



MEMORANDUM
Harvey Ruvin
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INLUC
Agenda Item No. 6 (C)

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

DATE: March 14, 2006

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.

➤ February 14, 2006

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 Audrey M. Edmonson (3), Carlos A. Gimenez (7), Barbara J. Jordan (1), and Dorrin D. Rolle (2)

Tuesday, February 14, 2006

9:30 AM

COMMISSION CHAMBERS

Members Present: Jose "Pepe" Diaz, Audrey M. Edmonson, Carlos A. Gimenez, Barbara J. Jordan, Dorrin D. Rolle, Natacha Seijas.

Members Absent: None.

Members Late: None.

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 Joni Armstrong-Coffey; and
Deputy Clerks Doris Dickens and Mary Smith-
York.*

1D CHAIRPERSON

1D1

060334 Report

REMARKS FROM CHAIRPERSON SEIJAS

Presented

Report: *Chairwoman Seijas wished everyone in attendance a Happy Valentine's Day and pointed out that items dealing with mitigation were not on today's (2/14) agenda. She noted her intent to create a panel to develop a formula for the continuation of the mitigation policy once the City of Doral's bill challenging the County's Home Rule Charter was off the table. Chairwoman Seijas advised further incorporations would cease until this mitigation issue was resolved.*

Chairwoman Seijas referenced her announcement at the October 11th INLUC meeting regarding her working with the Clerk of Courts, Harvey Ruvin, to create a formal advisory board that addressed the issues of climate change. She noted the County Attorney's Office had been asked to develop an ordinance establishing an advisory committee. Chairwoman Seijas stated Mr. Ruvin requested that Item 3F be deferred until he returned from the UN Conference in Montreal, Canada.

It was moved by Commissioner Gimenez that Item 3F be deferred to no date certain. This motion was seconded by Commissioner Rolle, and upon being put to a vote, passed by a vote of 6-0.

Commissioner Seijas introduced Mr. John Renfrow as the new Director of Miami-Dade Water and Sewer Department, who would present Agenda Item 7A at today's meeting. She requested Budget Director Jennifer Glazer-Moon explain why contingency funds were not being used to match state and federal emergency funds for hurricane projects, as referenced in Agenda Items 2D, 2I, 2J, and 2L.

MOTION TO SET THE AGENDA:

Assistant County Attorney Joni Armstrong-Coffey advised the County Manager requested the following changes as listed in today's Memorandum of Requested Changes to the Infrastructure and Land Use Committee Agenda: add Items 3C Substitute and 3D Substitute; and withdraw Item 2G. She noted the County Manager also asked that Item 7E be withdrawn as a written report and substituted with an oral

report.

It was moved by Commissioner Diaz that today's agenda be accepted as presented with the foregoing changes. This motion was seconded by Commissioner Edmonson, and upon being put to a vote, passed by a vote of 6-0.

2 DEPARTMENTS

2A

060207 Resolution

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 25.7 ACRES IN THE SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND HOERT, HERRERA, HERRERA, HERRERA AND HERRERA AS SELLERS; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE PROVISIONS CONTAINED THEREIN (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Rolle
Seconded: Diaz
Vote: 6-0

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

Upon hearing Commissioner Jordan's request for the Department of Environmental Resources Management (DERM) Director to conduct an analysis to determine if the price of land escalated once it was placed on the list to be purchased by the County, Assistant County Manager Ruiz advised that the County only paid the assessed values for any land purchase. There being no further discussion on this matter, the Committee proceeded to vote.

2B

060210 Resolution

RESOLUTION RATIFYING THE EXECUTION OF AMENDMENT NUMBER ONE TO AGREEMENT NO. OT050665 WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO PROVIDE FUNDING FOR DREDGING THE FEDERAL AND NON-FEDERAL OPTIONS OF ACCEPTANCE SECTIONS 9 THROUGH 11 OF THE MIAMI RIVER DREDGING PROJECT; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE PROVISIONS CONTAINED THEREIN (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation

Mover: Rolle

Seconder: Diaz

Vote: 6-0

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

Commissioner Rolle inquired as to why the Miami River Dredging project had been stopped.

Director Carlos Espinosa, Department of Environmental Resources Management, advised that upon exhaustion of the \$30 million federal funds, the project was demobilized. He stated the project was approximately 40 percent completed.

Commissioner Rolle asked Department of Environmental Resources Management (DERM) Director Carlos Espinosa to investigate and determine whether any vendors associated with the Miami River Dredging project were not paid as a result of this project's demobilization.

There being no further discussion on this matter, the Committee proceeded to vote.

