MEMORANDUM

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

TIR -- September 9, 2009
Agenda Item No. 6(A)

TO: Honorable Chairwoman Barbara J. Jordan and Members, Transit, Infrastructure & Roads Committee

DATE: September 02, 2009

FROM: Diane Collins, Acting Division Chief
Clerk of the Board Division
Diane Collins

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, Infrastructure & Roads Committee:

June 10, 2009
July 09, 2009 - Workshop

DC/jt
Attachment

MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Transit, Infrastructure and Roads Committee (TIRC)

Board of County Commissioners
Stephen P. Clark Government Center
Commission Chambers
111 N.W. First Street
Miami, Florida 33128

June 10, 2009
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Diane Collins, Acting Division Chief
Clerk of the Board Division

Jill Thornton, Commission Reporter
(305) 375-2505

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

CLERK'S SUMMARY OF

Meeting Minutes

Transit, Infrastructure & Roads Committee

Barbara J. Jordan (1) Chair; Carlos A. Gimenez (7) Vice Chair; Commissioners Audrey M. Edmonson (3), Dorrin D. Rolle (2), Natacha Seijas (13) and Katy Sorenson (8)

Wednesday, June 10, 2009 **2:00 PM** **COMMISSION CHAMBERS**

Members Present: Audrey M. Edmonson, Carlos A. Gimenez, Barbara J. Jordan, Dorrin D. Rolle, Natacha Seijas, Katy Sorenson.

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

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

INVOCATION

1A PLEDGE OF ALLEGIANCE

1B ROLL CALL

Report: *The following staff members were present: Assistant County Manager Ysela Llort; Assistant County Attorney Bruce Libhaber; and Deputy Clerks Judy Marsh and Jill Thornton.*

The Committee convened in a moment of silence, followed by the Pledge of Allegiance.

Assistant County Attorney Bruce Libhaber noted no changes had been requested to today's (06/10) agenda.

It was moved by Commissioner Gimenez that the June 10, 2009, Transit, Infrastructure and Roads Committee agenda be approved. This motion was seconded by Commissioner Rolle and upon being put to a vote, passed 5-0. (Commissioner Seijas was absent).

1C DICUSSION ITEM(S)

1C1

091758 **Discussion Item** **Carlos A. Gimenez**

STATUS OF SPECIAL TRANSPORTATION SERVICES (STS) REQUEST FOR PROPOSALS (RFP) ***Presented***

Report: *Commissioner Gimenez asked Mr. Harpal Kapoor, Director, Miami-Dade Transit Agency, to explain the status of the Request for Proposals (RFP) for Special Transportation Services (STS).*

Mr. Kapoor advised that Transit was currently working with the STS Oversight Task Force, chaired by Commissioner Jordan, to determine a timeline for issuing the RFP. He noted the RFP should be advertised by July 1, 2009, and proposals should be received by July 30, 2009.

In response to Commissioner Gimenez' question whether staff conducted research to determine how these services were provided in other major cities, Mr. Kapoor noted staff looked at other jurisdictions which provided this service by zones or by distance-based fares for routes exceeding the Federal Transit Administration's (FTA) ¾ mile requirement, and presented a study of this at a Board of County Commissioner meeting. Staff also looked at fixed-route services for 1,500 customers and other areas such as Washington Metro where STS riders were certified, Mr. Kapoor noted. He explained that Transit had done much to reduce the STS operating costs internally, and currently, Miami-Dade was the second largest county in the country with heavy usage of STS, at about 6,000 boardings per day.

In response to Commissioner Gimenez' question regarding how much it cost the County annually to operate the STS program, Mr. Kapoor noted the cost to operate the STS program was approximately $43 million per year. He also noted that the Transit Agency received an approximate $6 million subsidy for the program from the Florida Transport Disadvantaged (TD) program, and that the Transit Agency collected about $3 million in fares.

In response to Commissioner Gimenez' question of whether the $43 million cost was subsidized by the General Fund, Mr. Kapoor noted the General Fund, the People's Transportation Plan (PTP) funds and federal funds were combined to provide the $43 million.

Commissioner Gimenez asked Mr. Kapoor to provide him with a report highlighting the Federal Transit Administration (FTA) regulations and the Americans with Disabilities Act (ADA) standards for the STS program and the differences between the federal regulations and the County's existing STS policies, as well as any cost differences. He also asked Mr. Kapoor to identify in the report the other ways in which STS was being provided around the Country, the cost per trip, and the ways the County could reduce its cost per trip without significantly impacting this service. Commissioner Gimenez stated he felt these transportation services were being abused in some circumstances, and he wanted to determine if an issue existed with zones or if the cost of these services could be reduced.

Commissioner Seijas requested the Committee be allowed to review the RFP before it was advertised so that all concerns could be addressed and that some of the service could possibly be restructured.

Commissioner Rolle concurred with Commissioner Seijas' request that the Committee be allowed to review the RFP before it was issued.

Chairwoman Jordan noted, as the Chair of the STS Oversight Task Force (TF), she understood the TF was initially created to review the RFP that was prepared several years ago and address the concerns of the industry and the customers that were involved in the process. She noted the TF, which consisted of providers and riders, held two meetings over the past month during which staff presented proposed changes to the existing STS operations and submitted about sixteen (16) recommendations to be incorporated into the new RFP. The Police Department and the Public Corruption Unit also provided input and submitted a list of recommendations for monitoring and accountability purposes based on investigations conducted, and a public hearing was held to facilitate the community's input, she added. Chairwoman Jordan noted this process resulted in eight (8) of the sixteen (16) recommendations being integrated into the new RFP. The Chairwoman expressed concern that the use of federal funds prevented local preference from being included in the RFP process.

Assistant County Attorney Bruce Libhaber affirmed that local preference could not be included in the RFP process if the County was

pursuing federal dollars.

Chairwoman Jordan expressed concern with the Committee selectively reviewing one RFP, and noted the Committee should review all RFPs if it was to review one of them. She pointed out the TF was established by the Board of County Commissioners (BCC) for a purpose, which she felt was fulfilled, and she would not support the RFP going before the full Commission.

Commissioner Seijas pointed out the County Commission would be held responsible for answering to the public's concerns regarding the STS, and they would have no other way to address this process unless they were engaged in it. She noted her intention was not to undermine the TF's efforts, but felt the RFP fell into a special category because of the population served by the STS, and it should be reviewed by the Committee. She strongly requested the Chair consider having the RFP come before the Committee for review.

Commissioner Gimenez agreed with Commissioner Seijas' comments. He noted he also chaired the TF when he was Chairman of the Transportation Committee. He noted the importance of balancing the customers' needs and wants with the providers' and taxpayers' needs. He said he would like to see the RFP and the cost of the county's STS policies to determine whether added services were needed, which should be decided by the Committee as a whole. Commissioner Gimenez noted that any RFP with policy directions that could be changed to save the County some money, without significantly impacting services, should be considered before the RFP was advertised. He pointed out that any deficit in the STS program would be made up with funds from the General Fund, and felt the Committee needed to discuss the RFP as a policy issue.

