2005	Established the GCUCD
Ordinance No. 05-146	July 7, 2005	Established the PCUCD
Resolution Z-25-05	November 17, 2005	Rezoned Goulds Community Urban Center area to GCUCD
Resolution Z-26-05	November 17, 2005	Rezoned Princeton Community Urban Center area to PCUCD

III. POLICY CHANGE AND IMPLICATION

Both Ordinances would incorporate fixes so that the proposed Standard language and regulations are utilized in the GCUCD, PCUCD and NCUCD areas. In addition, the non-conforming clause in the GCUCD, PCUCD, and NCUCD areas would be revised to include an additional exemption for single family homes that are destroyed or have 50% damage to be rebuilt to the previous house plan. **Present policy requires that the house would be rebuilt according to current code and land designation requirements.**

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

None.

BCC ITEM 7H
January 24, 2006

LEGISLATIVE ANALYSIS

ORDINANCE PERTAINING TO PARK IMPACT FEE; AMENDING CHAPTER 33H OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; UPDATING LAND AND IMPROVEMENT COSTS; MODIFYING DEFINITIONS, PARK IMPACT FEE SCHEDULE, CONTRIBUTIONS IN LIEU OF IMPACT FEE; PROVIDING FOR AUTOMATIC ADJUSTMENT OF FEE BASED ON CONSUMER PRICE INDEX AND OTHER CREDITS; PROVIDING ANNUAL PUBLIC COMMENT ON IMPACT FEE REPORT; PROVIDING APPLICABILITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Park and Recreation Department

I. SUMMARY

- The ordinance increases park impact fees without an expansion of services by the Parks and Recreation Department (PARD), but instead, updates and addresses important issues to reflect today's costs to ensure that future residents are provided equivalent services for open spaces and park improvements.

- The ordinance provides a significant increase in the park impact fee, which must be paid before a residential building permit is issued in an unincorporated area.

- The proposal requires the Manager to adjust the park impact fee annually according to the Consumer Price Index (CPI), which becomes effective on October 1 of each year, unless otherwise directed by the Commission.

- The initial fee adjustment applies to FY2006-2007, with a phase-in of 3 years.

- The Manager must conduct a public meeting to present a financial and management report on the park impact fee. The annual impact fee report will provide the opportunity for pubic review and comment.

- An Administrative fee is used to offset County costs associated with credits, contributions, suitability, and administration of the Ordinance. An adjustment in the fee schedule allows for a reduction in the Administrative fees from the current 7.5% to 5%.

- The formula (or calculation) necessary to determine the tax credit. (The credit is currently $304 per dwelling unit which, is based solely on the existing Safe Neighborhood Parks bond.) The new calculation allows the credit to reflect additional debt service generated by the 2004 General Obligation Bond (GOB).

II. PRESENT SITUATION

- Chapter 33H of the Code relates to the Park Impact Fee Ordinance, which applies only to the development of property for residential use located within the boundaries of the unincorporated area of the County. The purpose is to "require that future residential growth contribute its fair share to the cost of additions and improvements to the County's public park system in amounts reasonably anticipated to offset the impacts and demands generated by such growth."

- The Manager periodically reviews the park impact fee ordinance and manual, and makes recommendations for revisions to the Commission. The Commission has not revised the schedules of fees or related tables since 1994. Due to Park Impact Fees not being adjusted since 1994, the current fees do not reflect the precise costs associated with providing park services to residents of unincorporated Miami-Dade County. The amount of Park Impact Fees collected on an average single family detached residence today is $1,173 (the same as 1994).

- The park impact fee schedule is comprised of the combined park open space fee and the park improvement fee, based on a per dwelling unit. Based on greater population density per unit, the fees for single-family detached dwellings are highest, single family attached dwellings are less, and multi-family dwellings are the lowest per unit.

- The feepayer may request the Director of the Park and Recreation Department to determine if a feepayer can get credit for improvements to a local park or pay park improvement fees, or a combination. The Director has 30 days to make a determination.

- Each feepayer shall pay an administrative fee of 7.5% in addition to the park impact fee.

III. POLICY CHANGE AND IMPLICATION

- The proposal represents a significant increase in the Park Impact Fee(s), for all types of dwelling units, which must be paid before a residential building permit is issued in an unincorporated area. The new Park Impact Fee being proposed would stipulate a fee of $2,551 from an average single family detached home to $2,551 (an increase of 117% from $1,173 in 1994).

- The proposal requires the Manager to periodically adjust the impact fee schedule, the open space costs table and the improvement costs table, according to changes in the Consumer Price Index (CPI). The park impact fee will also be periodically adjusted to reflect changes in the tax credit for park capital improvements. Unless otherwise directed by the Commission, these adjustments will be effective on October 1 of each year.

- The initial adjustments apply to the FY 2006-2007 County budget, with a phase-in of three years (60%, 80%, and 100%). The adjusted impact fee schedule will be kept on file with the Department of Planning and Zoning, Impact Fee Administration Office, so that those seeking to pull a permit will know the proper fee.

