MEMORANDUM
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TC
Agenda Item No. 7(A)

TO: Honorable Chairman Dorrin D. Rolle and Members, Transit Committee

DATE: September 12, 2007

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 Transit Committee:

July 16, 2007 (Budget Workshop)
July 18, 2007

KMS/as
Attachment

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

CLERK'S SUMMARY OF

Meeting Minutes

Transit Committee

Dorrin D. Rolle (2) Chair; Barbara J. Jordan (1) Vice Chair; Commissioners Audrey M. Edmonson (3), Sally A. Heyman (4), and Katy Sorenson (8)

BUDGET WORKSHOP

Monday, July 16, 2007 **10:00 AM** **COMMISSIONER CHAMBERS**

Members Present: Barbara J. Jordan, Dorrin Rolle, Katy Sorenson.

Members Absent: Audrey M. Edmonson, Sally A. Heyman.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

MINUTES PREPARED BY:

Report: *Akira Spann, Commission Reporter, 305-375-2510.*

1A INVOCATION

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present: Assistant County Manager Ysela Llort; Assistant County Attorney Gerald Sanchez; and Deputy Clerk Akira Spann.*

1D CHAIRPERSON

1D1

072216 **Report**
REMARKS FROM CHAIRPERSON ROLLE ***Presented***

Report: *Chairman Rolle noted that the purpose of today's (7/16) workshop was to hear departmental budget presentations for Fiscal Year 2007-08; and he hoped they reflected the proposed FY 2007-08 budget printed by the Mayor and the County Manager.*

2 REPORTS

2A

072229 **Report**

DEPARTMENTAL BUDGET PRESENTATIONS ***Presented***

Report: *Mr. Bill Johnson, Seaport Department (Seaport) Director, appeared before the Committee and presented an overview of the Fiscal Year 2007-08 Resource Allocation Reductions. He stated that Seaport continued to face several challenges going into the second year under his administration. Mr. Johnson clarified, for the record, while he never indicated Seaport was bankrupt, hardships were on the horizon with unresolved issues; and Seaport was required by law to have a balanced budget.*

With the support of the Mayor, the County Manager, the Board, and Seaport Budget Director, changes were made which reduced operating cost and enhanced Seaport operations, Mr. Johnson noted. He stated that the State of Florida, the Florida Department of Law Enforcement (FDLE) and the U.S. Coast Guard authorized cuts in the security budget; however, no cuts were made to security positions.

Responding to Chairman Rolle's inquiry regarding the budget allocation for Seaport Security prior to the $2.5 million budget reductions, Mr. Johnson noted that the curved budget for FY 2006-07 was authorized at $15 million; which was not achieved. He stated that Seaport would conclude the FY 2006-07 with $18 million for security.

Mr. Johnson noted that Seaport failed to realize a $3.5 million reduction as part of this year's budget authorization since approval from the State, the FDLE, and the U.S. Coast Guard did not materialize; therefore Seaport realized $700,000 in budget cuts. He stated that Seaport committed to a minimum of $2.5 million in savings, and a security budget of $16.5 million for FY 2007-08.

Mr. Johnson noted that the State, the FDLE, and the U.S. Coast Guard also approved swapping sworn officers with civilians; and additional positions were created and filled for Seaport security officers that cost less than sworn officers. He stated that Seaport achieved a full compliment that allowed for a $600,000 cut towards overtime in that category.

4

Mr. Johnson noted that he examined methods regarding effective management of the Port Capital Program. He stated that he was authorized to hire at least ten (10) individuals, with strong consideration given to County Employees; most of those positions were filled, and Seaport annualized a $800,000 cut in operating cost, and additional cuts were realized due to a reduction of outside consulting.

Mr. Johnson noted that other initiatives were implemented to further reduce the current and future budgets. He stated that Seaport had to remain competitive, which meant providing excellent service with low operating cost.

Mr. Johnson noted that he would present a solicitation document to advertise at the Port of Miami as part of revenue enhancement before the Committee; and these advertisements could generate $1 million in additional revenue. He stated that the Seaport parking policy had been adjusted and would generate $1 million; and opportunities to improve parking operations were recognized due to a parking analysis. Additionally, Mr. Johnson noted that lease enforcements were adjusted, which generated $350,000 by establishing new lease agreements.

Mr. Johnson noted that Seaport reached a settlement with Carnival Corporations and Fisher Island; and was close to settling a dispute with Royal Caribbean Corporations.

Mr. Johnson noted that the proposed budget for Fiscal Year 2007-08 was $120.3 million, which represented different categories including: $73.7 million for operations, $35.5 million towards debt, $11 million towards reserves, and $32.5 million towards capital (a separate budget from the $120.3 total budget). He stated that he wanted to reduce the proposed operating budget to match his current budget of $70.7 million; and he would come back and present a revised budget before this Committee in September 2007.

Mr. Johnson noted that County Manager Burgess asked him to examine all Port-related issues, and develop an assessment. He stated that the previous Seaport administration contemplated a new Sunshine loan equated to $25 million; however, he halted the process of that loan. Mr. Johnson noted that he would work with the Finance Department Director, Ms. Rachel Baum, to develop a new bond issue for the State of Florida Sunshine fund.

He stated that he spoke with Ms. Kathy Jackson of Audit and Management Services (AMS) regarding a complete audit of prior expenditures.

Mr. Johnson noted that Seaport would finish FY 2006-07 with 3.7 million+ cruise passengers, and expected 3.9 million passengers in FY 2007-08; based on line-ups received from cruise companies, revenues should increase from $33 million to $37.6 million. He stated that the Seaport cargo business had decreased over the past two years, and expected to finish FY 2006-07 eight (8) percent off; and Seaport picked up four (4) service lines, representing $6 million in new revenue, and projected a 5% increase in cargo; however, the losses sustained over the past 24-30 months exceeded the increases.

Mr. Johnson noted that Chief Executive Officer's (CEO) of various shipping lines expressed satisfaction with the aggressive hands-on management team, the manner in which government entities addressed congestion issues off-port, and the desire to create a strong business plan at Seaport.

Responding to Commissioner Sorenson's question regarding the cargo decrease, Mr. Johnson noted that congestion was a significant issue; and the 16 Gatehouse project should relieve on-port congestion, and would allow cargo to be processed promptly once approved by the Florida Department of Law Enforcement (FDLE). He stated that this project needed authorization through the Facility Security Plan (FSP).

Mr. Johnson referred to the practices set by the Port of Long Beach, California, such as the Pure-Pass System which operated 24 hours and moved a large percentage of cargo during off-peak hours (11:00 p.m. to 5:00 a.m.). He stated various department directors offered short-term solutions for off-port congestion including: the examination of traffic signals on the downtown street grid to ensure synchronization, and removal of parking meters off thru-fares to maintain unobstructed three-lane traffic around the port.

Responding to Commissioner Sorenson's question regarding the cargo business in Broward County, Mr. Johnson noted there was no decrease in cargo, but a crew decrease was observed. He stated that Port Everglades profited from petroleum, and had not suffered a decrease in cargo. Mr. Johnson noted that the consolidations

of shipping lines through mergers, buyouts, pricing, and previous management led to a lost of business at Seaport.

Mr. Johnson advised that property tax dollars were not involved in Seaport, and some staff positions were held.

Assistant County Manager Llort noted once the Port Tunnel issue was resolved, the focus would be to collaborate the FDLE and the U.S. Coast Guard and agree on a security plan.

Mr. Johnson noted that a memorandum of understanding was near completion with the Miami-Dade Police Department (MDPD) Director; regarding the proposed security plan, and the MDPD Director submitted officers to Seaport.

Mr. Johnson noted that Seaport anticipated an increase in parking rates from $15 to $17 daily which should generate $1 million in revenue. He stated that rates and charges for empty storage containers and equipment weighing scales would be increased, generating $1 million in revenue.