Chairwoman Jordan asked if a process was established to review the RFP when Commissioners Rolle and Gimenez chaired the TF, to which Commissioner Gimenez responded that no RFP was in process at those times.

Commissioner Rolle expressed concern with local preference excluded from any major RFP that could affect an industry or impact the County's economy. He noted his primary objective was to keep people employed. Commissioner Rolle asked whether local preference was excluded from this

RFP process because the Transit Agency received federal dollars or because this particular project received federal dollars.

Assistant County Attorney Libhaber noted Transit received federal dollars to operate the STS program and the federal government was helping to subsidize this contract, which meant that local preference would not apply based on the federal provisions.

Commissioner Rolle asked Assistant County Attorney Bruce Libhaber to meet with him to provide him with further clarification regarding the federal regulations pertaining to the STS program and local preference.

Commissioner Sorenson agreed with Chairwoman Jordan's comments regarding the Committee selectively reviewing RFPs, and said she felt the Commission should have a policy in place for reviewing all RFPs, perhaps those with a certain dollar amount. She noted the time factor and cost to review RFPs would need to be discussed as well. Commissioner Sorenson pointed out that the County's budget was policy and if the millage rate was not increased next year then adjustments would need to be made, and the Board needed to look at this RFP in that context.

Commissioner Edmonson agreed with the comments of Commissioners Seijas and Gimenez regarding their desire to review the RFP before it was advertised. She noted by reviewing the RFP, the Board could avoid having to send staff back to renegotiate the contract. Commissioner Edmonson said she preferred that local preference be included in the RFP process, but since it was excluded by federal guidelines, she suggested the Commission try to ensure that the firm which received the contract award would hire local workers.

In response to Chairwoman Jordan's question as to whether this Committee could conduct a workshop on the RFP, Assistant County Attorney Libhaber advised that the Committee could conduct said workshop.

Chairwoman Jordan noted she was aware that Commissioner Martinez had submitted a memorandum requesting that the BCC Chair allow the RFP to go before the full BCC; however, a workshop to discuss the RFP would be appropriate since this Committee had jurisdiction

over the Transit Agency, and the TF had been responsive to the concerns of the industry and the customers who were involved in the process. She suggested a workshop be scheduled within the next two weeks.

Commissioner Seijas suggested the workshop be held on June 16, 2009.

Chairwoman Jordan asked staff to schedule a Workshop of the Transit, Infrastructure and Roads Committee for June 16, 2009 at 2:00 p.m. to discuss the Request for Proposals (RFP) for Special Transportation Services (STS).

Commissioner Gimenez asked Mr. Kapoor to provide each Committee member with a copy of the RFP before the June 16th workshop of this Committee.

1D PUBLIC HEARING(S)

1D1

090907 **Ordinance**

ORDINANCE EXTENDING THE ECONOMIC STIMULUS ORDINANCE FOR AN ADDITIONAL PERIOD, ADDING TO THE SCOPE OF THE ORDINANCE CAPITAL PROJECTS AND THE PURCHASE OF GOODS AND SERVICES FUNDED THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA); AMENDING SECTION 2-8.2.7 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AN EFFECTIVE DATE AND A SUNSET (Office of Capital Improvements)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed ordinance into the record.*

Chairwoman Jordan opened the public hearing on this proposed ordinance. Hearing no one wishing to speak, she closed the public hearing.

It was moved by Commissioner Rolle that this proposed ordinance be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Seijas, followed by discussion.

Commissioner Gimenez asked how the process described on handwritten page 4 of this proposed ordinance applied to contracts for the purchase of goods and services funded in whole or part through the American Recovery and Reinvestment Act (ARRA).

Mr. Johnny Martinez, Director, Office of Capital Improvements (OCI), noted the process was applicable under ARRA, and due to strict federal timelines, staff did not want to jeopardize any federal funding.

In response to Commissioner Gimenez' questions regarding the process the Mayor or his designee would follow, and the meaning of the language in Section (5) on handwritten page 6 of this ordinance regarding authority delegated to the Mayor or his designee, which shall be in addition to and not in derogation to other delegations of authority set forth elsewhere in this Code, Mr. Martinez noted the Mayor or his designee would follow the County's procurement guidelines administratively, and the language meant the delegated authority set forth in this ordinance could not conflict with other parts of the County's code which delegated authority administratively

for awarding contracts of up to a limited amount.

In response to Commissioner Gimenez' question regarding whether this delegation would be bound by a certain dollar amount, Mr. Martinez noted that no dollar amount was determined for this ordinance and that all awards would be subject to Board ratification at a subsequent available Board of County Commissioners meeting.

Responding to Commissioner Edmonson's question regarding whether the goals for job creation were met under the ARRA, Mr. Martinez noted he did not have an answer at this time.

Commissioner Edmonson asked the Office of Capital Improvements Director to provide her with a report identifying the total number of local jobs created under the American Recovery and Reinvestment Act (ARRA).

Responding to Chairwoman Jordan's request for a statement regarding how the streamlined process for review of projects had worked for the review committee since the expedited process was implemented, Ms. Penny Townsley, Director, Department of Small Business Development (SBD), responded that the SBD had experienced a five-day reduction in the timeframe for review of projects since implementing the expedited process. She explained that this process used to take eight days, but now took three days or less.

Mr. Martinez noted the biggest time savings was the time saved in moving projects through the committee process and to the Board of County Commissioners for approval.

Commissioner Rolle asked Mr. Martinez to determine if the permitting process could be included as part of the expedited process for projects under the Economic Stimulus Plan (ESP) Program.

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

2 COUNTY COMMISSION

2A

091603 **Resolution** **Barbara J. Jordan, Audrey M. Edmonson**

RESOLUTION REQUESTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO STUDY FEASIBILITY OF MIAMI-DADE TRANSIT DEPARTMENT OPERATING THE AUTOMATED PEOPLE MOVER THAT CONNECTS MIAMI INTERNATIONAL AIRPORT TO THE MIAMI INTERMODAL CENTER *Amended*

Report: *(See Agenda Item 2A Amended; Legislative File No. 091821 for the amended version)*

2A AMENDED

091821 **Resolution** **Barbara J. Jordan, Audrey M. Edmonson, Dorrin D. Rolle**

RESOLUTION REQUESTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO STUDY FEASIBILITY OF MIAMI-DADE TRANSIT DEPARTMENT OPERATING THE AUTOMATED PEOPLE MOVER THAT CONNECTS MIAMI INTERNATIONAL AIRPORT TO THE MIAMI INTERMODAL CENTER [SEE ORIGINAL ITEM UNDER FILE NO. 091603]

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Chairwoman Jordan relinquished the Chair to Vice-Chairman Gimenez.
Commissioner Edmonson asked that she be listed as a co-sponsor to this resolution.