- Within 120 days of the end of a fiscal year, the Office of Capital Improvements must submit a financial and management report to the Manager on the park impact fee trust funds. The Manager must conduct a public meeting to present a financial and management report on the park impact fee and to receive public comment on the report and the program. The Manager must then report to the Commission and provide recommend changes.

- Projects involving less than 50 residential units or less must pay the park improvement fee, and cannot request a local park open space determination regarding credits for improvements to local parks. Projects involving 50 or more units can request a local park open space determination by the Director if prior to the earlier of the public hearing or the tentative platting.

- The proposal also makes several technical changes to the section on definitions.

IV. ECONOMIC IMPACT

- According to the Impact Fee Office, the annual amount collected for the park impact fee is $8.1 million per year. If this proposal were in place for FY 2005, PARD would have realized an increase in revenues of $11.1 million to $16.7 million per year.

- This amendment provides that the County Manager will make annual adjustments to the impact fees based on the CPI. (The CPI has recently been between 2 and 3 percent.)

- Take into account that the CPI may not accurately reflect the specific cost factors in providing park services (the purchase of open space, and the itemized breakdown of improvement costs). Given the sharp increase in real estate values in Miami-Dade County, the CPI will likely underestimate the increases in specific cost factors.

V. COMMENTS AND QUESTIONS

- The proposal requires the Manager to periodically adjust the park impact fee *ordinance* and manual. Under the County Charter, the Commission cannot delegate to the Manager, or other entity, the power to amend an ordinance.

Therefore, the ordinance itself will not change until amended by the Commission. However, since the proposal does not provide any discretion in the periodic adjustment of the fee schedule and tables, the Commission can delegate to the Manager the *ministerial duty* of making these adjustments.

- In 33H-4(h)(5), the proposal provides for a periodic adjustment of the amount of the tax credit for the local park open space monetary fee, as found in 33H-6(a)(1). The formula for the fee has the amount reduced by crediting ad valorem taxes paid for capital expansion of local parks. Though phrased differently, this is intended to be the same amount described as credit for outstanding debt from General Obligation Bonds for park capital projects.

- The proposal does not provide for a periodic adjustment of population density in new Table 2 (for persons per dwelling unit). Currently the population density "shall be in accordance with the latest available census data." Such data is not annually revised by the U.S. Census Bureau, so the proposal reflects data from the 2000 decennial census.

BCC ITEM 7(I)
January 24, 2006

LEGISLATIVE ANALYSIS

PROPOSED AMENDMENT TO SECTION 331 OF THE MIAMI-DADE COUNTY CODE, PERTAINING TO POLICE SERVICES IMPACT FEE

Miami-Dade Police Department

I. SUMMARY

This item would amend the formula used in calculating the Police Services Impact Fee, and set standards by which the fee will be reviewed in the future. The item presents a change in the police services impact fee of more than 325%.

II. PRESENT SITUATION

Impact fees in Miami-Dade County were first proposed in 1988 to mitigate the costs to the county of providing additional services in newly developed communities in Unincorporated Miami-Dade County. In 1990, Miami-Dade Board of County Commissioners County Commissioners adopted Ordinance 90-31 creating Section 331-1 of the Code, establishing Police Services Impact Fees. See **Chart 1.**

Chart 1

Land Use Occupancy Type	Percent Use of Police Services	Net Capital Costs	Number of Units or Square Feet of Occupancy	Credit for Criminal Justice Bond Program	Cost per Unit or per Square Foot
Residential	60%	$57,138,817	337,870	$78.71	$90.40 per unit
Nonresidential	40%	$38,092,544	194,960,942	$0.057	$.143 per square foot

This is the original fee schedule adopted by the Board of County Commissioners in 1990.

The fees were tied to a formula that accounts for the MDPD Capital Assets and the percentage use of police services in UMSA, and a five percent administrative charge. The formula also gives developers credit for interest payments on the Criminal Justice Bond Program. The original formula was based on statistical information gathered by the MDPD and the Property Appraisal Department between 1988 and 1989. The formula was adjusted again in 1994 based on statistical information from the County Property Appraisal Department on March 18, 1994.

III. POLICY CHANGE AND IMPLICATION

Following an analysis in 2004 by various county departments, and Dr. James Nicholas[1], who was contracted by the County, it was determined that the base numbers used in determining the police services impact fee needed to be adjusted yet again. See **Chart 2** for a comparison of the current and proposed base numbers used to compute the police services impact fee.

Chart 2

Land Use Occupancy Type	Percent Use of Police Services	Net Capital Costs	Number of Units or Square Feet of Occupancy	Credit for Criminal Justice Bond Program	Cost per Unit or per Square Foot
Current Residential	60%	$67,538,749	385,539	$78.71	$96.47 per unit
Proposed Residential	70%	$127,096,505	309,463	0	$410.70 per unit
Percent Change	16.7%	88.2%	-19.7%	-100.0%	325.7%

Land Use Occupancy Type	Percent Use of Police Services	Net Capital Costs	Number of Units or Square Feet of Occupancy	Credit for Criminal Justice Bond Program	Cost per Unit or per Square Foot
Current Nonresidential	40%	$45,025,832	228,464,586	$0.057	$0.140 per square foot
Proposed Nonresidential	30%	$54,469,931	190,882,231	0	$0.285 per square foot
Percent Change	-25.0%	21.0%	-16.4%	-100.0%	103.6%

The proposed ordinance would tie the new formula to the inflation scale as defined by the Consumer Price Index, and the County Manager would be tasked with revising this impact fee on an annual basis.