Responding to Chairman Rolle's question regarding Seaport's operating budget for FY 2006-07, Mr. Johnson noted that Seaport had $70.7 million. He also explained that the $120.3 million proposed budget for FY 2007-08 was a combination of the operating budget ($73.7 million), the Seaport's reserve ($11 million), and the Seaport's debt ($32.5 million); and the $35.5 million Capital budget was separate, and should be excluded from the total proposed budget. Mr. Johnson noted that Seaport's budget of $115.3 million for FY 2006-07 was a combination of the operating budget ($70.7 million), Seaport's reserve ($11 million), and Seaport's debt ($34 million).

Chairman Rolle asked Assistant County Manager Llort to prepare a written report comparing the operating budget in the Seaport Department from FY 2006-07 to FY 2007-08.

Mr. Johnson noted that a projected $19.2 million would go towards security expenditures for FY 2006-07, as well as approved modifications which included: swapping sworn officers for non-sworn, officers working straight hours versus overtime, and hiring additional Seaport security. He stated that $3.5 million would have been cut from the

$18.5 million security budget, but the savings failed to materialize; and other cuts were made to maintain the budget, which would result in $18.7 million. Mr. Johnson noted that he hoped to spend $16.6 million towards security expenditures for FY 2007-08.

Responding to Commissioner Jordan's concern regarding discrepancies in the budget and staff positions presented by Seaport, Mr. Ryan Elliot, an Office of Strategic Business Management employee, advised that Seaport was listed in two sections of Appendix F in the County Manger's Budget book; and the numbers could be reconciled by totaling both sections.

Mr. Harpal Kapoor, Miami-Dade Transit (MDT) Director, appeared before the Committee and gave a PowerPoint presentation of the Fiscal Year 2007-08 Resource Allocation Reductions. He stated that his goal was to provide an efficient and effective transportation system. Mr. Kapoor requested an analysis of each route, to examine the ridership and transportation alternatives available to passengers; and consequently routes were modified by 1.4 million revenue miles. He noted that a savings plan was implemented to alleviate an $8.1 million revenue-expenditure gap, high-demand routes were enhanced; and under-performance routes were adjusted, and an overall reduction of 43 fewer full-time equivalent Bus operators, which would be realized through an attrition of 12-13 employees per month.

Mr. Kapoor noted that the FY 2007-08 Resource Allocation Plan included: additional modifications to Bus schedules in October 2007 to achieve passenger boarding and fare recovery standards and that would generate $8.4 million in savings, a combined reduction rate in Bus and Rail that required 116 fewer part and full time operational positions. He noted that other areas would be cut concerning administrative overhead which included 40 full-time equivalent positions of which 15 employees would be referred to the County System for placement.

Mr. Kapoor stated that a sufficient carryover reserve would be implemented, at the beginning of FY 2007-08, to eliminate the operating case deficit within five years; and the elimination of non-operating deficits would be with surplus land sales. He noted that MDT expansion would be based on the analysis of routes (Bus Rapid Transit, Kendall, etc.).

Chairman Rolle asked the Transit Department Director to present each commissioner with a listing of the proposed Metro Bus Routes modifications ahead of the October 2007 line-up. Commissioner Jordan asked the Transit Director to include a report explaining the reasons for those route changes, and impact to the County.

Mr. Kapoor noted that the growth from the adopted 2007 budget to the proposed 2008 was 3.71%.

Commissioner Jordan asked the Transit Department Director to prepare a written report explaining federal transit regarding the projected $9 million cut on the north Corridor (Phase II of the Orange Line Project), and to present that report on Wednesday (7/18).

Ms. Mayra Bustamante, Deputy Director, noted that 25% of the department's general fund budget came from Property Taxes.

Commissioner Sorenson noted that emphasis was in Federal Government concerning clean energy that was beneficial to mass transit, and inquired whether MDT had an incentive to develop any climate change plans.

Mr. Kapoor noted that MDT was currently working to develop climate change solutions for mass transit.

Commissioner Sorenson expressed concern regarding selling off properties on a transit corridor in an attempt to pay off debts. She asked Assistant County Manager Llort to determine a system to leverage the fact that transit-friendly properties could be used for residential and business purposes.

Assistant County Manager Llort noted that an examination of an overlay zoning category had been initiated for those transit properties, and would sell to the developers who could perform the right type of development placement. She stated that this would accomplish the goal of having more staff on transit, and decrease debts by having a timely schedule.

Commissioner Sorenson suggested that MDT initiate a feeder system throughout the County to collect passengers, and alleviate their drive to transit stations.

Responding to Chairman Rolle's questions regarding items listed for the FY 2007-08 Proposed Resource Allocation, Mr. Kapoor noted that the savings from the Bus modifications were based fuel and operating cost; the removal of Buses would generate savings in hours, fuel, parts, and permanent maintenance.

Mr. Kapoor noted that the 25 remaining administrative overhead positions were vacant, and considered part of the attrition. He explained that the Bus Rapid Transit (BRT) was a concept similar to the Busway system, and would transport passengers in the same corridor with three signals for efficiency.

Mr. Kapoor noted that MDT was working with Florida Department of Transportation (FDOT) on high occupancy total links, which would allow that plan to be operational for the MDT Buses.
Mr. Kapoor noted that the $8.1 million deficit was included in the 3.71% growth in the proposed budget for FY 2007-08.

Assistant County Manager Llort noted that the MDT budget cuts were not the result of Property Tax Reform. She stated that the general fund increased slightly, and they were drawing down on their shortfall.

Commissioner Jordan asked Assistant County Manager Llort to examine how the proposed mileage and route cuts of the Transit Department, and determine how they would impact the goals for the People Transportation Plan (PTP).

Ms. Nan Markowitz, Citizen's Independent Transportation Trust (CITT) Executive Director, appeared before the Committee and presented an overview of the Fiscal Year 2007-08 Resource Allocation Reductions. She stated that two (2) position would be cut, decreasing staff to eight (8) positions. Ms. Markowitz noted that CITT's budget was cut in half; and has been completely funded by the Surtax dollars.

Responding to Commissioner Jordan's question regarding whether the reduced staff resulted from the revenue's inability to support staff, Ms. Markowitz noted that it was the result of CITT operating efficiently with fewer staff.

Ms. Esther Calas, Public Works Department (PWD) Director, appeared before the Committee

and presented an overview of the Fiscal Year 2007-08 Resource Allocation Reductions. She stated that PWD had 55 positions, and six (6) candidates were selected to fill the eight (8) vacant positions. Ms. Calas noted that PWD had proposed operating budget of $5.367 million for FY 2007-08; the proposed Capital budget of $169.122 million for FY 2007-08; which brought the total proposed budget for FY 2007-08 to $169.122 million (based on the money flow from projects on a yearly basis). too long

Ms. Calas noted that PWD had 55 open contracts at a total of $54 million. She stated that the Advanced Traffic Management System (ATMS) was successful. Ms. Calas noted that the new consultant, Kimley-Horn and Associates, Inc. completed the alpha test and integrated 473 intersections into the new software; and anticipated that 715 intersections would be completed by the end of FY 2006-07.

Ms. Calas noted that two reports would be presented before this Committee on Wednesday (7/18): 1) requesting approval of additional dollars to not-to exceed $2.5 million under the consultant contract, 2) a Joint Participation Agreement (JPA) with Florida Department of Transportation (FDOT) for an additional $3 million for the construction portion of Advanced Traffic Management System (ATMS).

Ms. Calas noted that PWD anticipated completing the illuminated sign program within three (3) years; and expected 430 intersections to be completed by the end of FY 2006-07. She stated that PWD had hoped to complete 26 School Flashing Signals that were under construction. Mr. Calas noted that 48,363 Street Name Signs were completed, and she anticipated completing a goal of 55,000 by the end of the fiscal year. She stated that 1,800 Streetlight Retro-fits would also be completed this year, and 1,000 would be turned over to Miami Beach for maintenance.

