



MEMORANDUM
Harvey Ruvin
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INLUC
Agenda Item No. 6 (B)
December 13, 2005

TO: Honorable Commissioner Seijas
and Members of the
Infrastructure and Land Use Committee

DATE: December 7, 2005

FROM: Kay M. Sullivan, Director
Clerk of the Board

SUBJECT: Approval of Commission
Committee Minutes

The following Clerk's Summary of Minutes is submitted by the Clerk of the Board for approval by the Infrastructure and Land Use Committee.

➤ November 10, 2005

Attachment
KMS/msy



Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

CLERK'S SUMMARY OF Meeting Minutes

Infrastructure and Land Use Committee

Natacha Seijas (13) Chair; Jose "Pepe" Diaz (12) Vice Chair; Commissioners Dr.
Barbara Carey-Shuler (3), Carlos A. Gimenez (7), Barbara J. Jordan (1), and Dorrin D.
Rolle (2)

Carryover Agenda

Thursday, November 10, 2005

4:00 PM

Room 18-4

Members Present: Carlos A. Gimenez, Dorrin D. Rolle, Natacha Seijas.

Members Absent: Dr. Barbara Carey-Shuler, Barbara J. Jordan.

Members Late: Jose "Pepe" Diaz.

Members Excused: None.

1A INVOCATION

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present:
Assistant County Manager Joseph Ruiz, Assistant
County Attorney Craig Collier; and Deputy Clerk
Jill Thornton.*

1D CHAIRPERSON

1D1

053173 Report

REMARKS FROM CHAIRPERSON SEIJAS

Presented

Report: *Chairwoman Seijas called the meeting to order to continue the discussion from November 08, 2005 INLUC meeting regarding the impact of Hurricane Wilma on each County Commission District. She reiterated that this storm caused significant damage to the County's utilities and canopy and noted power outages were extensive. She acknowledged a memorandum from an individual from this community expressing a desire to self initiate a committee to address power outages. She noted, for the record, that issues pertaining to power outages should be reviewed by the INLUC and asked that these issues be appropriately forwarded to this committee. She asked that Commissioner Jordan's concern regarding the inability to coordinate efforts with the State of Florida and the FEMA in the aftermath of Hurricane Wilma also be forwarded for review by the INLUC.*

1E

DISCUSSION ITEM

1E1

053174 Report

ISSUES RELATING TO HURRICANE WILMA

Presented

Report: *Assistant County Manager Joseph Ruiz advised that the County Manager and appropriate departmental staff met with the Federal Emergency Management Agency (FEMA) representatives today (11/10) to discuss a number of issues. He noted the lack of coordination of efforts FEMA existed after Hurricane Katrina, but these efforts significantly improved after Hurricane Wilma, particularly in terms of debris removal. He further noted that many other issues needed to be addressed and that staff would continue to meet with the FEMA to ensure this process continued.*

Chairwoman Seijas recapped some of the issues addressed at the INLUC meeting of November 08, 2005. She noted Commissioner Gimenez asked that the Committee members be provided with a list within the next 30 to 60 days prioritizing the water and sewer facilities that must be improved before another major storm; that the 311 system be used to map out power outages by district and to respond to other hurricane related relief efforts, and that an inventory of surviving trees be provided by the Public Works Department to develop a tree replanting plan.

Chairwoman Seijas opened the floor for discussion by Committee members and the general public.

Commissioner Rolle, as Chairman of the Community Empowerment and Economic Revitalization Committee, expressed concern regarding the inequitable distribution of work or the exclusion of small, local haulers in the County's debris removal contract. Commissioner Rolle noted he was contacted by small, local haulers who expressed concern that their contracts were terminated, and he wanted to ensure the debris removal work pool was fair and representative of the entire community.