[1] James Nicholas, Ph.D., is the Associate Director of the Environmental and Land Use Law Program at the University of Florida. He is an international expert in growth management legislation, and urban and regional planning, He has surveyed 238 impact fee programs around the country.

IV. ECONOMIC IMPACT

The ordinance would have a positive economic impact to the County. The higher fees will generate more revenue to mitigate the costs of providing police services to new developments.

Previously, this fee, which is assessed just once to new developments, brought in varying amounts to cover the costs of providing police services to new developments. Previous revenue generated by this impact fee is detailed in **Attachment 1.**

V. COMMENTS AND QUESTIONS

Other Counties
Many jurisdictions have developed impact fees for the purpose of providing new or expanded public capital facilities and projects required to serve new developments. Broward County does not levy police services impact fees.

The impact fee in Palm Beach County has seven components which include roads, schools, parks, fire rescue, law enforcement, public buildings, and libraries. According to the Palm Beach County Code, the impact fee schedule is reviewed and revised biennially by an Impact Fee Review Committee. In Sept. 2005, Palm Beach County officials adopted an 18 percent increase in the overall impact fee schedule. The provision in the fee schedule for law enforcement increased by an average of 14 percent for residential units. The fee for law enforcement assessed to non-residential general office buildings increased by 30.1 percent. For a standard single-family home in Palm Beach County, the new impact fee is $10,023, up from $8,521.

Questions
The following questions were answered by officials of the Miami-Dade Police Department.

Q: Why is the department looking to revise the Police Service Impact Fee at this time?

A: About one year ago the BCC stated that departments should look at their respective fees. This stemmed from a discussion related to taxes/ad valorem rates. There was also an Impact Fee Task Force report in July 1999 that recommended adjustment of rates as well as the Ordinance calling for The Police Services Impact Fee (PSIF) which only applies to UMSA and has not been updated since 1994 (11 years).

According to MDPD, the information regarding the PSIF is outdated as far as the collection zones (largely due to incorporations), credits, and the formula base data. The PSIF formula currently includes a credit of approximately $78 for the Criminal Justice Bond Program. This credit should have been removed from the formula nearly 10 years ago. Also, in reference to the Bond - the formula base for the credit was inaccurate in the PSIF – the police only incurred $38.5 million of the $200 million, however, the credit was given at the $200 million rate in the formula.

Q: How did the department derive the proposed increase in the Police Impact Fee?

A: The PSIF is formula based (same one since inception and outlined in the Ordinance) and has been reviewed and done in consultation with Dr. James Nicholas. The increase is due to the base data used in the formula as well as adjusting of the overall percentages used for residential (from 60% to 70%) vs. nonresidential (from 40% to 30%). Some of the base data are provided by the Department of Planning and Zoning.

BCC ITEM 8(A)(1)(G)
January 24, 2006

LEGISLATIVE ANALYSIS

RESOLUTION RELATING TO NORTH TERMINAL DEVELOPMENT PROJECT AT MIAMI INTERNATIONAL AIRPORT; AUTHORIZING EXECUTION OF CHANGE ORDER NO. MDAD-1 TO ADD ALLOWANCE ACCOUNTS AND RELATED CONTRACT LANGUAGE TO NORTH TERMINAL DEVELOPMENT CONTRACTS WITH CARIVON CONSTRUCTION COMPANY (A-B INFILL DEMOLITION, CONTRACT NO. MIA-747A); CROMPTON CONSTRUCTION COMPANY (A-B INFILL PRE-DEMOLITION, CONTRACT NO. MIA-747D, AND C-D INFILL RAMP FINISH-OUT, CONTRACT NO. MIA-739G); DATO ELECTRIC (C-D INFILL PDS & CCTV, CONTRACT NO. MIA-737H);DODEC, INC. (SPECIAL PROJECTS RELOCATION, CONTRACT NO. MIA-776N-1); DYNALECTRIC (C-D PDS, CONTRACT NO. MIA-775B, AND D-EXTENSION PDS, CONTRACT NO. MIA-775A1); MARKS BROTHERS, INC. (A-B APRON, CONTRACT NO. MIA-732B); AND TRINTEC CONSTRUCTION, INC. (PAINT SHOP, LOCKSMITH & K-9, CONTRACT NO. MIA-776N-4), AUTHORIZING AVIATION DIRECTOR OR DESIGNEE TO EXECUTE WORK ORDERS UNDER EACH ALLOWANCE ACCOUNT, AND AUTHORIZING COUNTY MANAGER OR DESIGNEE TO EXERCISE CANCELLATION OR TERMINATION PROVISIONS THEREOF

(Aviation Department)

I. SUMMARY

This resolution authorizes the County Manager to execute Change Order No. MDAD 1 to the aforementioned contracts. This resolution waives the requirements of Resolution R-377-04 related to the effective date of the amended agreements.