2C

060260 Resolution

RESOLUTION RATIFYING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO PROVIDE BEACH EROSION CONTROL FUNDING (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation

Mover: Rolle

Seconder: Diaz

Vote: 6-0

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

There being no discussion on this matter, the Committee proceeded to vote on the foregoing proposed resolution.

2D

060369 Resolution

RESOLUTION DELEGATING AUTHORITY FOR EXECUTION OF AN AGREEMENT TO RECEIVE FEDERAL FUNDING ASSISTANCE FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) – NATURAL RESOURCES CONSERVATION SERVICE (NRCS) TO REPAIR DAMAGE CAUSED TO THE SECONDARY CANALS BY HURRICANES KATRINA AND WILMA; DELEGATING AUTHORITY TO AWARD, WHERE NO TIMELY BID PROTEST IS FILED, NEW CONTRACTS TO REPAIR SUCH DAMAGE; AND DIRECTING CONTRACTS AWARDED HEREUNDER TO BE SUBMITTED TO THE BOARD FOR RATIFICATION (Department of Environmental Resources Management)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Diaz

Seconder: Rolle

Vote: 6-0

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

In response to Commissioner Rolle's comment regarding a canal that needed to be cleaned, Director Carlos Espinosa, Department of Environmental Resources Management (DERM), noted that the County had initiated steps toward taking possession of the canal and would subsequently perform its maintenance.

Chairwoman Seijas asked Chief Dorian Valdes, DERM, to provide Committee members with a report with specific timeframes on when canals within their respective Commission Districts would be cleaned, as requested by Commissioner Rolle.

Commissioner Rolle asked that all trees and debris be removed from the canal behind the Miami Shores Public Works Facility and that this canal be cleaned to meet his standards as the District Commissioner and his constituency.

Chairwoman Seijas asked staff to prepare the appropriate memorandum requesting that the County Commission Chairman Joe A. Martinez waive the Committee's rules and allow the foregoing proposed resolution to be heard at the February 21, 2006 County Commission meeting.

There being no further discussion on this matter, the Committee proceeded to vote.

2E

060286 Resolution

RESOLUTION APPROVING THE APPOINTMENT OF RAMON FERRER TO THE BISCAYNE NATIONAL PARK BUFFER DEVELOPMENT REVIEW COMMITTEE (Department of Planning & Zoning)

*Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Rolle
Vote: 6-0*

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

There being no discussion on this matter, the Committee proceeded to vote on the foregoing proposed resolution.

2F

060141 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A TRI-PARTY PRE-EMPTION AGREEMENT AMONG MIAMI-DADE COUNTY, THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND FLORIDA EAST COAST RAILWAY, LLC (FEC), FOR THE SYNCHRONIZATION OF RAILROAD CROSSING DEVICES AND TRAFFIC SIGNALS AT THE INTERSECTION OF NE 151 STREET AND U.S.1 (Public Works Department)

*Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Rolle
Vote: 6-0*

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

There being no discussion on this matter, the Committee proceeded to vote on the foregoing proposed resolution.

2G

060171 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH A.D.A. ENGINEERING, INC., INCREASING THE AMOUNT BY \$16,380.85 FOR CONSTRUCTION PHASE SERVICES FOR SW 97TH AVENUE FROM SW 72ND STREET TO SW 40TH STREET (Public Works Department)

*Withdrawn
Mover: Diaz
Seconder: Rolle
Vote: 6-0*

Report: *During consideration of the County Manager's Memorandum of Changes dated February 14, 2006, the foregoing proposed resolution was withdrawn from today's agenda.*

2H

060185 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF AGREEMENT WITH THE CITY OF MIAMI GARDENS TO PARTICIPATE IN FUNDING AN AMOUNT NOT TO EXCEED \$150,000 FOR LANDSCAPING IMPROVEMENTS ALONG NW 2ND AVENUE (US 441) FROM NW 179TH STREET TO I-95 EXIT RAMPS AND THE NW 7TH AVENUE EXTENSION BETWEEN NW 2ND AVENUE AND NW 7TH AVENUE (Public Works Department)

*Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Rolle
Vote: 6-0*

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

There being no discussion on this matter, the Committee proceeded to vote on the foregoing proposed resolution.

2I

060197 Resolution

RESOLUTION APPROVING EXECUTION OF A LOCAL AGENCY PROGRAM (LAP) AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO FUND COUNTYWIDE REPAIRS OF HURRICANE-DAMAGED STREET LIGHTS; IN THE AMOUNT OF \$4,400,000 AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE THE PROVISIONS THEREIN (Public Works Department)

*Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Jordan
Vote: 6-0*

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

In response to Commissioner Diaz' inquiry regarding streetlight system replacement, Department of Public Works Director Esther Calas advised the hurricane damaged systems would be replaced with systems upgraded to new standards.

