MEMORANDUM

Harvey Ruvin
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GOE

Agenda Item No. 6(A)

TO: Honorable Chairwoman Natacha Seijas and Members of the Governmental Operations and Environment Committee

DATE: July 8, 2008

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

SUBJECT: Approval of Commission Committee Minutes

The following Clerk's Summary of Minutes are submitted for approval by the Governmental Operations and Environment Committee:

- June 10, 2008

KS:jt
Attachment

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

CLERK'S SUMMARY OF
Meeting Minutes
Governmental Operations and Environment Committee

Natacha Seijas (13) Chair; Jose "Pepe" Diaz (12) Vice Chair; Commissioners Audrey M. Edmonson (3), Carlos A. Gimenez (7), Joe A. Martinez (11), and Dorrin D. Rolle (2)

Tuesday, June 10, 2008 | **9:30 AM** | **Commission Chambers**

Members Present: Jose "Pepe" Diaz, Audrey M. Edmonson, Carlos A. Gimenez, Joe A. Martinez, Dorrin Rolle, Natacha Seijas.

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Jill Thornton, Commission Report (305) 375- 2505*

1A ROLL CALL

Report: *The following staff members were present: Assistant County Manager Susanne Torriente; Assistant County Attorneys Joni Armstrong-Coffey, Geri Bonzon-Keenan, Craig Coller; and Deputy Clerks Doris Dickens and Jill Thornton.*

Assistant County Attorney Geri Bonzon-Keenan requested Agenda Item 2N be withdrawn, as requested by the County Manager; that Agenda Items 3A Supplement and 3C Supplement be added to the agenda; and a scrivener's error in Agenda Item 3F be corrected to reflect the correct amount allocated as $10,592,307 in lieu of $10,590,000.

It was moved by Commissioner Diaz that the agenda be approved with the changes requested by Assistant County Attorney Geri Bonzon-Keenan. This motion was seconded by Commissioner Edmonson, and upon being put to a vote, passed 6-0.

1B REMARKS FROM CHAIRPERSON SEIJAS

Report: *Chairwoman Seijas called the meeting to order at 9:53 a.m. and provided opening remarks. She noted the Florida Congressional Delegation heard testimony this past week from Secretary Michael W. Sole, Florida Department of Environmental Protection (DEP), the Army Corps of Engineers, the Department of Environmental Protection Agency (EPA), the Everglades Coalition, and Miami-Dade Water and Sewer Director John Renfrow. She noted the Delegation indicated it was pleased to hear that the County would not draw additional water from the Biscayne Aquifer. She also noted Mr. Renfrow advised the Delegation that all future water demands would be met by creating new water, and the County was investing billions of dollars to replenish its well-fields with treated water. Chairwoman Seijas expressed appreciation to Mr. Renfrow for representing the County at the Delegation meeting, and to Mr. Eric Olafson, Federal Coordinator, Office of Intergovernmental Affairs, for working with Congressman Hastings to make this possible.*

Chairwoman Seijas noted she spoke at the annual Chicago Climate Exchange (CCX) meeting yesterday (06/09), where she was joined by executives of Intel (global microchip company) and International Paper and Safeway Grocery Stores. She noted Miami-Dade County was one of three counties that joined the CCX, and she expressed appreciation to her colleagues for supporting the decision of the County becoming a member. Chairwoman Seijas stated she was pleased to report the County's progress as a new CCX member, and noted the 2000 baseline year should be certified soon. Once certified, she noted the County could determine its status based on the numbers in Year 2007, and see how this program was being implemented among the county departments.

Chairwoman Seijas emphasized that every Department Director needed to be fully aware of the amount of fuel being consumed in their daily operations. She noted, as members of the CCX, the County had a 6% reduction goal to be met by 2010. She asked Chief Assistant County Manager Susanne Torriente to relay to the County Manager her desire that every department reflect in the

upcoming budget, the difference between years 2000 and 2007 in fuel consumption. Chairwoman Seijas noted awareness of energy consumption, department by department, was the key to the County's success in meeting the CCX reduction goal.

Chairwoman Seijas noted the County was represented by Mr. Devesh Nirmul at the recent International Council for Local Environmental Initiatives (ICLEI) conference in New Mexico. She asked Mr. Nirmul to come forward and advise this Committee on what occurred at this conference.

Mr. Devesh Nirmul, Program Manager, Office of Sustainability, provided an overview of the ICLEI conference he attended in New Mexico. He noted ICLEI now considered itself the best sustainable practices source for local governments globally. He added the ICLEI was partnering with some of the best classed organizations, such as the Clinton Climate Initiatives, the Climate Communities Group, Microsoft, and others. He noted this conference essentially covered new tools to help advance best practices for sustainability countywide and how to identify energy use and awareness.