Commissioner Rolle questioned whether a cost savings could be achieved if the Miami-Dade Transit Agency (Transit) replaced the Miami-Dade Aviation Department as the operator and maintainer of the Automated People Mover that connects Miami International Airport (MIA) with the Miami Intermodel Center (MIC).

Mr. Kapoor, Director, Transit, noted Transit was reviewing the existing contract and working with the Aviation Department Director to determine if a cost savings could be achieved by Transit providing this service in-house. He also noted Transit would need sixty (60) days to complete this feasibility study.

Commissioner Rolle stated he supported this proposal if Transit could do the task more efficiently than the Aviation Department.

In response to Vice-Chairman Gimenez' question whether this was a Design, Build, Operate and Maintain (DBOM) contract, Assistant County Manager Ysela Llort affirmed this was a DBOM contract and her office would need to review its framework for legal sufficiency.

Vice-Chairman Gimenez noted his concern with this contract being a DBOM contract. He noted that if the contract was legally possible and Transit was determined to be cheaper, he wanted to ensure that Transit would be held accountable for providing the service at its lesser price.

Commissioner Jordan noted all of these concerns would be considered in the feasibility study. She pointed out that Transit currently maintained the Automated People Mover operation for the City of Miami, and that it was unfortunate the County contracted out the maintenance of this operation when it could have been handled in-house. She noted she felt that Transit should be given the opportunity to do this task if this contract was determined to be legal.

Hearing no further comments or questions, the Committee forwarded the foregoing proposed resolution to the County Commission with a favorable recommendation with committee amendment(s) to require this feasibility study be provided to this Committee within 60 days in lieu of 30 days.

3 DEPARTMENTS

3A

091699 **Resolution**

RESOLUTION RATIFYING THE COUNTY MAYOR'S OR COUNTY MAYOR'S DESIGNEE ACTIONS, AS AUTHORIZED BY SECTION 2-10.4 OF THE CODE OF MIAMI-DADE COUNTY IN APPROVING AGREEMENTS FOR CONTINUING SERVICES UNDER THE COUNTY'S EQUITABLE DISTRIBUTION PROGRAM (Office of Capital Improvements)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

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

3B

091712 **Resolution**

RESOLUTION APPROVING RETROACTIVE CHANGE ORDER NO. 01 (FINAL) TO CONTRACT BETWEEN C.G. CHASE CONSTRUCTION MANAGEMENT, INC. AND MIAMI-DADE COUNTY FOR PROJECT NO: TR06-BF13 PTP; CONTRACT NO: TR06-BF13, CORAL WAY BUS WASH FACILITY CONSTRUCTION; INCREASING THE CONTRACT TIME BY 49 CALENDAR DAYS AND DECREASING THE CONTRACT AMOUNT BY $129,990.88; AND AUTHORIZING THE COUNTY MAYOR, OR COUNTY MAYOR'S DESIGNEE, TO EXECUTE SAME (Miami-Dade Transit Agency)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

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

3C

091715 **Resolution**

RESOLUTION AUTHORIZING THE FILING AND EXECUTION OF A TRANSPORTATION DISADVANTAGED TRUST FUND TRIP AND EQUIPMENT GRANT APPLICATION AND AGREEMENT WITH THE FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED IN THE AMOUNT OF $6,712,961; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS; AUTHORIZING THE FILING AND EXECUTION OF ANY ADDITIONAL AGREEMENTS, REVISIONS OR AMENDMENTS AS REQUIRED TO CARRY OUT THE PROJECTS FOR AND ON BEHALF OF MIAMI-DADE COUNTY; AUTHORIZING THE RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS (Miami-Dade Transit Agency)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

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

3D

091731 **Resolution**

RESOLUTION GRANTING PETITION TO CLOSE THE ALLEY SOUTH OF NW 54 STREET, FROM NW 24 COURT TO NW 24 PLACE (ROAD CLOSING PETITION NO. P-871) (Public Works Department)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

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

3E

091732 **Resolution**

RESOLUTION GRANTING PETITION TO CLOSE NW 29 COURT, FROM NW 99 STREET TO NW 100 STREET (ROAD CLOSING PETITION NO. P-873) (Public Works Department)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

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

3F

091713 **Resolution**

RESOLUTION ACCEPTING A QUIT CLAIM DEED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR NW 38 COURT, FROM NW 22 STREET TO NW 25 STREET; NW 39 AVENUE, FROM COUNTY CLOVERLEAF RIGHT-OF-WAY TO NW 25 STREET; NW 41 ROAD, FROM NW 22 STREET TO NW 24 STREET; NW 22 STREET, FROM NW 38 COURT TO NW 41 ROAD; NW 24 STREET, FROM NW 39 AVENUE TO NW 42 AVENUE; AND THE ALLEYWAY EAST OF NW 42 AVENUE (LEJEUNE ROAD), FROM NW 24 STREET TO NW 25 STREET IN SECTION 29, TOWNSHIP 53 SOUTH, RANGE 41 EAST (SEE AGENDA ITEM NO. 5O) (Public Works Department)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

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

3G

091716 **Resolution**

RESOLUTION GRANTING PETITION TO CLOSE NW 38 COURT, FROM NW 22 STREET TO NW 25 STREET; NW 39 AVENUE, FROM COUNTY CLOVERLEAF RIGHT OF WAY TO NW 25 STREET; NW 41 ROAD, FROM NW 22 STREET TO NW 24 STREET; NW 22 STREET, FROM NW 38 COURT TO NW 41 ROAD; NW 24 STREET, FROM NW 39 AVENUE TO NW 42 AVENUE; AND THE ALLEYWAY EAST OF NW 42 AVENUE (LEJEUNE ROAD), FROM NW 24 STREET TO NW 25 STREET (ROAD CLOSING PETITION NO. P-875) (SEE AGENDA ITEM NO. 8P1L) (Public Works Department)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

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

3H

091604 **Resolution**

RESOLUTION ACCEPTING CONVEYANCES OF VARIOUS PROPERTY INTERESTS FOR ROAD PURPOSES TO MIAMI-DADE COUNTY, FLORIDA (Public Works Department)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

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

3I

091605 **Resolution**

RESOLUTION APPROVING EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH IN THE AMOUNT OF $14,400,000 TO FUND THE CONSTRUCTION OF IMPROVEMENTS ALONG NW 138 STREET, FROM NW 107 AVENUE TO FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY AT I-75; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS THEREIN (Public Works Department)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