There being no further discussion on this matter, the Committee proceeded to vote on the foregoing proposed resolution.

2J

060199 Resolution

RESOLUTION APPROVING EXECUTION OF A LOCAL AGENCY PROGRAM (LAP) AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO FUND EMERGENCY SIDEWALK REPAIRS AND INSPECTION SERVICES THROUGHOUT MIAMI DADE COUNTY; IN THE AMOUNT OF \$73,000.00 AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE THE PROVISIONS THEREIN (Public Works Department)

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Seconder: Jordan

Vote: 6-0

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

In response to Commissioner Diaz' inquiry regarding the limited amount of funds being allocated for sidewalk repair, Public Works Director Esther Calas advised this project covered only Federal Highway Administration (FHWA) roads.

In response to Chairwoman Seijas' request for an explanation on why the contingency fund was not being used to match emergency funds, Director Jennifer Glazer-Moon, Office of Strategic Business Management, stated this fund was created to establish an emergency contingency reserve and required the full Board's approval before being accessed. She further noted the \$100 million goal set by the Board had not yet been met.

Commissioner Gimenez commented that the contingency fund balance was extremely low and expressed opposition to using those funds when other sources were available.

Chairwoman Seijas asked Assistant County Manager Joseph Ruiz to provide her with the balance of funding remaining in the Storm Water Utility Budget Fund later in the meeting.

Chairwoman Seijas asked Assistant County Manager Jennifer Glazer-Moon to ensure that the support documentation submitted in agenda packages along with future projects to be funded from the Contingency Fund include an explanation for using that fund as a funding source.

Commissioner Rolle asked Assistant County Manager Joseph Ruiz to ensure that the support

documentation contained within agenda packages along with future proposals for sidewalk, federal highway and drainage improvements include a list identifying the Commission District and the specific area to be improved.

There being no further discussion on this matter, the Committee proceeded to vote.

2K

060250 Resolution

RESOLUTION ACCEPTING AN IMPLIED OFFER OF DEDICATION FOR A PORTION OF BAILES ROAD LYING BETWEEN SW 117TH AVENUE AND SW 232ND STREET IN SECTION 18-56-40 AND AUTHORIZING A SUBSEQUENT DISCLAIMER OF THE EXCESS PART THEREOF (Public Works Department)

Forwarded to BCC with a favorable recommendation

Mover: Rolle

Seconder: Seijas

Vote: 6-0

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

In response to Commissioner Edmonson's inquiry regarding the disclaimed ten feet of property, Director Esther Calas, Public Works Department, explained that the County required only 25 of the 35 feet of property for the right-of-way. She noted the remaining ten feet would be disclaimed and reverted back to the original property owners.

There being no further discussion on this matter, the Committee proceeded to vote on the foregoing proposed resolution.

2L

060209 Resolution

RESOLUTION APPROVING EXECUTION OF A LOCAL AGENCY PROGRAM (LAP) AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO FUND EMERGENCY CLEANING OF ARTERIAL ROADWAY STORM DRAIN SYSTEMS THROUGH OUT MIAMI DADE COUNTY; IN THE AMOUNT OF \$5,750,000 AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE THE PROVISIONS THEREIN (Public Works Department)

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Seconder: Jordan

Vote: 6-0

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

Commissioner Edmonson asked that she be provided with a report indicating how Disadvantaged Business Enterprise (DBE) goals would be accomplished before this resolution was considered by the County Commission on February 21st.

In response to Commissioner Diaz' inquiry regarding the difference between Federal Highway Administration (FHWA) funds and Federal Emergency Management Administration (FEMA) Hurricane Disaster Relief funds, Director Esther Calas, Public Works Department, explained that FHWA funds could only be used for 80% of the cost to repair FHWA designated roads.

There being no further discussion on this matter, the Committee proceeded to vote on the foregoing proposed resolution.

2M

060214 Resolution

RESOLUTION GRANTING PETITION TO CLOSE SW 133RD AVENUE, FROM SW 213TH STREET TO SW 212TH STREET; AND A PORTION OF SW 212TH STREET, FROM SW 133RD AVENUE EAST FOR 345 FEET (ROAD CLOSING PETITION NO. P-816) (Public Works Department)

Forwarded to BCC with a favorable recommendation

Mover: Rolle

Seconder: Seijas

Vote: 6-0

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

There being no discussion on this matter, the Committee proceeded to vote on the foregoing proposed resolution.

