MEMORANDUM

Harvey Ruvin
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GO
Agenda Item No. 6(B)

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

DATE: January 12, 2010

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:

December 8, 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, December 8, 2009 **9:30 AM** **COMMISSION CHAMBERS**

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

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1A MINUTES PREPARED BY:

Report: *Judy Marsh, Commission Reporter,*
(305) 375-1967
and
Alan Eisenberg, Commission Reporter,
(305) 375-2510

1A INVOCATION

Report: *The Committee members observed a Moment of Silence followed by the Pledge of Allegiance.*

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present: Assistant County Manager Alex Munoz; Assistant County Attorneys Geri Bonzon-Keenan, Daniel Frastai, Gerald Sanchez and Thomas Robertson; and Deputy Clerks Judy Marsh and Alan Eisenberg.*

Commissioner Barreiro was also present.

Chairman Gimenez called the meeting to order at 9:52 a.m.

Assistant County Attorney Daniel Frastai noted there were no changes or additions to today's agenda.

It was moved by Commissioner Diaz that the Committee approve the December 8, 2009 Government Operations Committee agenda. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 4-0, (Commissioners Martinez and Seijas were absent).

Chairman Gimenez noted Agenda Item 1D1, relating to the taxicab industry would be considered last.

1D DISCUSSION ITEM

1D1

093220 **Discussion Item** **Joe A. Martinez**

FOLLOW-UP DISCUSSION ON TAXICAB INDUSTRY CONCERNS ***Presented***

Report: *Assistant County Attorney Daniel Frastai read the foregoing proposed discussion item into the record.*

Commissioner Martinez noted a letter received from the New Vision Taxi Drivers Association of Miami requesting a deferral of this item. He said that he would not support the deferral since this was a discussion item and no action would be taken.

Commissioner Martinez said the taxicab industry concerns were related to fees and the issuance of medallions. He noted medallions allowed the Consumer Services Department (CSD) the ability to generate revenue necessary for its operations. Commissioner Martinez indicated that the current proposal was for the issuance of five medallions per year at a cost of $140,000 each which could be sold or deeded and used without any restrictions. He also indicated that the proposal would allow senior drivers to purchase five additional medallions annually at a reduced rate and additional medallions would be available through a lottery. Commissioner Martinez noted concern that the CSD was continuing to increase inspection fees, while at the same time receiving revenues from medallions. He requested that Ms. Cathy Grimes Peel, CSD Director, ensure that a system be develop to reduce renewal costs for drivers based upon seniority.

In response to Commissioner Martinez, Ms. Peel said that the average fee paid to the County by drivers was $425 per week.

Commissioner Martinez noted the goal was to reduce the rates that drivers paid the County so that drivers could earn a living wage. He said that there were too many taxicabs currently on the streets and it should be more difficult to obtain new taxicab permits. Commissioner Martinez noted support for the scheduled issuance of five additional medallions at $140,000 each and five medallions to senior drivers annually at the reduced rate.

Ms. Peel responded to Commissioner Martinez' request for an update about discussions related to

the auction process. She noted the taxicab industry approached the County regarding proposed fee adjustments for vehicle inspections, phasing in new vehicles, training and other areas. Ms. Peel said the Industry proposed an alternative to fee increases through an auction of a specified number of taxicab medallions and the issuance of additional medallions through a lottery process to senior drivers. Ms. Peel indicated that logistical discussions were conducted both internally and with the taxicab advisory group. She noted the advisory group supported the auction concept. Ms. Peel said that although fees were collected to support Department operations, they would be willing to reconsider fee adjustments should that income be replaced with auction proceeds.

Commissioner Diaz noted agreement with Commissioner Martinez that alternatives be considered. He noted medallions were sold in New York City for approximately $800,000 each and later willed or deeded due to the cost investment and limited distribution. Commissioner Diaz said that taxicab drivers were County ambassadors since they were the first image of Miami to our visitors. He noted opposition to selling five – ten medallions to offset costs; however, supported the issuance of medallions to senior drivers.

Commissioner Sosa noted it was difficult to obtain consensus between both owners and drivers concerns; and it was necessary to assist in developing a mutually satisfactory agreement that would accommodate the needs of everyone involved. Commissioner Sosa noted that she welcomed additional input from both the industry and the department.