Chairwoman Seijas asked the Office of Sustainability Program Manager to provide a written report, as soon as possible, on the outcome of the International Council for Local Environmental Initiatives Conference held in New Mexico.

Commissioner Diaz asked the Office of Sustainability Program Manager to look at other governments comparable in size to the County, which had gone "green" to see if they were cost efficient. He noted sometimes, the cost to the County for consultants was more than the cost to implement the program, and he wanted to ensure the County was not taken advantage of by any organization as other entities had been.

Chairwoman Seijas noted she would invite the two counties that joined the CCX (King County and Sacramento County) to Miami in November 2008 to discuss how to deal with these issues. She asked the Office of Sustainability Program Manager to provide a report at the July 8th Committee Meeting on his efforts to bring the county mayor and municipal mayors together to

discuss sustainability countywide.

2 DEPARTMENTS

2A

081720 **Resolution**

RESOLUTION AUTHORIZING CREATION OF ENERGY PERFORMANCE CONTRACTING PROGRAM PURSUANT TO STATE OF FLORIDA STATUTE 489.145 IN THE AMOUNT OF $40,000,000 FOR PERIOD OF FIVE YEARS; WAIVING COMPETITIVE BIDDING FOR SELECTION OF QUALIFIED VENDORS AND AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO ENTER INTO CONTRACTS VALUED AT LESS THAN $1 MILLION DOLLARS WITH VENDORS IN STATE OF FLORIDA POOL OF FIRMS PREQUALIFIED TO PERFORM GUARANTEED ENERGY PERFORMANCE CONTRACTING SERVICES; AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO ENTER INTO LEASING OR OTHER FINANCIAL ARRANGEMENTS WITH THIRD PARTIES TO FINANCE SAID PURCHASES; PROVIDING FOR BIANNUAL REPORT TO THE BOARD FOR RATIFICATION OF ALL CONTRACTS APPROVED UNDER PROGRAM; AND AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED HEREIN (General Services Administration Department)

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

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2B

081622 **Resolution**

RESOLUTION REPLACING THREE MEMBERS AND REAPPOINTING TWO MEMBERS TO THE AGRICULTURAL PRACTICES STUDY ADVISORY BOARD (Department of Planning & Zoning)

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

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2C

081632 **Resolution**

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO 1400 SOUTH GREENWAY DRIVE, CORAL GABLES, FLORIDA PURSUANT TO SECTION 196.1997, AND 196.1998 FLORIDA STATUTE AND SECTION 16A-18, MIAMI-DADE COUNTY CODE (Department of Planning & Zoning)

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

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2D

081634 **Resolution**

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO 5645 NORTH BAY ROAD, MIAMI BEACH, FLORIDA PURSUANT TO SECTION 196.1997, AND 196.1998 FLORIDA STATUTE AND SECTION 16A-18, MIAMI-DADE COUNTY CODE (Department of Planning & Zoning)

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

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Commissioner Martinez asked the Department of Planning and Zoning Director to prepare a report on how many of the historical preservation tax exemptions the County would be losing in its tax base.

Mr. Subrata Basu, Department of Planning and Zoning (DP&Z) Director, noted he would prepare a list of the applications of historical preservation tax exemption that had been approved and those pending approval. Mr. Basu introduced Ms. Kathleen Kauffman as the new Division Chief of DP&Z's Historic Preservation and Archeological Resources Division.

Ms. Kathleen Kauffman, Division Chief, Historic Preservation and Archeological Resources, DP&Z introduced herself to the Committee, and noted she was pleased to be working with the County.

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

2E

081635 **Resolution**

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO 716 NAVARRE AVENUE, CORAL GABLES, FLORIDA PURSUANT TO SECTION 196.1997, AND 196.1998 FLORIDA STATUTE AND SECTION 16A-18, MIAMI-DADE COUNTY CODE (Department of Planning & Zoning)

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

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2F

081731 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING BETWEEN MIAMI-DADE COUNTY AND MIAMI-DADE COUNTY PUBLIC SCHOOLS (Department of Planning & Zoning)

Deferred to June 19, 2008
Mover: Martinez
Seconder: Diaz
Vote: 5-0
Absent: Edmonson

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Chairwoman Seijas noted the amendment provision in this Interlocal Agreement needed to be revised to allow local government and administration the ability to amend this agreement in the future and to add the Board approved provisions regarding the student generation number and student enrollment data. She noted she felt the County needed to request the School Board recertify its plan for updated budget numbers, and for every municipality to adopt the same version of this agreement. She asked Assistant County Attorney Joni Armstrong-Coffey to present the proposed changes to this agreement for discussion by this Committee.

