



MEMORANDUM
Harvey Ruvlin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
Miami-Dade County, Florida
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

CEERC
Agenda Item No. 7 (A)

TO: Honorable Chairman Dorrin D. Rolle
And Members, Community Empowerment &
Economic Revitalization Committee

DATE: April 10, 2006

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

SUBJECT: Approval of Commission
Committee Minutes

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Community Empowerment and Economic Revitalization Committee:

March 14, 2006

KMS/js
Attachment



CLERK'S SUMMARY OF
Meeting Minutes
Community Empowerment & Econ. Revitalization
Cmte.

Dorrin D. Rolle (2) Chair; Barbara J. Jordan (1) Vice Chair; Commissioners Bruno A. Barreiro (5), Jose "Pepe" Diaz (12), Katy Sorenson (8), and Javier D. Souto (10)

Tuesday, March 14, 2006

2:00 PM

COMMISSION CHAMBERS

Members Present: Jose "Pepe" Diaz, Barbara J. Jordan, Dorrin D. Rolle, Katy Sorenson, Sen. Javier D. Souto.

Members Absent: Bruno A. Barreiro.

Members Late: None.

Members Excused: None.

1A **INVOCATION**

1B **PLEDGE OF ALLEGIANCE**

1C **ROLL CALL**

Report: *The following staff members were present: Assistant County Managers Cynthia Curry, Bill Johnson and Carlos Bonzon; Assistant County Attorneys Jess McCarty and Glenn Saks; and Deputy Clerks Doris Dickens and Jovel Shaw.*

Chairman Rolle called the meeting to order at 2:11 p.m.

Assistant County Attorney Jess McCarty informed the Committee of the requested changes in the County Manager's memorandum entitled, "Requested Changes to the Community Empowerment and Economic Revitalization Committee Agenda" with one additional change to add Agenda Item 8A Supplement to today's agenda.

Hearing no objections, Commissioner Diaz moved that the Committee approve the changes to today's agenda. This motion seconded by Chairman Rolle, and passed by a vote of 4-0, (Commissioners Barreiro and Souto were absent).

1D SPECIAL PRESENTATION(S)

1D1

060660 Special Presentation

SPECIAL PRESENTATION OF THE 2005 TAXICAB
CHAUFFEUR OF THE YEAR TO:
MR. JEAN DANTES (Consumer Services Department)

Presented

Report: *Ms. Cathy Peel, Director, Miami-Dade County
Consumer Services Department, appeared before
the Committee to provide a brief overview of the
Taxicab Chauffeur of the Year Program.*

*Chairman Rolle made a special presentation to
Mr. Jean Dantes, 2005 Taxicab Chauffeur of the
Year.*

2 COUNTY COMMISSION

2A

060597 Resolution

Dorrin D. Rolle

RESOLUTION DIRECTING THE COUNTY MANAGER
TO DEVELOP A MIAMI-DADE HOUSING
DEVELOPMENT PROGRAM UTILIZING
DOCUMENTARY SURTAX, HOME, SHIP OR GOB
FUNDS TO ACCOMMODATE WORK FORCE HOUSING

Deferred to April 10, 2006

Mover: Rolle

Second: Diaz

Vote: 4-0

Absent: Barreiro, Souto

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Chairman Rolle relinquished the chair to Vice Chairwoman Jordan and requested the deferral of the foregoing proposed resolution.

Commissioner Sorenson noted the March 8, 2006 County Commission Workshop conducted by Commissioner Jordan which discussed a review of actual low-income range to determine the affordable workforce housing.

Vice Chairwoman Jordan noted that Commissioner Rolle had been contacted to cosponsor an item which would create a task force to address the comments made by Commissioner Sorenson. She noted the item should be coming forth.

Hearing no further questions or comments, the Committee proceeded to vote on the deferral of the foregoing proposed resolution to its next meeting scheduled for April 10, 2006, at 2:00 p.m.

2B

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

Amended

Report: *See Agenda Item 2B Amended, Legislative File No. 060870 for the amended version.*

2B AMENDED

060870 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 [SEE ORIGINAL ITEM UNDER FILE NO. 053082]

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Jordan
Seconder: Diaz
Vote: 5-0
Absent: Barreiro

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.*

Responding to Commissioner Diaz' comments regarding the State of Florida statutes for opening of gas stations 36 hours after a disaster, Assistant County Manager Cynthia Curry noted that staff would have to respond to his comments when they arrive to today's Committee meeting.

Responding to Commissioner Sorenson's comments pertaining to State legislation, Assistant County Attorney McCarty stated there were several House and Senate Bills, and the Senate Bill heard last week would preempt local regulations in this area entirely.

Commissioner Sorenson recommended that the County wait for the outcome of those bills before the County implement any local ordinance due to it being a statewide issue. She suggested the deferral of the foregoing proposed ordinance.

Commissioner Diaz noted that the Board of County Commission Chairman Joe A. Martinez desired that the foregoing item be forwarded for consideration by the full Board.

Commissioner Jordan pointed out that the BCC Chairman also expressed a concern that the State would pass legislation which would limit our local

ability to strengthen the opportunity to have gas stations open. Although, it may not be proactive the County should try to defeat or get an amendment to the legislation that would state the County had the authority to strengthen the legislation if it passes.

