MEMORANDUM

Harvey Ruvin
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GO
Agenda Item No. 7(A)

TO: Honorable Chairman Carlos A. Gimenez and Members, Government Operations Committee

DATE: September 8, 2009

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

SUBJECT: Approval of Commission Committee Minutes

Diane Collins

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Government Operations Committee:

July 14, 2009

Attachment
DC/jm

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

CLERK'S SUMMARY OF

Meeting Minutes

Government Operations Committee

Carlos A. Gimenez (7) Chair; Natacha Seijas (13) Vice Chair; Commissioners Jose "Pepe" Diaz (12), Audrey M. Edmonson (3), Joe A. Martinez (11), and Rebeca Sosa (6)

Tuesday, July 14, 2009 | **9:30 AM** | **COMMISSION CHAMBERS**

Members Present: Jose "Pepe" Diaz, Carlos A. Gimenez, Joe A. Martinez, Natacha Seijas, Rebeca Sosa.

Members Absent: Audrey M. Edmonson.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1A INVOCATION

Report: *The Committee members observed a Moment of Silence for Mr. Manuel Capo, the Founder of El Dorado Furniture, who passed away over the weekend; followed by the Pledge of Allegiance.*

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present: Senior Advisor to the County Manager Cynthia Curry; Chief Assistant County Manager Susanne Torriente; Assistant County Attorneys Geri Bonzon-Keenan, Cynthia Johnson-Stacks, Hugo Benitez and Daniel Frastai; Senior Deputy Clerk Doris Dickens and Deputy Clerk Judy Marsh.*

Chairman Gimenez called the meeting to order at 9:54 a.m. He noted the County Administration was currently attending a meeting with Mayor Alvarez and County Manager Burgess and would attend today's Committee meeting once that meeting concluded.

Assistant County Attorney Geri Bonzon-Keenan noted Item 4A was requested to be withdrawn. She also noted Item 4E contained a scrivener's error and the Commission District on handwritten page two should be corrected to reflect Commission District 6.

It was moved by Commissioner Martinez that the Committee approve the July 14, 2009 Government Operations Committee agenda. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 5-0, (Commissioner Edmonson was absent).

1D DISCUSSION ITEM

2 COUNTY COMMISSION

2A

091860 **Resolution** **Audrey M. Edmonson**

RESOLUTION DIRECTING THE COUNTY MAYOR OR HIS DESIGNEE TO CONDUCT AN ANALYSIS OF THE COUNTY'S UNUSED REAL PROPERTY INVENTORY AND TO REPORT TO THE BOARD OF COUNTY COMMISSIONERS WITHIN 45 DAYS *Amended*

Report: *(See Agenda Item 2A Amended, Legislative File No. 092149)*

2A Amended

092149 **Resolution** **Audrey M. Edmonson**

RESOLUTION DIRECTING THE COUNTY MAYOR OR HIS DESIGNEE TO CONDUCT AN ANALYSIS OF THE COUNTY'S UNUSED REAL PROPERTY INVENTORY AND TO REPORT TO THE BOARD OF COUNTY COMMISSIONERS WITHIN 70 DAYS [SEE ORIGINAL ITEM UNDER FILE NO. 091860]

Forwarded to the BCC by the BCC Chairperson with favorable recommendation with committee amendments
Mover: Sosa
Seconder: Seijas
Vote: 5-0
Absent: Edmonson

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record. She noted that Commissioner Edmonson, as the sponsor of this resolution, was requesting that it be amended to change the reporting requirement from 45 days to 70 days.*

Hearing no comments or questions, the Committee voted on this proposed resolution as amended.

Pursuant to County Commission Chairman Moss' memorandum dated June 8, 2009, the foregoing proposed resolution was forwarded to the July 21, 2009 Commission meeting.

2B

091900 **Resolution** **Rebeca Sosa**

RESOLUTION DIRECTING THAT ANY RESOLUTION AUTHORIZING THE EXECUTION OF INSTRUMENTS CREATING A COUNTY INTEREST IN REAL PROPERTY SHALL REQUIRE SUCH INSTRUMENTS TO BE RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY AND ATTACHED BY THE CLERK OF THE BOARD TO THE AUTHORIZING RESOLUTION

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

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

In response to Commissioner Martinez' inquiry whether this procedure was currently followed, Assistant County Attorney Bonzon-Keenan advised the intent of this resolution was to provide an additional safeguard.