2N

060320 Resolution

RESOLUTION AUTHORIZING EXECUTION OF THE THIRD AMENDED AND RESTATED LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND STERICYCLE, INC. AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY OPTIONS OR TERMINATION OR DEFAULT PROVISIONS THEREOF (Solid Waste Management Department)

Deferred to no date certain

Mover: Gimenez

Seconder: Diaz

Vote: 6-0

Report: *The Committee voted to defer the foregoing proposed resolution to no date certain, as requested by Assistant County Attorney Joni Armstrong-Coffey.*

20

060201 Resolution

RESOLUTION AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS ALONG CRANDON BOULEVARD FOR THE PURPOSE OF ASSURING SAFE TRAVEL FROM THE SOUTH END OF BEAR CUT BRIDGE TO THE FRONT OF THE CRANDON PARK MARINA (Public Works Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Edmonson
Vote: 6-0

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

Chairwoman Seijas opened the public hearing, and there being no individuals to come forth in connection with this matter, she closed the public hearing.

There being no discussion on this matter, the Committee proceeded to vote on the foregoing proposed resolution.

2P

060341 Resolution

RESOLUTION DECLARING THAT WHOLESAL CUSTOMERS OF THE MIAMI-DADE WATER AND SEWER DEPARTMENT BE ALLOWED TO CONTINUE TO PAY AT THE PREVIOUS RATES FOR THE PERIOD JANUARY THROUGH SEPTEMBER 2006; DEFERRING PAYMENT OF THE DIFFERENCE BETWEEN THOSE RATES AND THE RECOMMENDED RATES UNTIL THE END OF FISCAL YEAR 2006-2007; AND REQUIRING CONSULTATION WITH WHOLESAL CUSTOMERS FOR THE PURPOSE OF REFINING FUTURE RATE CALCULATION METHODS (SEE AGENDA ITEM NO. 2Q) (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Gimenez

Vote: 6-0

Report: *The Committee considered Agenda Items 2P, 2Q, and 2Q Supplement simultaneously.*

Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution, ordinance, and supplemental report into the record.

Chairwoman Seijas opened the public hearing and the following individual appeared in support:

Ms. Kathie Brooks, Director, Office of Budget and Performance Improvement, City of Miami Beach.

There being no other persons wishing to be heard in connection with this matter, the public hearing was closed.

In response to Commissioner Jordan's concern on how deferring the rate increase would impact the Water and Sewer Department (WASD), Ms. Jennifer Glazer-Moon, Director, Office of Strategic Business Management (OSBM) explained that the increase had been factored into WASD's FY 05-06 budget but would be handled as a cash flow issue and would be funded through reserves. She added that the municipalities would reimburse the County the difference between the two rates.

Chairwoman Seijas responded to Commissioner Gimenez' inquiry regarding why municipalities had not adjusted billing rates to their customers, reflecting the increase. She advised the change to WASD's rates was made unexpectedly after municipalities had developed their respective budgets.

Ms. Glazer-Moon elaborated on this matter by stating notification of the rate increase to the municipalities was late but a new process had been established to involve municipalities in the rate development which included an estimating conference process. Regarding Commissioner Gimenez' inquiry as to why the rate increase approved by the Board in September 2005, was being reduced, Ms. Glazer-Moon noted that this was done to give wholesale customers a slight mitigation on the increase.

Commissioner Edmonson asked Assistant County Manager Joseph Ruiz to provide her with a report indicating which of the eighteen municipalities participated versus those that did not participate in the workshops held to review the rate calculations.

Commissioner Gimenez asked the Water and Sewer Department (WASD) Director to provide him with a comparative analysis of the rates municipalities charged their customers versus the rates the County charged them.

Chairwoman Seijas asked that this report include those wholesale customers using water sources within the State of Florida's jurisdiction as well.

There being no further discussion on this matter, the Committee proceeded to vote.

2Q

052928 Ordinance

ORDINANCE AMENDING ORDINANCE 05-177; APPROVING REVISED FEES AND CHARGES FOR WHOLESAL CUSTOMERS; AMENDING THE ADMINISTRATIVE ORDER; AND PROVIDING AN EFFECTIVE DATE (SEE AGENDA ITEM NO. 2P) (Water & Sewer Department)

*Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Gimenez
Vote: 6-0*

Report: *The Committee considered Agenda Items 2P, 2Q, and 2Q Supplement simultaneously.*

(See report under Agenda Item 2P; Legislative File No. 060341.)

2Q SUPPLEMENT

060336 Report

SUPPLEMENTAL INFORMATION RE: AMENDING ORDINANCE 05-177; APPROVING REVISED FEES AND CHARGES FOR WHOLESALE CUSTOMERS

Report Received
Mover: Diaz
Seconder: Gimenez
Vote: 6-0

Report: *The Committee considered Agenda Items 2P, 2Q, and 2Q Supplement simultaneously.*

(See report under Agenda Item 2P; Legislative File No. 060341.)