Commissioner Jordan noted after the hearing the discussion held earlier at the Infrastructure and Land Use Committee from the Building Department regarding the cost to have generators. She expressed that she would support the item with a recommendation or an amendment to the foregoing proposed ordinance to include a grant for Mom and Pop gas stations.

Commissioner Sorenson noted that the small numbers of employees who worked at these gas stations and the requirement for these employees to report to work following a disaster.

Responding to Commissioner Sorenson's comments, Chairman Rolle noted that the foregoing ordinance does not address the daily operations during a disaster.

The Committee deferred further discussions on the foregoing ordinance until a representative from the Office of Emergency Management arrive at today's meeting.

Later in the meeting the Committee resumed its consideration on the foregoing proposed ordinance.

Commissioner Diaz noted the proposed House/Senate bill states that the facility must have such as alternative generated power source available for operation no later than 36 hours after a major disaster as defined. He concluded by stating that his concern was the County should identify alternatives to give credit to gas stations that provided the initiatives outlined in the bill.

Assistant County Attorney McCarty advised the Committee that if this ordinance was adopted by the full Board it would become null and void at time the State law becomes effective.

Discussion ensued between Committee members and Assistant County Attorney McCarty regarding pre-emption of the foregoing proposed ordinance and identifying local options within the pre-emption to be more restrictive in certain cases than what the State may require.

Commissioner Gimenez provided an overview of the intent of the foregoing proposed ordinance would require gas stations to have an Emergency Response Plan and to provide uninterrupted operation of all fuel pumps within 24 hours following the declaration of a local state of emergency.

Responding to Commissioner Gimenez' comments regarding the possibility of allowing gas station to charge 10 cents more for gas to recoup the cost for generators, Assistant County Attorney McCarty stated that the gouging laws would need to be reviewed prior to preparing or enacting any legislation offered by Commissioner Gimenez.

Commissioner Jordan offered an amendment to the foregoing proposed ordinance to include a grant or forgiven able low interest loans for Mom and Pop gas stations located in the incorporated and unincorporated areas of Miami-Dade County with standards or recommendations from staff on what qualifies a Mom and Pop gas station based on size of station. She asked that these recommendations come back to the Board prior to implementation.

The Committee proceeded to vote on the foregoing proposed ordinance as amended by Commissioner Jordan.

Responding to Commissioner Diaz' comments on how do the County determine if a gas station was operable following after a disaster, an unidentified representative from the Office of Emergency Management, appeared and informed the Committee the Miami-Dade Fire Rescue Department (MDFR) as part of their inspection permitting process for gas stations would conduct a post-disaster inspection. She noted that the MDFR should develop and implement post-disaster inspections.

Commissioner Diaz requested that the foregoing language noted by the OEM representative be presented to the full Board for consideration as a proposed amendment to the foregoing proposed ordinance.

Assistant County Manager Cynthia Curry advised the Committee that the Board of County Commission (BCC) Chairman Joe A. Martinez has requested that the foregoing proposed ordinance and Agenda Item 3A be heard at the March 21,

2006, BCC meeting.

Chairman Rolle asked Assistant County Manager Curry to prepare the appropriate memorandum requesting that the BCC Chairman Martinez waive the Committee's rules and allow the foregoing ordinance to be heard at the March 21, 2006, BCC meeting.

Hearing no further questions or comments, the Committee by motion duly made, seconded and carried, voted to forward the foregoing proposed resolution as amended to include the following language as follows:

(1) "...The County Manager shall make recommendation to this Board for a grant, low interest or interest free program to defray the additional costs of implementing this program by qualified recipients and that the recommendation required in this subsection shall be set forth in an administrative order to be considered for adoption by this Board within ninety (90) days from the effective date of this ordinance.

(2) "...To insure compliance, an inspection process and review standards, including provisions for providing expedited post-disaster inspections, shall be set forth in an administrative order to be considered for adoption by this Board within ninety (90) days from the effective date of this ordinance.

2C

060606 Resolution**Dorrin D. Rolle***Amended*

RESOLUTION AUTHORIZING THE CONVEYANCE OF THIRTY-ONE (31) INFILL HOUSING LOTS IN ACCORDANCE WITH FLORIDA STATUTE 125.38 TO THE MIAMI-DADE EMPOWERMENT TRUST, INC. FOR THE DEVELOPMENT OF AFFORDABLE HOUSING; AUTHORIZING THE COUNTY MANAGER TO EXECUTE AND ACCEPT ALL DOCUMENTS AND AGREEMENTS INCLUDING SECURITY INTERESTS AND MORTGAGES NECESSARY TO EFFECTUATE THE REQUIREMENTS OF THE COVENANTS RUNNING WITH THE LAND IN THE ATTACHED DEED; AUTHORIZING THE COUNTY MANAGER TO EXECUTE ALL CONTRACTS, AGREEMENTS AND AMENDMENTS NECESSARY TO CARRY OUT THE ABOVE PROGRAMS; AUTHORIZING THE COUNTY MANAGER TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN; AUTHORIZING THE USE OF \$3,000,000 IN SURTAX FUNDS OVER THE NEXT TWO YEARS FOR CONSTRUCTION FINANCING AND OTHER RELATED ASSISTANCE TO POTENTIAL HOMEOWNERS; AND REQUIRING THE MIAMI-DADE EMPOWERMENT TRUST, INC. TO ENTER INTO A JOINT-VENTURE AGREEMENT WITH AN APPROPRIATE AND EXPERIENCED DEVELOPMENT TEAM TO EXPEDITE CONSTRUCTION OF AFFORDABLE HOUSING

