



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Metro Miami Action Plan Trust

Office of the Metro Miami Action Plan Trust
19 West Flagler Street
Mezzanine Room 106
Miami, Florida 33128

December 15, 2004
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Madry Sullivan, Director
Clerk of the Board Division

Jovel Shaw, Commission Reporter
(305) 375-1289



**METRO-MIAMI ACTION PLAN TRUST
MEETING OF DECEMBER 15, 2004**

The Metro-Miami Action Plan (MMAP) Trust convened at 12:40 p.m., on December 15, 2004, at the Office of the Metro-Miami Action Plan, 19 West Flagler Street, Mezzanine – Room 106, there being present Chairperson John T. Jones, Jr.; Trust members: Mr. Arthur Barnes, Mr. Tony E. Crapp, Mr. Thomas B. Donaldson, Mr. Robert Holland, Ms. Marie B. Hyppolite, Ms. Beverly Kovach, Ms. Ruth Page, Dr. Marty Pinkston and Dr. Marzell Smith; (The following Trust members were late: Mr. Benedict P. Kuehne, Ms. Greicy Lovin-Meighan, Mr. Herbert Robinson and Mr. Daniel Wick; (The following Trust members were excused absences: Ms. Veldrin Freemon and Ms. Cynthia A. Stafford); (The following Trust members were absent: Mr. Omar Malone and Dr. Richard E. Williams).

ROLL CALL

Chairperson Jones called the meeting to order at 12:40 p.m.

The following staff members were present: MMAP President/CEO Vincent Brown, Mr. Jacob Berry, Mr. Jose Gonzalez, Ms. Joann Hicks, Mr. Caesar Phillips, Ms. Natelege Powell, Mr. Williams Simmons, Ms. Gloria Taylor, Mr. Joey Walker and Mr. Jeffrey Watson; Mr. Gary Hartfield, Assistant to the Assistant County Manager Tony E. Crapp, Sr., Ms. Rowena Henry, Budget Analyst, Office of Strategic Business Management, Assistant County Attorney Shannon Summerset; and Deputy Clerk Jovel Shaw.

APPROVAL OF MINUTES

Dr. Smith asked that page 3 of the July 21, 2004, Trust meeting minutes, should be corrected to change the word “grant” to “loan” in the fourth paragraph under Agenda Item II-B, and (2) to change the reference to “Deputy Director” should state “Acting Deputy Director,” on page 9 of 12, Item No. 1 under Non-Agenda Items.

Mr. Donaldson asked that page 4 of the September 15, 2004, Trust meeting be corrected to add the language “...to require repayment of the loan upon refinance or resale of the property...” to the amendment be offered to Agenda Item III-4.

Mr. Kuehne asked that the June 16, 2004, July 21, 2004 and September 15, 2004, Trust meeting minutes be corrected to reflect his absence as an excused absence.

Hearing no other requests for changes, it was moved by Dr. Pinkston that the Trust meeting minutes of July 21, 2004, September 15, 2004, October 20, 2004 and November 17, 2004 be approved with the changes requested by the Trust members today (12/15). This motion was seconded by Mr. Barnes, and upon being put to a vote, passed by a vote of 12-0, (Trust members Ms. Freemon, Mr. Malone, Mr. Robinson, Mr. Stafford, Mr. Wick and Dr. Williams were absent).

Trust members proceeded to consider requests for changes to today's (12/15) agenda, Ms. Lovin-Meighan requested that Trust Item (J) entitled, "Hands 2 Help" be added to today's agenda.

Dr. Pinkston requested that Trust Item (K) entitled, "Status/Update Report on the Florida Memorial College Mobile Entrepreneurship Business Assistance Unit" be added to today's agenda.

Chairperson Jones requested that President Item (B) entitled, "Pending Litigation" be added to today's agenda.

Hearing no other requests for changes to the December 15, 2004 Trust agenda, it was moved by Ms. Kovach that the Trust consider this agenda as presented, with the addition of Agenda Items B, J and K. This motion was seconded by Mr. Barnes, and upon being put to a vote, passed by a vote of 12-0, (Trust members Ms. Freemon, Mr. Malone, Mr. Robinson, Ms. Stafford, Mr. Wick and Dr. Williams were absent).

I. MONTHLY STATUS REPORTS

A. Action Committees

1. Criminal Justice Sensitivity Action Committee

2. Education Action Committee

Dr. Smith presented the Education Action Committee monthly report pertaining to the Martin Luther King, Jr. (MLK) Academy.