2R

053215 Ordinance

ORDINANCE AMENDING SECTION 24-44(2)(F) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO CLEAN-UP TARGET LEVELS (CTLs) AND PROCEDURES FOR SITES OR CONTAMINANTS OTHER THAN THOSE IDENTIFIED IN SECTION 24-44(1); REPEALING SECTION 24-44(2)(F)(V)1. OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO GROUNDWATER AND SURFACE WATER CLEAN-UP TARGET LEVELS; ENACTING SECTION 24-44(2)(F)(V)1. OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO GROUNDWATER AND SURFACE WATER CLEAN-UP TARGET LEVELS; REPEALING SECTION 24-44(2)(F)(V)2. OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO SOIL CLEAN-UP TARGET LEVELS; ENACTING SECTION 24-44(2)(F)(V)2. OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO SOIL CLEAN-UP TARGET LEVELS; AMENDING SECTION 24-44(2)(J)(II) OF THE CODE RELATING TO POINT OF COMPLIANCE, NOTIFICATION, SOURCE REMOVAL, AND ASSESSMENT PROCEDURES; AMENDING SECTION 24-44(2)(K)(II) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO SITE CLOSURE; SECTION 24-44(2)(L)(II) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO CONTAMINATED SITE MONITORING ONLY PLANS, RISK ASSESSMENT REPORTS, AND REMEDIAL ACTION PLANS; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE (Department of Environmental Resources Management)

Withdrawn

Report: *See Agenda Item 2R Substitute; Legislative File No. 060200.*

2R SUBSTITUTE

060200 Ordinance

ORDINANCE AMENDING SECTION 24-44(2)(F) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO CLEAN-UP TARGET LEVELS (CTLs) AND PROCEDURES FOR SITES OR CONTAMINANTS OTHER THAN THOSE IDENTIFIED IN SECTION 24-44(1); REPEALING SECTION 24-44(2)(F)(V)1. OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO GROUNDWATER AND SURFACE WATER CLEAN-UP TARGET LEVELS; ENACTING SECTION 24-44(2)(F)(V)1. OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO GROUNDWATER AND SURFACE WATER CLEAN-UP TARGET LEVELS; REPEALING SECTION 24-44(2)(F)(V)2. OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO SOIL CLEAN-UP TARGET LEVELS; ENACTING SECTION 24-44(2)(F)(V)2. OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO SOIL CLEAN-UP TARGET LEVELS; AMENDING SECTION 24-44(2)(J)(II) OF THE CODE RELATING TO POINT OF COMPLIANCE, NOTIFICATION, SOURCE REMOVAL, AND ASSESSMENT PROCEDURES; AMENDING SECTION 24-44(2)(K)(II) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO SITE CLOSURE; SECTION 24-44(2)(L)(II) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO CONTAMINATED SITE MONITORING ONLY PLANS, RISK ASSESSMENT REPORTS, AND REMEDIAL ACTION PLANS; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 053215] (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Rolle

Vote: 6-0

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed ordinance into the record.*

Chairwoman Seijas opened the public hearing and seeing no one appear in connection with this ordinance, she closed the public hearing.

In response to Commissioner Diaz' inquiry of who set the standards, Director Carlos Espinosa, Department of Environmental Resources Management (DERM), noted most of the standards contained within the foregoing proposed ordinance were established by the State of Florida but some were set by the County.

3 COUNTY COMMISSION

3A

060108 Ordinance

Jose "Pepe" Diaz

ORDINANCE RELATING TO REGULATION OF THE BU-2 (SPECIAL BUSINESS) ZONING DISTRICT; PERMITTING HOTELS AND MOTELS UPON COMPLIANCE WITH CERTAIN CRITERIA; AMENDING SECTION 33-253 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Amended
Mover: Diaz
Seconder: Seijas

Report: *See Agenda Item 3A Amended; Legislative File No. 060551.*

3A Amended

060551 Ordinance

Jose "Pepe" Diaz

ORDINANCE RELATING TO REGULATION OF THE BU-2 (SPECIAL BUSINESS) ZONING DISTRICT; PERMITTING HOTELS AND MOTELS UPON COMPLIANCE WITH CERTAIN CRITERIA; AMENDING SECTION 33-253 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 060108]

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Diaz

Seconder: Seijas

Vote: 6-0

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed ordinance into the record.*

Chairwoman Seijas opened the public hearing and the following individual appeared in support:

Mr. Ben Fernandez, 200 South Biscayne Boulevard, Miami, attorney representing Hospitality Ventures.

There being no other persons to appear in connection with this ordinance, the public hearing was closed.

Director Diane O'Quinn Williams, Department of Planning and Zoning (DPZ), advised that the department supported this ordinance and recommended the language be revised to strike the words "...subject to the setback requirements of the RU-4A District" from Sec. 33-253; (2.2) and insert the words "the use shall comply fully with all provisions pertaining to the use of the RU-4A District."

