



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Budget, Planning and Sustainability**  
**Committee**

April 14, 2009

2:00 P.M.

Commission Chamber

Charles Anderson, CPA  
Commission Auditor  
111 NW First Street, Suite 1030  
Miami, Florida 33128  
305-375-4354

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item: 1(G)2 Sub**

**File Number: 090791**

**Committee(s) of Reference:** Budget, Planning and Sustainability

**Date of Analysis:** April 11, 2009

**Type of Item:** Code Amendment

**Sponsor:** Commissioner Carlos A. Gimenez

**Commission District 1**

**Summary**

This ordinance amends the Zoning Code to permit third party leasehold development on Opa-Locka Airport lands consistent with the Comprehensive Development Master Plan (CDMP).

**Background and Relevant Legislation**

The CDMP states that lands owned by the County at the Opa-Locka Executive Airport (OPF) may be developed for both airside and landside uses provided such uses comply with the CDMP requirements, are compatible with airport operations and comply with Federal Aviation Administration (FAA) regulations. The CDMP also includes limitations on the types and percentages of uses at the airport.

Ordinance 06-20

On February 7, 2006, Ordinance 06-20 was adopted by the Board of County Commissioners (BCC), amending the Zoning Code and creating Section 33-363.1 pertaining to OPF Airport zoning. Ordinance 06-20 removed the government only restricted use providing for certain additional public airport uses in the GP Zoning District at OPF.

According to the February 7, 2008, General Aviation Airports Development Status Memorandum (Memo) provided by the County Manager, Miami-Dade Aviation Department (MDAD) has entered into three major long-term third-party development leases for mixed-use developments of both aviation and non-aviation uses at OPF. They are with J.P. Aviation Investments, AA Acquisitions, LLC., and AVE, LLC.

In addition, on July 10, 2008, BCC approved the development lease agreement between the County and The Carrie Meek Foundation, Inc. bringing the total number of major long-term third party development leases to four.

### Policy Change and Implication

This ordinance and the proposed substitute amend the section of the Code of Miami-Dade County (Code) pertaining to the uses permitted on OPF ( § 33-363.1) and creates § 33-363.2, Site Plan Review Standards. The table below outlines the difference between the originally proposed ordinance and the substitute item.

Original Proposed Development Standards	Original Proposed Ordinance	Substitute Ordinance	Comments
Site Development Standards of the IU-1 Zoning District	Warehouses, storage, showrooms, printing shops and any other industrial use permitted in those portions of the airport designated for non-aviation related uses.	Warehouses, storage, showrooms, printing shops and any other industrial use.	Wording modified but no change in zoning impact.  Both provide the same uses within the IU-1 district.
Site Development Standards of the BU-1A Zoning District	Office buildings, retail sales, restaurants, personal service establishments, and any other business use permitted in those portions of the airport designated for non-aviation related uses.	Office buildings, retail sales, <u>hotel and motels</u> , restaurants, personal service establishments, and any other similar uses.	Development Standards changed from BU-1A to BU-2 Zoning District.  <u>The BU-2 District allows all uses permitted in the originally proposed BU-1A zoning district and accommodates the height of the non-aviation hotel and motel uses.</u>
No Agricultural Development Standards	Does not cover Agricultural uses.	Agricultural uses subject to the site development standards of the AU district.	The substitute specifies that agricultural uses are subject to the site development standards of the AU district.
Off-street Parking Regulations	All development shall comply with the off-street parking regulations of Chapter 33, and with Chapter 18A (Landscaping).	All development shall comply with the off-street parking regulations of Chapter 33, and with Chapter 18A (Landscaping).	No Change
Non-aviation uses	All non-aviation uses subject to the site plan	All non-aviation uses subject to the site plan	No Changes.

	review standards of § 33-363.2 of the Code.	review standards of § 33-363.2 of the Code.	
--	---	---	--

§ 33-363.2 of the Code creates the Site Plan review standards providing for development criteria requiring any development to go through the Department of Planning and Zoning (DPZ) Administrative Site Plan Review process. If the site plan is disapproved, the applicant may appeal to the Board of County Commissioners.

In addition, the substitute ordinance does the following:

- Establishes three development zones for non-aviation uses and provides minimum and maximum acreage for commercial, office, hotel and motel institutions and industrial uses;
- Adds the OPF Airport Development Zone Map;
- Deletes references to airside and landside;
- Categorizes permitted uses as aviation uses, aviation-related uses, and non-aviation uses; and
- Adds additional types of aviation maintenance facilities to the list of aviation uses.