Ms. Calas noted that $27 million was spent on People's Transportation Plan (PTP) projects, and expected to spend at least $50 million by the end of the year. She stated that the accelerated contracting mechanism allowed the projects to be accelerated and anticipated completion prior to the ten-mark in the ordinance.

Assistant County Manager Llort advised that Mr. Jose L. Mesa, Metropolitan Planning

Organization (MPO) Director was available to address any concerns this Committee had regarding the budget; and the MPO Governing Board approved the budget in May 2007.

Commissioner Sorenson asked Assistant County Manager Llort to prepare a status list of pending lease agreements with the Seaport Department.

3 OPEN DISCUSSION

4 ADJOURNMENT

Report: *There being no further business to come before the Committee, the workshop was adjourned at 11:56 a.m.*

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

CLERK'S SUMMARY OF

Meeting Minutes

Transit Committee

Dorrin D. Rolle (2) Chair; Barbara J. Jordan (1) Vice Chair; Commissioners Audrey M. Edmonson (3), Sally A. Heyman (4), and Katy Sorenson (8)

Wednesday, July 18, 2007 **2:00 PM** **COMMISSION CHAMBERS**

Members Present: Audrey M. Edmonson, Sally A. Heyman, Barbara J. Jordan, Dorrin Rolle, Katy Sorenson.

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

MINUTES PREPARED BY:

Report: *Akira Spann, Commission Reporter, 305-375-2510.*

1A INVOCATION

1B PLEDGE OF ALLEGIANCE

1D1

072115 **Report**
REMARKS FROM CHAIRPERSON ROLLE

Report: *Chairman Rolle noted that he supplied his fellow Committee members with an updated report on the Port Tunnel issue. He asked Assistant County Manager Ysela Llort to waive the Port Tunnel Agenda Item to the July 24th Board of County Commission meeting for consideration and to meet with Chairman Barreiro to ensure ample time was allowed for discussion.*

Commissioner Heyman noted that the Florida Department of Transportation (FDOT) set the obligation deadline for August 4, 2007, and expressed concern regarding the City of Miami's $55 million obligation towards this project.

Chairman Rolle asked Assistant County Manager Llort to ensure that industry representatives and other affected parties were invited to participate in this discussion.

1E PRESENTATION(S)

1E1

071794 **Special Presentation** **Dorrin D. Rolle**

STERLING QUALITY ACHIEVEMENT RECOGNITION FROM THE FLORIDA STERLING COUNCIL FOR MIAMI-DADE TRANSIT'S (MDT) PREVENTIVE MAINTENANCE PROGRAM

Presented

Report: *Chairman Rolle noted that Miami-Dade Transit (MDT) was one of nine departments selected by the County Manager to pursue performance excellence using the Florida Sterling process in 2006. He stated that MDT applied for the prestigious Governor's Sterling Award in 2006; and implemented feedback from the 2005 and 2006 application. Chairman Rolle noted that MDT received the Sterling Special Quality Award for the preventive maintenance program; which was presented to MDT and received by Mr. Harpal Kapoor, MDT Director, at the Sterling Annual Conference in Orlando, Florida on June 1, 2007.*

Mr. Kapoor noted that this award was for the entire MDT staff, and hoped to win the Governor's Sterling Award.

2 COUNTY COMMISSION

2A

071766 **Resolution** **Dorrin D. Rolle**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE TRANSIT AGENCY FOR THE MAY 27, 2007 BEACH OUTING FIELD TRIP SPONSORED BY SOUTHEASTERN CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTIST, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $1,650.00 TO BE FUNDED FROM THE DISTRICT 2 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Rolle
Seconder: Heyman
Vote: 5-0

2B

072034 **Resolution** **Dorrin D. Rolle, Audrey M. Edmonson**

RESOLUTION DIRECTING THE COUNTY MANAGER TO REPORT ON THE STATUS OF COMPLIANCE WITH THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) MEASURES ON CONTRACTS AWARDED WITHIN THE LAST THREE YEARS; AND DIRECTING THE COUNTY MANAGER TO REPORT ON COMPLIANCE WITH THE PROMPT PAYMENT PROVISIONS AS OUTLINED IN THE CODE OF MIAMI-DADE COUNTY AND THE SUBJECT CONTRACT

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Rolle
Seconder: Sorenson
Vote: 5-0

Report: *Chairman Rolle relinquished the chair to Commissioner Jordan, and noted that he hoped the foregoing resolution would bring up concerns regarding the status of the Disadvantage Business Enterprise (DBE).*

Commissioner Sorenson suggested during the examination of the proposed budget for FY 2007-08, that the Board consider a monitoring compliance for other programs such as Community Small Business Enterprise (CSBE) and Living Wage.

Commissioner Edmonson asked to be listed as a co-sponsor of this foregoing resolution.

Hearing no further questions or comments, the Committee proceeded to vote.

2C

071679 **Resolution** **Sally A. Heyman**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE TRANSIT AGENCY FOR THE JUNE 8-10, 2007 AND JUNE 15-17, 2007 IT'S YOUR LIFE YOUTH CAMP, AND AUTHORIZING IN-KIND SERVICES FROM MIAMI-DADE TRANSIT AGENCY FOR THE JULY 13-15, 2007, JULY 27-29, 2007, AND AUGUST 10-12, 2007 IT'S YOUR LIFE YOUTH CAMP SPONSORED BY EDUCATE TOMORROW CORPORATION, A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $3,720.00 TO BE FUNDED FROM THE DISTRICT 4 IN-KIND RESERVE FUND

Amended

Report: *See Agenda Item 2C Amended, Legislative File No. 072324 for the amended version.*

2C AMENDED

072324 **Resolution** **Sally A. Heyman**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE TRANSIT AGENCY FOR THE JUNE 8-10, 2007 IT'S YOUR LIFE YOUTH CAMP SPONSORED BY EDUCATE TOMORROW CORPORATION, A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $368.50 TO BE FUNDED FROM THE DISTRICT 4 IN-KIND RESERVE FUND [SEE ORIGINAL ITEM UNDER FILE NO. 071679]

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Heyman
Seconder: Sorenson
Vote: 5-0

Report: *It was moved by Commissioner Heyman that the foregoing resolution be amended to reflect the following language: "It's Your Life Youth Camp for June 8-10, 2007 in an amount not-to-exceed $368.50."This motion was seconded by Commissioner Sorenson, and upon being put to a vote, passed by a vote of 5-0.*

2D

071905 **Resolution** **Rebeca Sosa, Joe A. Martinez**

RESOLUTION NAMING THE COUNTY'S EXISTING GUARDRAIL PROGRAM THE ''SHAYRA CASTRO GUARDRAIL PROGRAM'' AND DIRECTING THE COUNTY MANAGER TO PREPARE A REPORT REGARDING THE FEASIBILITY, ADVISABILITY AND COST OF INSTALLING ADDITIONAL GUARDRAILS ON COUNTY ROADS RUNNING ALONGSIDE CANALS AND OTHER WATERWAYS

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Sorenson
Vote: 5-0

2E

072131 **Resolution** **Bruno A. Barreiro, Audrey M. Edmonson**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE TRANSIT AGENCY FOR THE JULY 21-24, 2007 2007 NCLR ANNUAL CONFERENCE AND LATINO EXPO USA SPONSORED BY THE NATIONAL COUNCIL OF LA RAZA, A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $31,376.10 TO BE FUNDED FROM THE COUNTYWIDE IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Edmonson
Seconder: Heyman
Vote: 5-0