Report: *See Agenda Item 2C Amended, Legislative File No. 060874 for the amended version.*

2C AMENDED

060874 Resolution

Dorrin D. Rolle

RESOLUTION AUTHORIZING THE CONVEYANCE OF THIRTY-ONE (31) INFILL HOUSING LOTS IN ACCORDANCE WITH FLORIDA STATUTE 125.38 TO THE MIAMI-DADE EMPOWERMENT TRUST, INC. FOR THE DEVELOPMENT OF AFFORDABLE HOUSING; AUTHORIZING THE COUNTY MANAGER TO EXECUTE AND ACCEPT ALL DOCUMENTS AND AGREEMENTS INCLUDING SECURITY INTERESTS AND MORTGAGES NECESSARY TO EFFECTUATE THE REQUIREMENTS OF THE COVENANTS RUNNING WITH THE LAND IN THE ATTACHED DEED; AUTHORIZING THE COUNTY MANAGER TO EXECUTE ALL CONTRACTS, AGREEMENTS AND AMENDMENTS NECESSARY TO CARRY OUT THE ABOVE PROGRAMS; AUTHORIZING THE COUNTY MANAGER TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN; AUTHORIZING THE USE OF \$3,000,000 IN SURTAX FUNDS OVER A TWO YEAR PERIOD FOR CONSTRUCTION FINANCING AND OTHER RELATED ASSISTANCE TO POTENTIAL HOMEOWNERS; AND REQUIRING THE MIAMI-DADE EMPOWERMENT TRUST, INC. TO ENTER INTO A JOINT-VENTURE AGREEMENT WITH AN APPROPRIATE AND EXPERIENCED DEVELOPMENT TEAM TO EXPEDITE CONSTRUCTION OF AFFORDABLE HOUSING [SEE ORIGINAL ITEM UNDER FILE NO. 060606]

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

Mover: Rolle

Seconder: Sorenson

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Assistant County Attorney Jess McCarty advised the Committee that handwritten pages 7 through 21 (Exhibit A) are being removed and replaced with a substitute pages distributed to Committee which outlined the correct deeds included in the resolution.

Assistant County Attorney Glenn Saks informed the Committee that handwritten page 23, Exhibit B, which contains the County Deed, paragraph A, the last sentence should be changed to state: "The Developer will commence work on the Improvements not later than 30 days after conveyance, and shall complete the Improvements within two years thereafter."

Chairman Rolle relinquished the chair to Vice Chairwoman Jordan.

Commissioner Rolle provided a brief overview regarding the intent of this resolution to promote

affordable housing in Commission District 2.

Commissioner Rolle moved that the foregoing proposed resolution with a favorable recommendation as presented. Commissioner Diaz seconded this motion for discussion.

Responding to Commissioner Sorenson's comments regarding the process, Assistant County Manager Cynthia Curry noted a similar item which conveyed vacant lots to the Habitat for Humanity. She also noted that the Committee would receive a report pertaining to the development of a policy for conveyance of infill housing lots for affordable housing.

Commissioner Rolle stated he asked the Miami-Dade Housing Agency (MDHA) to review the number of vacant lots in Commission District 2 in proximity to the Hope VI.

Responding to Commissioner Sorenson's comments regarding provision to ensure the construction of the houses in a timely manner, Assistant County Attorney Saks reiterated the proposed amendment to the foregoing resolution which states not later 30 days after conveyance, the Developer shall complete the Improvements within two years.

Assistant County Manager Curry informed the Committee that the Miami-Dade Empowerment Trust, Inc. would conduct a competitive bid process to partner with to develop the 31 infill housing lots outlined in the resolution.

Responding to Commissioner Sorenson's comments regarding enforcement, Assistant County Manager Curry stated that as part of the comprehensive housing plan which the County Manager has requested for MDHA to bring forth would address enforcement.

Responding to Commissioner Jordan's comments regarding the process for conveyance to developers, Mr. Aundra Wallace, Vice President and Managing Director, Miami-Dade County Empowerment Trust, provided an overview of the process upon the conveyance of the 31 infill housing lots.

Vice Chairwoman Jordan offered an amendment to the foregoing proposed resolution to state if the project was not completed within two years after 30 days of the conveyance it would automatically

be reverted back after 3 years from the Empowerment Trust to the County to ensure that the lots are not remaining vacant for an extended period of time. She also recommended the change of the time period for affordability from 10 years to 30 years.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as amended to add the following language as follows:

(1) "...an remain as affordable housing for a period of at least thirty (30) years from the date of sale; and the deed conveying the parcels to the Empowerment Trust will include a covenant running with the land to ensure that if the improvements on the lots used by the Empowerment Trust are not completed within three years, the lots shall automatically revert to Miami-Dade County."