#### **Budgetary Impact**

According to the County Manager's memo, this ordinance creates a positive fiscal impact in that it revises regulation to permit additional private third party leasehold development within the boundaries of the OPF.

Along with the additional development, this item should generate additional revenues from applications submitted for site plan review and other developmental processes.

Prepared by: Elizabeth N. Owens

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item: 2(AA)**

**File Number: 091004**

**Committee(s) of Reference:** Budget, Planning and Sustainability

**Date of Analysis:** April 11, 2009

**Type of Item:** Directive to Mayor

**Sponsor:** Commissioner Audrey M. Edmonson

**Summary**

This resolution directs the Administration to include in the memorandum that accompanies legislation which designates the use of a particular funding source to identify the available balance of such funding source and/or the available capacity, using reasonable interest rate assumptions, if the issuance of debt is contemplated prior to the Board of County Commissioners' (BCC) final consideration of the legislation.

**Background and Relevant Legislation**

For purposes of fully assessing the fiscal impact of proposed legislation, this resolution requires supplemental information listing the available balance of the funding source and/or the capacity of such funding source before the proposed legislation is considered on a final vote. Generally, the accompanying memo names the funding source without addressing the available funds in a given source.

**Budgetary Impact**

None

Prepared by: Lauren Young-Allen

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item: 2(BB)**

**File Number: 090967**

**Committee(s) of Reference:** Budget, Planning and Sustainability

**Date of Analysis:** April 11, 2009

**Type of Item:** Directive to Mayor

**Sponsor:** Commissioner Joe A. Martinez

**Summary**

This resolution requires the Administration and Commissioner sponsoring resolutions, ordinances, or other legislative matters related to or referring to the area median income to include as an attachment a chart that sets forth and compares the median household income for Florida counties, the state and the nation; and sets forth the area median income by the number of persons in each household.

**Background and Relevant Legislation**

Miami-Dade County has a number of housing and social services programs which take into account the area median incomes of families and households to determine eligibility for these programs. Area median income is used to determine eligibility as well as set qualifications for projects funded under housing and social services programs. In particular, the area median income levels are often used to determine eligibility for loans to low-and moderate-income home buyers under federal and state lending programs. To ensure these loans are used to assist such home buyers, community lending programs are generally limited to borrowers with an income no greater than 100% of the area median income in the area where the home is located. The Department of Housing and Urban Development (HUD), for instance, is required by law to set income limits that determine the eligibility of applicants for HUD's assisted housing programs. HUD uses the median income for families in metropolitan and non-metropolitan areas to calculate income limits for eligibility. HUD determines the median family income for an area in the current year which is adjusted by household size. The Area Median Income also reflects the metropolitan area patterns of economic growth.

**Policy Change and Implication**

By requiring County legislation to include a chart that sets forth and compares the median household income for Florida counties, the state and the nation, the Board of County Commissioners will be able

to review and compare published income limits to determine the number or percentage of constituents eligible for a variety of housing and social programs

**Budgetary Impact**

None

Prepared By: Lauren Young-Allen

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item: 3(C)**

**File Number: 090749**

**Committee(s) of Reference:** Budget, Planning and Sustainability

**Date of Analysis:** April 11, 2009

**Type of Item:** Execution of Agreement

**Commission District**

Districts 2, 3, 5, and 7

**Summary**

This resolution authorizes the Administration to execute an agreement with Miami River Fund, Inc. for the purpose of removing and disposing of litter and debris from the Miami River's navigable waters (i.e., waters used for commercial transportation) by or before the end of Fiscal Year 2008-09.

**Background and Relevant Legislation**

Pursuant to §163.06, Fla. Stat., the Miami River Fund, Inc. (MFR) is a nonprofit corporation which serves as the official, coordinating clearinghouse for all public and private projects related to the Miami River. Its primary mission is to improve the 5.5-mile Miami River and its surroundings, including the 69-square-mile water basin that includes the City of Miami and a portion of Miami-Dade County. The MFR was instrumental in bringing to fruition the dredging of the river, development of the Miami River Greenway, storm water system retrofits, redevelopment/ creation of six new waterfront parks, increased tree canopy, removal of derelict vessels, and volunteer clean-ups.

Under the provisions of this proposed agreement, the County will pay MRF \$100,000 to remove and dispose of any non-hazardous material floating within the first two feet of water such as aluminum cans, plastic bags, toys, vegetation, animal debris, wood, leaves, etc. The MFR will serve as the coordinating authority responsible for carrying out or delegating this mission.