2E SUPPLEMENT

072233 **Report** **Bruno A. Barreiro, Audrey M. Edmonson**

FISCAL IMPACT STATEMENT FOR RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE TRANSIT AGENCY FOR THE JULY 21-24, 2007 2007 NCLR ANNUAL CONFERENCE AND LATINO EXPO USA SPONSORED BY THE NATIONAL COUNCIL OF LA RAZA, A NOT-FOR-PROFIT ORGANIZATION

Accepted

2F

072132 **Resolution** **Audrey M. Edmonson**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE TRANSIT AGENCY FOR THE JUNE 18-24, 2007 DRUG EDUCATION FOR YOUTH (DEFY) CAMP SPONSORED BY THE MIAMI/MIAMI-DADE WEED & SEED, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $2,840.40 TO BE FUNDED FROM THE DISTRICT 3 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Edmonson
Seconder: Jordan
Vote: 5-0

2G

072153 **Resolution** **Dorrin D. Rolle**

RESOLUTION URGING THE MAYOR TO UTILIZE MURALS AND SIMILAR SIGNAGE WITHIN THE TERMINAL BUILDINGS AT THE PORT OF MIAMI

Forwarded to BCC with a favorable recommendation
Mover: Rolle
Seconder: Edmonson
Vote: 5-0

Report: *Chairman Rolle relinquished the chair to Commissioner Jordan.*

Commissioner Sorenson asked the Seaport Director to submit a business plan that included the estimates and methods to maximize the space for the use of murals and similar signage for Committee review.

3 PUBLIC HEARING(S)

3A

071965 **Resolution** **Audrey M. Edmonson**

RESOLUTION RENAMING THE OVERTOWN/ARENA METRORAIL STATION AT 100 NW 6TH STREET AS THE HISTORIC OVERTOWN/LYRIC THEATRE METRORAIL STATION

Forwarded to BCC with a favorable recommendation
Mover: Edmonson
Seconder: Sorenson
Vote: 5-0

Report: *The public hearing was opened; however, it was closed after no one appeared in response to Chairman Rolle's call for persons wishing to be heard.*

4 DEPARTMENT

4A

071953 **Resolution**

RESOLUTION DECLARING COUNTY-OWNED PROPERTY LOCATED AT EAST 25TH STREET AND EAST 7TH AVENUE HIALEAH SURPLUS; AUTHORIZING THE PRIVATE SALE OF SAID PROPERTY TO AN ADJACENT PROPERTY OWNER PURSUANT TO FLORIDA STATUTE 125.35-3(2); AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE SALE OF SAID PROPERTY; AND AUTHORIZING EXECUTION OF A COUNTY DEED FOR SUCH PURPOSE (General Services Administration Department)

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Heyman
Vote: 5-0

4B

071622 **Resolution**

RESOLUTION AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX (SURTAX) FUNDS FOR TOTAL EXPENSES RELATED TO THE ACCEPTANCE OF 454 FAREBOXES DONATED BY SPOKANE TRANSIT AUTHORITY (STA) AND LOS ANGELES METROPOLITAN TRANSPORTATION AUTHORITY (LAMTA) IN THE AMOUNT OF $31,686.08 (Miami-Dade Transit Agency)

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Heyman
Vote: 5-0

Report: *Concerning Commissioner Jordan's questions regarding the life-span, condition, and inspection of the fareboxes donated by the Spokane Transit Authority (STA) and the Los Angeles Metropolitan Transportation Authority (LAMTA), Mr. Kapoor noted that the fareboxes were replacements for those used by MDT in an attempt to maintain continued services. He stated that the fareboxes were in good condition.*

Commissioner Edmonson questioned MDT's certainty of the donated equipment. An unidentified MDT employee noted that the equipment was inspected in Spokane and Los Angeles, and was considered operational. Mr. Kapoor noted that the County's expenses were solely for the shipping and handling of the fareboxes and equipment that would be charged to the Surtax.

Commissioner Heyman noted that it appeared to be a costly expense for donated equipment that would be used for a short period of time, but still had value. She stated that this equipment would be used and rotated since it was transferable. Commissioner Heyman suggested the feasibility of selling the donated parts, once new equipment was available; which would allow a surplus to be received on the investment.

Hearing no further questions or comments, the Committee proceeded to vote.

4C

071624 **Resolution**

RESOLUTION APPROVING AN EXCLUSIVE ELECTRIC UTILITY EASEMENT AT THE DADELAND SOUTH JOINT DEVELOPMENT LEASE SITE TO FLORIDA POWER & LIGHT (FPL) AND AUTHORIZING THE COUNTY MAYOR TO EXECUTE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN (Miami-Dade Transit Agency)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Heyman
Seconder: Edmonson
Vote: 5-0

4D

071727 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF THE RETROACTIVE INTERLOCAL AGREEMENT BETWEEN MIAMI - DADE COUNTY AND THE CITY OF HIALEAH FOR THE PROVISIONS OF PUBLIC TRANSPORTATION SERVICES (Miami-Dade Transit Agency)

Forwarded to BCC with a favorable recommendation
Mover: Edmonson
Seconder: Heyman
Vote: 5-0

4E

071745 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND URS CORPORATION SOUTHERN IN THE AMOUNT OF $3,555,083 FOR ADDITIONAL FINAL DESIGN SERVICES AND TO EXTEND THE CONTRACT TERM BY 1460 CALENDAR DAYS TO COVER THE REQUIRED TASKS (Miami-Dade Transit Agency)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Edmonson
Seconder: Sorenson
Vote: 4-1
No: Heyman

Report: *Mr. Kapoor explained that the additional work for this project was summarized into four major categories including: 1) changes due to the relocation of the Miami Intermodal Center (MIC) Metrorail station from north of N.W. 25th Street to the central core of the MIC plus changes to the alignment leading to the revised Locally Preferred Alternative (LPA), 2) the implementation of the new design criteria and value added tasks, 3) studying direct Metrorail access to the airport, and 4) additional project management services required for the previous three categories.*

Chairman Rolle expressed concern regarding the $8 million cost for additional work on this project. Ms. Albert Hernandez, Miami-Dade Transit (MDT) Deputy Director, noted that the $8 million was a fee for provided services during the construction phase of this project. He stated that the engineer of record required that URS, the prime consultant, provide those services during the start of the construction phase. Mr. Hernandez noted that the $8 million was a portion of the $523.4 million total budget cost; and lined up with the required services for the duration of the construction phase and the complexity of the scope for this contract.

Responding to Commissioner Jordan's question regarding whether Community Small Business Enterprise (CSBE's) was included in the Disadvantage Business Enterprise (DBE) pool, Mr. Hernandez spoke of their involvement, and that 20% work goal should be completed.

Commissioner Jordan asked that the Transit Department Director provide a list of the Disadvantaged Business Enterprise (DBE) firms and indicate the Community Small Business Enterprise (CSBE's).

Mr. Hernandez noted that Mr. Ahmed Rasheed, a

MDT employee, was the project manager for this project. He stated that URS managed the contract design; but Mr. Rasheed performed the oversight of the contract and was assisted by the Performance Management Consultant (PMC) staff.

Chairman Rolle requested Assistant County Manager Ysela Llort to meet with him to address Florida Department of Transportation concerns regarding the monitoring of the project before the Agenda Item was brought before the full Board of County Commissioners on July 24, 2007.

Commissioner Heyman expressed concern regarding the County Manager's recommendation to reject all bids for this project, and the estimated cost for the additional work. Mr. Hernandez noted that MDT was proceeding as if the MIC and their Miami International Airport (MIA) partners were a reality.
Assistant County Manager Llort noted that the County Manager's recommendation proposed a new procedure to evaluate proposals, with assurance that taxpayers had the best value and technical proposal to move forward with a project.