3 PUBLIC HEARING(S)

3A

053320 Ordinance

Joe A. Martinez,

Carlos A. Gimenez, Sen. Javier D. Souto

ORDINANCE REQUIRING EMERGENCY RESPONSE PLAN FROM FOOD STORES LOCATED IN THE INCORPORATED AND UNINCORPORATED AREAS FOR THE SUPPLY OF FOOD DURING A LOCAL STATE OF EMERGENCY; ESTABLISHING DEFINITIONS; 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 the BCC by the BCC Chairperson with a favorable recommendation

Mover: Jordan

Seconder: Diaz

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.*

Chairman Rolle opened the public hearing.

Mr. Nelson Diaz, attorney, Becker and Poliakoff, P.A., representing Florida Retail Federation, Inc., 121 Alhambra Plaza, appeared and noted that this Federation represented stores such as Publix, Wal-Mart and Winn Dixie, and he was present to day for information purposes and available to answer any questions from Committee members.

Responding to Commissioner Sorenson's comments regarding if the Federation supported this ordinance, Mr. Diaz stated that the Federation preferred no government mandate.

Commissioner Sorenson commended the efforts by Publix and Winn Dixie and questioned whether it was necessary to have this legislation.

Commissioner Gimenez provided an overview of the intent of the foregoing proposed ordinance that would require food stores to have an Emergency Response Plan in order to provide for the retail sale of food supplies to the public within 24 hours following the declaration of a local state of emergency.

Commissioner Souto applauded Publix and Winn Dixie for their efforts, and noted food was necessity along with water. He urged the Committee to move forward with this item.

Commissioner Jordan commended Commissioners Gimenez, Souto and Board of County Commission (BCC) Chairman Joe A. Martinez for their sponsorship of the foregoing proposed ordinance.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed ordinance as presented.

Later in the meeting, Assistant County Manager Cynthia Curry advised the Committee that the BCC Chairman Martinez has requested that the foregoing proposed ordinance and Agenda Item 2B be heard at the March 21, 2006, BCC meeting.

3B

060531 Resolution

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 032 FROM GRAY CAB COMPANY D/B/A SUN VAN SERVICE TO SAFEGUARD AMERICA SECURITY & INVESTIGATIONS, INC. D/B/A AMERICA'S TRANSPORTATION TO PROVIDE SPECIAL OPERATIONS SERVICE AS A PASSENGER MOTOR CARRIER (Consumer Services Department)

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Diaz
Vote: 4-0
Absent: Barreiro, Souto

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Chairman Rolle opened the public hearing, and after hearing no one wishing to appear before the Committee, he closed the public hearing.

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3C

060533 Resolution

RESOLUTION APPROVING TRANSFER OF
CERTIFICATE OF TRANSPORTATION NO. 062 FROM
DANIEL FILS-AIME TO POLO INVESTMENTS GROUP,
L.L.C. D/B/A POLO ULTIMATE LIMO & SHUTTLE
SERVICES TO PROVIDE SPECIAL OPERATIONS
SERVICE AS A PASSENGER MOTOR CARRIER
(Consumer Services Department)

*Forwarded to BCC with a favorable
recommendation*

Mover: Sorenson

Seconder: Diaz

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Jess McCarty read the
foregoing proposed resolution into the record.*

*Chairman Rolle opened the public hearing, and
after hearing no one wishing to appear before the
Committee, he closed the public hearing.*

*Hearing no questions or comments, the Committee
proceeded to vote on the foregoing proposed
resolution as presented.*

3D

060546 Resolution

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO LABOSS TRANSPORTATION SERVICES, INC. TO PROVIDE COMBINATION WHEELCHAIR AND STRETCHER NONEMERGENCY MEDICAL TRANSPORTATION SERVICE (NE CONTROL NO. 140) (Consumer Services Department)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Sorenson

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Chairman Rolle opened the public hearing, and after hearing no one wishing to appear before the Committee, he closed the public hearing.

Responding to Commissioner Jordan's comments regarding on the billing to passengers for transportation services, Ms. Cathy Peel, Director, Miami-Dade County Consumer Services Department, noted that the rate structure was included in the agenda item which Laboss Transportation Services, Inc. submitted as part of their application package. She noted that the County does not regulate these rates; they are required to submit their rates 30 days in advance of any change in the rates, which they are required to post the rates in the passenger compartment. Ms. Peel stated the inspections of the vehicle were conducted to ensure that the rates were posted in the vehicle.

Following Commissioner Jordan's comments pertaining to the rate of \$30.00 per lift one-way, Ms. Peel noted that these are not regulated rates under State law and the County could not regulate these types of rates. She pointed out this type of business was competitive, therefore, the rates varied and there was no standard rate. She concluded by stating that the passenger does have a choice of providers.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3E

060585 Resolution

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO ALL AMERICAN MED. TRANSPORT, INC. TO PROVIDE COMBINATION WHEELCHAIR AND STRETCHER NONEMERGENCY MEDICAL TRANSPORTATION SERVICE (NE CONTROL NO. 141) (Consumer Services Department)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Sorenson

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Chairman Rolle opened the public hearing, and after hearing no one wishing to appear before the Committee, he closed the public hearing.