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

Pursuant to County Commission Chairman Moss' memorandum dated June 8, 2009, the foregoing proposed resolution was forwarded to the July 21, 2009 Commission meeting.

2C

091648 **Resolution** **Bruno A. Barreiro**

RESOLUTION ESTABLISHING PROCEDURES FOR CONTRACTS REQUIRING BOARD APPROVAL AND EXPIRING DURING SUMMER RECESS

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation
Mover: Diaz
Seconder: Sosa
Vote: 4-0
Absent: Edmonson, Martinez

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

Commissioner Seijas commended Commissioner Barreiro, as sponsor of this proposed resolution. She noted she felt this would avoid some of the problems the County Commission had experienced with some contracts. Commissioner Seijas asked that the County Administration apprise the Commission whether this resolution could be applied.

Commissioner Martinez noted he had not seen a copy of the proposed resolution.

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

Pursuant to County Commission Chairman Moss' memorandum dated June 8, 2009, the foregoing proposed resolution was forwarded to the July 21, 2009 Commission meeting.

3 PUBLIC HEARING

3A

091855 **Ordinance** **Joe A. Martinez**

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; SETTING FORTH CONSEQUENCES OF A TIE VOTE ON AN ITEM CONSIDERED AT COMMITTEE AND COUNTY COMMISSION MEETINGS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

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

Chairman Gimenez opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance. After hearing no one, he closed the public hearing.

Commissioner Sosa questioned whether, as proposed, this ordinance would prohibit a motion to reconsider a tie vote.

Assistant County Attorney Cynthia Johnson-Stacks noted the language contained within this ordinance clarified the existing rules pertaining to tie votes.

In response to Chairman Gimenez' inquiry regarding an item which resulted in a tie vote at a Committee meeting, Assistant County Attorney Johnson-Stacks noted an announcement would be made that the motion failed; the item would be removed from the agenda; and reintroduced at the next meeting.

Chairman Gimenez noted he had no problem with this proposed ordinance provided all members were present (e.g., if a tie vote occurred at a Committee meeting and all members were not present, the members who were absent could have made a difference.) He questioned whether Commissioner Martinez, as sponsor, would consider amending this proposal to make it applicable only to a committee meeting where all members were present.

Commissioner Martinez noted his intent was to make this proposed ordinance consistent with the County Commission Rules of Procedure.

Assistant County Attorney Johnson-Stacks advised that this ordinance would provide consistency in the procedures for Committee and County Commission meetings. The existing Rules of Procedure provided that if an item resulted in a tie vote at a Commission meeting, that item was removed from the Commission Agenda and could be reintroduced at any time. If an item resulted in a tie vote at a Committee meeting, it meant that the motion failed, and the item could be reintroduced on the next agenda, Ms. Johnson-Stacks explained. She noted this proposed ordinance would make the County Commission and Committee processes the same so that in the event of a tie vote, the item would fail unless another motion was introduced before the meeting ended.

In response to Chairman Gimenez' inquiry whether the sponsor of a Committee item could bring the item back the next month or must wait for a prescribed time period before the item could be reconsidered, Assistant County Attorney Johnson-Stacks said the item could not be reconsidered; however, it could be resubmitted within three months by a two-thirds vote of the committee members.

Chairman Gimenez noted he was concerned about delaying an item for three months.

Commissioner Martinez recommended this ordinance be forwarded, as proposed.

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

4 DEPARTMENTS

4A

091691 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT AT 1822 N.E. MIAMI GARDENS DRIVE, NORTH MIAMI BEACH, WITH OASIS 183, LTD, A FLORIDA LIMITED PARTNERSHIP, FOR PREMISES TO BE UTILIZED AS A GOVERNMENT INFORMATION CENTER, WITH TOTAL FISCAL IMPACT TO MIAMI-DADE COUNTY NOT TO EXCEED $250,000.00 FOR THE TERM OF THE LEASE, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN
[SEE ORIGINAL ITEM UNDER FILE NO. 090432]
(General Services Administration Department)

Withdrawn

Report: *The foregoing proposed resolution was withdrawn during consideration of changes to today's agenda.*

4B

091925 **Resolution**

RESOLUTION DECLARING 4.734 ACRES OF MIAMI-DADE COUNTY-OWNED LAND CONTIGUOUS TO THE HOMESTEAD AIR RESERVE BASE SURPLUS AND NOT NEEDED FOR COUNTY PURPOSES IN ACCORDANCE WITH F.S. 125.38; APPROVING CONVEYANCE OF SAID LAND FOR TEN ($10.00) DOLLARS TO THE UNITED STATES OF AMERICA; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID LAND
(General Services Administration Department)

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

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

Commissioner Seijas spoke in support of this proposed resolution; however, she noted she would meet with the County Administration to get further clarification.