Assistant County Attorney Armstrong-Coffey noted the proposed changes were to include a delayed effective date provision/clause in the interlocal agreement to address the issue requiring all cities to approve a unified agreement, and the issue requiring the School Board to provide a more detailed financial feasibility work plan. Additionally, she noted the Committee could incorporate into handwritten page 28, subsection 9d of this agreement, the County Manager's memorandum that best described the professional methodology for determining the student generation rate multiplier, to address the issue requiring the School Board describe a more detailed method for determining the student generation rate multiplier. Assistant County Attorney Armstrong-Coffey also suggested ways to address the amendment provision on handwritten page 40, section 16, She suggested the Board could return to the provision it previously approved; or sort out the issues integral to the public school district wide concurrency system, including student generation rate multiplier, level of service standard, the concurrency service area definition, and the review requirement of all development

applications, all which required School Board consent, and provide a different amendment mechanism to address all other procedural-type matters. Assistant County Attorney Armstrong-Coffey clarified the changes she noted were only suggestions to address some of the issues, and all were policy choices for this Committee to consider.

Chairwoman Seijas commended Assistant County Attorney Armstrong-Coffey for her leadership and an excellent job at providing advice to this Committee.

Commissioner Martinez requested this resolution be deferred to allow him additional time to review these changes. He noted he would never support the School Board's Capital Improvement Program (CIP) dictating the County's Comprehensive Development Master Plan (CDMP). Commissioner Martinez pointed out the upcoming November ballot would include a question that would eliminate school taxes and increase sales tax that could impact the pro forma of the School Board's CIP, if passed.

Commissioner Diaz noted he supported a motion to defer this resolution to allow further review of these changes.

Discussion ensued between Committee members and staff regarding the advertised Comprehensive Development Master Plan (CDMP) meeting and public hearing scheduled for June 19, 2008, and the timeframe set by the Department of Community Affairs for adopting the School Board Interlocal Agreement.

Chairwoman Seijas agreed that Committee members needed more time to review these changes. She expressed concern that the Interlocal Agreement adopted by the School Board lacked sufficient information on the budget numbers and the financial feasibility plan. She also expressed concern that this agreement was inconsistent with what the Board agreed to. Chairwoman Seijas suggested deferring this item, and scheduling a special GOEC meeting before July 1, 2007 to discuss the proposed changes to this interlocal agreement.

Following discussion regarding whether this item needed to be pre-advertised for the Board of County Commission (BCC) meeting, the

Committee voted to defer this resolution to a special GOEC meeting to be scheduled on June 19, 2008, and that it be re-advertised as a public hearing for the July 1, 2008 BCC meeting.

Commissioner Rolle asked Assistant County Attorney Armstrong-Coffey to review the language contained within the last paragraph, last sentence on handwritten page 1 of the County Manager's Memorandum pertaining to this resolution, and consider revising that language to provide a remedy for the County in the event the Miami-Dade County Public Schools (MDCPS) failed to comply.

2G

081709 **Resolution**

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 134 -"OLD CUTLER ROAD BRIDGE OVER C-100 CANAL" AND PROJECT NO. 130 A- "REPAIR OF FISHING PIERS AT OLD WILLIAM POWELL BRIDGE AT KEY BISCAYNE" EACH IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-914-04, AFTER A PUBLIC HEARING

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Martinez
Vote: 5-0
Absent: Edmonson

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2H

081478 **Resolution**

RESOLUTION RESCINDING AND APPROVING GRANT AWARDS FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM'S NOT-FOR-PROFIT COMMUNITY ORGANIZATION CAPITAL FUND TO SUNRISE COMMUNITY, INC. ($395,560), MIAMI HISPANIC BALLET THEATER, INC. ($500,000), AND CITIZENS FOR A BETTER SOUTH FLORIDA, INC. ($459,900) (Office of Capital Improvements)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Martinez
Vote: 5-0
Absent: Edmonson

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2I

081561 **Resolution**

RESOLUTION GRANTING PETITION TO CLOSE NW 134 PLACE, FROM NW 17 STREET TO NW 19 LANE (ROAD CLOSING PETITION NO. P-856) (Public Works Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Martinez
Vote: 5-0
Absent: Edmonson