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3F

060292 Ordinance

ORDINANCE AMENDING SECTION 29-37 OF THE CODE OF MIAMI-DADE COUNTY RELATING TO EXCISE TAX ON UTILITY SERVICES GRANTING AN EXEMPTION OF 50% OF THE TAX LEVIED ON ELECTRICITY PURCHASED BY BUSINESSES LOCATED WITHIN AN ENTERPRISE ZONE AS ESTABLISHED BY FLORIDA STATUTES; ESTABLISHING PROCEDURES PROVIDING SEVERABILITY INCLUSION IN THE CODE, EFFECTIVE DATE, AND EXPIRATION DATE (Office of Community and Economic Development)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Rolle

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.*

Chairman Rolle opened the public hearing, and after hearing no one wishing to appear before the Committee, he closed the public hearing.

Commissioner Sorenson asked Assistant County Manager Cynthia Curry to present a detailed report at the April 11th Committee meeting reflecting the enterprise zone activities, including the number of jobs created within the enterprise zones and the number of jobs filled by individuals who reside within those zones. She also asked that this report include the salaries and benefits received by employees working within the zones, as requested by Commissioner Jordan.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed ordinance.

3G

060678 Resolution

RESOLUTION AUTHORIZING THE COUNTY MANAGER *Amended*
TO AMEND THE FY 2006 ACTION PLAN TO REFLECT
THE RECAPTURE OF FY 1993 – FY 1997, FY 2003, AND
FY 2005 OF HOME AND SURTAX FUNDS FROM
COMPLETED PROJECTS WITH UNEXPENDED
BALANCES, PROJECTS WITH EXPIRED CONTRACTS,
AND PROJECTS THAT ARE NO LONGER VIABLE WITH
THE REALLOCATION OF THESE FUNDS TO
ACTIVITIES THAT CAN EXPEND THE FUNDS, AS
INDICATED IN EXHIBIT I; AUTHORIZING THE
COUNTY MANAGER TO EXECUTE ALL CONTRACTS,
AGREEMENTS AND AMENDMENTS NECESSARY TO
CARRY OUT THE ABOVE PROGRAM; AND
AUTHORIZING THE COUNTY MANAGER TO EXERCISE
THE CANCELLATION PROVISIONS CONTAINED
THEREIN (Office of Community and Economic Development)

Report: *See Agenda Item 3G Amended, Legislative File
No. 061058 for the amended version.*

3G AMENDED

061058 Resolution

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO AMEND THE FY 2006 ACTION PLAN TO REFLECT THE RECAPTURE OF FY 1993 - FY 1997, FY 2003, AND FY 2005 OF HOME AND SURTAX FUNDS FROM COMPLETED PROJECTS WITH UNEXPENDED BALANCES, PROJECTS WITH EXPIRED CONTRACTS, AND PROJECTS THAT ARE NO LONGER VIABLE WITH THE REALLOCATION OF THESE FUNDS TO ACTIVITIES THAT CAN EXPEND THE FUNDS, AS INDICATED IN EXHIBIT I; AUTHORIZING THE COUNTY MANAGER TO EXECUTE ALL CONTRACTS, AGREEMENTS AND AMENDMENTS NECESSARY TO CARRY OUT THE ABOVE PROGRAM; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN (Office of Community and Economic Development)

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

Mover: Diaz

Seconder: Jordan

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.*

Chairman Rolle opened the public hearing, and after hearing no one wishing to appear before the Committee, he closed the public hearing.

Assistant County Attorney Jess McCarty advised the Committee that the following language should be removed from the March 14, 2006, County Manager's memorandum under the section entitled, "Recommendation": "...and reallocate \$3 million to the Partnership for Recovery Effort for Hurricane Wilma Victims." He further noted the removal of all references to the Partnership for Recovery Effort for Hurricane Wilma Victims from the County Manager's memorandum and the Exhibit 1 for the foregoing proposed resolution, and the amendment to the funding amount totals to reflect the correct amount. Furthermore, he informed the Committee of a correction to the proposed resolution to change "\$3.55 million" to "\$550,000."

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as amended by Assistant County Attorney McCarty.

3H.

060683 Resolution

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO ALLOCATE TO THE FY 2006 ACTION PLAN \$2,033,626 OF FY 2006, FY 2005 AND 2004 CDBG FUNDS AS INDICATED IN EXHIBIT I; AUTHORIZING THE COUNTY MANAGER TO EXECUTE ALL CONTRACTS, AGREEMENTS AND AMENDMENTS NECESSARY TO CARRY OUT THE ABOVE PROGRAM; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN AND AUTHORIZING REIMBURSEMENT OF ALL ONGOING EXPENDITURES INCURRED EFFECTIVE WITH THE BEGINNING OF THE ACTION PLAN YEAR (Office of Community and Economic Development)

Forwarded to BCC with a favorable recommendation

Mover: Jordan

Seconder: Diaz

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Chairman Rolle opened the public hearing.

Mr. Jose E. Miranda, Bay of Pigs Veteran, appeared on behalf of Bay of Pigs Museum and Library (BPML) of the "2506 Brigade," 2162 SW 98 Place, appeared before the Committee and urged the Committee to support the creation of a Board of Trustees for the BPML that would consist of Cuban Americans and Americans businessmen to oversee the BPML.

Mr. Felix Rodriguez, Bay of Pigs Veteran, appeared on behalf of the Bay of Pigs Museum and Library of the 2506 Brigade, and urged the Committee support for the creation of a Board of Trustees for the BPML.

Commissioner Seijas spoke in support of the BPML.

Commissioner Souto provided an overview of the BPML and the efforts to continue the legacy of the 2506 Brigade.