Colonel McCully, Homestead Air Reserve Base, expressed appreciation to members of the Committee and the County Commission for their support of Homestead Air Reserve Base. He noted the subject property would help with security requirements for future lodgings to be constructed on the Base.

In response to Commissioner Martinez' inquiry whether the old officers' quarters were previously located on the subject property, Colonel McCully said he was unsure.

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

Pursuant to County Commission Chairman Moss' memorandum dated June 8, 2009, the foregoing proposed resolution was forwarded to the July 21, 2009 Commission meeting.

4C

091690 **Resolution**

RESOLUTION RESCINDING ADMINISTRATIVE ORDER 4-100, POLICIES AND PROCEDURES, DEPARTMENTAL RESPONSIBILITIES, FEES AND FINES FOR PARKING SPACES FOR PERSONS TRANSPORTING YOUNG CHILDREN AND STROLLERS, AND APPROVING IMPLEMENTING ORDER 4-100 TO REVISE THE FEE AND FINES STRUCTURE AND DEPARTMENTAL RESPONSIBILITIES (Government Information Center)

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

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

Commissioner Seijas commended the Government Information Center for moving forward on this issue. She noted the sale of Baby Stroller Permits and Baby Stroller Gift Certificates would be facilitated at hospitals.

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

Pursuant to County Commission Chairman Moss' memorandum dated June 8, 2009, the foregoing proposed resolution was forwarded to the July 21, 2009 Commission meeting.

4D

092049 **Resolution**

RESOLUTION APPROVING THE FORM AND TERMS AND AUTHORIZING THE EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF THE LICENSE AGREEMENT BY AND AMONG MIAMI-DADE COUNTY, FLORIDA EAST COAST RAILWAY, L.L.C. AND BASKETBALL PROPERTIES, LTD. RELATED TO THE INSTALLATION AND MAINTENANCE OF A PEDESTRIAN WALKWAY ADJACENT TO THE AMERICAN AIRLINES ARENA; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN (General Services Administration Department)

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

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

Commissioner Martinez questioned whether the proposed pedestrian walkway would be constructed across the Florida East Coast Railway railroad track if the original License Agreement remained in place.

In response to Commissioner Martinez' question, Assistant County Attorney Debra Herman noted she believed the original License Agreement would allow the proposed pedestrian walkway to be constructed across the railroad track; however, the Agreement's annual payment had increased.

Commissioner Martinez asked that this proposed resolution be deferred to the next Committee meeting. He noted he was working with representative(s) of Flagler Development on an alternate item regarding egress and ingress into the Port of Miami.

It was moved by Commissioner Martinez that this proposed resolution be deferred. This motion was seconded by Chairman Gimenez.

Commissioner Seijas suggested the Committee forward this resolution to the County Commission and add to Commissioner Martinez' pending legislation before it was considered by the County Commission.

Senior Advisor to the County Manager Cynthia Curry noted this resolution would be considered by the Commission in September.

Commissioner Martinez concurred with Commissioner Seijas's suggestion and withdrew his motion to defer.

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

4E

092045 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AN ENERGY PERFORMANCE CONTRACT WITH FPL SERVICES, LLC, PURSUANT TO CHAPTER 489.145 (4)(D) OF THE FLORIDA STATUTES, IN AN AMOUNT NOT TO EXCEED $6,046,925, FOR WORK TO BE PERFORMED AT THE MIAMI INTERNATIONAL AIRPORT'S MAIN TERMINAL; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration Department)

Deferred to September 8, 2009
Mover: Martinez
Seconder: Seijas
Vote: 5-0
Absent: Edmonson

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

The foregoing proposed resolution was moved by Commissioner Sosa and seconded by Commissioner Gimenez for discussion.