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2J

081714 **Resolution**

RESOLUTION GRANTING PETITION TO CLOSE SW 222 STREET, FROM SW 123 DRIVE SOUTHWESTERLY FOR 120 FEET (ROAD CLOSING PETITION NO. P-836) (Public Works Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Martinez
Vote: 5-0
Absent: Edmonson

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2K

081716 **Resolution**

RESOLUTION GRANTING PETITION TO CLOSE THE ALLEY EAST OF NW 18 AVENUE, FROM NW 69 TERRACE TO NW 70 STREET (ROAD CLOSING PETITION NO. P-855) (Public Works Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Martinez
Vote: 5-0
Absent: Edmonson

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2L

081562 **Resolution**

RESOLUTION APPROVING EXECUTION OF A LOCAL AGENCY PROGRAM (LAP) AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO PROVIDE $392,000 IN FEDERAL ENHANCEMENT FUNDS FOR THE CONSTRUCTION OF TWO (2) BICYCLE/PEDESTRIAN BRIDGES AT SW 48 STREET/SW 47 TERRACE, FROM SW 109 COURT TO SW 108 AVENUE; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE THE PROVISIONS THEREIN (Public Works Department)

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Gimenez
Vote: 5-0
Absent: Edmonson

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2M

081563 **Resolution**

RESOLUTION GRANTING PETITION TO CLOSE SW 223 STREET, FROM SW 123 DRIVE SOUTHWESTERLY FOR 120 FEET (ROAD CLOSING PETITION NO. P-837) (Public Works Department)

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Gimenez
Vote: 5-0
Absent: Edmonson

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2N

081565 **Resolution**

RESOLUTION AUTHORIZING MIAMI-DADE COUNTY TO CONVEY COUNTY-OWNED PROPERTY LOCATED AT 1000 N.W. 209 STREET, MIAMI, FLORIDA, IN AS-IS CONDITION, TO D. R. HORTON, INC., PURSUANT TO A REVERTER CLAUSE IN THE WARRANTY DEED TO THE MIAMI-DADE WATER AND SEWER AUTHORITY AND AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE (Water & Sewer Department)

Withdrawn
Mover: Diaz
Seconder: Edmonson
Vote: 6-0

Report: *During the changes to today's agenda, the foregoing proposed resolution was withdrawn, as requested by the County Manager.*

2O

081566 **Resolution**

RESOLUTION APPROVING A FLOWAGE AND INUNDATION EASEMENT IN FAVOR OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAID EASEMENT (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Martinez
Vote: 5-0
Absent: Edmonson

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2P

081602 **Resolution**

RESOLUTION RATIFYING THE COUNTY MAYOR OR HIS DESIGNEE'S ACTION EXECUTING A GRANT APPLICATION SUBMITTED TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) IN THE AMOUNT OF $148,500 FOR WATER MAIN REPLACEMENTS IN NORTHWEST AND NORTHEAST MIAMI DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE A GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND HUD IN THE AMOUNT OF $148,500 FOR SUCH WATER MAIN REPLACEMENTS (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Martinez
Vote: 5-0
Absent: Edmonson

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2Q

080498 **Ordinance**

ORDINANCE RELATING TO MUNICIPAL BOUNDARY CHANGE PROCEDURES; REQUIRING MUNICIPALITIES TO SEEK MEDIATION WHEN BOUNDARY CHANGE APPLICATIONS OF TWO OR MORE MUNICIPALITIES CONFLICT; REQUIRING MUNICIPALITIES TO SUBMIT MUTUALLY AGREED UPON BOUNDARIES WITHIN SPECIFIED PERIOD OF TIME AFTER REFERRAL TO A MEDIATOR; PROVIDING THAT PROPOSED MUNICIPAL BOUNDARY CHANGE INITIATED BY AN INDIVIDUAL OR GROUP WHICH CONFLICTS WITH ANOTHER INDIVIDUAL, GROUP OR MUNICIPALITY SUBMIT TO MEDIATION WITHIN TIME PRESCRIBED FOR MUNICIPALITIES; CREATING SECTION 20-3.1 AND AMENDING 20-4 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (Office of Strategic Business Management)

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

Report: *The foregoing proposed ordinance was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Chairwoman Seijas opened the public hearing on the foregoing ordinance. Seeing no one wishing to speak in connection with this ordinance, the public hearing was closed.

Commissioner Diaz stated he wanted to ensure that these provisions were applicable only to future applications for annexation, and not the current or pending ones.

Ms. Jennifer Glazer-Moon, Director, Office of Strategic Businesses (OSBM), assured that this legislation was prospective.

In response to Commissioner Gimenez' question whether all municipalities were notified when a municipality filed an application to seek annexation of an area, Ms. Glazer-Moon noted a procedure relating to annexations existed to ensure that other affected municipalities were notified of an annexation request.