II. PRESENT SITUATION

On June 21, 2005, the Board approved the Fourth Amendment to the Lease, Construction and Financing Agreement (LCF) between American Airlines and Miami-Dade County transferring responsibility of completing the North Terminal Development (NTD) to the County. As a result, these agreements were assigned to the County. Each project's budget contains a contingency amount that can not be accessed with existing contractual mechanisms. Previously, the Aviation Department brought to the Board

III. POLICY CHANGE AND IMPLICATION

This resolution continues the Board policy for expedient completion of MIA capital improvement projects.

IV. ECONOMIC IMPACT

The change orders to each of the agreements involved does not increase either the NTD's budget or the budgets of any of the projects. **The change orders deplete in its entirety the contingency budget of six of the nine listed projects (see table below).** Any additional amounts needed above the available contract amount plus contingencies require approval by the Board.

Project	Contract No.	Contractor	Contingency Budget	MDAD Change Order Amount	Balance of Contingency Budget After Change Order MDAD-1
A-B Infill Demolition	MIA-747A	Carivon Construction Co.	377,407	(377,407)	**0**
C-D Infill Ramp Finish-Out	MIA-739G	Crompton Contstruction Company	420,263	(420,263)	**0**
A-B Infill Pre-Demolition	MIA-747D	Crompton Contstruction Company	1,039,047	(460,000)	**579,047**
C-D Infill PDS & CCTV	MIA-737H	DATO Electric	164,232	(164,232)	**0**
Special Projects Relocation	MIA-776N-1	DODEC Inc.	44,794	(44,794)	**0**
D-Extension PDS	MIA-775A1	Dynalectric	14,479,676	(257,931)	**14,221,745**
C-D PDS	MIA-775B	Dynalectric	282,962	(282,962)	**0**
A-B Apron	MIA-732B	Marks Brothers, Inc.	1,486,223	(460,000)	**1,026,223**
Paint Shop, Locksmith & K-9	MIA-776N-4	Trintec Construction Inc.	47,242	(47,242)	**0**

V. COMMENTS AND QUESTIONS

- Previously, the Board adopted R-1088-05 approving the first amendment, adding scope and Additional Services allowances, to the Design Services Agreements with Bermello Ajamil & Partners, Inc., Leo A. Daly Company, and Wolfberg Alvarez (projects # MIA-746-R-3, MIA-747-R-1, and MIA-739C respectively, and described changes in added scope of the work and additional services allowances. **This item does not reference a change in the scope of work of any project; it does not provide details of the work to be performed or the circumstances giving rise to the need to access the contingency budgets of the various projects.**

- Over $70 million are currently allocated for contingencies related to the North Terminal Development.

- The average change order amount per project amounts to $279,426.

BCC ITEM 8(J)(1)(E)
January 24, 2006

LEGISLATIVE ANALYSIS

RESOLUTION AUTHORIZING EXECUTION OF CONTRACT NO. SS 1908-0/7 BETWEEN MIAMI-DADE COUNTY AND BOMBARDIER TRANSPORTATION (HOLDINGS) USA, INC., FOR THE PURCHASE OF UP TO 29 NEW METROMOVER VEHICLES; INCLUDING AN INITIAL ORDER OF 12 VEHICLES (PHASE 1) FOR A COST NOT TO EXCEED $26,755,383 PLUS A $1 MILLION CANCELLATION PENALTY IF PHASE 2 (FOR AN ADDITIONAL 17 VEHICLES AT A COST NOT TO EXCEED $34,370,284) IS CANCELLED; FOR A TOTAL CONTRACT CEILING, INCLUSIVE OF PHASES 1 AND 2, OF $61,125,667

Miami-Dade Transit

I. SUMMARY

This resolution seeks Board approval for an exclusive sole source contract between Miami-Dade County and Bombardier Transportation USA, Inc. (Bombardier) for the purchase of up to 29 new Metromover Vehicles.

II. PRESENT SITUATION

On November 5, 2002, the residents of Miami-Dade County approved a ½ cent Surtax for the purpose of enhancing the Transportation and Mass Transit System in Miami-Dade County.

The outline for the expenditure of these monies is known as the Peoples' Transportation Plan (PTP).

On October 9, 2003 the Board of County Commissioners approved a list of 24 Capital Improvement Items to be included into the Peoples Transportation Plan (PTP). Among this list of projects to be amended into the PTP was the Mid-life Rehabilitation of the Metrorail and Metromover vehicles.

On October 19, 2004, The Board approved an amendment to the PTP clarifying the list of Capital Improvement Items approving the Purchase of 12 new Metromover Vehicles at an estimated cost of **$1.725 million per vehicle** and the retrofitting of the remaining 17 vehicles for $65,000 per vehicle (or $1.105 million total), inclusive of a 5% allowance. The total fiscal impact to the PTP for addressing all 29 vehicles was estimated at $24 million.