Commissioner Sosa noted she was hopeful this proposed resolution would generate revenues for the General Services Administration (GSA) Department. She noted pursuant to this resolution, the proposed contract with Florida Power and Light Services (FPLS) was expected to result in a $680,000 savings annually in electricity costs and $77,000 annually in maintenance costs over the next eleven years. Commissioner Sosa questioned whether this resolution would result in energy savings and generate revenue for Miami International Airport (MIA).

Commissioner Diaz questioned whether this was the final version of the Energy Performance Contracting (EPC) Program that was established during his tenure as Chairman of the Airport and Tourism Committee.

Commissioner Martinez inquired whether the proposed EPC was a consulting contract. He pointed out that the County spent $126 million annually on consultants, and he had advocated cutting the use of consultants for a long time.

Responding to Commissioner Martinez' inquiry, Ms. Wendi Norris, Director, General Services Administration (GSA) Department, stated that FPLS would perform an investment grade energy audit, and would implement the recommendations if the audit was approved by the County

Commission. She noted if the County decided not to proceed after receipt of the audit, FPLS would not be paid. Ms. Norris said the County was not required to provide any upfront capital and the savings to the County were guaranteed.

Commissioner Sosa asked the rationale behind the County spending $6 million upfront to save $77,000 in maintenance and $680,000 in electricity annually to be recovered in eleven years.

Ms. Norris noted these were necessary upgrades that MIA would have implemented, and rather than the Aviation Department paying the $6 million out of pocket, the cost would be financed through this proposed contract. She said that the electricity savings would be used to repay the finance charges and that the expense was already part of MIA's operating budget.

Commissioner Seijas concurred with Commissioner Martinez's comments, and indicated that she would not be voting on this proposed resolution.

Ms. Norris said no money would be required upfront. She noted energy performance contracting was a tool the Department had successfully used for ten years and wished to maintain.

Commissioner Diaz noted a large number of man hours were associated with this proposed contract which was almost the entire contract in value and he inquired about the savings devices.

Mr. Carlos Jose, Assistant Director, Facilities and Landside Management, Miami-Dade Aviation Department (MDAD), deferred to FPLS representative(s) for a response.

Mr. Manny Rodriguez, Regional Sales Manager, FPLS, said that the project was fully financed through energy savings and that energy performance savings contracts were regulated by Chapter 489.145 Florida Statutes. He noted the project would cost the County no more than its current electric bill and did not include any upfront capital expenditure. Mr. Rodriguez said the project was financed over a period of time and a component of the financing allowed the County to continue paying its monthly electric bill, and through the resulting savings, the County would be making a finance payment on a monthly basis.

He noted costs required by State law such as the upfront audit, implementation, equipment, and project management, must be covered by the energy savings, and there was no net dollar impact to Miami-Dade County.

In response to Commissioner Diaz' inquiry regarding the amount of money to be laid out for the EPC Program, Mr. Jerry Hall, Director, Facilities Management, General Services Administration Department, said staff identified a site such as the Airport and selected a firm from a pool of ten firms to conduct the investment grade audit. He noted if any of the contracts that staff wished to enter into with those firms were over $1 million; the contract was brought back to the County Commission. In this particular case, Mr. Hall said, over 18,000 light fixtures throughout the terminals and concourses at the Airport needed to be replaced and upgraded to higher efficiency bulbs at a cost of approximately $6 million. He noted the Aviation Department did not have the operating dollars to cover this cost and FPLS had determined the light fixtures that needed to be replaced and the exact light fixtures that would achieve the greatest savings. Mr. Hall said FPLS would seek out quotations from three different banks or financing institutions for a tax-exempt loan which allowed the financial institutions to provide a significantly better rate. He noted at this point, it was his understanding that the rate of the loan would be less than five percent.

Mr. Hall said if this proposed resolution was approved and staff was comfortable with the financial arrangement submitted by FPLS, FPLS would be told to proceed and the bank would loan the $6 million necessary for FPLS to complete the project. He noted FPLS would be paid, and over the next eleven years, the County would repay the $6 million plus 4.5 or 5 percent interest rate. Mr. Hall said the money would not be taken from any capital or operating source and the value of the loan payment could not be greater than the amount the County would save in its electricity and maintenance bill. He noted the annual operating budget for those line items could not increase, and if for some reason the energy savings was not realized, FPLS would be obligated to pay the cash difference and make up the shortfall between the budgeted amount for electricity and maintenance and the value of the loan payment.