In response to Dr. Smith comments pertaining to the hiring of a new Director for the MLK Academy, Mr. Brown provided an oral progress report and informed Trust members that an advertisement was published in the newspaper for approximately one week. He noted that approximately 30 applicants responded to the advertisement and five applicants were chosen through the pre-screening process who would be interviewed for the position.

In response to Mr. Brown comments regarding if Dr. Smith would like to serve on the selection committee, Dr. Smith stated it would be a conflict of interest.

Dr. Smith asked that he be briefed, as the Chairperson of the Education Action Committee, on all issues pertaining to the Academy and he be given an opportunity to review any advertisements pertaining to the Academy before they were published.

Mr. Brown noted the Trust members review of advertisement for the hiring of employees to work at the MLK Academy could potentially result in a Conflict of Interest.

Dr. Smith discussed the allowance of tenth grade students to remain at the MLK Academy for the remainder of the current school year due to no adverse fiscal impact for the students to remain at the academy.

Discussion ensued among the members of the Trust regarding Miami-Dade County Public Schools' recommendation that the tenth grade be eliminated from the MLK Academy's curriculum due to behavioral/operational issues.

Dr. Smith recommended the MDCPS be urged to allow tenth grade students to remain at the MLK Academy for the remainder of the current school year.

3. Community Economic Development Action Committee

See attached exhibit.

4. International Trade Committee

The foregoing report was not submitted.

B. Units/Sections/Divisions

1. Fiscal Management

See attached exhibit.

2. MLK Academy

See attached exhibit.

3. Teen Court

See attached exhibit.

4. Neighborhood Accountability Board – November Report

The foregoing report was not submitted.

5. Housing

See attached exhibit.

6. Economic Development

See attached exhibit.

II. PRESIDENT ITEMS

A. West Perrine CDC 2005 MLK, Jr. Parade – FYI for Discussion

Mr. Brown presented the West Perrine Community Development Corporation's (CDC) request that the MMAP Trust provide sponsorship support for its 2005 Martin Luther King, Jr. Parade and Festivities.

It was moved by Dr. Smith that the Trust approve the sponsorship support for the West Perrine CDC 2005 Martin Luther King, Jr. Parade and Festivities. Mr. Wick seconded this motion for discussion.

In response to Mr. Kuehne inquiry regarding the funding history for the event, Dr. Smith provided an overview of the historical background of the West Perrine CDC and the event outlined in the agenda item.

Chairperson Jones recommended that the MMAP Trust account be utilized to fund this event. He provided an overview of how the Trust account was originally funded with monies Trust members received from speaking engagements.

Mr. Donaldson suggested Trust members establish a systematic process to fund community-based organizations.

Chairperson Jones noted that the foregoing issue referenced by Mr. Donaldson was referred to committee.

Concerning Mr. Donaldson's comment that the Public Relations Action (PRA) Committee Budget was depleted, Chairperson Jones suggested that the PRA Committee develop a budget proposal to be considered by the Executive Committee. He suggested that the PRA Committee meet with the Budget Committee to discuss its budget proposal.

Mr. Donaldson noted that the PRA Committee requested that staff provide a list of community-based organizations (CBO) funded by the MMAP Trust last year.

Chairperson Jones stated that the PRA Committee submit another request asking staff to provide this list. He asked that the PRA Committee submit a budget proposal for consideration by the Executive Committee, which would have jurisdiction over these types of requests.

Following further discussion regarding the funding amount allocation to be approved, it was moved by Dr. Smith that the Trust allocate \$2,500 from the MMAP Trust account to the West Perrine Community Development Corporation for its 2005 Martin Luther King, Jr. Parade and Festivities. This motion was seconded by Mr. Wick, and upon being put to a vote, passed by a vote of 13-0, (Trust members Ms. Freemon, Mr. Malone, Dr. Pinkston, Ms. Stafford and Dr. Williams were absent).

Ms. Page made brief comments pertaining to the Martin Luther King, Jr. Parade and Festivities.

B. Pending Litigation

Mr. Brown advised the Trust that Ms. Rashada Simmons has filed a Title VII action lawsuit for gender discrimination. He noted that pursuant to the County Attorney's advice the MMAP President/CEO should not discuss this pending litigation.

III. TRUST ITEMS

A. Proposed Incubator Occupant – Memorandum of Approval

Chairperson Jones stated that staff should schedule a meeting for him and other Trust members to meet with Miami-Dade County Commissioner Barbara A. Jordan (District 1) to discuss the Memorandum of Approval (MOA) providing for the development of a Business Technology Incubator in Commission District 1.