In response to Commissioner Gimenez' question as to how much time a protesting municipality was given to dispute a notice of annexation, Mr. Jorge Fernandez, OSBM, noted municipalities were given up to nine months during the process, in

which to voice their concerns.

Commissioner Gimenez questioned if the municipalities had a certain timeframe in which to resolve a boundary conflict through mediation; and if settled by mediation, would OSBM have a timeframe in which to process the boundary change.

Mr. Fernandez noted if the boundary conflict remained unresolved, the application would become void; and if the dispute was settled, OSBM would need to modify its reports on annexation.

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

2R

080902 Ordinance

ORDINANCE RELATING TO ANNEXATIONS; DELETING REQUIRED RETENTION OF CIGARETTE TAX REVENUES RESULTING FROM A MUNICIPAL DISTRICT BOUNDARY CHANGE; REPEALING SECTION 20-8.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Office of Strategic Business Management)

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

Report: *The foregoing proposed ordinance was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Chairwoman Seijas opened the public hearing on the foregoing ordinance. Seeing no one wishing to speak in connection with this ordinance, the public hearing was closed.

In response to Commissioner Diaz' request for clarification of this ordinance, Ms. Jennifer Glazer-Moon, Director, OSBM, noted this ordinance was a housekeeping item to delete Section 20-8.3 from the Miami-Dade County Code that required the County retain cigarette tax revenues in annexed areas, because the State of Florida no longer distributed the cigarette tax revenues to counties or municipalities.

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

3 COUNTY COMMISSION

3A

080900 **Ordinance** **Carlos A. Gimenez**

ORDINANCE PERTAINING TO ZONING REGULATION OF SIGNS; AMENDING SECTION 33-107 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); DECREASING NUMBER OF MURAL SIGNS ALLOWED TO THIRTY-FIVE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Diaz
Vote: 5-1
No: Seijas

Report: *The foregoing proposed ordinance was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Chairwoman Seijas opened the public hearing on the foregoing ordinance. Seeing no one wishing to speak in connection with this ordinance, the public hearing was closed.

Commissioner Gimenez noted the intent of this ordinance was for the County to conform its regulations with the City of Miami's regulations that permitted a maximum of 35 mural signs in its jurisdiction.

Commissioner Diaz questioned the difference between the County and City's ordinances.

Assistant County Attorney Craig Coller noted murals were not allowed in the City prior to the County Commission's action adopting an ordinance that authorized a maximum of 45 murals within a specified boundary. He noted, subsequently, the City passed its own ordinance, providing for a maximum of 35 mural signs within the City's boundaries.

In response to Commissioner Diaz' question regarding the specified boundary in the County's ordinance, Assistant County Attorney Coller noted the boundaries pertained to the Downtown Core area.

In response to Chairwoman Seijas' question as to why the County needed to match the City's regulations, if the City's ordinance was stricter and prevailed in its jurisdiction, Assistant County Attorney Coller noted this was a policy choice of the County Commission.

Commissioner Gimenez explained the County's original ordinance authorized a maximum of 35 murals be permitted, but the County Commission later approved an amendment to increase the

maximum number to 45 at the request of the City, which he opposed. He noted the City ultimately approved 35, which he felt was a good number and should remain the maximum. He suggested the City be allowed to test this number to see how it worked, and come back before the County in the future to request the number be increased, if necessary.

In response to Commissioner Martinez' question regarding the purpose of this ordinance if the City was not required to enforce the maximum number authorized by the County, Assistant County Attorney Coller noted only in the sense that it gave the City the authority through its ordinance to have a maximum of 35 murals.

Chairwoman Seijas noted she opposed amending the County's ordinance to match the City's, if the City's regulations were stricter, and prevailed in its jurisdiction.

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

3A Supplement

081851 **Supplement**

FISCAL IMPACT STATEMENT TO ORDINANCE RELATING TO ZONING REGULATION OF SIGNS; DECREASING NUMBER OF MURAL SIGNS ALLOWED FROM 45 TO 35

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Diaz
Vote: 5-0
Absent: Seijas

3B

081293 **Ordinance** **Dennis C. Moss**

ORDINANCE RELATING TO ZONING; MODIFYING REGULATIONS RELATING TO SETBACKS IN THE RU-TH (TOWNHOUSE) ZONING DISTRICT; AMENDING SECTION 33-202.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Report: *The foregoing proposed ordinance was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Chairwoman Seijas opened the public hearing on the foregoing ordinance. Seeing no one wishing to speak in connection with this ordinance, the public hearing was closed.