Commissioner Diaz noted the electricity cost was being capped for a certain amount and he questioned the potential impact of changes in petroleum or kilowatt hours. He noted the electricity cost should be approximately cut in half in the 12th year.

Mr. Rodriguez said after the loan was paid off, 100 percent of the savings would be accrued to the County. He noted on a monthly basis throughout the term of the finance agreement, history had shown that the savings were actually greater than the total payment made to the bank. Mr. Rodriguez said the County would always be held whole through the energy savings guarantee that was in place. He noted a detailed plan on how the energy savings would be measured and accounted for over a period of time was submitted to the Aviation Department and GSA. Mr. Rodriguez said that document assured the County that the savings were being generated and accruing to the County on an ongoing basis over the full term of the contract.

Commissioner Diaz said he was in favor of creating jobs and energy efficiency, however, high efficiency and LED light bulbs were extremely expensive. He noted this was a heavy cost to bear for 12 years and he needed more time to review this proposed resolution.

Mr. Jorge Marin, Chief of Engineering, Miami-Dade Aviation Department, said GSA had been analyzing the lighting fixture issues and it was a matter of not paying the money upfront. He noted that induction lights and LED light bulbs produced greater life expectancy; that they were energy efficient; that they resulted in cost savings; and that the savings would increase with higher electricity costs.

Commissioner Seijas noted the Committee members received this item last Wednesday with no explanation and she needed more information. She indicated that she was not supportive of this proposed resolution.

Commissioner Martinez inquired why the value engineering was not done during repair of other terminals. He noted some of the fixtures being replaced would impact passenger costs and he would not be supportive of this proposed resolution.

Commissioner Sosa inquired when this proposed

resolution would be considered by the County Commission.

In response to Commissioner Sosa's inquiry, Assistant County Attorney Bonzon-Keenan noted it was her understanding that pursuant to a memorandum from Commission Chairman Moss, all agenda items considered at July committee meetings would be forwarded to the July 21st Commission agenda, with the exception of Item 4D on today's agenda.

Commissioner Sosa recommended the Committee forward this proposed resolution to the County Commission without recommendation and give staff an opportunity to address the Committee members' concerns in the interim.

Commissioner Martinez questioned whether the Commission's Rules of Procedure could be violated by the Commission Chair, to which Assistant County Attorney Bonzon-Keenan advised that they could not. She noted she believed this determination was made by the Commission and she would report back to Commissioner Martinez.

Commissioner Martinez noted unless an action was taken at the June 30, 2009 Commission meeting on waiving the Rules of Procedure, it could not be done.

Chairman Gimenez noted the Rules of Procedure could not be waived at one meeting; the ordinance creating the Rules would have to be changed.

Chairman Gimenez indicated that the only way he would vote for this proposed resolution was if an audit of the amount of kilowatts hours being used at a particular location was performed; for example, 1,000 kilowatt hours per month, and FPLS performed an audit which resulted in the 1,000 hours being reduced to 900 hours. He noted the reduction in kilowatt hours at today's rate would result in a specific cost savings plus the maintenance which would not have to be done.

Ms. Norris confirmed that the issue was about the kilowatt hours.

Following questions from Chairman Gimenez regarding the loan, Assistant County Attorney Hugo Benitez advised that there was no loan. He noted the County would be entering into an Equipment Lease Purchase Agreement. Mr. Benitez said the County was leasing the equipment

from a finance company and at the end of the lease, the County would own the equipment. He noted the Agreement was between the County and the financier.

Chairman Gimenez directed questions to Mr. Hall regarding the guarantee for the kilowatt hours savings, and how FPL Services was awarded the contract.

In response to Chairman Gimenez's questions, Mr. Hall said FPL had to conduct an annual reconciliation to determine that the actual consumption remained at 900 hours. He noted if the hours changed from 900 and this change was not due to some external reason, assuming the operating hours remained the same but the kilowatt hours changed negatively, that would cause the payment to exceed the value of the savings and FPLS would have to make up the difference. Mr. Hall said a measurement verification process to determine savings and reductions was incorporated within the proposed contract and within Florida Statutes.