Responding to Commissioner Heyman's question regarding how to ensure the solidification of a project before investing money in it, Assistant County Manager Llort noted that this was a matter of moving a project forward simultaneously in an attempt to get a product on a timely basis. She stated that URS was asked to examine whether the MIC-MIA connection to the Metrorail should be built as originally planned, or in an alternative matter. Assistant County Manager Llort noted that engineering and procurement needed to collaborate. He also spoke of the collaborative effort between MIA and MDT to work with the Florida Department of Transportation (FDOT) to ensure that Metrorail went to the MIC as well as being built properly, and that the MIC-MIA mover would transport traffic into the MIA.

Hearing no further questions or comments, the Committee proceeded to vote.

4F

071752 **Bid Awards**

CONTRACT AWARD RECOMMENDATION FOR SW 200TH STREET PARK & RIDE FACILITY - REBID PROJECT NO: NFP001; CONTRACT NO: NFP001-TR06-CT1 (Miami-Dade Transit Agency)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Sorenson
Seconder: Edmonson
Vote: 5-0

Report: *Commissioner Jordan noted that this contact represented a lower contract amount than the estimate based on lower cost for concrete and steel.*

Mr. Hernandez noted that the engineers performed an estimate with the bids received last year. He stated that the bid was rejected because it surpassed the $1 million cap requirement in the miscellaneous construction contract. Mr. Hernandez noted that those numbers were good and had been used in the bids; but the average price in the first bid was conservative once the project was re-estimated by MDT. He stated a lower cost was not anticipated, in terms of concrete and steel.

Commissioner Jordan asked that the Commission Auditor research to determine whether the cost of concrete and steel had decreased nationally.

Hearing no further questions or comments, the Committee proceeded to vote.

4G

072077 **Resolution**

RESOLUTION AUTHORIZING MIAMI-DADE TRANSIT (MDT) TO SECURE INDEPENDENT, CERTIFIED (MAI, ASA) REAL PROPERTY APPRAISERS TO PERFORM REAL PROPERTY APPRAISALS ON AN AS-NEEDED BASIS, IN ACCORDANCE WITH ESTABLISHED COUNTY APPRAISER SELECTION PROCEDURES, IN AN AMOUNT NOT TO EXCEED A BLANKET AMOUNT OF $100,000 (Miami-Dade Transit Agency)

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Heyman
Vote: 5-0

4H

072147 **Resolution**

RESOLUTION TERMINATING NEGOTIATIONS WITH JUBILEE COMMUNITY DEVELOPMENT CORPORATION FOR THE DEVELOPMENT OF THE OKEECHOBEE ROAD METRORAIL STATION (Miami-Dade Transit Agency)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Edmonson
Seconder: Jordan
Vote: 5-0

Report: *Chairman Rolle asked Assistant County Manager Ysela Llort to determine whether the City of Hialeah had proposed to build an elderly residential project on the Okeechobee site, and the amount that would be paid to the County for the land before the Agenda Item came before the full Board of County Commissioners on July 24, 2007.*

Hearing no further questions or comments, the Committee proceeded to vote.

41

072146 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AN ASSIGNMENT AND ASSUMPTION OF VEHICLE INSPECTION AGREEMENT BETWEEN PANTHEON PROPERTIES SOUTH, LLC, FTZ WORLD SERVICES, LLC AND MIAMI-DADE COUNTY; AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN (Seaport Department)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Edmonson
Vote: 5-0

Report: *Mr. Bill Johnson, Seaport Department Director, noted that the operation of lease space for Free Trade Zone (FTZ) World Services would be paid for at the site. He stated that this was an existing lease by the prior owner, Pantheon Properties South, LLC with Seaport in fall 2006. Mr. Johnson asked Ms. Denise Minakowski, Seaport Chief of Security, to analyze, in terms of administration, the course of action regarding this particular activity, and the on-going terms of this vehicle inspection program (for export vehicles). He noted his decision to move forward despite long-term issues; however, his recommendations might be different in the future. Mr. Johnson stated that this annual lease provided space, staff, and equipment to operate at $2.50 a foot and this item would come before the Board in September 2007.*

Mr. Johnson noted that this Seaport activity occurred on FTZ World Services property. He stated that he would investigate the continuation of this function and the best location; and the feasibility of bringing this function back to the Port.

Mr. Johnson noted that at least 1,000 vehicles were inspected a week; and once the Port was modernized, hopefully vehicles could be placed in a multi-level parking structure to free up acreage.

Hearing no further questions or comments, the Committee proceeded to vote.

4J

072079 **Resolution**

RESOLUTION APPROVING THE USE OF SURTAX FUNDS FOR VARIOUS PURCHASE ORDERS ISSUED BY MIAMI-DADE TRANSIT (MDT) FOR CAPITAL IMPROVEMENTS, MAINTENANCE AND OPERATIONS IN SUPPORT OF THE PEOPLE'S TRANSPORTATION PLAN (PTP) FOR THE MONTHS OF JANUARY, FEBRUARY AND MARCH 2007 (Miami-Dade Transit Agency)

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Edmonson
Vote: 5-0

4K

072156 **Resolution**

RESOLUTION ADOPTING THE MIAMI-DADE TRANSIT (MDT) SUBMISSION OF THE ANNUAL UPDATE OF THE 2007 TRANSIT DEVELOPMENT PROGRAM (TDP) COVERING THE FIVE-YEAR PERIOD FROM 2008-2012 (Miami-Dade Transit Agency)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Edmonson
Vote: 5-0

4L

072162 **Bid Awards**

CONTRACT AWARD RECOMMENDATION FOR OIL WATER SEPARATORS AT NINETEEN (19) METROMOVER STATIONS - PROJECT NO: UFP013 (PTP); CONTRACT NO: UFP013-TR06-CT1 (Miami-Dade Transit Agency)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Edmonson
Vote: 5-0

4M

072163 **Change Orders**

AMENDMENT TO A PROFESSIONAL SERVICE AGREEMENT TO PROVIDE CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES; PROJECT NO.: TA00-BW2; CONTRACT NO.: TA00-BW2 (Miami-Dade Transit Agency)

Forwarded to BCC with a favorable recommendation
Mover: Edmonson
Seconder: Heyman
Vote: 5-0

4N

071625 **Resolution**

RESOLUTION APPROVING A PROJECT AWARD RECOMMENDATION IN THE AMOUNT OF $225,891.59 BETWEEN AGC ELECTRIC, INC. AND MIAMI-DADE COUNTY FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED TRAFFIC SIGNAL INSTALLATION AT SW 67 AVENUE AND SW 44 STREET, LOCATED WITHIN COMMISSION DISTRICT 7 (PROJECT – CICC 7360-0/08 RPQ NO. 20060346) (Public Works Department)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Edmonson
Seconder: Sorenson
Vote: 5-0

4O

071691 **Resolution**

RESOLUTION APPROVING A PROJECT AWARD RECOMMENDATION IN THE AMOUNT OF $173,208.93 BETWEEN UNDER POWER CORP. AND MIAMI-DADE COUNTY FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED TRAFFIC SIGNAL INSTALLATION AT NW 87 AVENUE AND NW 41 STREET, LOCATED WITHIN COMMISSION DISTRICT 12 (PROJECT – CICC 7360-0/08 RPQ NO. 20070486) (Public Works Department)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Heyman
Seconder: Edmonson
Vote: 5-0

4P

071774 **Resolution**

RESOLUTION AUTHORIZING THE ADDITIONAL APPROPRIATION OF $6.5 MILLION INCLUDED UNDER THE CONTRACT AWARD RECOMMENDATION FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED INSTALLATION AND IMPLEMENTATION OF A NEW ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS) FOR MIAMI-DADE COUNTY (PROJECT NO. 20050189)

(Public Works Department)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Heyman
Seconder: Sorenson
Vote: 5-0

Report: *Commissioner Jordan noted that the Florida Department of Transportation (FDOT) was identified as the original proposed funding source for this project; but then could not approve because there was no participation in the search and selection of the firm.*

Ms. Ester Calas, Public Works Department (PWD) Director, noted that FDOT was involved in the first contract with Frank Aliman and Associates, Inc.; however, that contractor was dismissed because performance standards were not met. She stated that PWD went through a fast-track procurement process, and requested a waiver of competitive bids; then FDOT gave indication of the inability to participate in the software development portion of this project, but was willing to participate in the deployment portion. Ms. Calas noted that FDOT would donate $3 million for the deployment end of Advanced Traffic Management Systems (ATMS), which Kimley-Horn and Associates were working on.