Ms. Kathy Woods-Richardson, Director, Solid Waste Management, responded to a number of questions raised at the November 08, 2005, INLUC meeting. She noted 23 emergency purchase orders were issued for hauling debris and for operating disposal waste sites at staging

facilities after Hurricane Katrina. Nineteen (19) of the purchase orders were issued to local firms, noted Director Woods-Richardson. In addition, eighteen (18) emergency purchase orders were issued after Hurricane Wilma, 13 of which were issued to local firms. She explained that it was impossible to maintain an accurate record of subcontractors working for non-local firms and that ethnicity or gender of the haulers was not maintained as a part of the record. Regarding the living wage, Director Woods-Richardson noted the living wage ordinance applied to any contract awarded by the County in excess of \$100,000.

Regarding local haulers who felt they were excluded from the Invitation to Quote (ITQ) process, Ms. Wood-Richardson noted an ITQ had initially been issued that divided the County into six zones and one contract was awarded per zone, however, that process was changed to award work by grids of ¼ square mile areas and to remove the 50-member crew requirement. This was intended to address concerns regarding the exclusion of small, local haulers, She noted. She explained that anyone meeting the qualification would be eligible to work and that as one grid was completed satisfactory, a new grid was awarded.

Responding to Chairwoman Seijas' question whether small, local haulers were ever told that there would not be enough work, Ms. Woods-Richardson noted the intent of the ITQ was to include the small, local haulers. She further noted that after Hurricane Katrina, a year round process was initiated to establish a pool of pre-qualified debris haulers, which was refined before Hurricane Wilma to better manage the number of haulers Countywide and the type of equipment they use.

In response to Chairwoman Seijas' question, Mr. Ruiz noted FEMA wanted the County to continue the competitive pricing process.

Ms. Woods-Richardson stated that under the Hurricane Wilma process, quotes were solicited from a pool of pre-qualified contractors of which 18 contractors bid \$15.00 per cubic yard or under. She noted that those contractors met the compliance requirements and were issued the 18 emergency purchase orders that were currently in place. She further noted the bid process would close by 5:00 p.m. today (11/10). Anyone in the pool not selected in the first round would be eligible to bid on the second solicitation, Ms.

Woods-Richardson explained.

Responding to Commissioner Rolle's question concerning whether the \$15.00 per cubic yard price was negotiated between the County and the FEMA, Assistant County Manager Ruiz stated prices discussed with the FEMA ranged from \$8.50 to \$15.00 for collecting/hauling debris. This cost increased to \$27 if the haulers was asked to dispose of the trash/debris or turn it into mulch, which the FEMA representatives felt was reasonable, Mr. Ruiz pointed out.

Commissioner Rolle asked what would ensure that companies who provided a quote by 5:00 p.m. today (11/10) would get work.

Assistant County Manager Ruiz responded to Commissioner Rolle's question, and stated only those companies that did not work initially were invited to respond to this ITQ. He noted the goal was to have at least 600 crews and 1,200 trucks available to collect before Thanksgiving Day.

Responding to Commissioner Gimenez' question regarding the working hours for debris haulers, Ms. Woods-Richardson noted the haulers worked from sun-up to sun-down.

Commissioner Gimenez asked Assistant County Manager Joseph Ruiz to initiate steps to prohibit trucks that were hauling debris from traveling on section lines and mid-section line roadways between 7:00 to 9:00 a.m. and between 4:00 to 7:00 p.m.

Assistant County Manager Ruiz advised that all major roadways would be cleared on weekends, if possible. He noted certain situations were beyond their control such as the incident involving the blockage of the North Dade landfill entrance in Land Mark by vehicles headed to the food stamp application site on 47th Avenue.

Chairwoman Seijas expressed concern that the food stamp distribution sites were designated without evaluating the impact on surrounding areas.

In response to Commissioner Diaz' question regarding criteria for trucks used to haul debris, Assistant County Manager Ruiz stated criteria was established to avoid what was termed "Frankenstein" vehicles.

Commissioner Rolle mentioned a press conference where FEMA representatives had stated they would combine the Hurricane Katrina and Hurricane Wilma relief efforts, Assistant County Manager Ruiz noted the debris removal process ran much smoother in the aftermath of Hurricane Wilma and that FEMA representatives indicated that any debris remaining on the ground from Hurricane Katrina would be classified as debris from Hurricane Wilma.