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

3J

091617 **Resolution**

RESOLUTION DESIGNATING A PORTION OF MIAMI-DADE COUNTY OWNED PROPERTY FOR SW 89 STREET AS ROAD RIGHT-OF-WAY BETWEEN SW 97 AVENUE AND SW 96 AVENUE, IN SECTION 5, TOWNSHIP 55 SOUTH, RANGE 40 EAST (Public Works Department)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

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

3K

091711 Resolution

RESOLUTION AUTHORIZING THE PUBLIC WORKS DEPARTMENT DIRECTOR TO EXECUTE RAILROAD PRELIMINARY ENGINEERING AGREEMENTS FOR THE NECESSARY ENGINEERING DESIGN PHASE FOR PROPOSED IMPROVEMENTS TO NEW OR EXISTING RAILROAD CROSSINGS NOT TO EXCEED AN AMOUNT OF $25,000.00; TO BE FUNDED THROUGH SECONDARY GAS TAX OR THE RELEVANT ROADWAY IMPROVEMENT PROJECT FUNDING SOURCE INCLUDING ROAD IMPACT FEE (RIF), PEOPLE'S TRANSPORTATION PLAN (PTP) OR BUILDING BETTER COMMUNITIES (BBC) GENERAL OBLIGATION BOND (GOB) FUNDS (Public Works Department)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Ms. Esther Calas, Director, Public Works Department (PWD), provided information regarding the amount of railroad crossing improvements that had been done. She noted four (4) railroad crossings had been improved in the past three years and each was designed by the Railroad Company at a cost between $8,000 and $11,000. She also noted that the Railroad Company was now using consultants, as opposed to designing in-house, which was why they requested the monies upfront.

Chairwoman Jordan questioned how many railroad crossings would be done since this proposed resolution seemed open-ended and each rail road crossing could cost up to $25,000.

Ms. Calas advised that PWD performed an analysis and determined that seven or eight railroad crossings would be improved over the next five years, all with People Transportation Plan (PTP) funds.

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

3L

091718 **Resolution**

RESOLUTION AUTHORIZING AN INTERDEPARTMENTAL AGREEMENT, BY AND BETWEEN MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT AND THE MIAMI-DADE COMMUNITY ACTION AGENCY/GREATER MIAMI SERVICE CORPS (CAA/GMSC), AND ALLOWING COUNTY FUNDS, NOT TO EXCEED $1,000,000.00 AND TO BE ISSUED IN INCREMENTS OF UP TO $200,000.00, FOR THE CONSTRUCTION OF NEW SIDEWALKS (Public Works Department)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Commissioner Edmonson questioned whether the $1 million Quality Neighborhood Improvement Program (QNIP) funds came from a countywide source or from individual Commission Districts.

Ms. Esther Calas, Director, Public Works Department (PWD), noted those funds were from the individual Commission Districts.

In response to Commissioner Edmonson's question whether the use of the QNIP funds had already been approved, Ms. Calas noted these funds were already allocated by the Commission Districts and each Commissioner had the choice to use the contract with the Miami-Dade Community Action Agency/Greater Miami Service Corps (CAA/GMSC) or other available contracts. She noted this program was available to all Commission Districts.

Commissioner Seijas expressed concern that this program was made available to only a few Commission Districts. She noted, like all Commission Districts, her district had unemployed youth.

Ms. Calas clarified this was a countywide program that could be used by any Commission District, and she would research to determine why Commissioner Seijas was not offered this program. She noted only $200,000 in work orders could be issued at one time and the work must be completed within one year.

Commissioner Seijas asked Ms. Calas to meet with her to further explain why the option to use this program was not offered to all District

Commissioners.

Assistant County Manager Ysela Llort noted staff could remedy this problem by ensuring the availability and cost of this program was communicated to each Commission District Office.

Chairwoman Jordan referenced an item she and Commissioner Rolle co-sponsored for use of resources on a beautification program in collaboration with the Greater Miami Service Corp and the Workers Resource Center and noted organizations were identified that could work on projects in specific areas. She asked the Executive Director of the Greater Miami Services Corp to reach out to all Commission Districts.

Ms. Calas clarified that the sites listed in this proposed resolution were sites already identified in Commission Districts 1, 2, 4 and 9, but the program was available to all Commission Districts countywide.

Ms. Debbie Dorsett, Executive Director, Greater Miami Service Corp, added that even though certain Districts were identified in this proposed resolution, the Greater Miami Service Corp served all youth countywide, and youth from various Commission Districts had participated on projects in this program.

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

3M

091729 **Resolution**

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL ONE (1), NEEDED FOR THE INSTALLATION OF A WATER MAIN, LOCATED ON NW 58 STREET BETWEEN NW 117 AVENUE AND NW 127 AVENUE, TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE BY PURCHASE AT A VALUE ESTABLISHED BY APPRAISAL OR BY EMINENT DOMAIN COURT PROCEEDINGS INCLUDING DECLARATIONS OF TAKING, AS NECESSARY (Public Works Department)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

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

3N

091723 **Resolution**

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL TWO (2), NEEDED FOR THE INSTALLATION OF A WATER MAIN, LOCATED ON NW 58 STREET BETWEEN NW 117 AVENUE AND NW 127 AVENUE, TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE BY PURCHASE AT A VALUE ESTABLISHED BY APPRAISAL OR BY EMINENT DOMAIN COURT PROCEEDINGS INCLUDING DECLARATIONS OF TAKING, AS NECESSARY (Public Works Department)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

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

30

091724 **Resolution**

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL THREE (3), NEEDED FOR THE INSTALLATION OF A WATER MAIN, LOCATED ON NW 58 STREET BETWEEN NW 117 AVENUE AND NW 127 AVENUE, TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE BY PURCHASE AT A VALUE ESTABLISHED BY APPRAISAL OR BY EMINENT DOMAIN COURT PROCEEDINGS INCLUDING DECLARATIONS OF TAKING, AS NECESSARY (Public Works Department)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

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

3P

091752 **Resolution**

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF $8,517,326.67 BETWEEN ACOSTA TRACTORS, INC. AND MIAMI-DADE COUNTY FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG SW 62 AVENUE, FROM SW 24 STREET TO NW 7 STREET, LOCATED WITHIN COMMISSION DISTRICT 6 (PROJECT NO. 20060469 PTP ESP) (Public Works Department)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Commissioner Seijas questioned whether a Memorandum of Understanding (MOU) would be developed for the use of stormwater utilities with those cities whose jurisdictions were crossed by this roadway.

Ms. Esther Calas, Director, Public Works Department, noted this was a county-maintained road, and the Stormwater Utility would only be used for maintaining the drainage system of this roadway, which would cost approximately $1,000 per year.