Commissioner Jordan noted that the County could have saved $9 million by proceeding with a competitive process.

Ms. Calas noted that the People's Transportation Plan (PTP) paid $49 million of the total estimated cost of $86 million for the new ATMS; and other Federal and FDOT funds would cover the remaining cost.

Ms. Calas noted that PTP covered the $9 million for Phase 1 (Field Alpha Test: Operational Proof of the New ATMA) and Phase 2 (Customization, Enhancement, and Countywide Deployment of ATMS) for this project; and that FDOT would participate in the construction phase of this project.

Responding to Commissioner Jordan's question regarding whether PWD had a written commitment from FDOT, Ms. Calas noted that the original ATMS contract was delayed, and monies were reallocated; however, FDOT gave $3 million CIGP grant for this project.

Commissioner Jordan asked that the Assistant County Manager Ysela Llort and the Public Works Department Director meet with her to address concerns regarding the Fiscal Impact/Funding Source for this contract.

Assistant County Manager Llort noted that under certain circumstances FDOT could participate in activities; but once a project was placed under a work-program status the matching of funds to the activity would become an issue.

Hearing no further questions or comments, the Committee proceeded to vote.

4Q

072075 **Resolution**

RESOLUTION APPROVING A PROJECT AWARD RECOMMENDATION IN THE AMOUNT OF $346,000.00 BETWEEN UNDER POWER CORP. AND MIAMI-DADE COUNTY FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED INTERNALLY ILLUMINATED STREET NAME SIGN INSTALLATION CONTRACT COUNTYWIDE (PROJECT – CICC 7360-0/08 RPQ NO. 20070586) (Public Works Department)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Edmonson
Seconder: Heyman
Vote: 5-0

4R

072076 **Resolution**

RESOLUTION AUTHORIZING TO ACCEPT A COUNTEROFFER FROM FLORIDA POWER & LIGHT COMPANY, FOR THE ACQUISITION OF THE PROPERTIES LOCATED AT SW 127 AVENUE, BETWEEN SW 120 STREET AND SW 88 STREET (KENDALL DRIVE) (Public Works Department)

Forwarded to BCC with a favorable recommendation
Mover: Jordan
Seconder: Edmonson
Vote: 5-0

4S

072121 **Resolution**

RESOLUTION APPROVING A COUNTY INCENTIVE GRANT PROGRAM AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF $3,000,000 TO FUND THE PROCUREMENT AND INSTALLATION OF HARDWARE TO SUPPORT COUNTYWIDE DEPLOYMENT OF THE ADVANCED TRAFFIC MANAGEMENT SYSTEM FOR 620 TRAFFIC SIGNALIZATIONS ON MAJOR STATE HIGHWAYS WITHIN MIAMI-DADE COUNTY AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE SAID AGREEMENT (Public Works Department)

Forwarded to BCC with a favorable recommendation
Mover: Edmonson
Seconder: Sorenson
Vote: 5-0

Report: *Chairman Rolle questioned when the ATMS would be implemented in the North Miami area.*

Ms. Calas noted the lack of contractors that performed the field work on the controllers. She stated that PWD selected intersections that worked independently which were placed in the first phase of this project minimizing the field work.

Chairman Rolle asked the Public Works Department Director to provide a list of road intersections for Districts 1 through 3 that were slated for installation this year. He added that the Commissioners for those respective Districts wanted to see progress with this project.

4T

071764 **Request to Advertise**

REQUEST TO ADVERTISE FOR OLETA RIVER STATE PARK MITIGATION; PROJECT NO: 2007.013; CONTRACT NO: 2007.013 (Seaport Department)

Withdrawn

4U

071773 **Resolution**

RESOLUTION APPROVING SECURITY AREA DESIGNATIONS AS DOCUMENTED IN THE PORT OF MIAMI-DADE FACILITY SECURITY PLAN; AUTHORIZING THE SEAPORT DIRECTOR TO DESIGNATE SEAPORT SECURITY AREAS AND ACCESS REQUIREMENTS AND PROVIDE RELATED SECURITY ENFORCEMENT; AND TO MODIFY AND AMEND THE PORT OF MIAMI-DADE FACILITY SECURITY PLAN WITHIN THE AUTHORITY PRESCRIBED BY FEDERAL, STATE AND COUNTY LAW (Seaport Department)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Sorenson
Seconder: Edmonson
Vote: 5-0

Report: *Mr. Johnson noted the time sensitive nature of this foregoing resolution; and urged that it be placed on the agenda of the July 24th Regular Board of County Commission meeting.*

Hearing no further questions or comments, the Committee proceeded to vote.

4V

071789 **Resolution**

RESOLUTION RESCINDING ADMINISTRATIVE ORDER 4-4 AND REPLACING IT WITH IMPLEMENTING ORDER 4-4: PORT OF MIAMI TERMINAL TARIFF NO. 010; AUTHORIZING COUNTY MANAGER OR HIS DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN (Seaport Department)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Edmonson
Seconder: Rolle
Vote: 5-0

4W

071790 **Resolution**

RESOLUTION APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR NON-EXCLUSIVE PROFESSIONAL SERVICES – PROJECT NO. E03-SEA-01, AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN (Seaport Department)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Edmonson
Vote: 5-0

4X

071792 **Resolution**

RESOLUTION AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE FUTURE CHANGE ORDERS TO THE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND C. G. CHASE CONSTRUCTION MANAGEMENT, INC., ("CHASE") FOR THE CONSTRUCTION OF CRUISE TERMINALS D & E ("PROJECT"), IN AN AMOUNT NOT TO EXCEED $1,992,181 FROM AVAILABLE, UNSPENT PROJECT FUNDS INITIALLY ALLOCATED FOR OTHER PROJECT NEEDS, TO COMPLETE THE PROJECT AND RECEIVE A CERTIFICATE OF OCCUPANCY; AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN (Seaport Department)

Amended
Mover: Heyman
Seconder: Edmonson

Report: *See Agenda Item 4X Amended, Legislative File No. 072293 for the amended version.*

4X AMENDED

072293 **Resolution**

RESOLUTION RETROACTIVELY AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE CHANGE ORDERS TO THE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND C. G. CHASE CONSTRUCTION MANAGEMENT, INC., ("CHASE") FOR THE CONSTRUCTION OF CRUISE TERMINALS D & E ("PROJECT"), IN AN AMOUNT NOT TO EXCEED $1,992,181 FROM AVAILABLE, UNSPENT PROJECT FUNDS INITIALLY ALLOCATED FOR OTHER PROJECT NEEDS, TO COMPLETE THE PROJECT AND RECEIVE A CERTIFICATE OF OCCUPANCY; AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 071792] (Seaport Department)

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Heyman
Seconder: Edmonson
Vote: 4-1
No: Jordan

Report: *Mr. Johnson noted that this foregoing resolution was considered a must-pass item; and the work for the project was underway.*

Responding to Chairman Rolle's inquiry regarding the $9.4 million 2005 Sunshine State Loan, Mr. Johnson noted that the Cruise Terminals D and E projects for Carnival Corporation were approved by the Board in May 2003. He stated that the Board also approved a State Sunshine Loan; and $40 million was earmarked for this project. In 2005, the Board approved a resolution (change order) for this project; allocating an additional $9.4 million for the completion of this project, Mr. Johnson noted. He stated that at his newly appointment as director, the project was already delayed and the inability to execute the work in order for Carnival Corporation to move in and utilize the space as intended.