Mr. Hall explained how FPLS was awarded the Energy Performance Contract. He noted a prior ten-year contract expired in 2008 and FPLS was awarded a contract in 2007 to conduct the energy audit at the terminals and concourses at MIA; however, due to the delay in obtaining appropriate federal security clearance for FPLS to enter some of the affected areas and the volume of work required to analyze all of the lighting fixtures, a decision was made to start work on the areas for which the analysis was completed, and a work order was issued to FPLS to proceed with the first phase of the project. He noted this proposed contract pertained to the area primarily behind the security check points. Mr. Hall said the investment grade energy audit took approximately one year to perform and FPLS could not produce the audit before the expiration of the previous contract and as a result they completed the audit and presented the findings. He noted staff determined that no other vendor from the vendor pool of ten could complete the project within the required timeframe.

In response to Chairman Gimenez's inquiry regarding financing for the project, Mr. Hall said at this point, the source of the financing was unknown. He noted once the contract was approved, FPLS could pursue financing options, and at that time FPLS would be given specific

terms, conditions and interest rate quotes.

Chairman Gimenez inquired at what rate would the project be considered no longer viable, to which Mr. Rodriguez responded that language was incorporated within the proposed contract that allowed the County to back out if the financing fees or any other change(s) made the project not viable.

Commissioner Martinez pointed out that improvements were just completed for some areas of the terminals for which it was being proposed the light fixtures be replaced; and the cost for enplaned passenger would be increasing.

It was moved by Commissioner Martinez that the foregoing proposed resolution be deferred. This motion was seconded by Commissioner Seijas.

Chairman Gimenez asked Chief Assistant County Manager Susanne Torriente and the General Services Administration Department Director to meet with each Committee member to respond to questions regarding the proposed energy performance contract with FPLS and to bring this proposed resolution back to the Committee in September.

Commissioner Diaz asked that a funding source for the Equipment Lease Purchase Agreement be identified and whether any changes to the proposed five percent interest rate would affect the projected cost savings when this item was brought back to Committee.

Following discussion, the Committee by motion duly made, seconded and carried, voted to defer the foregoing proposed resolution to the Committee meeting scheduled for September 8, 2009.

4F

091846 **Resolution**

RESOLUTION APPROVING A JOINT FUNDING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND UNITED STATES GEOLOGICAL SURVEY TO COMPLETE HYDRAULIC TOMOGRAPHY TESTING AT THE NORTH DISTRICT WASTEWATER TREATMENT PLANT IN MIAMI-DADE COUNTY AND REQUIRING THE MIAMI-DADE WATER AND SEWER DEPARTMENT TO FUND $437,888 (Water & Sewer Department)

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

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

Hearing no comments or questions, the Committee voted on this proposed resolution as presented.

Pursuant to County Commission Chairman Moss' memorandum dated June 8, 2009, the foregoing proposed resolution was forwarded to the July 21, 2009 Commission meeting.

4G

092048 **Resolution**

RESOLUTION REJECTING ALL BIDS RECEIVED ON APRIL 28, 2009 IN CONNECTION WITH MIAMI-DADE WATER AND SEWER DEPARTMENT'S ONE YEAR COUNTYWIDE CONTRACT FOR REHABILITATION OF SANITARY SEWERS BY THE CURED IN PLACE PIPE LINING METHOD WITH COUNTY OPTION FOR AN ADDITIONAL THREE YEARS ON A YEARLY BASIS PROJECT NO. S-838 (Water & Sewer Department)

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

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

In response to Commissioner Seijas' comment that she wanted to ensure this proposed resolution would not delay compliance with the Consent Decree, Mr. Joe Ruiz, Deputy Director, Water and Sewer Department (WASD), noted it would not result in a delay.

Commissioner Diaz asked Mr. Ruiz to meet with him to discuss concerns regarding South Florida Water Management District (SFWMD). He noted difficulty in obtaining funding for the County's efforts to develop an all-terrain vehicle park and said he was hopeful that the SFWMD had not reverted to its old ways. Commissioner Diaz pointed out that the county adjacent to Miami-Dade sued SFWMD because the District reneged on promises.

In response to Commissioner Sosa's inquiry as to whether the bids received for the proposed Contract No. S-838 was due to an error; Mr. Ruiz said WASD issued an addendum to the contract which restricted eligibility only to bidders with liner curing facilities located in Miami-Dade County or Broward County. He noted the contract would be re-advertised.