The Administration notes that pursuant to Ordinance No. 08-105, and subsequent modification on February 17, 2009, the County has allocated \$100,000 in its Fiscal Year 2008-09 Budget to Miami River Fund, Inc. (MFR) for this specific purpose. The allocation is conditioned upon written confirmation that

the City of Miami, the MRF, or jointly the City of Miami and the MRF are providing matching funds in the amount of \$100,000. Any and all funds provided by Miami-Dade County which remain unspent by the MRF on September 30, 2009 are to be returned to the County.

The proposed agreement will terminate on September 30, 2009, with the exception of a written report to the County due on or before October 31, 2009. The report is to document the volume or weight of the debris removed, the dates of collection and the final costs incurred in the collection and disposal of litter and debris from the Miami River.

**Policy Change and Implication**

None

**Budgetary Impact**

\$100,000 one-time allocation

Prepared By: Lauren Young-Allen

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**

Legislative Notes



**Agenda Item: 3(D)**

**File Number: 090790**

**Committee(s) of Reference:** Budget, Planning and Sustainability

**Date of Analysis:** April 11, 2009

**Type of Item:** Execution of Agreement

**Commission District**

Countywide

**Summary**

This resolution authorizes the execution of an interagency agreement between Miami-Dade County and the US Department of Agriculture (USDA), in which the County will contribute up to \$97,000 per year for 5 years from the Wetlands Trust Fund to fund a portion of an ongoing biological control project for Melaleuca quinquenervia trees conducted by the USDA.

**Background and Relevant Legislation**

On August 28, 2008, the Special Area Management Plan (SAMP) Implementation Committee, which is comprised of the US Army Corps of Engineers, the US Fish and Wildlife Service, the Florida Department of Environmental Protection, the Florida Game and Fresh Water Fish Commission, the South Florida Water Management District and the Miami-Dade County Department of Environmental Resources Management, unanimously approved the expenditure of funds from the Wetlands Trust Fund that will be used to restore wetland ecosystems within the Bird Drive Everglades and the North Trail Wetland Basins. In particular, up to \$97,000 per year for 5 years from the Wetlands Trust Fund will fund USDA's biological control program designed to eradicate the proliferation of Melaleuca trees and re-establish native vegetation.

An over population of Melaleuca trees have consumed acres of wetlands and have encroached upon cypress and pine communities threatening the survival and habitats of the endangered Big Cypress fox squirrel, rare birds, subtropical orchids, ferns and palms. A task force composed of federal, state and local natural resource scientists have concluded that the most effective approach for controlling the proliferation of Melaleuca trees is to integrate biological control programs using agents which limit seed production and increase seedling mortality. Under biological control projects, a suite of herbivorous

insects, which attack the plant, are released under controlled conditions. Weevils, psyllids, and gall flies have been obtained from Australia where the Melaleuca trees originate. USDA has extensively tested this method at the USDA's quarantine facility in to make certain that such insects would not attack other plants found in the South Florida landscape.

The SAMP coalition of governmental agencies supports the controlled- release of insects in Miami-Dade County at monitored sites. The proposed level of funding will cover the costs of the herbivorous insects, personnel, supplies and travel expenses.

Under the terms of the agreement, USDA will be required to "expeditiously implement and be solely responsible for the on-going biological control program," which was conceived in 1986; and will provide the County sufficient documentation to verify progress toward the completion of the work. The County will be responsible for administrative oversight to ensure compliance with agreed upon objectives and methods.

**Policy Change and Implication**

None

**Budgetary Impact**

Miami-Dade County will provide the USDA with up to \$97,000 per year for five years for a total of up to \$485,000 from the Miami-Dade County Wetlands Trust Fund.

Prepared By: Lauren Young-Allen

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item: 3(G)**

**File Number: 090908**

**Committee(s) of Reference:** Budget, Planning and Sustainability

**Date of Analysis:** April 11, 2009

**Type of Item:** Execution of Agreement

**Commission District**

District 5

**Summary**

This resolution awards a contract to RDS Pharmacy Management, Inc., *d/b/a* Robert's Drug Store #4 (RDS) to lease and operate a full service, drop-off/pick-up retail pharmacy at the Stephen P. Clark Center.

**Background and Relevant Legislation**

Since July 2005, RDS has leased 1,787 sq. ft. of retail space located on the first floor of the Stephen P. Clark Center to lease and operate a pharmacy. According to the Department of Procurement Management (DPM), the 2005 Permit Agreement issued by GSA to RDS was for one year with an additional one year option to renew. This permit expired on July 18, 2007. The Permit Agreement had a provision allowing the tenant to continue leasing on a month-to-month basis. Since then, RDS has operated the pharmacy on a month-to-month basis.