Direct excerpt from Manager's Memo on item 7(J)(1)(B) October 19, 2003:

> ...FISCAL IMPACT
> The total cost for the procurement of 12 new Metromover vehicles and the retrofit and modification for compatibility of the remaining 17 vehicles is approximately $24 million and will be funded 100% by the Transit Surtax.

III. POLICY CHANGE AND IMPLICATION

This contract would allow for the purchase of 12 new vehicles at a cost of **$2,123,782 per vehicle.**

This represents an increase of over 23% from the price per vehicle brought to the Board on October 19, 2004

Further, instead of simply retrofitting the remaining vehicles at the estimated cost of $65,000 per vehicle (or $1.105 million total), this contract contains an option to purchase 17 additional new vehicles at a cost of $1,814,134 (or $34,370,284 total)

Additionally, this contract provides a $1 million penalty to the County if Phase II is not exercised.

IV. ECONOMIC IMPACT

The contract ceiling for these vehicles, inclusive of allowance accounts is **$61,125,667.**

This is over 100% more than the estimated cost for this project when the Board approved the amendment to the PTP on October 19, 2005.

V. COMMENTS AND QUESTIONS

The Department contends that the additional 17 vehicles need replacement earlier than anticipated. Why?

Why wasn't this revealed to the Board on October 19, 2004, after what was at that time called "a thorough evaluation" of the original cars by the Department and the County's consultant The Washington Infrastructure Group.

Direct excerpt from item 7(J)(1)(B) October 19, 2003:

> On September 9, 2003 (Resolution No. R-931-03), the Board awarded Contract TA02-MR26 to Washington Infrastructure Services, Inc, now Washington Group International, to provide engineering services for the Metrorail and Phase 1 Metromover mid-life vehicle fleet overhaul and modernization project. The original 12 Metromover vehicles, purchased in 1984 from Westinghouse Electric Corporation (now Bombardier Transportation), have reached their 20 years of useful life and are due for replacement. As a result of a thorough evaluation of these 12 original Metromover system vehicles, the estimated cost to overhaul each car is approximately $1.5 million or a total of $18.7 million dollars. The estimated cost to purchase 12 new vehicles is approximately $20.7 million dollars or $1.725 million per vehicle. Twelve (12) new vehicles could be delivered in 22 months compared to 52 months for twelve (12) overhauled vehicles. Furthermore, a rehabilitation of Metromover vehicles would only extend their useful life for 10 years, whereas new vehicles would offer a useful life of 20 years. Retrofit and modification for compatibility of the remaining 17 vehicles is estimated at $1.105 million. In addition, modification to the wayside and central control to support the Vehicle Monitoring and Control System (VMCS), as outlined below, is estimated at $1.059 million. The total project cost, including a 5% allowance for unforeseen changes at $1.14 million, is approximately $24 million. (emphasis added)

BCC ITEM 8(J)(1)(E)
January 24, 2006

Why is there a penalty payment of $1,000,000 if the County fails to purchase the additional 17 vehicles from Bombardier?

The Department has expressed that Bombardier is essentially the only provider compatible with our system, which they built.

The Regional Transportation Committee amended the item to require that MDT must get Board approval before exercising the option to purchase the additional 17 vehicles.

BCC ITEM 8(L)1(B)
January 24, 2006

LEGISLATIVE ANALYSIS

INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF SWEETWATER FOR MITIGATION ON THE FUTURE GROWTH OF THE COMMERCIAL, BUSINESS, INDUSTRIAL (CBI) AREA WITHIN THE PROPOSED ANNEXATION

Office of Strategic Business Management

I. SUMMARY

This Resolution provides the BCC with the Interlocal Agreement between Miami-Dade County and the City of Sweetwater regarding the proposed annexation.

II. PRESENT SITUATION

- On December 6, 2005, the Board adopted Ordinance 05-213 (File # 051910) changing the boundaries of the City of Sweetwater.

- The Board requested that the County Manager provide the County Commission with a proposed Interlocal Agreement for approval within 30 days of the effective date of Ordinance 05-213 (File # 051910).

Important to Note:

- On January 19, 2006, the City of Sweetwater ratified the Interlocal Agreement during a special meeting.

- The annexation is still contingent upon the:
  (1) Board's approval of the Interlocal Agreement with Sweetwater and
  (2) Approval of the boundary changes by a majority of the voters during the Sweetwater Annexation Election (scheduled for Tuesday, March 7, 2006).

III. POLICY CHANGE AND IMPLICATION

- The Interlocal Agreement addresses (1) the City of Sweetwater's annual mitigation payment to the County's Municipal Services Trust Fund (MSTF) based on the future growth of a portion of the annexed area; (2) the City's payment to the County for the annexed area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at $88,000 per year for approximately 25 years until FY 2028-29; (3) the provisions expressing the County will retain all applicable utility taxes and electrical franchise fees generated in the annexation area, etc.