Assistant County Attorney Armstrong-Coffey recommended using language that referred to area requirements rather than referring to the use restrictions of the RU- 4A.

There being no further discussion on this matter, the Committee proceeded to vote.

3B

053082 Ordinance

Joe A. Martinez,

Jose "Pepe" Diaz, Audrey M. Edmonson, Carlos A. Gimenez, Sally A. Heyman, Barbara J. Jordan, Dennis C. Moss, Dorrin D. Rolle, Rebeca Sosa, Sen. Javier D. Souto
ORDINANCE REQUIRING EMERGENCY RESPONSE PLAN FROM GAS STATIONS LOCATED IN THE INCORPORATED AND UNINCORPORATED AREAS FOR THE PROVISION OF FUEL DURING A LOCAL STATE OF EMERGENCY; PROVIDING FOR MINIMUM CONTENTS OF THE PLAN INCLUDING THE REQUIREMENT OF THE UNINTERRUPTED SUPPLY OF POWER; PROVIDING FOR APPROVAL BY THE DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT; PROVIDING FOR EXEMPTIONS FOR LIMITED PERIODS; ESTABLISHING PENALTIES AND ENFORCEMENT PROCEDURES, AMENDING CHAPTERS 8B AND 8CC OF THE CODE, PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Diaz
Vote: 6-0

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed ordinance into the record.*

Chairwoman Seijas opened the public hearing and the following individuals appeared in opposition:

*Mr. Eric Hamilton, Florida Petroleum Council, who yielded to Mr. Micah and
Mr. David Micah, Director, Florida Petroleum Council, 215 South Monroe Street, Suite 800 Tallahassee, Florida.*

Commissioner Gimenez referenced an incident wherein his friend had purchased a generator for his gas station at a much lower price than that presented by Mr. Micah. He noted the length of time it would take gas station owners to develop a plan for FEMA's approval would need to be considered as well as costs.

Mr. Al Cardinas, 1441 Brickell Avenue, appeared before the Committee and recommended that implementation of the foregoing proposed ordinance be deferred until it was determined whether the State would enact legislation regarding this issue. He pointed out the County needed to coordinate with emergency preparedness teams for the development of emergency corridors and installation of systems that withstand hurricane-force winds at gas stations.

Commissioner Diaz recommended assigning a representative from Fire and Rescue to evaluate the feasibility of a gas station continuing operations after sustaining disaster related damages. He expressed his intention to meet with knowledgeable County staff to discuss these issues before this ordinance was presented before the full Commission.

Concerned with the high costs involved, Commissioner Jordan recommended this ordinance be amended to allow "Mom and Pop" stations to "opt out" of this ordinance. She agreed there needed to be provisions regarding this matter and suggested a full workshop be held.

Commissioner Gimenez asked the Assistant County Manager to provide Committee members with a map depicting the size and location of all gas station within the County.

There being no other persons to appear in connection with the foregoing proposed ordinance, the public hearing was closed.

Chairwoman Seijas asked that the County Manager ensure that no agenda item be submitted to two or three committees before being considered by the full Board.

3C

060342 Resolution Dennis C. Moss
RESOLUTION RELATING TO COMMUNITY COUNCIL
15; MODIFYING COUNCIL BOUNDARIES AND
SUBAREAS

Withdrawn

Report: See Agenda Item 3C Substitute; Legislative File
No. 060447.

3C SUBSTITUTE

060447 Resolution

Dennis C. Moss

RESOLUTION RELATING TO COMMUNITY COUNCIL 15; MODIFYING COUNCIL BOUNDARIES AND SUBAREAS [SEE ORIGINAL ITEM UNDER FILE NO. 060342] [SEE AGENDA ITEM NO. 3D SUBSTITUTE]

Forwarded to BCC with a favorable recommendation

Mover: Jordan

Seconder: Edmonson

Vote: 6-0

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

Chairwoman Seijas opened the public hearing and the following individual(s) appeared in support:

- Mr. Ken Forbes; and*
- Mr. J.L. Demps, 11025 SW 223rd Street.*

There being no other persons appearing in connection with this issue, the public hearing was closed.

Commissioner Dennis Moss, as sponsor of the foregoing proposed resolution, provided a brief overview of the issues involving the two Community Councils (CC) in South Dade: CC15 to the east and CC 14 west of the U.S. 1 Highway. He noted the recent incorporation of Cutler Bay, which was part of CC 15, had not impacted CC 14. Commissioner Moss recommended CC 15 be realigned to remove the City of Cutler Bay and that CC 14 remain unchanged. He strongly opposed related Agenda Item 3D Substitute which proposed changing the populations of CC 14 to 16,000 and CC15 to 159,000. Commissioner Moss pointed out that a four-year workload analysis found that both CC 14 and 15 handled approximately the same amount of zoning applications and that he would gain the ability to appoint a member to the CC 15.