**Policy Change and Implication**

The applied method of award was to the highest ranked responsive, responsible vendor based on the evaluation criteria established in the solicitation. The solicitation did not have any minimum qualification requirements. Walgreen Co. is the vendor not being recommended for award under this contract. In the preliminary scoring (pre-oral presentations), Walgreen Co. ranked higher in the total combined scores for technical and price. In the post-oral presentations, RDS ranked higher in the total combined score for technical and price (see below).

	Total Preliminary Scoring (Pre-Oral)	Total Post-Oral Presentation Scoring
RDS	393	412
Walgreens Co.	408	375

Local preference was considered but did not affect the outcome, as no firm was within 5% of the highest ranked firm.

Both Proposers offered additional services at no cost to the County and were considered as part of the evaluation. The proposed additional services from Roberts Pharmacy included periodic health screenings, free prescription deliveries, bill payments, and Money Grams. Additionally, the County negotiated at no cost an on-line internet and telephone prescription re-ordering services and a Point of Sales system. According to DPM, a key point was that Roberts Pharmacy offered a more personalized service concept.

**Budgetary Impact**

In addition, RDS is offering the County 0.5% in monthly gross receipts.

According to the County Manager's memo, this contract is estimated to generate \$204,000 in revenue for the initial five year contract period due to the 0.5% of RDS' monthly gross receipts. If the two, two-year options-to-renew are exercised, the total contract value in revenue to the County is estimated to be approximately \$368,000.

Prepared by: Elizabeth N. Owens

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item: 3(H)**

**File Number: 090910**

**Committee(s) of Reference:** Budget, Planning and Sustainability

**Date of Analysis:** April 11, 2009

**Type of Item:** Procurement

**Commission District**

Countywide

**Summary**

This Competitive Contracts Package includes a total of six (6) procurement actions with a **total of \$14,823,334 in award allocations**. This package includes: a rescission of a contract award, a competitive contract award, a bid rejection, two (2) contract modifications, and a purchase made under a competitively awarded contract from another governmental entity.

**Policy Change and Implication / Budgetary Impact**

- **Two (2) Competitive Contracts:**

Automotive and Truck Replacement Parts and Specialized Repair Services (Item 1.1)

This is a **rescission** of the original recommendation and award of a contract for the automotive and truck replacement parts and specialized repair services for a total allocation of **\$42,198,000 including the subsequent OTRs**. One of the vendors, B&G Auto Parts Warehouse, Inc., failed to meet the solicitation requirement of maintaining \$1 million in inventory at all times. No funds were spent under this contract.

Industrial Electrical Services Pre-qualification Pool (Item 1.2)

This contract is for the purchase of industrial electrical services for a total allocation of **\$12,950,000 for five (5) years**. County departments utilizing this contract include Water and Sewer, General Services Administration (GSA), Aviation and Transit. Transit's funding source is from the People's Transportation Plan (PTP) Surtax Funds. A separate approval will be necessary to utilize the PTP Surtax Funds.

The funding source breakdown, provided by the DPM, is provided in the chart below:

Department	Allocation(s)	Funding Source
Aviation	\$ 1,200,000	Proprietary Revenue
GSA	\$ 1,200,000	Internal Service Funds
Transit	\$ 242,400	Operating (80.8%)
Transit	\$ 57,600	PTP (19.2%)
WASD	\$10,250,000	Proprietary Revenue

Vendors: American Electric of Miami, Inc., Benson Electric, Inc., Industrial Electric Testing, Inc., and Statewide Electrical Services, Inc. As of April 3, 2009, the four (4) firms do not have any open violations.

Closed Violations: American Electric of Miami Inc. had 3 violations (11/1999, 2/2000, and 5/2005) for underpayment of employees for a combined total of \$10,562. Statewide Electrical Services, Inc. had 1 violation (12/2006) for submittal of inaccurate payrolls for \$85,248.36.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.2	\$12,950,000 for 5 years	\$2,590,000	\$2,590,000 for 1 year	\$2,590,000

- **One (1) Bid Rejection:**

Management of the Helen Sawyer Adult Living Facility (Item 2.1)

Rejection of all bids received in response to a solicitation for on-site management and operation services of the Helen Sawyer Adult Living Facility. The two highest ranked firms were unable to secure a \$500,000 performance bond as required under the solicitation. As of April 1, 2009, Miami-Dade Housing Agency (MDHA) assumed management and operations of this facility. Revenues from this facility include the on-site adult daycare.