IV. ECONOMIC IMPACT

- During the April 19, 2005 BCC meeting the Board adopted Ordinance No. 05-73 (file #: 051910), requiring new municipalities, and existing municipalities which annex certain Commercial, Business, and Industrial (CBI) areas located in the Unincorporated Municipal Service Area (UMSA) to pay one hundred percent (100%) mitigation for those areas.

- Ordinance No. 05-73 (file #: 051910) provides an exception allowing for the negotiation of a lesser amount of mitigation when an annexed or newly incorporated municipality has ***both*** (1) a below average per capita taxable value in comparison to all other cities within Miami-Dade (including UMSA) and (2) also has over ten percent (10%) of families and individuals within its borders below the poverty rate.

- The City of Sweetwater meets both exception requirements with a per capita tax value of $22,354 and a family poverty rate of 16.7%.

- The City has agreed with conditions allowing the County to conduct annual mitigation analysis to determine if the CBI Area has become a Donor Area. The contract provides that a CBI Area becomes a Donor Area when the Gross Revenue generated from the area is more than the expenditures incurred to serve the area. Each element will be determined by the County.

- The agreement provides that the first annual analysis will take place during FY 2006-2007. If the annual analysis indicates the CBI Area has become a Donor Area, the City agrees to begin paying the County ten percent (10%) of the difference between Gross Revenue and Expenditures in the CBI Area.

- The City will continue to make annual payments that increase by 10% each year until the total percentage caps off at 50% of the excess revenues over expenditures in the CBI Area. (The percentage stipulations are applied to mitigation payments only when it has been determined that the CBI is a Donor Area.)

V. COMMENTS AND QUESTIONS

The effect Ordinance No. 05-73 (file #: 051910) will have on Active Annexation Applications:
*(*Provided by the Incorporation & Annexation Division of the Office of Strategic Business Management)*

- The City of Sweetwater is the only area that qualifies for an exception based upon its per capita taxable value and poverty level with in its borders.

- The Cities of Florida City, Miami Springs, Miami Shores, and Homestead qualify for exceptions based upon their per capita taxable value and tax effort.

- The City of Doral, the Town of Medley, and the Village of Virginia Gardens will be required by the ordinance to fully mitigate County losses from their annexations.

BCC ITEM 11(A)(9)
January 24, 2006

LEGISLATIVE ANALYSIS

RESOLUTION RELATING TO COMMUNITY COUNCILS; PROVIDING FOR THE DISSOLUTION OF SUBAREA 102 AND THE CREATION OF A SECOND AT-LARGE SEAT IN WESTCHESTER COMMUNITY COUNCIL TEN

Sen. Javier D. Souto

I. SUMMARY

The proposed resolution modifies the composition of council seats in Community Council 10 in order to fill a current vacancy.

II. PRESENT SITUATION

In general, the boundaries of Community Council 10 encompass the area west of SW 57th Ave, north of SW 42nd Street, east of State Road 27, and south of NW 12th Street (see Attachment). Voting precincts in the area are divided into five (5) subareas and a single at large seat, composed of all the precincts. In addition, there is one (1) commission appointee seat.

Currently, Community Council 10 - Subarea 102 has been vacant since May 9, 2005. The vacancy is due to the past member's hiring as a Miami-Dade County employee and County Code prohibits employees from serving as members of community councils.

The vacancy has not had a negative impact on the frequency of Community Zoning Appeals Board ("CZAB") meetings. From April 5, 2005 to October 11, 2005 the Community Council has made quorum six (6) out of the seven (7) times the CZAB has met. However, unlike the other five (5) subareas, representation for Subarea 102 at zoning meetings has been limited to the at-large seat.

III. POLICY CHANGE AND IMPLICATIONS

This resolution, if adopted, would enact two policy changes:

1. The dissolution of Subarea 102 in Community Council 10.
    - Precincts No. 424, 425, 428, 429, 430, 431, 432 & 603 would be added to Subarea 103 for representation (they are also represented by the present at-large seat).

2. The creation of a second at-large seat.
    - The Council Member would be appointed from a list supplied by Community Council 10 by the County Commissioners whose district encompasses all or part of that council.
    - The appointed individual will serve until 2006, in conjunction with state primary elections.

- The person elected to the second at-large seat will hold office until 2008, when the term expires.
- In 2008, the person elected will be elected to serve a four (4) year term, the term of office for Community Council members.