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

3Q

091753 **Change Orders**

CHANGE ORDER NO. ONE AND FINAL (RETROACTIVE) FOR NW 62ND STREET FROM NW 47TH AVENUE TO NW 37TH AVENUE - PROJECT NO. 20050170; CONTRACT NO. 20050170, TO SOUTHEASTERN ENGINEERING CONTRACTORS, INC. (Public Works Department)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed change order into the record.*

Hearing no comments or questions, the Committee proceeded to vote on this proposed change order as presented.

3R

091755 Bid Rejection

REQUEST TO REJECT ALL PROPOSALS FOR DRAINAGE IMPROVEMENTS TO CARIBBEAN BLVD. OVER THE C-1N CANAL CROSSING - PROJECT NO: E08-PW-01; CONTRACT NO: 20080029 (Public Works Department)

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

Report: *Assistant County Attorney Bruce Libhaber read the foregoing request to reject all proposals into the record*

Commissioner Edmonson asked why the number of First-Tier applicants eligible for the Certified Business Enterprise (CBE) set-aside project was not greater.

Ms. Penney Townsley, Director, Small Business Development (SBD), noted the Code required that only First-Tier CBE firms could compete for a CBE set aside contract. She explained that during the availability analysis, six firms were identified as First-Tier CBE firms and five of those firms actually bid on the project. Ms. Townsley further explained that two (2) Second-Tier firms also bid on this project, but were immediately found to be non-compliant, and some First-Tier CBE firms were found to be non-compliant because they chose Second-Tier sub-contractors.

In response to Commissioner Edmonson's question whether this Request for Proposals (RFP) had a flaw, Ms. Townsley noted she reviewed the attendance records for the pre-proposal conference where a detailed presentation on the requirements of the program was presented and only one firm was absent from the conference. She also noted some of the firms that submitted proposals had never done so as prime contractors, but she could not say anything was wrong with this process.

Responding to Commissioner Rolle's inquiry whether SBD monitored the Community Workforce Program, Ms. Townsley explained that SBD monitored this program for compliance.

Commissioner Edmonson asked Ms. Townsley to clarify her answer regarding the RFP and why this set-aside contract had only two (2) eligible First-Tier applicants.

Ms. Townsley noted two of the six proposers were

Second-Tier CBE firms and the other four proposers were First-Tier CBE firms; however, only one of these four was determined to be compliant because the others had Second-Tier subcontractors as part of their team. She explained that with a First-Tier CBE set aside contract, the entire team had to be First-Tier CBE certified.

Commissioner Edmonson asked Ms. Townsley to meet with her to further clarify the bid process procedures followed for this contract.

Responding to Chairwoman Jordan's question regarding how rejecting all proposals and going out for bid again would correct this issue, Ms. Townsley noted six First-Tier CBE firms were identified to compete for this project during the availability analysis, however, only four of those firms actually competed, and one of the four firms did not respond to the availability analysis.

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

4 CLERK OF THE BOARD

4A

091658 **Report**

CLERK'S SUMMARY MEETING MINUTES FOR MAY 13, 2009 TRANSIT, INFRASTRUCTURE & ROADS COMMITTEE (Clerk of the Board)

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

5 REPORTS

5A

091559 **Report**

PEOPLE'S TRANSPORTATION PLAN 90-DAY REPORT 2ND QUARTER FISCAL YEAR 2008-2009 (County Manager)

Report Received
Mover: Rolle
Seconder: Sorenson
Vote: 6-0

Report: *Commissioner Edmonson asked why the NE 2nd Avenue Traffic Improvement Project from West Little River Canal to NE 91st Street was ongoing if the language on handwritten page 13 of this report indicated the completion date as January 2009.*

Mr. Frank Aira, People's Transportation Plan (PTP) Coordinator, Public Works Department (PWD), noted the month referenced in this report was a scrivener's error and should be reflected as June 2009; however, the bridge was delayed and staff was working with the contractor to get a final completion date.

Commissioner Edmonson asked Ms. Esther Calas, Director, PWD, to provide her with an estimated completion date for the street improvement project at NE 2nd Avenue from West Little River Canal to NE 91st Street.

No further questions or comments were heard on the foregoing report.

5B

091721 **Report**

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

Report Received
Mover: Sorenson
Seconder: Edmonson
Vote: 6-0

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed report into the record.*

The Committee proceeded to vote on the foregoing report as presented.

Assistant County Manager Ysela Llort noted a discussion had occurred regarding the idea that this report had served its time since the Disadvantaged Business Enterprise (DBE) had met the established participation goal and little Program Management Consultant (PMC) work was currently being performed.

No further questions or comments were heard on this report.

5C

091722 **Resolution**

MONTHLY ORANGE LINE UPDATE (County Manager)

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

Report: *Chairwoman Jordan asked that on future Committee agendas, the title of the foregoing report reflect the report as a quarterly update on the Miami Intermodel Center (MIC)/Earlington Heights project instead of a monthly update on the Orange Line project.*

6 POLICY MATTERS FOR DISCUSSION

092066 **Report**
NON-AGENDA

Report: *Commissioner Seijas noted during the County's budget process she would monitor each County department to determine whether female staff members were being treated inequitably because of their gender, and she would speak up if she determined that this was the case.*

7 ADJOURNMENT

Report: *There being no further business to come before this committee, the Transit, Infrastructure and Roads Committee meeting was adjourned at 3:25 p.m.*

MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Transit, Infrastructure and Roads Committee (TIRC) Workshop

Board of County Commissioners
Stephen P. Clark Government Center
Commission Chambers
111 N.W. First Street
Miami, Florida 33128

July 09, 2009
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Diane Collins, Acting Division Chief
Clerk of the Board Division

Jill Thornton, Commission Reporter
(305) 375-2505

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

CLERK'S SUMMARY OF

Meeting Minutes

Transit, Infrastructure & Roads Committee

Barbara J. Jordan (1) Chair; Carlos A. Gimenez (7) Vice Chair; Commissioners Audrey M. Edmonson (3), Dorrin D. Rolle (2), Natacha Seijas (13) and Katy Sorenson (8)

Workshop

Thursday, July 9, 2009 | **2:00 PM** | **Commission Chambers**

Members Present: Barbara J. Jordan, Natacha Seijas.

Members Absent: Audrey M. Edmonson, Carlos A. Gimenez, Dorrin D. Rolle, Katy Sorenson.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

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

1A INVOCATION

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present: Assistant County Manager Ysela Llort; Assistant County Attorney Bruce Libhaber and Deputy Clerk Jill Thornton.*

Commissioner Rebeca Sosa was also present.

Chairwoman Jordan welcomed everyone to today's (7/9) workshop and asked that they join her in observing a moment of silent prayer for the late Bishop Isaiah Williams and his family, followed by the pledge of allegiance. She noted Bishop Isaiah Williams not only served as Bishop of Jesus People Ministries, but also served as a chaplain for the Miami-Dade Police Department.