Hearing no further questions or comments, and no one else wishing to appear before the Committee, the Committee proceeded to vote on the foregoing proposed resolution as presented.

Later in the meeting, Commissioner Jordan moved that the Committee reconsider the foregoing proposed resolution. Commissioner Diaz seconded the motion, which passed by a vote of 4-0,

(Commissioners Barreiro and Souto were absent).

Chairman Rolle expressed that he would like for the item to include Mr. Camille Merilus, representing the Camille and Sulette Merilus Foundation, Inc. as part of the public hearing.

Chairman Rolle opened the public hearing.

Mr. Camille Merilus appeared before the Committee to urge the Committee to reconsider the funding allocation recommended by the Office of Community and Economic Development (OCED) to the Camille and Sulette Merilus Foundation, Inc.

Ms. Silvia Unzueta, Director, Office of Community and Economic Development, noted an allocation from Commissioner Jordan, Commission District 1, in the amount \$5,000.

Responding to Chairman Rolle's request regarding the amount of funding Mr. Merilus was seeking; Mr. Merilus stated that the Foundation was seeking \$60,000 for its project.

Ms. Unzueta indicated that there were a number of Commission members who may have funding available for this project.

Chairman Rolle asked Mr. Merilus to meet with those Commission members who have not allocated funding to the Foundation. He noted that he would allocate \$10,000 from Commission District 2 Discretionary Reserve Funds.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

4 DEPARTMENT

4A

060686 Resolution

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO EXECUTE AMENDMENTS, IN A FORM SUBJECT TO APPROVAL BY THE COUNTY ATTORNEY, TO INTERLOCAL AGREEMENTS GOVERNING THE OMNI REDEVELOPMENT DISTRICT COMMUNITY AGENCY AND THE SOUTHEAST OVERTOWN/PARK WEST COMMUNITY REDEVELOPMENT AGENCY, AND THE SETTLEMENT AGREEMENT IN MIAMI-DADE V. CITY OF MIAMI SOUTHEAST OVERTOWN/PARK WEST COMMUNITY REDEVELOPMENT AGENCY, CIRCUIT COURT CASE NO. 2001-13810 CA-08, IN ACCORDANCE WITH THE TERMS SPECIFIED IN EXHIBIT "A", ATTACHED AND INCORPORATED HEREIN

Deferred to no date certain

Mover: Jordan

Seconder: Diaz

Vote: 5-0

Absent: Barreiro

(Community Redevelopment Agency Coordination)

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Ms. Eileen Ma, representing Power Youth Center (PYC) for Social Change, appeared before the Committee, and informed the Committee that the PYC for Social Change was opposed to project on the lots called Crosswinds, which was a condo development that for those lots. She noted that the lots vacated since 1982 and expressed concern with the current development project which does not benefit the Overtown residents. Ms. Ma further stated the concern the developer would have potentially another 10 years to begin development because the current reverter clause extends the deadline to 2007. She pointed out that the Omni Community Redevelopment Area (OMNI CRA) review the foregoing proposed amendments and did not vote to pass or accept the amendments. Ms. Ma concluded by stating that the settlement agreement should not refer to the Crosswinds development.

Responding to Commissioner Sorenson's request for Assistant County Manager Bill Johnson to respond to the comments made by Ms. Ma, Assistant County Manager Johnson informed the Committee the County Manager has requested that the deferral of the foregoing proposed resolution. He noted that the Manager intends to appear before the Committee later in the meeting to discuss this resolution.

Commissioner Jordan moved that the Committee defer the foregoing proposed resolution as

requested by the County Manager. Commissioner Diaz seconded this motion for discussion.

Assistant County Manager Johnson provided an overview of the intent of the foregoing proposed resolution which authorize the County Manager to execute amendments to the Interlocal agreements governing the Omni and the Southeast Overtown/Park West CRAs of the City of Miami CRA, and the settlement agreement in the Miami-Dade County versus City of Miami and Southeast Overtown/Park West CRA, Circuit Court Case. He noted that this item would allow the City of Miami ten (10) additional years beginning the year 2007 until 2017 to be able to successfully secure a developer and as of today, it was Crosswinds. Mr. Johnson pointed out that there were issues with Crosswinds, and the City of Miami Commission CRA did not get into any discussion. He indicated that the CRA Executive Director stated that it was inappropriate at that time to have conversation relevant to Crosswinds. Mr. Johnson noted as part of the CRA item, the County was agreeable at the time to extend the amount of time the City of Miami had to successfully secure a developer for the three (3) parcels outlined in the item by an additional 10 years.

The Committee by motion duly made, seconded and carried, voted to defer the foregoing proposed resolution to no date certain.

Upon the County Manager George Burgess' arrival, he requested deferral of the foregoing proposed resolution. He informed the Committee of the discussions held with the City of Miami Commission pertaining to the foregoing proposed resolution. He noted that each member of the County Commission would receive more information by the end of today (3/14/06) regarding the foregoing settlement agreement along with a copy of the letter to the City of Miami Mayor. County Manager Burgess stated that the County needs to hold back on any modifications to the CRA districts and continue discussion on those items as well as the Parrot Jungle item. He noted that one of the most important issues for the CRA district had to do with the OMNI CRA and modifying the percentage that would support the financing of the Performing Arts Center (PAC). Therefore, the County could leverage approximately \$30 million. He noted that the County had the good fortune of having strong tourist economy and having the capacity in the Convention Development Tax as the primary

support of the PAC. Mr. Burgess pointed out the County had options in the event we could not reach an amicable agreement with the City of Miami.