IV. ECONOMIC IMPACT

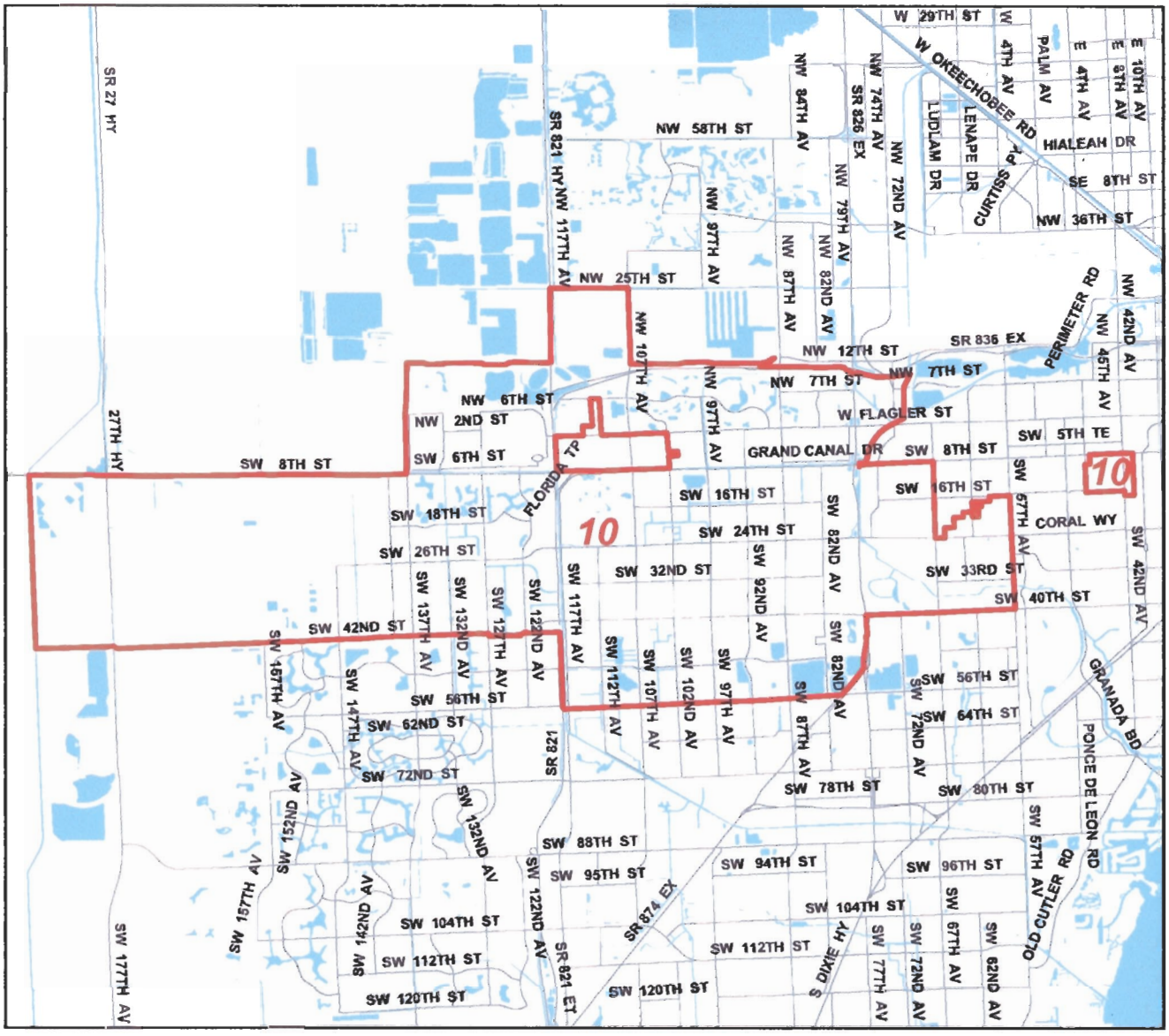
No economic impacts are expected to be generated by the implementation of this resolution.

V. COMMENTS AND QUESTIONS

None.

ATTACHMENT [ITEM 11(A)(19)]

COMMUNITY COUNCIL 10



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Miles

BCC ITEM 11(A)(45)
January 24, 2006

LEGISLATIVE ANALYSIS

RESOLUTION URGING THE FEDERAL GOVERNMENT TO REVISIT ITS "WET FOOT-DRY FOOT" POLICY

COUNTY COMMISSION

I. SUMMARY

Presently, Federal policy allows anyone who has fled Cuba and reaches United States "dry land" would be not be repatriated and would have the opportunity to pursue residency one year later.

II. PRESENT SITUATION

The "wet-foot dry foot" policy is a 1995 revision of the Cuban Adjustment Act of 1966 that says, anyone who fled Cuba and got into the United States would be allowed to pursue residency a year later. The 1995 revision was an agreement between the Cuban Government and U.S that would only allow Cubans who made it to shore, "dry feet," the opportunity to remain in the U.S, and later qualify for U.S citizenship. A Cuban caught on the waters, between the two nations; "wet feet" would be repatriated.

Recently, 15 Cubans landed on an abandoned bridge in the Florida Keys was determined by officials not to be part of the U.S. and therefore considered "wet foot" to be subsequently repatriated. This has stirred up the controversy amongst the Cuban-American community and elected officials who have urged officials to review the country's "wet-foot dry-foot" policy

III. POLICY CHANGE AND IMPLICATION

To urge the federal government to develop specific policy guidelines for federal employees to follow in an effort to minimize judgment calls and semantics over what is or what is not considered U.S land. Currently, interpretation of the policy is lending to inconsistent results when the determination is done on a case by case basis.

IV. ECONOMIC IMPACT

Not yet determined.

V. COMMENTS AND QUESTIONS

- In the recent years, the wet-dry policy has become more stringent, and the number of Cubans attempting to immigrate has continued to rise.
- Approximately 2700 Cubans were stopped by the Coast Guard in 2005, more than twice the number stopped in 2004.