Following further discussion regarding the fiscal impact of this proposal, Chairperson Jones requested that the foregoing MOA entitled, "VIP Associates/Incubator" be deferred to the next Trust meeting, pending a meeting with Commissioner Jordan.

A brief discussion was held among the members of the Trust regarding the fiscal impact.

B. Technology Incubator Lease Renewal – Memorandum of Approval

Chairperson Jones requested that the foregoing Memorandum of Approval entitled, "Incubator Lease Renewal" be deferred to the next Trust meeting.

See note under Agenda Item III-A.

C. Family Health Center Health Services Program – FYI for Discussion

The foregoing report was not presented.

D. Peninsula Swerdlow – Presentation

Mr. Brown discussed the Peninsula Swerdlow Project and the history of the 58th Street Landfill Project. He noted the MMAP Foundation for the joint development of the landfill project selected Peninsula Developers/Teja and Associates, Inc. and the Swerdlow Group, Inc.

Mr. Michael Swerdlow, Chairman and Chief Executive Officer of Swerdlow Group, appeared before the Trust and introduced Mr. Sidney Atzman, Mr. Richard Swerdlow from the Swerdlow Management Team. He also introduced Ms. Altria Pitts and Mr. Otis

Pitts from Peninsula Developers/Teja and Associates, Inc and Mr. Robert Henderson, Jr., Chairman, MMAP Foundation to the Trust.

Mr. Swerdlow stated that his company has formed a joint venture with Peninsula Developers/Teja and Associates, Inc. to prepare a development proposal for the 58th Street Landfill Project. He provided an overview of the Master Lease Proposal for 58th Street Landfill, which included the 58th Street Site Plan, the Conceptual Golf Course Routing Plan, the Conceptual Analysis of Cash Flow to MMAP, and the Conceptual Analysis of Cash Flow to County and the Conceptual Analysis of Golf Cash Flow to MMAP.

Discussion ensued among the members of the Trust and the members of the joint venture along with Mr. Henderson pertaining to the following issues that were raised:

- the duration of the project until completion,
- the cash flow for the Foundation upon completion of the project,
- the close proximity of the proposed golf course to Doral Golf Course and the impact,
- the design of the golf course,
- the market value of the subject property (58th Street Landfill),
- the selection of the development proposal by the Foundation,
- the environmental impact, and
- the inclusion of minority participation through services offered by MMAP such as educating people in becoming tradesmen and eventually entrepreneurs.

Mr. Crapp suggested that an informational meeting between the new Trust members and the Foundation be scheduled to provide the background for the 58th Street Landfill Project.

Following this discussion, Chairperson Jones welcomed Mr. Holland and any other Trust members to attend the Foundation meeting to discuss the development proposal to address any concerns. He stated that the Trust would work closely with the Foundation, Mr. Pitts and Mr. Swerdlow to move forward with this project.

E. Carrie P. Meek Agreement – Memorandum of Approval

Chairperson Jones presented the foregoing Memorandum of Approval entitled, “Carrie Meek Foundation Agreement,” which recommended that the Trust approve the final collaborative agreement between the Carrie Meek Foundation and MMAP Trust for a loaned executive to the Foundation to direct and coordinate the real estate development initiatives for a two year period.

Following a discussion among the members of the Trust pertaining to the effective date of the agreement, it was moved by Ms. Lovin-Meighan that the Trust approve the final loaned executive agreement between the Carrie Meek Foundation and the MMAP Trust with an effective of January 1, 2005. Dr. Smith seconded the motion for discussion.

Discussion ensued among members of the Trust regarding the following issues and concerns:

- the financial obligation and fiscal impact to MMAP
- the review by the Trust's Budget Committee and the Executive Committee
- the selection of an interim President/CEO for MMAP

Miami-Dade County Assistant County Attorney Shannon Summerset clarified that there were two agreements for the collaborative project, (1) the agreement between MMAP Trust and Mr. Vincent T. Brown that would allow Mr. Brown to serve in the capacity of a coordinator for community and economic development of the collaborative project (a loaned executive), and (2) the collaborative agreement between the Carrie Meek Foundation and the MMAP Trust to jointly direct and coordinate joint real estate development initiatives for the MMAP Trust community and economic development mission.

Following further discussion, the motion upon being put to a vote, passed by a vote of 11-2, (Trust members Mr. Holland and Mr. Kuehne voted "No") (Trust members Ms. Freemon, Mr. Malone, Dr. Pinkston, Ms. Stafford and Dr. Williams were absent).