Hearing no further questions or comments, the Committee deferred the foregoing proposed to no date certain as requested by County Manager Burgess.

4B

060675 Resolution

RESOLUTION AMENDING THE FY 2001 HOME FUNDING RECOMMENDATIONS TO THE COUNTY CLUB VILLAS LTD; REALLOCATION OF HOME FUNDS TO OTHER ELIGIBLE ACTIVITIES AND ALLOCATING SURTAX FUNDS TO COUNTRY CLUB VILLAS, LTD. AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE ALL CONTRACTS, AGREEMENTS AND AMENDMENTS; TO SHIFT FUNDS AWARDED FOR A PROJECT TO AN ENTITY CREATED FOR THAT PURPOSE AND NECESSARY TO CARRY OUT THE ABOVE PROGRAMS; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN (Office of Community and Economic Development)

Forwarded to BCC with a favorable recommendation

Mover: Jordan

Seconder: Rolle

Vote: 5-0

Absent: Barreiro

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

The Committee by motion duly made, seconded and carried, proceeded to vote on the foregoing proposed resolution for discussion.

Following Commissioner Sorenson's comments regarding the project being eligible for HOME Funds, Ms. Silvia Unzueta, Director, Office of Community and Economic Development, provided an overview of the foregoing proposed resolution that would approve the reprogramming of fiscal year (FY) 2001 HOME funding to Country Club Villas, Ltd., and the allocation of SURTAX funding to Country Club Villas Ltd.

Responding to Commissioner Sorenson's comments regarding how much SURTAX funding was available, Ms. Cynthia Curry, Senior Advisor to the County Manager, stated a report would be coming forth regarding the availability of all funding sources for housing and specifically the availability of SURTAX funds would be presented at a later date.

Commissioner Sorenson reminded staff that she was still awaiting a report on infill housing.

Responding to Commissioner Sorenson's comments, Ms. Curry noted that the report required additional information and asked staff to modify the report before presenting the report to the Committee.

Hearing no further questions or comments, the

Committee voted on the foregoing proposed resolution as presented.

4C

060684 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND SERMAR USA, LLC, TO ESTABLISH, MAINTAIN AND OPERATE BULK CEMENT OPERATION AT THE PORT OF MIAMI; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ALL RIGHTS CONFERRED THEREIN (Seaport Department)

Amended (pending receipt of Leg. File No. from CM)

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Assistant County Attorney Jess McCarty advised the Committee that on handwritten page 24 the following language would be deleted from Article 11, Section C of the Lease Agreement: "...and upon prior reasonable notice to SERMAR."

Assistant County Manager Carlos Bonzon informed the Committee that on handwritten page 10 under the definition for "Fully-Enclosed Bulk Cement Operation" there was a reference to Attachment A which was not included as part of today's agenda item. He noted that Attachment A would be attached to the foregoing proposed resolution when it was presented to the full Board.

Chairman Rolle reminded the Committee of a recommendation from the Seaport Department increasing the cruise passenger fees and staff received instructions to identify alternatives ways to increase the revenue for the Port. He noted this proposal was an alternative to raising the cruise passenger fees.

Mr. Charles Towsley, Director, Miami-Dade County Seaport Department, provided an overview of the foregoing proposed resolution that would authorize the execution of a lease agreement between the County and Sermar USA, LLC to establish, maintain and operate a bulk cement operation at the Port of Miami.

Responding to Chairman Rolle's inquiry if other Ports in the State of Florida have similar bulk cement operations as outlined in the proposed resolution, Mr. Towsley noted other Ports in Florida such as Tampa, West Palm Beach and Port Everglades had similar operations.

Discussion ensued between Committee members and Mr. Towsley regarding competitive bid

process versus an unsolicited proposal, complex rate structures and the different types of bulk cement operations.

Assistant County Attorney McCarty advised the Committee that Florida Statute Section 125.35 allows seaports and airports to negotiate as opposed to competitively bid for lease agreements and other types of agreements.

Discussion ensued among the Committee members and staff regarding the required permits by local, state and federal agencies to conduct bulk cement operations.

Commissioner Souto offered an amendment to the foregoing proposed resolution to prohibit the acceptance of cement from Cuba and Venezuela.

Responding to Commissioner Jordan's comments regarding if staff was reviewing any other bulk alternatives, Mr. Towsley noted staff was reviewing and beginning to negotiating proposals with a Brazilian company for same product outlined in the item. He pointed essentially there was a large market with all of the development in South Florida. Mr. Towsley concluded by stating staff would continue to develop additional business and diversify the revenue base. In addition, he noted the land constraints at the Port which affected the competitiveness with other Ports such as Port Everglades.

Following Commissioner Jordan's pertaining to a construction manager to oversee this project, Mr. Towsley noted that the plans for this project would have to be pre-approved and coordinate with the existing Seaport operations; therefore, it would not interfere with any other operations at the Port for improvements.