Chairwoman Jordan noted the purpose of today's workshop was to discuss the foregoing draft ordinance and afford her colleagues an opportunity to provide feedback on the recommendations therein before presenting it to the full Board of County Commissioners (BCC). In reviewing the history that led to this ordinance, Chairwoman Jordan noted two recent ordinances sponsored by Commissioners Sosa and Gimenez, proposing to amend the Citizen's Independent Transportation Trust (CITT) and the Peoples Transportation Plan (PTP), failed on first reading by a narrow margin. She said although she could not support those ordinances entirely, she felt each ordinance contained elements that warranted consideration, which led her to hold numerous meetings with the County Administration, the Miami-Dade Transit Director and the Executive Director of the CITT to draft an ordinance incorporating some recommendations in the previous ordinances with some new concepts. Chairwoman Jordan noted she extended an invitation to attend this workshop to all BCC members, and noted she was hopeful the Committee members could reach a consensus on the content of this ordinance before forwarding it for consideration by the full Board. She asked the CITT Director to provide an overview of the foregoing proposed ordinance, which was currently in draft form.

2 COUNTY COMMISSION

2A

091955 **Workshop Item** **Barbara J. Jordan**

ORDINANCE AMENDING CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (TRUST) AND THE PEOPLE'S TRANSPORTATION PLAN; ESTABLISHING GREATER INDEPENDENCE FOR THE TRUST; REQUIRING THE ESTABLISHMENT OF A FIVE YEAR IMPLEMENTATION PLAN; ESTABLISHING PROCEDURES FOR MODIFICATIONS TO THE FIVE YEAR IMPLEMENTATION PLAN; AUTHORIZING THE TRUST TO AWARD CERTAIN CONTRACTS SUBJECT TO COUNTY COMMISSION RATIFICATION; AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO AWARD CERTAIN CONTRACTS SUBJECT TO COUNTY COMMISSION RATIFICATION; PROVIDING THAT THE TRUST SUBMIT A RECOMMENDATION TO THE COUNTY COMMISSION PRIOR TO COUNTY COMMISSION AWARDING OF CERTAIN CONTRACTS; INCREASING THE NUMBER OF MEMBERS OF THE TRUST FROM FIFTEEN TO NINETEEN; MODIFYING THE NOMINATING PROCESS FOR MEMBERSHIP ON THE TRUST; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Presented

Report: *Mr. Charles D. Scurr, Executive Director, CITT, provided a PowerPoint presentation outlining the proposed ordinance and its proposed changes to the existing Code governing the CITT and PTP. He noted the changes proposed in this ordinance focused on the following three major areas:*

- *The CITT Board – the size and composition, the nominating committee and the method of appointment;*
- *The establishment of a five-year implementation plan for PTP projects; and*
- *The sequence and the thresholds of contract review/approval*

Regarding the size and composition of the CITT Board, Mr. Scurr noted the foregoing ordinance proposed to increase the CITT Board from 15 to 19 members; however, it did not propose any changes to the current composition, which comprised of one appointment by each of the 13 County Commissioners; one appointment by the Mayor; and one appointment by the Miami-Dade League of Cities; but proposed to add four additional members to include: the Chair or the Executive Director of the Miami-Dade Expressway Authority (MDXA); the District 6 Secretary or the

Assistant District Secretary of the Florida Department of Transportation (FDOT); the Executive Director of the Metropolitan Planning Organization (MPO); and the Executive Director of the South Florida Regional Transit Authority (SFRTA).

Regarding the Nominating Committee and method of appointment, Mr. Scurr noted the foregoing ordinance proposed to reduce the Nominating Committee from 17 to 5 members, and proposed the Nominating Committee present a slate of nominees for approval by the County Commission. He noted this ordinance also provided for direct appointments by the Mayor, the Miami-Dade League of Cities and the appointments of agencies as previously mentioned (MDXA, FDOT, MPO, and SRFTA).

Regarding PTP Projects, Mr. Scurr noted this ordinance proposed the CITT establish a new five-year implementation plan for PTP projects with the following provisions: the CITT shall, in consultation with the Mayor, recommend to the County Commission a five-year implementation plan for PTP projects that could be accomplished during the next five years; the plan shall include a detailed scope of work, schedule and budgets for each project included in Exhibit 1 of the PTP as amended; the plan shall be consistent with the federal requirements for the MPO, TIP and the Long Range Plan; the plan shall be updated annually; the CITT shall review and monitor the projects in the five-year plan and provide the BCC and the public with an annual report on the progress of these projects. Any amendments or changes to the plan shall follow the current procedures for PTP amendments, Mr. Scurr explained.

Regarding sequence and thresholds for contract review and approval, Mr. Scurr noted this ordinance provided for the CITT to review and make recommendations on PTP projects prior to Board approval rather than after Board action. Regarding contract review thresholds, he noted the County Commission and the CITT currently reviewed all PTP contracts, but this ordinance provided for the authority under Section 2-8.1 of the Code to be extended to the County Manager to review PTP contracts as well. Regarding contract approval threshold, this ordinance provides for the CITT's independent approval of contracts between $1 and $5 million, subject to Commission ratification. Mr. Scurr referenced an attached

matrix listing active Miami-Dade Transit (MDT) and Public Works Department (PWD) contracts, and gave examples of types of contracts listed in the matrix that could be delegated under this provision.

Regarding Agenda Item "Comments from the CITT," Chairwoman Jordan asked the CITT Chair or a representative to come forward and place the CITT comments on the record.

Mr. Scurr noted Mayor Linda Zilber, Chair of the CITT, was unable to attend today's workshop due to the illness of a family member, and he would provide the CITT comments on her behalf.

On behalf of Ms. Zilber and the CITT, Mr. Scurr noted the CITT board was very pleased to be part of the process and very supportive of this ordinance; however, the CITT board took a different approach regarding the composition of the CITT and felt it should be increased from 15 to 21 members. He also noted the CITT board felt the four additional direct appointees should be ex-officio members, and the membership should be increased to include representatives from the Chamber of Commerce, the University of Miami, Florida International University, Miami Dade College, Florida Memorial University, and one appointment by the governor. Mr. Scurr also noted the CITT discussed at length, the composition of the Nominating Committee but could not reach a conclusion. He noted, overall, the CITT was very supportive of this ordinance.

In response to Chairwoman Jordan's request, Assistant County Attorney Bruce Libhaber reviewed each page of the foregoing draft ordinance and noted the proposed changes as follows:

No changes were made in the title or whereas clauses on handwritten pages 1 and 2.

Section 2-1241(a), handwritten Pages 2, 3, Creation, delineated the increase of the CITT membership to 19 members and delineated the additional four members as: 1) the Chair or the Executive Director of the MDXA, 2) the FDOT District 6 Secretary or the District Director of Transportation Development, 3) the Executive Director of the MPO, and 4) the Executive Director of the SFRTA.