**Question:** What is the status of the transition to MDHA?

- **Two (2) Contract Modifications with additional spending authority totaling \$573,334:**

Item No.	Contract Title and Modification Reason	Initial Term & Amount	Modified / Extended Term	Increased Allocation	Vendors' Performance Record
3.1	Water Service Line Fittings  <u>Reason:</u> Additional spending authority to allow Water and Sewer to purchase pipe fittings, washers and saddles for water service lines.	\$999,768 / 1 yr.	Term unchanged	\$340,000	No Compliance / Performance Issues reported for the eight firms.
3.2	Landscaping & Lawn Maintenance Services for MDHA  <u>Reason:</u> Additional spending authority to allow MDHA to purchase landscaping and lawn maintenance service.	\$1,050,000 / 18 months	4 months	\$233,334	No Compliance / Performance Issues reported for the six firms.

- **One (1) Purchase Made Under Competitively Awarded Contracts of Other Governmental Entities:**

Panasonic Toughbooks and Accessories

This contract is to modify a current contract with the City of Tucson, Arizona through the National Intergovernmental Purchasing Alliance (N-IPA) for the purchase of Panasonic Toughbooks laptop computers and related accessories for the Miami-Dade Fire Rescue (MDFR) and the Miami-Dade Police Department (MDPD).

Item No.	Contract Title and Modification Reason	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Vendors' Performance Record
4.1	Panasonic Toughbooks & Accessories  <u>Reason:</u> Additional spending authority totaling \$1,300,000 and time extension of twelve (12) months.	\$500,000 / 9 ½ months (Oct. 14, 2008 to July 31, 2009)	12 months (Aug. 1, 2009 to July 31, 2010) for MDPD purchase of laptops for Mobile Computing Units (MCUs)	MDFR - \$900,000 under the initial 9 ½ month contract.  MDPD - \$400,000 during the extended 12 month term.	No Compliance / Performance Issues reported for the eight firms.

Prepared by: Elizabeth N. Owens

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item: 3(I)**

**File Number: 090911**

**Committee(s) of Reference:** Budget, Planning and Sustainability

**Date of Analysis:** April 11, 2009

**Type of Item:** Procurement

**Commission District**

Countywide

**Summary**

This resolution waives formal bid procedures for specified purchases, authorizing the County Mayor or his designee to award such contracts, with authority to exercise subsequent options-to-renew (OTR). This Bid Waiver Package includes a total of two (2) contracts: an emergency purchase and a non-competitive contract modification.

**Policy Change and Implication / Budgetary Impact**

The two (2) contracts submitted in this **Bid Waiver Package total \$1,310,212** and include the following:

- **One (1) Emergency Purchase:**

Emergency Repair and Rehabilitation of Pump Station 426 (Item 3.1)

This item seeks ratification of an emergency contract. On September 12, 2008, the Miami-Dade Water and Sewer Department (WASD) awarded this contract to Metro Equipment Services, Inc. to repair and rehabilitate Pump Station 426 located at 4001 N.W. 163<sup>rd</sup> Street. The work was completed on November 14, 2008.

WASD identified three firms who could perform the work and the contract was awarded to the lowest responsive, responsible bidder from three firms. There was no previous contract established.

According to the County Manager's memo this emergency contract was never ratified by the Board of County Commissioners due to it being inadvertently omitted from previous bid waiver packages.

Item No.	Contract Title	Contract Term & Amount	Vendor's Performance Record
3.1	Emergency Repair and Rehabilitation of Pump Station 426	9/12/08 to 11/14/08 for \$820,212  WASD award if a one- time emergency allocation	<b>Metro Equipment Services, Inc.</b> As of April 3, 2009, this firm does not have any open violations. There are no CSBE measures in this contract.  <b>Closed Violations:</b> Metro Equipment Services, Inc. had two (2) violations (2/2001 and 8/2007) for failing to meet CSBE subcontractor goals. The total make-up amount was \$707,812. On February 19, 2009, according to the Department of Small Business Development, Metro Equipment completed the deficit balance of \$148,099 on project S-827. Pabon Engineering, Inc. was the CSBE subcontractor utilized.

- **One (1) Non-Competitive Contract Modification:**

Process, Control, and Implementation Equipment Pre-qualification Pool (Item 4.1)

This item seeks additional spending authority to allow WASD to purchase and utilize equipment to measure, analyze, and optimize water flow from the Biscayne Aquifer and remain in compliance with the South Florida Water Management District 20-year Consumptive Use Permit.

Item No.	Contract Title	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Vendors' Performance Record
4.1	Process, Control, and Implementation Equipment (Pre-qualification Pool)	\$1,740,000 / 1 yr.	Term unchanged	\$490,000	No Compliance / Performance Issues reported for the 22 firms.

Prepared by: Elizabeth N. Owens