Chairwoman Seijas asked for clarification on what this ordinance accomplished.

Commissioner Diaz noted Townhouse zoning regulations required a ten (10) foot rear setback, which left little room for screened enclosures/patios. He noted this ordinance would reduce the set back requirements and allow townhouse owners to erect or construct enclosures without violating the County's ordinance or having to apply for a variance.

Commissioner Gimenez questioned whether the Planning Department and Director were in favor of this ordinance, and whether it allowed for increased density.

Mr. Subrata Basu, Director, Department of Planning and Zoning, noted the Department Administration was in favor of this ordinance because it would clean up many enforcement issues. He noted it was a good thing, over all, though it could potentially increase the square footage of some townhouses.

In response to Commissioner Martinez' question whether there would be an amnesty period to address multiple citations that had been issued to townhouse owners in violation of the Code, Mr. Charlie Danger, Building Department Director noted there would be.

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

proposed ordinance as presented.

3C

080887 **Ordinance** **Rebeca Sosa**

ORDINANCE WAIVING ALL COUNTY PROCUREMENT POLICIES AND PROCEDURES FOR THE PLANNING, DESIGN AND CONSTRUCTION OF MULTI-PURPOSE FACILITY BY CITY OF HIALEAH ON BEHALF OF MIAMI-DADE COUNTY; AUTHORIZING CITY OF HIALEAH TO USE ITS MUNICIPAL PROCUREMENT POLICIES AND PROCEDURES FOR PLANNING, DESIGN AND CONSTRUCTION OF SUCH MULTI-PURPOSE FACILITY; AND PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

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

Report: *The foregoing proposed ordinance was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Chairwoman Seijas opened the public hearing on the foregoing ordinance. Seeing no one wishing to speak in connection with this ordinance, the public hearing was closed.

Commissioner Gimenez questioned what County Procurement policies would be waived by approving this ordinance.

Assistant County Attorney Bonzon-Keenan explained that since the City of Hialeah was constructing a project on behalf of the County, using the Government Obligation Bond (GOB) funds, only three of the County's procurement policies would apply: the Sustainable Building Program, providing the City did not have its own; the Small Business Program for Design, and the Small Business Program for Construction. She noted the remaining requirements were already waived, pursuant to policy by this Board.

Commissioner Gimenez noted he was not opposed to this item, but felt the County should be consistent in allowing all cities to waive the County's procurement requirements.

In response to Chairwoman Seijas' question whether the requirements in the responsible wage ordinance were also being waived, Assistant County Attorney Bonzon-Keenan noted those requirements had already been waived. She explained the Board approved an amendment to the GOB ordinance providing that when a municipality constructed a project on behalf of the County, all County procurement policies would be

waived except the three she previously identified, and the City would be permitted to use its own procurement policies.

In response to Commissioner Gimenez' question regarding what procurement policies would apply if a City constructed a project for itself using GOB funding, Assistant County Attorney Bonzon-Keenan noted the City's procurement policies would apply to that program and all of the County's procurement policies would be waived.

Commissioner Martinez noted he was aware of other cites' that had the requirements waived, and he supported the County being consistent in allowing all cities to do the same.

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

3C Supplement

081852 **Supplement**

FISCAL IMPACT TO ORDINANCE RELATING WAIVING ALL COUNTY PROCUREMENT POLICIES AND PROCEDURES FOR THE PLANNING, DESIGN AND CONSTRUCTION OF A MULTI-PURPOSE FACILITY BY THE CITY OF HIALEAH

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

3D

081469 **Ordinance** **Sen. Javier D. Souto**

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-124 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO CHANGE THE OFF STREET PARKING REQUIREMENTS FOR CHURCHES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Report: *The foregoing proposed ordinance was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Chairwoman Seijas opened the public hearing on the foregoing ordinance, and the following person(s) appeared in connection with this ordinance.

Mr. Gerardo Vandale (phonetic), representing Mission Miami, appeared in support of this ordinance amending off-street parking for churches. He noted he felt this would allow churches to be treated equally with other venues such as banquet/convention halls, theatres and private clubs. He requested the Board's support.

Chairwoman Seijas responded she hoped churches would include American Disabilities Act (ADA) and baby stroller parking provisions, as well.

Seeing no one else wishing to speak in connection with this ordinance, the public hearing was closed.

Commissioner Gimenez noted this would have a tremendous impact on some large churches in District 5 with large parking lots and overflow parking into the neighborhoods. He asked why churches were treated differently from other property groups concerning parking regulations.