The Committee considered Agenda Item 3D Substitute prior to voting on the foregoing item.

(See additional report under Agenda Item 3D Substitute, Legislative File Number 060448.)

3D

060333 Resolution

Katy Sorenson

RESOLUTION RELATING TO COMMUNITY COUNCILS
14 AND 15; MODIFYING COUNCIL BOUNDARIES AND
SUBAREAS

Withdrawn

Report: See Agenda Item 3D Substitute; Legislative File
No. 060448.

3D SUBSTITUTE

060448 Resolution

Katy Sorenson

RESOLUTION RELATING TO COMMUNITY COUNCILS 14 AND 15; MODIFYING COUNCIL BOUNDARIES AND SUBAREAS [SEE ORIGINAL ITEM UNDER FILE NO. 060333] [SEE AGENDA ITEM NO. 3C SUBSTITUTE]

*Tabled**Mover: Jordan**Seconder: Rolle**Vote: 4-1**No: Diaz**Absent: Edmonson*

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

Chairwoman Seijas opened the public hearing and the following individual(s) appeared in opposition:

- Mr. Ken Forbes; and*
- Mr. J.L. Demps, 11025 SW 223rd Street.*

The following individual(s) appeared in support:

- Mr. Charlie McGarey, 13990 SW 192nd Street.*

Chairwoman Seijas expressed interest in Mr. McGarey's comment about the need to establish a hybrid zoning board with jurisdiction outside the Urban Boundary Development (UBD).

There being no other persons appearing in connection with this issue, the public hearing was closed.

Commissioner Katy Sorenson, as sponsor, spoke in support of the foregoing proposed resolution. She pointed out that Community Councils (CC) were formed to make recommendations on long-term future land use and therefore, its members should reside in the area the Council serves. She further noted realigning Councils 14 and 15 by separating urban and rural would leave respective boundaries intact and distribute the workload more evenly. Commissioner Sorenson highlighted certain issues that dealt with establishing community identity, increasing the voting strength of minorities, and balancing Commission appointments to Councils.

Commissioner Diaz reiterated a request he made at the previous meeting to have a study conducted on Commission appointments to Community Zoning Appeals Boards and expressed the need to address this issue on a countywide basis. He recommended that agenda items 3C Substitute and

3D Substitute be deferred until the findings of the study had been reviewed.

Mr. Sam Walthour, Director, Team Metro Department, advised a preliminary meeting had been held to discuss and explore ways to better balance appointments to the current ten Community Councils between 13 Commissioners. He indicated it would take approximately two months for the three departments (Team Metro, Planning & Zoning, and Elections) to complete the study and bring back a proposal.

Commissioner Jordan disagreed with the request for deferral and requested the issue be dealt with today. She expressed opposition to the rural versus urban concept and made a motion to forward Agenda Item 3C Substitute with a favorable recommendation.

Chairwoman Seijas stated she had two Council appointments in her commission district. She concurred with Commissioner Jordan's comment opposing the separation of rural and urban representation on the Council and voiced her support of item 3C Substitute.

Following further discussion, the committee proceeded to vote on Agenda Item 3C Substitute, which was forwarded to the BCC with a favorable recommendation. The committee then took the following action on Agenda Item 3D Substitute:

It was moved by Commissioner Diaz that agenda item 3D Substitute be forwarded to the BCC without recommendation. Chairwoman Seijas pointed out that any item forwarded to the BCC without recommendation required a unanimous vote to pass. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, failed by a vote of 5-1 (Commissioner Jordan voted no).

It was then moved by Commissioner Jordan that agenda item 3D Substitute be tabled. This motion was seconded by Commissioner Rolle, and upon being put to a vote, passed by a vote of 4-1 (Commissioner Diaz voted no; Commissioner Edmonson was absent).

(See additional report under Agenda Item 3C Substitute, Legislative File Number 060447.)

3E

060240 Resolution Dennis C. Moss

RESOLUTION URGING THE FLORIDA LEGISLATURE, THE FLORIDA PUBLIC SERVICE COMMISSION AND FLORIDA POWER & LIGHT TO DEVELOP A PLAN FOR ESTABLISHING ELECTRICAL GRIDS ALONG MAJOR ROADWAYS WHERE THERE IS A CONCENTRATION OF GAS STATIONS, RESTAURANTS, GROCERY STORES, AND OTHER STORES PROVIDING ESSENTIAL GOODS AND SERVICES SO THAT IN THE EVENT OF A NATURAL DISASTER LIKE A HURRICANE THE ELECTRICAL GRID CAN BE BROUGHT BACK ON LINE QUICKLY AND FOR SUCH CRITICAL GRIDS TO BE PRIORITIZED FOR SERVICE RESTORATION LIKE POLICE STATIONS, FIRE STATIONS, AND HOSPITALS

*Deferred to no date certain
Mover: Rolle
Seconder: Diaz
Vote: 5-0
Absent: Edmonson*

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

Commissioner Moss, as sponsor, asked that the Committee defer the foregoing proposed resolution until such time as Commissioner Barreiro had presented his findings regarding the various plans in existence.