Mr. Towsley further noted that he was working with Assistant County Manager Carlos Bonzon as part of the review for the Seaport Department staffing. He pointed out a recommendation he made to the County Manager which the Manager has approved pertaining to the recruitment for an Assistant Director to oversee engineering development projects and to address the issue raised by Commissioner Jordan.

Assistant County Attorney McCarty advised the Committee of Articles 6, 8 and 11 of the lease agreement, which addressed the issues of requiring SERMAR to comply with all permitting

requirements and making them responsible and indemnify and hold harmless the County in the event of any type of permit or environmental issues.

Mr. Towsley noted demolition has begun and this demolition was occurring as part of the Port's capital improvement program not necessarily for this item.

Commissioner Sorenson asked Miami-Dade Seaport Department Director to present a status report regarding the terminal operations by Dubai Ports World of the United Arab Emirates (UAE).

Mr. George Williamson, 332 Pierton Road, West Palm Beach, Florida, representing Rinker Materials, appeared before the Committee, and expressed Rinker concern with the lease agreement. He noted that Rinker has pursued bulk cargo through the Port of Miami for a number of years and repeatedly told that bulk business was not the best use for limited Port property. Mr. Williamson stated if there was a policy change at the Port, he was requesting an explanation for the policy change. He noted the next concern was the environmental issue and the company's ability to tie up the valuable Port property until they obtain their environmental permits. Mr. Williamson concluded by stating recently issues rose in Miami-Dade County regarding the selling of strategic Port assets to foreign countries.

Responding to Commissioner Souto's regarding the ability to sell without being subject to the Board's approval, Assistant County Attorney McCarty noted in Article 13 of the Lease Agreement between Sermar USA, LLC and Miami-Dade County any change in the assignment or subletting shall require prior written approval by the Port Director and/or his designee. He advised the Committee that the language in this Article could read "any change in assignment or subletting shall require prior approval by Board of County Commissioners."

Commissioner Jordan informed the Committee of her request to the County Attorney to prepare the appropriate item pertaining to any change of ownership by any company doing business with County would be subject to the County Commission approval.

The Committee by motion duly made, seconded and carried; voted to amend the foregoing proposed resolution as noted by Commissioner

Souto and the Assistant County Attorney McCarty.

Responding to Commissioner Jordan's request for the Port Director to respond to the comments by the Rinker Materials representative, Mr. Charles Towsley noted usage at each Port varies.

The Committee proceeded to vote on the foregoing proposed resolution as amended to delete the following language from Article 11, Section C of the Lease Agreement: "...and upon prior reasonable notice to SERMAR" and to amend Article 13 to state "any change in assignment or subletting shall require prior approval by Board of County Commissioners."

4D

060661 Resolution

RESOLUTION AUTHORIZING COUNTY MANAGER TO EXECUTE A LEASE FOR REAL PROPERTY AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE UNITED STATES OF AMERICA FOR OFFICE SPACE USE BY U.S. CUSTOMS AND BORDER PROTECTION AT THE PORT OF MIAMI; AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN (Seaport Department)

*Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Diaz
Vote: 5-0
Absent: Barreiro*

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

5 COUNTY MANAGER

6 COUNTY ATTORNEY

7 CLERK OF THE BOARD

7A

060757 Report

CLERK SUMMARY OF MEETING MINUTES FOR
COMMUNITY EMPOWERMENT AND ECONOMIC
REVITALIZATION COMMITTEE MEETING(S):

JANUARY 17, 2006
FEBRUARY 14, 2006 (Clerk of the Board)

Approved
Mover: Jordan
Seconder: Diaz
Vote: 5-0
Absent: Barreiro

Report: *Assistant County Attorney Jess McCarty read the
foregoing report into the record.*

*Hearing no questions or comments, the Committee
proceeded to vote on the foregoing report as
presented.*

8 REPORTS

8A

060710 Report

2006/2007 DEPARTMENTAL BUDGET REPORTS (County
Manager)

Report Received
Mover: Jordan
Seconder: Rolle
Vote: 5-0
Absent: Barreiro

Report: *Assistant County Attorney Jess McCarty read the
foregoing report into the record.*

*Hearing no questions or comments, the Committee
proceeded to vote on the foregoing report as
presented.*

8A Supplement

060814 Report

SUPPLEMENTAL REPORT RE: FY 2006/2007
DEPARTMENTAL BUDGET REPORTS

Report Received
Mover: Jordan
Seconder: Rolle
Vote: 5-0
Absent: Barreiro

9 OPEN DISCUSSION

Report: *Responding to Commissioner Sorenson's comments regarding a CNN news report this week regarding Dubai, Mr. Charles Towsley, Director, Miami-Dade County Seaport Department, provided a brief overview of some the news reports broadcasted regarding this issue nationally. He understood it has moved to a different level with Dubai Ports World of the United Arab Emirates (UAE) coming forward and announcing that the United States (US) component of the sell of the Peninsular and Oriental Steam Navigation Company (P & O) Ports transferred to an US entity. Mr. Towsley stated that he believed that no one knows the specific terms of that arrangement, but Congress has required a transparent process. He concluded by stating that more details could be provided at a later date regarding this issue.*

Commissioner Diaz congratulated and commended the County Administration on how it professionally addressed the foregoing matter during the broadcast.

10 ADJOURNMENT

Report: *There being no further business to come before the Committee, the meeting adjourned at 4:36 p.m.*