Mr. Johnson noted that by law, the $9.4 million change order did not include the required items to obtain a certificate of occupancy; so he successfully examined methods within the existing budget to reprioritize working with Carnival Corporation. This freed up funds to complete the work and obtain the final certificate of occupancy, he noted.

Mr. Johnson noted that the language on handwritten page 1 of the County Manager's memorandum, under the section entitled "Fiscal Impact/Funding Source," puzzled him. He recalled that the former Seaport director and the Board allocated $9.4 million in the 2005 Bond

sale; he was aware that the new administration sought an additional $9.4 million in a new Bond sale (a $25 million new Bond sale for the State Sunshine Loan).

Mr. Johnson said he had spoken with his auditor, Ms. Kathy Jackson, and Ms. Rachel Baum, Finance Department Director, and concluded that no inappropriate misallocations of funds occurred. He stated that he would work with Ms. Jackson and Ms. Baum to prepare a new Bond sale to bring before this Committee in fall 2007; and Seaport would proceed with a 2007 Bond series.

Chairman Rolle read from the "Miami Dade Seaport Department Summary of 2006 Sunshine Loan Uses of Funds," and questioned why C.G. Chase Construction Management, Inc. (Chase) was not paid and whether Seaport attained the $9.4 million

Mr. Johnson noted Seaport had made payments to Chase according to the billing schedule.

Chairman Rolle noted that it appeared as if other items were paid for with the $9.4 million; and stated that the Hasco Settlement came before the Board recently.

Mr. Johnson noted that the $2.44 million Hasco settlement was approved by the Board in February 2007; and that settlement would be paid for out of the 2007 Seaport new Bond sale, to be presented to this Committee in fall 2007. He stated that the $9.4 million previously approved by the Board would be used as intended for Terminals D and E. Mr. Johnson noted that settlements would come before this Committee independently, and paid for by the future bond sale; Ms. Miriam Abreu, Seaport Department System Finance Director noted that those commitments have not been paid yet.

Concerning Chairman Rolle's question as to whether the foregoing resolution would be retroactively approved and was the work underway, Assistant County Attorney Eric Rodriguez noted that it should be a partial retroactive item as some of the work has been completed.

Chairman Rolle asked Assistant County Manager Ysela Llort and the Seaport Department Director to provide clarification regarding this proposed

resolution before being considered by the County Commissioners on July 24th.

Commissioner Jordan expressed concern regarding Chase's commitment to follow through on obligations. He referred to an instance when a Community Small Business Enterprise (CSBE) company worked with Chase, and based on the review committee's goal, Chase requested the full payment. She stated that she requested both parties to negotiate; however, Chase would not come to the table for negotiations. Therefore, a small company was deprived of receiving full benefits, Commissioner Jordan noted. She opposed this item, until the integrity was established on Chase's behalf.

Mr. Johnson noted his commitment to fairness, and he met with the representatives and the subcontractors of Chase which were working to ensure the completion of this project.

Chairman Rolle expressed concern regarding settlement payments being made without the Board's approval; and stated that this matter would be further discussed and handled.

Assistant County Attorney Gerald Sanchez noted that this foregoing resolution would be amended to reflect both partial retroactive and future change orders.

Assistant County Attorney McCarty also noted that the foregoing resolution should be forwarded as amended reflecting dual status as retroactive and future change order. He stated that "2006" should be deleted and replaced with "The original 2005 Sunshine State Law."

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

Mr. Johnson noted that Seaport would present a new agreement with a major international cruise line before this Committee and the Board in fall 2007; a 15-year initial term agreement that would guarantee Seaport a minimum of $155 million. He stated that Seaport settled a nine (9) year dispute with Carnival Corporation in June 2007 for $1.4 million; and a settlement was reached with Fisher Island for $1.135 million.

Mr. Johnson noted that he made an offer to resolve a five (5) year dispute with another major

cruise line; and hoped to bring an agreement before the Board in fall 2007. He stated that he made an effort to negotiate with Seaport's existing cargo partners (Merce, PalmTop, and Seaboard Marine).

Responding to Chairman Rolle's inquiry regarding PalmTop's lease, Mr. Johnson noted he had suggested that the principals return for negotiations; subsequently, a long-term agreement was reached with Mr. Towsley, the former Seaport director. He stated that the prior amendment was forwarded to the County Manager's Office; however, it was not signed by the County Manager.

Mr. George Rivarosa (phonetic), PalmTop Senior Manager, appeared before the Committee and noted the request to proceed; however, express concerns regarding any offer that appeared to harmful to business, and would take the cargo business away from the Port of Miami. He stated that they hoped to make a deal in September 2007.

Commissioner Sorenson noted that the negotiations with the previous Seaport director never reached the final stage; therefore renegotiations were necessary.

Responding to Commissioner Edmonson's question regarding PalmTop's $5 million investment, Mr. Rivarosa noted that as part of an agreement with the former Seaport director a new interchange complex was placed at the Port of Miami. He stated that whether the rates increased or not business would be in jeopardy.

Mr. Johnson noted that Seaport had experienced a continued decline in cargo, and there were no factors that stopped PalmTop's business from growing. He spoke of his willingness to acknowledge PalmTop's investment with the previous Seaport director; however, he had tried to be consistent and fair to all three cargo partners. Mr. Johnson noted that he could present a matrix outlining the negotiations between PalmTop and the former Seaport administration.

Commissioner Heyman asked Assistant County Manager Llort to ensure that County Manager Burgess facilitated a meeting between principle and the Port to reach an agreement before September 2007. She stated that she wanted a better understanding of what Mr. Johnson inherited as a deficit operation revising existing contracts, on-going agreements, and what the

obligations were to PalmTop and the operation as a whole.

Responding to Commissioner Jordan's inquiry regarding the decline in cargo, Mr. Johnson noted that Seaport was 8.6 percent down in cargo since his appointment as director; and would be 8 percent down by the end of this year. He stated that reasons for the decline included: 1) on-and-off port congestion; Seaport met with shipping lines in New Jersey to alleviate the problem, 2) operating cost; changes have been made to reduce the budget, and 3) the need for an aggressive hands-on administration; the shipping lines requested to become familiar with the management team, and would be available.

Commissioner Jordan asked that the Seaport Department Director meet with her to discuss contributions to the eight percent (8%) decline in cargo and that he would provide a corrective action plan.

5 COUNTY MANAGER

6 COUNTY ATTORNEY

7 CLERK OF THE BOARD

7A

071755 **Report**

CLERK'S SUMMARY OF MEETING MINUTES FOR TRANSIT COMMITTEE MEETING(S): MAY 16, 2007
(Clerk of the Board)

Approved
Mover: Edmonson
Seconder: Rolle
Vote: 5-0

8 REPORTS

8A

071793 **Report**

ORAL REPORT RE: SFRTA UPDATE (County Manager)

Report Received
Mover: Jordan
Seconder: Edmonson
Vote: 5-0

Report: *Mr. Joe Delady (phonetic), South Florida Regional Transportation Authority (SFRTA), appeared before the Committee and noted that the SFTRA Board voted Chairman Barreiro as SFRTA Chair, in order to serve two years; and the Mayor of Broward County was elected as Vice Chair. He stated that SFRTA experienced a 30% ridership growth; as a result, 50 trains were operating daily, due to a request on the Miami International Airport (MIA) employees' behalf that trains operate at hours beneficial to them.*

Mr. Delady noted that monthly ridership continued to increase; however, there were on-time performance issues with the new system due to a lack of dispatch control of the corridor. He also noted operating issues occurred the first three weeks of the new schedule.

Commissioner Sorenson questioned the plans to handle issues with the Seaboard Coastal Line (CSX).