No changes were made to Section 2-1241(b)

handwritten Page 4, Initial members (the Nominating Committee)

Section 2-1241(d) Handwritten Page 5 and 6, Subsequent membership and term, outlined the proposed changes to the initial Nominating Committee and its subsequent membership to include the following members: the Chairperson of the Miami-Dade Transit, Infrastructure and Roads Committee (TIRC), the Chairperson of the Chamber of Commerce Transportation Committee, the Chairperson of the CITT, the Chairperson of the Miami-Dade County Commission of Ethics and the Chairperson of the Miami-Dade County Commission on Disability Issues (CODI). Those five members would review all resumes submitted for appointment by the County Commission and forward a recommended slate to the BCC for approval or rejection. Direct appointments by individual commissioners would be prohibited, pursuant to the amendment.

In response to Commissioner Seijas' question regarding the existing CITT members, Assistant County Attorney Libhaber noted as the terms of the existing CITT members expired, the Nominating Committee would submit a slate of candidates to fill vacant seats and the BCC would vote to approve or reject the entire slate.

Commissioner Seijas expressed concern with the BCC having to approve an entire slate of nominees who might not truly represent the Commission District or care about the issues, which she noted were the same issues she had concerning the Public Health Trust (PHT). She also noted she agreed with the proposal to reduce the Nominating Committee's membership, but she questioned the need to seat the Chairs of the Ethics Commission or the Chamber of Commerce Transportation. She expressed concern that the proposed method would take away the District Commissioner's ability to weigh in on the review process.

In response to Chairwoman Jordan's request regarding the appointment of CITT members by County Commissioners, Mr. Scurr explained the current process, noting the Nominating Committee currently submits a slate of four nominees from each County Commission District, and the respective commissioner selects one of the four nominees to fill the vacancy. If the commissioner was unable to select from the four nominees recommended by the Nominating Committee, a

new slate could be requested.

Commissioner Sosa expressed appreciation to Chairwoman Jordan for extending an invitation to her to attend this workshop. She noted she supported Chairwoman Jordan's proposals to reduce the Nominating Committee to five members and to restructure it to include the Chairs of the TIRC, the CITT and the CODI as members. She stated she felt a large membership of 17 members could become problematic, and including the Chair of the Ethics Committee would provide the necessary checks and balances. She also noted she agreed with Commissioner Seijas' concerns regarding the Chair of the Chamber of Commerce Transportation included in the CITT membership.

Regarding the proposal of four additional appointees to the CITT, Commissioner Sosa noted she agreed with including the Chair of the MDXA and FDOT's District 6 Secretary as CITT members, but expressed concern that including the Executive Director of the MPO would mix MPO issues with regional transportation issues. She said she felt the CITT issues should be kept at a local level. She also noted she agreed with keeping the current process of 13 CITT members selected by the County Commissioners (one from each District) intact because the taxpayers were promised that each district would be represented. She said she did not want to deviate from what was originally promised to the taxpayers and her objective was to ensure everyone had access and representation.

Regarding PTP contracts, Commissioner Sosa noted she supported allowing the CITT independent approval of contracts because the CITT was promised some independence from the beginning, which should be honored.

Regarding the five-year implementation plan, Commissioner Sosa expressed concern with the public's perception that the County Commission was not honoring the promises made in the ½ Penny Surtax ballot and the public's discontent and desire to eliminate it. She noted this surtax was needed for the County to continue improving its infrastructure and to compete with other counties. Commissioner Sosa noted the County needed to re-evaluate its infrastructure and the projects initially promised in the ½ Penny Surtax ballot to see how much was pledged for each project and which projects could be delivered. She pointed out the former Mayor conducted many

town meetings and made promises in return for the community's support of this surtax. She emphasized the need to fulfill those promises by sticking to the original plan as close as possible.

Commissioner Seijas noted she agreed with Commissioner Sosa that the Executive Director of the MPO should not be appointed to serve as a member of the CITT. She also noted the proposed restructuring of the Nominating Committee to include either the Chair or the Executive Director of the MDXA, but only include the Executive Director of the MPO was inconsistent.

Assistant County Attorney Libhaber pointed out one of the primary concerns was that members of the County Commission often served as the MPO Chair, and the County Commission needed to be separate from the CITT. He noted nothing precluded the MPO Chair or his designee from serving on the CITT if he/she was not a County Commissioner. Regarding the MDXA, Mr. Libhaber clarified the intent was to appoint the Chair of the MDXA to serve. If that individual declined, the Executive Director of the MDXA would be appointed to serve.

Commissioner Seijas noted even with the explanation given, she still agreed with Commissioner Sosa regarding the MPO. She read into the record several projects listed in a transit brochure entitled "The Transportation for the People," along with the dates on which they would occur. She noted this brochure was distributed to the citizens of Hialeah Gardens in 2002, and listed the projects promised to Miami-Dade County's citizens in the ½ penny surtax ballot. She also noted although she voted against the ½ penny surtax, she was willing to make it work since the citizens approved it. Commissioner Seijas recognized that the CITT had done a magnificent job, but pointed out it was never promised that anyone other than the Commission would be responsible for the contracts. She said she could not support the proposed thresholds for contract approval or the CITT approving contracts. She noted she agreed that another line of communication should be established to get more input from the CITT before the BCC approved the contracts, but she would not support the BCC giving up its ability to approve contracts, and ratify them later.

Chairwoman Jordan noted, regarding the selection process by County Commission District,

she had no problems with reducing the nominating committee to three or four members. She said she felt that including the Chairs of the CODI, the Ethics Committee, the CITT, and the TIRF on the committee would provide a broad range of people to review all the applications received from the districts. She also noted she agreed the current process of District Commissioners selecting 13 CITT members should be retained, and felt that adjustments could be made to continue the Commissioners' participation in the review process. She noted the important objective was to develop criteria and refine the selection/recruitment process so that the necessary expertise and unbiased people could be recruited to serve on the CITT.

Regarding the CITT board expansion, Chairwoman Jordan noted her intention was to create synergy and coordination between all transportation entities, and possibly generate additional resources for the CITT by having the expanded membership. She said she felt that opportunities were missed by the entities not communicating with each other before making major decisions.

Regarding thresholds, Chairwoman Jordan noted she was not amenable to the proposed thresholds had she not recommended the CITT be expanded to include outside agencies as members. She pointed out the County Manager was granted the delegated authority to spend on contracts up to $1 million, subject to ratification by the BCC. Chairwoman Jordan noted she purposely did not include an amount in this ordinance of the delegated authority to be granted to the CITT, but she was proposing a threshold between $3.5 and $5 million. Referencing the attached matrix of active Miami-Dade Transit (MDT) and Public Works Department (PWD) contracts, Commissioner Jordan noted six contracts fell within the $3.5 to $5 million category; nine contracts fell within the $1 million to $3.5 million category; and the remaining contracts fell below the $1 million category, which the County Manger was already delegated authority to approve. She noted even fewer PWD contracts were greater than $1 million. Chairwoman Jordan noted her intentions were to incorporate some of the best recommendations from Commissioner Sosa's and Gimenez's ordinances into an ordinance that would give the CITT some teeth.