Later in the meeting, Chairperson Jones suggested that a motion be made to appoint Mr. Randel Carr as MMAP's Interim Director effective January 1, 2005.

It was moved by Dr. Smith that Trust approve the appointment of Randel Carr as MMAP Interim Director. Ms. Lovin-Meighan seconded this motion for discussion.

Miami-Dade County Assistant County Attorney Summerset informed the Trust that the ordinance governing the Trust and the County's policy for appointing an interim Department Director should be reviewed by the MMAP Trust and staff prior to the Trust's appointment of an interim director.

Mr. Brown provided a brief overview of the Trust ordinance for the appointment of the MMAP's Executive Director, which states that the Trust submits the names of nominee(s) for the position of Executive Director to the County Manager. The Manager shall make a recommendation from the nominee(s) proposed by the Trust to the Board of County Commissioners for its approval.

Discussion ensued among the members of the Trust regarding the authority to appoint an interim director and the role of the present Executive Director as an executive on loan.

Following this discussion, Mr. Kuehne requested that the Trust's Executive Committee review the foregoing issue and provide a report to the full Trust at its next meeting.

Chairperson Jones asked that the Assistant County Attorney Shannon Summerset provide a legal opinion to be presented at the January 2005, Executive Committee meeting.

Following further discussion of concerns raised by members of the Trust pertaining to the executive on loan of MMAP's President/CEO and the Interim Director, Chairperson Jones recommended that the foregoing issue be referred to the County Attorney to provide a legal opinion to MMAP.

Mr. Barnes suggested that a memorandum be drafted to allow Mr. Carr to serve as MMAP's Interim Director.

Mr. Donaldson discussed the executive on loan and the ability of the Trust to appoint an individual to serve during the interim period.

Mr. Kuehne suggested that staff review the County Executive Loan Program to ensure that the Trust adhered to the County' Executive Loan Program.

Miami-Dade County Assistant County Attorney Summerset informed the Trust that a meeting occurred with the County Manager upon the Trust's approval at its June 16, 2004, meeting of the executive on loan to the Carrie Meek Foundation for community and economic development for the MMAP Trust and the Foundation collaborative project. This collaborative project was the joint development of real estate and economic development projects between the Foundation and MMAP. She noted that the effective date of the agreement for the executive on loan and the Carrie Meek Foundation Agreement could be different or the same. Ms. Summerset stated that the executive on loan agreement was subject to the County Manager's approval.

Following further discussion in connection with the appointment of an interim director, Chairperson Jones stated that the motion should carry and if the today's action was incorrect it would be null and void and the Trust would submit a recommendation to the County Manager.

Assistant County Attorney Summerset clarified the motion would be that the Trust submit a nominee to serve as Interim Executive Director for MMAP to the County Manager.

Chairperson Jones restated the motion that the Trust would nominate an interim Executive Director/President/CEO for MMAP Trust to be effective January 1, 2005.

It was moved by Ms. Lovin-Meighan that the Trust nominate Randall Carr, as the interim Executive Director for MMAP to become effective January 1, 2005. This motion was seconded by Mr. Donaldson, and upon being put to a vote, passed by a vote of (Trust members Mr. Holland and Kuehne voted "No") (Trust members Ms. Freemon, Mr. Malone, Ms. Stafford and Dr. Williams were absent).

Dr. Smith asked that a meeting occur between the Chairperson of the Trust and the interim director to provide an overview of the duties and responsibilities of the MMAP Executive Director.

Chairperson Jones stated that a selection committee would be appointed at the first meeting in January 2005, who would determine the selection criteria and process to be followed. He noted that the selection committee would have up to 60 days to make a selection.

In response to Mr. Kuehne inquiry regarding the selection of a permanent Executive Director for MMAP, Chairperson Jones stated by April 2005, an Executive Director would be selected for MMAP.

F. Overtown Revitalization RFP Update – Verbal

The foregoing report was not presented.

G. Northside Station Joint Development Update

Mr. Brown noted that the foregoing update report was submitted for informational purposes.

In response to questions raised by Mr. Holland regarding the funding source for the Northside Station Joint Development, Mr. Simmons provided a brief overview of the Northside Station Altamira Apartments project schedule timeline and noted that Altamira Associates could discuss the funding issues at the next Trust's Executive Committee meeting along with a presentation.