Mr. Delady noted that the State purchased the corridor when the agreement entitled Operating and Maintenance Plan A (OAMPA) was finalized; along with a Plan/Phase B which stated that the State or CSX could initiate a takeover of the dispatch corridor. He stated that transition expenses should be addressed because CSX retained certain rights to the corridor although the State owned it. Mr. Delady noted that the SFRTA Board held on-going negotiations with CSX and the State to examine the feasibility of proceeding to Plan/Phase B.

Hearing no other questions or comments, the Committee proceeded to vote.

8B

072152 **Report**

FOLLOW-UP REPORT FROM MIAMI-DADE TRANSIT (MDT): CONSOLIDATED SCHEDULED AND ROUTE MAP (County Manager)

Report Received
Mover: Jordan
Seconder: Edmonson
Vote: 5-0

8C

071759 **Report**

LIST OF ADDITIONAL TRAFFIC INTERSECTION IMPROVEMENTS

JUNE 2007 (County Manager)

Report Received
Mover: Jordan
Seconder: Edmonson
Vote: 5-0

8D

072110 **Report**

LIST OF ADDITIONAL TRAFFIC INTERSECTION IMPROVEMENTS

JULY 2007 (County Manager)

Report Received
Mover: Jordan
Seconder: Edmonson
Vote: 3-0
Absent: Heyman, Sorenson

8E

071761 **Report**

INVOICING AND DBE STATUS REPORT ON THE PROGRAM MANAGEMENT CONSULTANT (PMC) CONTRACT

Report Received

JUNE 2007 (County Manager)

Report: *Commissioner Jordan noted that this report indicated that the Disadvantaged Business Enterprise (DBE) Participation Cumulative Goal could not be reached until August 2008.*

Mr. Kapoor, Miami-Dade Transit (MDT) Director, noted that 19% what? was the goal for June 2007; but 18.7% of that goal was achieved. He stated that the 25% goal should be met, as more work became available. Mr. Kapoor noted that the subconsultant payment issues were resolved.

Commissioner Jordan questioned the availability of work and whether work was eliminated, which would be the main factor to determine the 25% goal.

Ms. Cathy Lewis, MDT, noted that the established DBE provisions required MDT to set goals; and both the scope of work and the available pool of DBE were factors used to determine the goal.

Commissioner Jordan questioned what would prevent the Department of Business Development (DBD) from setting the goals.

Assistant County Attorney Gerald Sanchez noted that the Federal Transportation Administration (FTA) expressed a strong preference for DBE compliance, and the department that implemented the projects would set goals; therefore, MDT would control the process as well as the DBE program.

Commissioner Jordan asked that the Transit Department Director provide the Federal Transportation Administration guidelines on project goal setting.

Ms. Lewis noted that the DBE provisions required that a goal be attained prior to the conclusion of the contract. She stated that MDT provided this Committee with a resource allocation schedule outlining a monthly blow-by-blow of work allocations. Ms. Lewis noted that MDT had

monitored this to ensure goals were met by the end of the contract.

Commissioner Jordan noted that instances had occurred that a goal had to be modified due to lack of work to achieve the original goal at the end of the contract. She questioned the procedure to ensure goals were implemented appropriately, in terms of accomplishing the full realization of the product.

Ms. Lewis noted that the resource allocation chart was the closest item of such a provision; and assured that considerable progress was made. She stated that there was a renewed effort to achieve the goal.

Mr. Kapoor noted that the low achievement of the DBE goal was a result of work being brought in-house. He stated that this contract would expire in 2011 and expected to achieve the 25% goal by August 2008.

Commissioner Jordan asked whether the Department of Business Development (DBD), now known as Small Business Affairs (SBA), were involved in the DBE process. Ms. Penny Towsley, Small Business Affairs Director, noted that the department had the responsibility of certifying, setting goals, and monitoring DBE projects.

Commissioner Jordan noted that Parsons Brinckerhoff, the prime consultant, informed the Board that the feasibility of adding more local firms would be voluntarily examined which was rejected because administration determined it was unnecessary, and the process had not been appropriate. She expressed concern as to whether the goal would be met.

Commissioner Jordan asked Assistant County Attorney Gerald Sanchez to evaluate the goals on a periodic basis. She also asked that he examine the Program Management Consultant (PMC) contract language and determine whether any modifications could be made for future contracts.

Chairman Rolle noted MDT had convinced him that the prime consultants were moving in the right direction to ensure that the 25% goal was achieved. He stated that prompt payments were also an issue; and many sub-consultants complained that payments were not received as expeditiously as the prime consultant.

Mr. Kapoor noted that the sub-consultants were paid through March 16th, 2007, and invoices for the period ending April 13th, 2007 would be processed. He stated that MDT would return on schedule this month (July 2007) with the PMC invoicing. Mr. Kapoor noted that quality assurance procedures were added; and when a good invoice was received, the payment would be received within 30-45 days.

Responding to Chairman Rolle's question regarding the $1 million payment item for the prime consultant and sub-consultants, Mr. Albert Hernandez, Miami-Dade Transit Deputy Director, noted that he would examine that, but the invoice 2 was approximate for $1.2 million and 25% went to DBE's; the amount of money that would have been paid to the sub-consultants was the invoice amount.

Chairman Rolle asked the MDT Deputy Director to examine what portion of the $1 million went towards the subconsultants.

8F

072161 **Report**

INVOICING AND DBE STATUS REPORT ON THE PROGRAM MANAGEMENT CONSULTANT (PMC) CONTRACT

JULY 2007 (County Manager)

Report Received
Mover: Edmonson
Seconder: Jordan
Vote: 3-0
Absent: Sorenson, Heyman

8G

071763 **Report**

DISAPPROVAL OF ADDITIONAL SUBCONSULTANTS TO THE NORTH CORRIDOR PROJECT (County Manager)

Report Received
Mover: Edmonson
Seconder: Rolle
Vote: 3-0
Absent: Sorenson, Heyman

Report: *Commissioner Jordan noted that the plan to realign the North Corridor Metrorail Extension would save $9 million in construction. She expressed concern regarding this process and the impending issues with Federal transit. Commissioner Jordan noted that the persons involved in this project had not spoken with her; and her community was ready to contact officials in Washington, D.C.*

Mr. Kapoor noted that the Federal Transportation Administration (FTA) wanted this project to be cost effective, and he asked MDT to examine areas that would enable that.

Mr. Albert Hernandez, MDT Deputy Director, noted that the alignment along N.W. 27th Avenue (between N.W 152nd Street and N.W. 159th Street) ran on the Westside; and impacted six (6) business parcels. He stated the opportunity to save money would be to shift the alignment within that stretch to the frontage road, along the swell area of N.W. 27th Avenue.

Chairman Rolle asked the Transit Department Director to participate in a Town Hall meeting with the Commissioners for Districts 1 through 3 to address concerns regarding the N.W. 27th Avenue Corridor and the Orange Line East/West Corridor to be held in September 2007. Commissioner Jordan also asked that FTA representatives attend the Town Hall meeting.

Assistant County Manager Llort noted that the FTA process of obtaining Federal funds required the examination of alternatives within the same quarter, as well as the refinements of those alternatives going through the design process. She also noted that; the FTA required process steps be carried out in concert with the affected parties.

Assistant County Manager Llort suggested that the conversations with MDT and the FTA. be separate. Consequently, the conversation with

FTA focused on the federal grant process; but the conversation with MDT focused on alignment modifications, the impact on communities, project procedure, and the tradeoff between cost effectiveness and impact.

Commissioner Jordan asked that a meeting with the Federal Transportation Administration (FTA) be held the day before the Town Hall meeting

Commissioner Edmonson asked to meet with the Transit Department Director to address the N.W. 7th Avenue Corridor.

9 OPEN DISCUSSION

10 ADJOURNMENT

Report: *There being no further business to come before this Committee, the meeting was adjourned at 4:38 p.m.*