Commissioner Seijas voiced her respect for the

Chairs' intentions, but expressed concern with the CITT meetings being held only once a month and the CITT making decisions on contracts up to $5 million that the BCC would have to ratify. She noted her concern that many creative people in the community would divide their contracts up to come under the $5 million threshold, and the CITT would approve them in blind faith. She said she was unwilling to ratify contracts and give up her authority to CITT members, and suggested the County Commission members find a way to empower the CITT and allow the Trust to submit its recommendations to the BCC, without the BCC giving up its authority.

Chairwoman Jordan noted the issue of the CITT Board meeting once a month was considered in previous discussions, and she asked Assistant County Attorney Libhaber to comment on the result of those discussions.

Assistant County Attorney Libhaber noted the proposed ordinance contained a provision that stated the CITT must act within 45 days from the receipt of the Manager's recommendation; otherwise, the contract would go straight to the BCC for action if the CITT failed to so act, whether willfully or by lack of quorum.

Mr. Scurr added that allowing the CITT to review the contracts before the BCC took action rather than after Board review would strengthen the CITT's role and give the County Commission the benefit of their recommendations.

Commissioner Sosa noted before this proposed ordinance was finalized, she would like to know what was promised regarding the CITT's structure and independence when it was established. She noted she understood the CITT was supposed to have some independence and her decision would be based on what was proposed when the CITT was created. She also noted she would support the threshold proposal because a pilot program existed for delegations. Commissioner Sosa commended Chairwoman Jordan for calling this workshop to brainstorm the issues and for her objective of wanting what was best for the public.

Regarding the list of projects read into the record by Commissioner Seijas, Chairwoman Jordan noted she felt the public was over promised and should not be misled into believing the County would be able to keep those promises, which she noted should never have been made. She noted

the intent of this ordinance was to have the CITT establish a five year implementation plan and extrapolate projects from exhibit 1 that realistically could be completed within a five year period. Regarding the threshold for contract approval, she noted she felt the CITT should at least be delegated the authority to approve contracts up to $1 million, as was the Manager, but she would like that amount to be higher. Chairwoman Jordan noted the goal was to expand the CITT Board to bring other entities and resources to the table and she believed a 19 member CITT Board would provide good oversight and accomplish more. She also noted she felt the CITT was committed to transportation issues and she wanted to give them opportunity to approve some contracts.

Commissioner Seijas noted she still did not support the threshold proposal, but felt it was appropriate to give the CITT an opportunity to advise the BCC on contracts before the BCC reviewed and approved them. She noted her faith in the CITT, but felt the CITT should not be given the responsibility of voting on monetary items, especial since CITT members were volunteers and their meetings did not always make quorum. She agreed the current CITT members had proven to be responsible, but noted there were individuals in the community who were waiting to be nominated because they would gain control of contracts up to $1 million in value. Commissioner Seijas noted it was never said that the CITT would have control over contracts, only that they would advise the BCC on projects.

Responding to Chairwoman Jordan's question regarding whether the Manager had any comments to make, County Manager George Burgess commended Chairwoman Jordan for conducting this workshop, as he felt it was healthy and necessary to try to address a complicated issue.

Assistant County Manager Ysela Llort clarified the proposed $1 million threshold was not a delegation to the CITT, but just a reaffirmation of the delegation to the Manager pursuant to Section 2-8.1 of the Code.

In response to Chairwoman Jordan's request, Assistant County Attorney Libhaber addressed the language on handwritten page 12 of this ordinance. He noted subsection (e) of handwritten page 12 outlined the amendments to the five-year

implementation plan, which followed the same process currently used for amending the PTP; subsection (f) pertained to the awarding of contracts and outlined the reversal of the sequence for contract approval, which allows the CITT to review and make a recommendation on contracts before Board action. He noted the County Commission may award a contract if it was in agreement with the CITT's recommendation; however, a 2/3s vote of the Commission would be required to override the CITT's recommendation.

Following further clarification regarding the 2/3s voting requirement, Chairwoman Jordan asked if the Commission would have the opportunity to review the contracts based on this language, even if a threshold was established to allow the CITT's approval of contracts.

Mr. Libhaber explained the language in subsection (f) included the reversal of the sequence of steps in the contract review process; the process for approving contracts not exceeding the $5 million threshold; and the process for awarding contracts less than $1 million. He noted this ordinance proposed contracts not exceeding $5 million be sent to the CITT for recommendation and award, and executed by the County Manager subject to Board ratification.

Commissioner Seijas suggested the language in subsection (f) be bifurcated to allow portions she disagreed with to be voted on separately.

Mr. Libhaber noted this paragraph could be amended to split subsection (f) into two paragraphs and re-letter the paragraphs thereafter, or if a portion of this paragraph was determined to be unnecessary, it could be removed.

Chairwoman Jordan noted she called this workshop to give the full Commission an opportunity to discuss the draft ordinance and make any necessary modifications because she did not want it to fail on first reading. She pointed out that ordinances on first reading were not usually discussed by the full Board, and she believed many of the recommendations discussed today would be incorporated into the ordinance as a result of this workshop.

Commissioner Seijas noted she would not vote against this ordinance on first reading because she supported much of it, but she felt some of the

controversial issues needed to be discussed further.

Assistant County Manager Llort suggested commissioners consider adding language that would create a very quick turnaround process between the CITT and the Board, so that if the BCC had a concern with any contract, it could very quickly take action prior to awarding such contract.

Chairwoman Jordan noted she would have additional discussions regarding the threshold issue. She clarified that she believed Commissioner Seijas wanted the Commission to be able to address any issues concerning a contract before they ratified the contract, and she noted she would consider this recommendation.

Mr. Scurr noted the members of the CITT felt it would be useful to have some expertise or representation from universities on the CITT Board.

Commissioner Seijas voiced her respect for universities, but noted that matching the reality of finance and infrastructure issues with academia was very difficult.

Chairwoman Jordan expressed appreciation to Commissioners Seijas and Sosa for joining her at this workshop. She noted she would be meeting with the Executive Director of the CITT and Assistant County Attorney Libhaber to consider the recommendations made today, and to draft acceptable language regarding the threshold issue. She noted her intent was to calendar this ordinance for first reading on the next BCC agenda.

3 ADJOURNMENT

Report: *There being no further business, the Workshop of the Transit, Infrastructure and Roads Committee was adjourned at 3:33 p.m.*