Concerning Chairwoman Seijas' question whether Living Wages were paid to the subcontractors, Assistant County Manager Ruiz stated that he was unsure of the rate subcontractors were being paid.

Chairwoman Seijas opened the floor for participation by contractors and the following individuals appeared:

Mr. Randy Pearson, representing Solo Construction Corporation, appeared and noted his company retained two types of truckers, independent truckers who were paid by cubic yard and company truckers who were paid according to the Living Wage ordinance. He expressed concern with larger hauling companies taking over grids assigned to small haulers and questioned how the grids were monitored. He also expressed concern with accessing landfills and the certification process for re-certifying trucks, noting the certification processing center opened at 6:00 a.m. but workers were not on site at that hour to process the trucks, which created several problems.

Mr. James McQueen, appeared and thanked the committee members and County staff for opening the process to small, local haulers and allowing them an opportunity to bid. He expressed the need for an equitable distribution of work to small, local haulers and for grids assigned to these haulers to be protected from takeover by large haulers. He noted disposal staging sites needed to be more accessible and located within closer proximity to the grids.

Mr. Bob Bingham, R.W. Beck, Contractor and Manager of the certification process center, commented that the large quantity of trucks processed through the center simultaneously creating delays in the amount of time required to process the paperwork.

Assistant County Manager Ruiz noted the County had done its best to accommodate this situation

and make the certification process uniform by asking that companies send a reasonable percentage of trucks each day.

In response to Commissioner Gimenez' questions regarding the certification and payment processes, Mr. Bingham noted contractors were paid by the cubic yard of debris collected and the certification process included inspection of tailgates and measuring truck beds for capacity to ensure FEMA's standards were met. He also noted that drivers hauling debris were checked for valid drivers' licenses and that photographs were taken of the drivers and their trucks and maintained as a part of the documentation needed in the event fraud was committed.

Assistant County Manager Ruiz stated this was the process that FEMA required, noting a lot of money was at stake and people could be very creative in committing fraud. He noted a monitor was assigned to each hauling crew as well as a County Enforcement Officer to inspect completed grids properly. He also noted monitors were stationed in towers at disposal sites to ensure that truck loads (amount and type of trash) were within specifications.

In response to comments by Commissioner Gimenez regarding the amount of work and the distribution process of grids, Assistant County Manager Ruiz noted all of the grids needed to be cleaned and the intent was to have an equitable distribution.

Commissioner Gimenez suggested there be a random draw for grids so that once a contractor completed a grid, he could draw for the next one.

Assistant County Manager Ruiz stated the preference was to complete the grids in a progressive order, not randomly, and to ensure that every area was covered. He noted a new grid was issued upon a contractor's word that he had finished a grid, but no further grids would be issued until the first grid passed an inspection by a County enforcement officer.

Commissioner Rolle asked staff to investigate a located site near SW 67 Street, between 20th and 27th Avenue that was not cleared properly of debris.

Mr. Pearson addressed the re-certification process for hauling trucks and for inclusion of small, local

haulers in the debris disposal process.

Responding to Mr. Pearson's concerns, Assistant County Manager Ruiz noted that non-certified trucks would be required to undergo the full certification process and those previously certified could go through an expedited process.

Pertaining to disposal facilities, Ms. Woods-Richardson noted firms that had previously managed staging facilities were initially given this work, but as additional debris disposal facilities opened, an ITQ would be issued to allow everyone in the pre-qualified pool to participate in the bid on debris disposal at future facilities.

Commissioner Gimenez asked that a database be developed that tracks the VIN numbers of vehicles certified by Miami-Dade County to haul hurricane debris.

Mr. Sergio Pereira, representing RES, commended Ms. Woods-Richardson and Assistant County Manager Ruiz for an excellent job in inclusion. He noted it was important to understand that the process could sometimes produce an equal distribution of dissatisfaction. He asked for clarification on how the County would reconcile those bids submitted under the maximum price of \$15.00 approved by FEMA.

Chairwoman Seijas suggested that if the County agreed to pay \$15.00 per cubic yard, then everyone who qualified should be paid that amount.