There being no further discussion on this matter, the Committee voted to defer the foregoing resolution.

3F

060288 Resolution Katy Sorenson

RESOLUTION DIRECTING THE COUNTY MANAGER TO DEVELOP AND PRESENT A COMPREHENSIVE CLIMATE MITIGATION PLAN

*Deferred to no date certain
Mover: Diaz
Seconder: Rolle
Vote: 6-0*

Report: *Chairwoman Seijas advised that the Miami-Dade Clerk of Courts Harvey Ruvin requested that the foregoing proposed resolution be deferred to no date certain.*

4 COUNTY MANAGER

4A

060361 Resolution

RESOLUTION RATIFYING THE COUNTY MANAGER'S ACTIONS, AS AUTHORIZED BY SECTION 2-8.2.7 OF THE CODE OF MIAMI-DADE COUNTY IN APPROVING ACTIVITIES LISTED ON THE ATTACHED SCHEDULE FOR CAPITAL IMPROVEMENT PROJECTS (County Manager)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Gimenez

Vote: 6-0

Report: *Assistant County Attorney Joni Armstrong-Coffey read the foregoing proposed resolution into the record.*

There being no discussion on this matter, the Committee proceeded to vote on the foregoing proposed resolution.

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

7 REPORTS

7A

060198 Report

REUSE FEASIBILITY STUDY MONTHLY PROGRESS REPORT (County Manager)

Report Received

Mover: Gimenez

Seconder: Diaz

Vote: 4-0

Absent: Edmonson, Rolle

7B

060287 Report

REPORT ON INCLUDING LOCAL COLLEGES/UNIVERSITIES IN THE CONSULTANT POOL THROUGH THE EQUITABLE DISTRIBUTION PROGRAM (EDP) (County Manager)

Report Received**Mover: Diaz****Seconder: Seijas****Vote: 4-0****Absent: Edmonson, Rolle**

Report: *Commissioner Diaz asked the County Manager to prepare a report identifying all colleges and universities receiving funding from the County as soon as possible.*

Assistant County Manager Joe Ruiz stated he would provide the requested report at the next committee meeting on March 14, 2006.

7C

060303 Report

LAND USE AND PERMITTING PROCESS ASSESSMENT: CONCLUSION AND IMPLEMENTATION PLAN (County Manager)

Report Received**Mover: Diaz****Seconder: Gimenez****Vote: 4-0****Absent: Edmonson, Rolle**

Report: *Chairwoman Seijas thanked everyone involved in the compilation of the foregoing proposed report and expressed her appreciation for the Mayor's acknowledgement of the effort put forth by members of the Infrastructure and Land Use Committee.*

7D

060372 Report

REPORT ON DEBRIS AND TREE REMOVAL IN SECONDARY CANALS IN MIAMI-DADE COUNTY (County Manager)

Report Received**Mover: Diaz****Seconder: Gimenez****Vote: 4-0****Absent: Edmonson, Rolle**

Report: *Commissioner Diaz asked the Department of Environmental Resources Management Director to provide him with a comprehensive report at the March 14th Committee meeting, identifying manpower available to remove all trees and debris from secondary canals within the County, including the cost, the location of canals, and the amount of trees/debris involved.*

Director Espinosa stated he would provide a more detailed report at the March 14th meeting.

7E

060397 Report

MIAMI-DADE COUNTY WATER SUPPLY ISSUES
(County Manager)

Report accepted

Report: *During consideration of changes to today's (2/14) agenda, the foregoing proposed written report was withdrawn from today's agenda and replaced with an oral report as requested by the County Manager.*

Mr. John Renfrow, Director, Water and Sewer Department, provided an oral report on the status of water supply issues. He noted several meetings transpired with Water Management District representatives to discuss consideration of a consent decree or permit issued as short-term alternatives.

Chairwoman Seijas asked the Water and Sewer Department Director to present an oral status report on the water supply issues facing this community at the March 14th Committee meeting.

8 ADJOURNMENT

Report: *There being no further items for consideration on today's agenda, the Infrastructure and Land Use Committee meeting was adjourned at 12:27 p.m.*