Assistant County Attorney Leigh Macdonald noted a federal law enacted a few years ago, required churches to be treated on equal terms as other public assemblies. She explained Section 33-124 of the Code outlined parking requirements for various types of auditorium-style gatherings, and singled out churches by requiring one parking space per 150 square feet of seating area. She noted this ordinance would make the Code consistent in requiring one parking space per 100 square feet, as required for other similar type

assemblies; and would comply with the federal law.

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

3E

081646 **Resolution** **Bruno A. Barreiro**

RESOLUTION CREATING THE VOLUNTARY POLL WORKER LOTTERY PROGRAM AND DIRECTING THE COUNTY MAYOR OR HIS DESIGNEE TO ENCOURAGE PARTICIPATION

Withdrawn
Mover: Martinez
Seconder: Diaz
Vote: 6-0

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Chairwoman Seijas asked the Elections Supervisor to elaborate on the intent of this resolution.

Mr. Lester Sola, Elections Supervisor, noted this was an item proposed by the BCC Chairman, which the Elections Department supported. He noted he welcomed any opportunity to recruit and bring in additional poll workers at any time. Mr. Sola also noted this program would encourage employees of private business entities to work as poll workers. He noted the employees would be selected by lottery, and assigned by the Elections Department to work at precincts as poll workers.

In response to Chairwoman Seijas' question regarding how these employees would be trained and distributed countywide, Mr. Sola noted these employees would be brought into the County's training program and trained as poll workers by the August and November elections. He noted he wanted poll workers to come, but also wanted to make a clear distinction between private entities and the electoral process. He noted the trained poll workers would be assigned first to a precinct in close proximity to their home, and then assigned to fill gaps needed elsewhere in the County.

Responding to Chairwoman Seijas' inquiry regarding the length of the training and whether the County would pay for it, Mr. Sola noted the training would take a significant amount of time, and this resolution directed companies to continue paying their employees' regular salaries during the training period and on the election days.

In response to Commissioner Martinez' question if the Elections Department was experiencing a shortage of poll workers, Mr. Sola noted the department was on target with recruitment and training of poll workers. He stated there was no

shortage, but the department would never refuse more poll workers.

Responding to Commissioner Edmonson's question whether the Elections Department would pay anything to these poll workers, Mr. Sola noted the Elections Department would pay a stipend in addition to their salary, as a matter of policy.

Following Commissioner Gimenez' comments that he thought this was supposed to help the County save money, Mr. Sola noted he understood the provision in the resolution to mean the companies would continue paying their employees regular salary, but the employees would not be exempt from receiving the stipend offered by the Elections Department.

Commissioner Martinez noted he would be opposed to this program if the Elections Department did not pay that stipend because it could potentially create an issue where large corporations/industries might try to influence an election.

Commission Diaz concurred with Commissioner Martinez' comments, and noted he was uncomfortable with supporting this item.

It was moved by Commissioner Martinez that this resolution be tabled. This motion was seconded by Chairwoman Seijas.

BCC Chairman Barreiro, sponsor of this resolution, appeared and noted he proffered this resolution in an effort to bring in qualified, professional personnel, but did not want to impose anything on the Elections Department. He asked if the Department had enough qualified, professional personnel to work as poll workers.

Mr. Sola clarified the Elections Department had sufficient poll workers and was fine with its training program, but had no issue with any program bringing in additional poll workers.

Following Commissioner Martinez' withdrawal of his previous motion to table this resolution, and Chairwoman Seijas withdrawal of her second, it was moved by Commissioner Martinez that the foregoing proposed resolution be withdrawn. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed 6-0.

3F

081674 **Resolution** **Audrey M. Edmonson**

RESOLUTION APPROVING ALLOCATION OF $10,590,000 FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NUMBER 249 "PRESERVATION OF AFFORDABLE HOUSING UNITS AND EXPANSION OF HOME OWNERSHIP" TO FUND DEVELOPMENT OF AFFORDABLE HOUSING COMPONENT OF TRANSIT VILLAGE PROJECT IN DISTRICT 3 ***Amended***

Report: *(See Agenda Item 3F Amended; Legislative File No. 081943 for the amended version)*

3F AMENDED

081943 **Resolution** **Audrey M. Edmonson**

RESOLUTION APPROVING ALLOCATION OF $10,592,307 FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NUMBER 249 – "PRESERVATION OF AFFORDABLE HOUSING UNITS AND EXPANSION OF HOME OWNERSHIP" TO FUND DEVELOPMENT OF AFFORDABLE HOUSING COMPONENT OF TRANSIT VILLAGE PROJECT IN DISTRICT 3 [SEE ORIGINAL ITEM UNDER FILE NO. 081674]

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Edmonson
Seconder: Diaz
Vote: 6-0

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

In response to Commissioner Gimenez' question as to whether this resolution involved a transit project, Commissioner Edmonson noted this particular resolution involved the housing component, and not the transit portion of the project.