Responding to Commissioner Gimenez's suggestion that more work be given to the lower bidders, Assistant County Manager Ruiz noted this would go against the equitable distribution goal and Assistant County Attorney Craig Collier noted the invitation to quote was a full, competitive process.

Commissioner Gimenez pointed out that a competitive process was fair when looking for one contractor but when hiring multiple contractors, the county needed to agree on one price.

Chairwoman Seijas asked Assistant County Attorney Craig Collier to provide a legal opinion at the November 15, 2005 County Commission meeting regarding the legality of the County mandating that FEMA pay a minimum of \$15.00 per cubic yard to all contractors who participated in the Invitation to Bid on the hauling contract.

In response to Commissioner Diaz' question, Assistant County Manager Ruiz noted the process for Hurricane Wilma was initiated with an ITQ for pre-qualified contractors and FEMA had expressed that they would not pay more than \$15.00; with Hurricane Katrina, there was a lack of contractors due to the devastation in the Gulf Coast.

Mr. Gregg Davis, representing GC Holdings, stated he was working under the Hurricane Katrina process and had received an e-mail informing him to stop working. He noted he re-submitted his bid today, but asked if he should stop his employees from working or whether he would he know the results of the ITQ today. He pointed out that the problem with random drawing was that it was very costly to relocate equipment and that normally the process was to follow a straight line. He also stated he had heard a rumor concerning a class on billing for work performed and asked that the contractors be allowed to attend this class.

Mr. Vicente Castro, Assistant Director, Department of Solid Waste Management, noted the lowest bid came in at \$13.90 and everyone who bid under \$15.00 would get a contract.

Chairwoman Seijas pointed out that the difference between the lowest bid and the price agreed to by FEMA was a minimal savings to taxpayers and the price should be raised to \$15.00 for everyone.

In response to Commissioner Rolle's questions regarding equitable distribution and offenders who cross the grids, Assistant County Manager Ruiz noted the county would take action by withholding additional work from those contractors found working in grids not assigned to them. He pointed out that the County could have simply hired one or two large companies capable of doing this work, but was committed to the Commission's desire to make the work available to the local community. Responding to Chairwoman Seijas inquiry regarding whether there were two monitors, Mr. Ruiz reiterated the monitoring process stated earlier in the meeting. He also noted that FEMA had its own monitors in the field to ensure the debris collected met their standards.

Mr. Fritz Armand, Financial Administrator, Department of Business Development, inquired about the procedure for tailgates and noted on two

purchase orders, vendors modified truckbeds by extending them with wooden rails but were instructed by FEMA to remove the wood.

Assistant County Manager Ruiz noted accommodations were made for small haulers with aggregate trucks (doors that swing a certain way) which allowed them to remove the door and use chain link and to tarp the load in order for them to be able to participate in the debris hauling contracts. He noted however, that flimsy plywood or chicken wire was not allowed, only wood of proper dimension could be used.

Mr. Bob Bingham noted that if a significant amount of time was spent on inspections of trucks with these types of problems, it would slow down the process.

Mr. Alex Gonzalez commended staff for doing a fine job. He expressed concern with the requirement to tarp loads, noting it would be counterproductive to large trucks or trailers that travel short distances, at slow speeds. He suggested requiring the debris be compacted into the body of the truck.

Assistant County Manager Ruiz noted he would take that suggestion into consideration.

Following discussion, Chairwoman Seijas concluded by thanking the County Manager's Office, the Department of Solid Waste and staff for doing a magnificent job in the debris clearing process.

2 DEPARTMENTS

3 COUNTY COMMISSION

3A

052810 Resolution

Sen. Javier D. Souto

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

Deferred to next committee meeting

Mover: Gimenez

Seconder: Diaz

Vote: 4-0

Absent: Jordan, Carey-Shuler

Report: *It was moved by Commissioner Gimenez that the foregoing proposed resolution be deferred to the next committee meeting. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed unanimously by those members present.*

4 ADJOURNMENT

Report: *There being no further business to come before this Board, the Infrastructure and Land Use Committee was adjourned at 5:46 PM.*