Following discussion regarding the tax credits and the need for a revised update on the Northside Station Joint Development, Mr. Simmons stated that he would provide a revised update to the Trust.

Chairperson Jones asked that the revised update be provided at the next Executive Committee meeting scheduled for January 2005.

Mr. Robinson expressed a concern with the Trust not moving forward on the foregoing joint development in a timely manner. He requested an update on the status of all outstanding projects.

Following further discussion on the foregoing report, Chairperson Jones reassured members of the Trust that the Miami-Dade County Board of County Commission was aware of the status of the Northside Station Joint Development.

H. Miami-Dade Community Action Agency 23rd Annual Award Banquet

The foregoing Miami-Dade Community Action Agency 23rd Annual Award Banquet was not presented.

I. Teen Police Academy Budget Modification – Memorandum of Approval

Mr. Brown presented the foregoing Memorandum of Approval entitled, "Budget Modification Approval" which no staff recommendation was submitted. He expressed a concern with the budget modification for Teen Police Academy (TPA), which was the second request for a budget modification for the operational cost and not the program. Mr. Brown noted that this budget modification would exceed the 15% of the total budget amount in the contract. He suggested that representatives for the TPA appear before the Trust to present and discuss the foregoing budget modification.

Chairperson Jones asked that the foregoing Memorandum of Approval be deferred and that representatives from the TPA be invited to the January 2005, Trust's Executive Committee meeting along with the Chairperson of the Criminal Justice Sensitivity Action Committee, and meet with staff prior to the Executive Committee meeting.

Ms. Lovin-Meighan suggested that staff meet with the TPA prior to their presentation to the Trust.

Discussion ensued among the members of the Trust regarding the number of students who are participants in the TPA and the cost per student.

Mr. Brown provided a brief overview of the Teen Police Council and noted that staff was working with Miami-Dade County Office of Strategic Business Management (OSBM) to identify another funding source for this effort. He stated that OSBM has informed him that MMAP has to apply for general fund dollars to justify the continued existence of Teen Court and the funding to be allocated from the general fund and a portion of the Article V Revenue. Mr. Brown stated that funding for the Teen Police Council need to be identified if the Trust desired to continue the Teen Police Council.

Chairperson Jones recommended that the Trust's Criminal Justice Sensitivity Action Committee chairperson meet with the Miami-Dade County Public Safety Committee Chairperson along with other interested members of the Trust to discuss Teen Court. He noted that a discussion occurred to have a resolution sponsored by a member of the Board of County Commissioners on behalf of MMAP regarding Teen Court.

Chairperson Jones requested the deferral of the foregoing item to the next Trust meeting.

Hearing no objection, the Trust deferred the foregoing Memorandum of Approval pertaining to the Teen Police Academy Budget Modification.

J. Hands 2 Help, Inc.

Ms. Lovin-Meighan presented the Hands 2 Help, Inc. request for general support for \$500.00 for its life skills program for girls and young women.

In response to Mr. Barnes inquiry regarding the funding source, Ms. Lovin-Meighan suggested that funding could be allocated from the MMAP's General Fund or the Housing Assistance Program Fund.

It was moved by Dr. Smith that the Trust approve an allocation for \$500.00 to the Hands 2 Help, Inc. for general support. Mr. Crapp seconded this motion for discussion.

Mr. Kuehne suggested that the MMAP staff meet with Hands 2 Help organization to identify how MMAP could assistance them with their program rather than providing funding assistance.

The motion upon being put to a vote, failed by a vote of 5-8, (Trust members Mr. Donaldson, Mr. Holland, Ms. Hyppolite, Ms. Kovach, Mr. Kuehne, Ms. Page, Mr. Robinson and Mr. Wick voted "No"; and Trust members Ms. Freemon, Mr. Malone, Dr. Pinkston, Ms. Stafford and Dr. Williams were absent).

It was moved by Mr. Kuehne that the MMAP staff meet with Hands 2 Help, Inc. to identify how the Trust within its organizational mission could assist this organization with continual reporting to the Trust. This motion was seconded by Ms. Lovin-Meighan, and upon being put to a vote, passed unanimously by those members present.

K. Status/Update Report on the Florida Memorial College Mobile Entrepreneurship Business Assistance Unit

The foregoing report was not presented.

NON-AGENDA ITEM:

Mr. Kuehne asked staff to provide a report at the next Trust meeting regarding the Soul 7th Street Festival.

ADJOURNMENT

There being no further business to come before the Trust, the meeting adjourned at 3:15 p.m.

Chairperson John T. Jones, Jr.