Commissioner Rolle questioned whether this item was related to a previous item approved by the Board providing District Commissioners with a certain amount of dollars, for which the departments identified and recommended projects for approval in various districts that some District Commissioners disagreed with.

Assistant County Attorney Bonzon-Keenan noted each District Commissioner, as well as the County Manager, had the ability to recommend projects to be funded from this fund, but as a matter of policy, the Board would determine which of the projects would actually be funded.

Commissioner Rolle questioned the policy and whether each District Commissioner would bring forward projects they recommended to be approved by the full Board, or whether they would have to accept the County Manager's or department's recommendations.

Assistant County Attorney Bonzon-Keenan clarified the Commission was not required to accept the County Manager's recommendations for projects to be funded. She explained the last approved resolution stated the policy objective was to divide the total funds equally among the thirteen Commission Districts, however, it would still require a subsequent action by the

Commission to identify projects that would actually be funded from those individual allocations.

Hearing no further comments or questions, the Committee forwarded the foregoing resolution to the County Commission with a favorable recommendation, with Committee amendment(s) to correct a scrivener's error appearing in the title and on handwritten page 5 of this resolution, to correctly reference the allocation amount as $10,592,307 in lieu of $10,590,000.

3G

081693 **Resolution** **Katy Sorenson**

RESOLUTION APPROVING A PROPOSED AMENDMENT TO THE TOWN OF CUTLER BAY'S CHARTER CHANGING QUALIFYING DATES FOR CANDIDATES RUNNING FOR THE OFFICE OF MAYOR, VICE-MAYOR OR COUNCIL MEMBER OF THE TOWN AND CHANGING THE DATES ON WHICH SUCH ELECTIONS SHALL BE HELD

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

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

3H

081747 **Discussion Item** **Carlos A. Gimenez**

DISCUSSION ITEM RE: RECYCLING PROGRAM ***Presented***

Report: *Commissioner Gimenez asked the Administration to provide a report on the recently approved Recycling Program.*

Ms. Kathleen Woods-Richardson, Director, Department of Solid Waste Management (DSWM), noted the Community Recycling Program was moving forward with three critical paths as approved in February 2008. She noted some of the carts delivered did not meet the approved specifications pertaining to the grab bar. She noted staff, and the Procurement Department would be meeting with the vendor to resolve this issue. Regarding the Recycling Trucks and Education Campaign, Ms. Woods-Richardson noted this program was on schedule and the DSWM received the $550,000 funds agreed to in the contract.

In response to Commissioner Gimenez' question regarding when this program would be fully implemented, Ms. Woods-Richardson noted the target date was the end of September of next fiscal year, and the department was on schedule. She also noted the previous contract rates were budgeted into the current fiscal year.

In response to Commissioner Martinez' comments regarding an issue he had concerning his garbage cans, Ms. Woods-Richardson noted she would address this issue with the solid waste collectors.

Mr. Jonathan L. Dotson, Representative of Puryear Inc, 16155 SW 117th Avenue, appeared before the Committee and noted Puryear would be in compliance with those issues and the County's concerns by September 30, 2008.

In response to Commissioner Gimenez' question regarding what percentage of the County was using the one-arm bandit pickup method versus manual pickup, Ms. Woods-Richardson noted about 80% of the County, but DSWM could not maintain 100% of that service because some smaller areas in the County could not accommodate the trucks. She noted a modified process or manual pickup was implemented in those areas.

Commissioner Gimenez asked the Solid Waste Management Department to evaluate those municipalities that use the one-arm bandit over 90-95% of their service area and to use those strategies to increase usage in the County to 90-95%.

Ms. Woods-Richardson noted the DSWM was in the process of buying smaller trucks to accommodate smaller streets, and working to increase that percentage.

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

081694 **Report**

APPROVAL OF COMMITTEE MINUTES FOR THE MAY 13, 2008 GOVERNMENTAL OPERATIONS AND ENVIRONMENT COMMITTEE MEETING (Clerk of the Board)

Approved
Mover: Gimenez
Seconder: Martinez
Vote: 6-0

7 REPORT

8 ADJOURNMENT

Report: *There being no further business to come before this Board, the Governmental Operations and Environment Committee meeting was adjourned at 11:24 a.m.*