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

Pursuant to County Commission Chairman Moss' memorandum dated June 8, 2009, the foregoing proposed resolution was forwarded to the July 21, 2009 Commission meeting.

4H

091845 **Resolution**

RESOLUTION APPROVING A JOINT FUNDING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND UNITED STATES GEOLOGICAL SURVEY TO DEVELOP A GRAPHICAL SOFTWARE PACKAGE FOR DESIGNING AND EVALUATING HYDROLOGIC SIMULATIONS OF MIAMI-DADE COUNTY REUSE PROJECTS IN MIAMI-DADE COUNTY AND REQUIRING MIAMI-DADE COUNTY'S WATER AND SEWER DEPARTMENT TO FUND $565,037 (Water & Sewer Department)

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

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

Hearing no comments or questions, the Committee voted on this proposed resolution as presented.

Pursuant to County Commission Chairman Moss' memorandum dated June 8, 2009, the foregoing proposed resolution was forwarded to the July 21, 2009 Commission meeting.

5 COUNTY MANAGER

6 COUNTY ATTORNEY

7 CLERK OF THE BOARD

7A

092038 **Report**

CLERK'S SUMMARY OF MINUTES FOR THE JUNE 9, 2009 GOVERNMENT OPERATIONS COMMITTEE MEETING (Clerk of the Board)

Approved
Mover: Sosa
Seconder: Gimenez
Vote: 5-0
Absent: Edmonson

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed report into the record.*

Hearing no comments or questions, the Committee voted on this report as presented.

8 REPORTS

8A

092085 **Report**

EMPLOYEE WELLNESS CENTER IN STEPHEN P. CLARK CENTER (County Manager)

Report Received
Mover: Diaz
Seconder: Sosa
Vote: 5-0
Absent: Edmonson

Report: *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed report into the record.*

Chairman Gimenez noted it was his understanding that the Administration would be expanding the Wellness Center.

Chief Assistant County Manager Susanne Torriente confirmed the Administration's intent to expand the Wellness Center.

Commissioner Martinez inquired about the funding source for the $5,000 to expand the Wellness Center. He noted it was his understanding that the County Commission was responsible for appropriating and allocating funding.

Assistant County Attorney Geri Bonzon-Keenan confirmed that the County Commission approved all appropriations and all contracting work unless the award had been delegated. She noted she was not aware if this proposed expansion was approved in a prior appropriation or if the work order had been executed under prior authority or granted by the Commission.

Responding to Commissioner Martinez' inquiry as to whether the work order had been issued for the proposed project, Ms. Wendi Norris, Director, General Services Administration, said the work order had not been issued. She noted the $5,000 was appropriated in the current year's budget.

Assistant County Attorney Bonzon-Keenan advised that the Commission had the authority to approve or deny the request to contract work. She noted the Commission could also direct the Administration to not execute a work order or to amend the budget to reduce the expenditure authority and/or the appropriation for the planned expansion.

Commissioner Martinez said he felt expansions or

reductions would be required to come back to the County Commission. He noted the issue was not the amount of money but the principle. Commissioner Martinez said he would be opposed if the Elections Department was relocated to the Sixth Floor.

Chief Assistant County Manager Torriente said the money was already appropriated. She noted the Administration adhered to the Committee's concerns and the Elections Department would remain in the Lobby.

Chairman Gimenez noted the Commission could amend the Budget at any time. He noted his concern that the Administration was relocating the Elections Department to a location that was not accessible; and expanding the Wellness Center during these tough economic times was not sending a good message to the public.

Commissioner Martinez suggested forwarding this report to the County Commission where the allocation could be rescinded.

Commissioner Diaz noted while he was not in favor of how this issue proceeded, he felt the proposed expansion was necessary. He noted budget cuts were inevitable and fitness programs were beneficial in releasing stress.

In response to Commissioner Diaz' inquiry, Ms. Norris noted the current membership fee was $12 monthly and an increase to $18 monthly was being proposed.

Commissioner Sosa said it was important to keep the Election Department's Voter Information Center in the Lobby of the Stephen P. Clark Center; however, employees needed a way to relieve stress during tough economic times. She noted the proposed programs would improve the health and well-being of employees.

Hearing no further comments or questions, the Committee voted on this report as presented.

9 ADJOURNMENT

Report: *There being no further business to come before the Committee, the Government Operations Committee meeting was adjourned at 11:21 a.m.*