- Florida Congressional Representatives Ileana Ros-Lehtinen, Lincoln Diaz Balart, Mario Diaz-Balart, and Sen. Mel Martinez are all urging the White House for support of an overhaul of the U.S-Cuba immigration policy.

U.S. COAST GUARD

Alien Migrant Interdiction

Coast Guard Office of Law Enforcement

Attachment [Item 11(A)(45)

Total Interdictions: Calander Year 1982 to Present

As of: Friday, January 20, 2006 06:57 AM

Year	Haitian	Dominican	PRC	Cuban	Mexican	Other	Ecuadorian	Total
1982	193	0	0	0	0	5	0	198
1983	762	76	0	47	2	37	0	924
1984	2942	146	0	23	0	177	0	3288
1985	2411	123	12	37	1	74	0	2658
1986	3388	166	11	27	1	38	0	3631
1987	3541	71	0	44	11	13	0	3680
1988	4614	400	0	63	30	5	0	5112
1989	3737	701	5	368	1	95	0	4907
1990	1124	1246	0	430	0	58	0	2858
1991	10087	1455	138	1936	0	174	0	13790
1992	31438	436	181	2336	0	48	0	34439
1993	2404	600	2511	3687	0	58	0	9260
1994	25069	810	353	37191	0	3	0	63426
1995	2336	4047	447	617	0	51	2	7500
1996	733	5430	189	391	0	37	0	6780
1997	774	1143	112	394	0	28	0	2451
1998	1437	831	212	1118	57	42	0	3697
1999	480	531	1351	1463	166	19	513	4523
2000	1394	781	2	928	37	46	1029	4217
2001	1956	279	64	777	7	33	1020	4136
2002	1287	801	84	931	32	71	1944	5150
2003	2222	1942	0	1464	0	46	624	6298
2004	3078	4568	68	1499	93	64	1346	10716
2005	1828	4403	44	2952	86	57	909	10279
2006	68	14	0	123	0	2	0	207
Grand Total	109303	31000	5784	58846	524	1281	7387	214125

Friday, January 20, 2006 Page 1 of 1

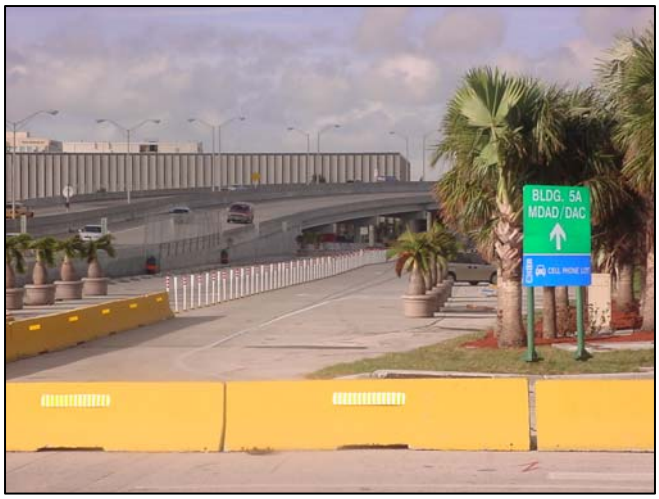
FOIA | Privacy Statement

Coast Guard Home Page | E-mail questions, comments or suggestions | Last Updated: February 18, 2005

Homeland Security

BCC
January 24, 2006

ADDITIONAL INFORMATION

Item#	Subject Matter	Comments/Questions
8(A)(1)(F)	Waiver of Landlord's Lien	The Aviation Department routinely recommends the Board approve waivers of Landlord's Lien. The Board has traditionally approved waivers of landlord's liens, disclaiming any interest in personal property located on airport leased property, for the purposes of leasing or financing. The County holds a security deposit of $181,000 which covers two months worth of rent.
11(A)37	Cell Phone Lot	Over a dozen major airports across the nation provide Cell Phone Lots citing a better traffic flow, less pollution, and diminished gas consumption. Cell Phone Lots provide an area where drivers can wait in the lot until arriving passengers have deplaned, collected luggage and called to be picked up. MIA temporarily designated a location as a Cell Phone Lot located off of Le Jeune Road (see attachment). MIA is evaluating locations for a permanent Cell Phone Lot.
12(A)7	Interlocal Agreement with City of Florida City (RE: Area C1 Boundary Change)	• This annexation will be the 1st of its kind because 100% of the property is outside the UDB. • The County Manager's Memo has included a map of the proposed annexation to fulfill a request made during the 12-13-2005 INLUC meeting. **Important to Note-** **Interlocal Agreement section (B)(6 states):** *Notwithstanding the foregoing, if the County subsequent to this interlocal agreement changes the UDB line, then the City will acquire jurisdiction over all land use, zoning and development regulation and decisions.* With the BCC slated to address some controversial CDMP applications during their next CDMP meeting (April 2006), there are talks that Florida City may bring forth a DRI during that time.

Cell Phone Lot
Miami International Airport