Chairman Gimenez referenced a report from the Commission Auditor's office related to recent meetings which noted a rather wide range of opinions for consideration. He noted that he would have voted against the implementation of the medallion process that began in 1998 indicating that government need not become involved in private enterprise. Commissioner Gimenez said that the free market would dictate the number of taxicabs that would be profitable and the quality of companies and drivers. He said that it would be prohibitive to spend approximately $40 million to buy out property rights for existing medallions today. Chairman Gimenez noted agreement with Commissioner Martinez in terms of rewarding seniority for

continuous service; however, expressed concern over the possibility where additional medallions were not available in the future.

Ms. Peel indicated that the County population was currently approximately 2.5 million residents. She noted the current taxicab/population ratio as directed by the 1998 ordinance was 1 taxicab per 1,000 residents. Ms. Peel said this language was eliminated in the 2004 ordinance with a directive to evaluate the ratio and recommend a new formula. She noted that a revised formula was recommended with weighted factors relating to population, overnight visitors and airport traffic; however noted that information provided directly by taxicab companies was not made available. Ms. Peel commented that there were currently 2,105 taxicabs currently in service.

Chairman Gimenez noted that the free market, not government, should dictate the number of taxicabs needed. He further noted that since the industry was being regulated, the appropriate number of taxicabs needed to be determined. Commissioner Gimenez agreed with the allocation of additional medallions based upon seniority and that this allocation should be separate from any additional lottery system to be implemented.

Commissioner Martinez noted continued industry decisiveness dating back to 1998. He asked that as an alternative to additional workshops or meetings, the taxicab industry send their written suggestions to Chairman Gimenez, and the members of the committee, regarding the distribution or non-distribution of taxicab medallions. Commissioner Martinez supported a seniority system based upon continuous service and not by lottery.

Commissioner Diaz noted that without existing government intervention, the taxicab drivers would have had additional issues. He said it was imperative to develop workable solutions so that the taxicab industry could sufficiently accommodate tourists. Commissioner Diaz asked that additional information be provided through the established process. He noted that global positioning systems were required in all New York City taxicabs along with televised advertisements, credit card machine's and an emergency communications system to the dispatch station.

Commissioner Edmonson noted her agreement with today's comments. She also noted

participation in workshops throughout the past two years. Commissioner Edmonson said that ideas were continually suggested by segments of the industry yet objected to by others. She said Miami-Dade County was not as progressive as other municipalities throughout the Country and it was now appropriate to impose necessary changes.

Ms. Peel responded to Commissioner Gimenez that few free markets existed that did not issue licenses and medallions to taxicab owners. She noted that Palm Beach County was an open market and that Dallas had experimented with the system; however, reverted back to a closed system.

Chairman Gimenez asked that the suggestions from the taxicab industry be submitted within one month, and that copies be provided to Ms. Peel. He also asked Ms. Peel to come back to the Committee with recommendations which would then be forwarded to the County Commission.

Chairman Gimenez asked Ms. Peel to ensure that taxicabs were upgraded to include local advertisements, and global positioning systems; and that the taxicab in the vicinity closest to the passenger was dispatched for both environmental and efficiency consideration.

Commissioner Martinez asked Ms. Peel to meet with either him or his staff once suggestions from the industry were submitted to her in order to sponsor legislation cooperatively with the department.

Commissioner Edmonson suggested some of the ordinances or resolutions previously rejected as a result of lobbyist activity be revisited.

Ms. Peel mentioned that the Department was working with the industry to implement technology standards and information would be forthcoming.

Commissioner Gimenez noted that the focus should be on taxicab industry related improvements rather than departmental revenue generation.

1D1 SUPP.

093181 **Supplement**

SUMMARY MINUTES FROM TAXICAB MEETING ***Presented***

2 COUNTY COMMISSION

2A

092509 **Ordinance** **Bruno A. Barreiro, Rebeca Sosa**

ORDINANCE AMENDING SECTION 8-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGARDING PERMITS; REQUIRING PROOF OF NOTICE TO A HOMEOWNERS' ASSOCIATION FOR CERTAIN PERMITS; AND AMENDING SECTION 33-8.1 REQUIRING PROOF OF NOTICE TO A HOMEOWNERS ASSOCIATION FOR ZONING IMPROVEMENT PERMITS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Deferred to no date certain
Mover: Martinez
Seconder: Diaz
Vote: 6-0

Report: *Assistant County Attorney Daniel Frastai read the foregoing proposed ordinance into the record.*

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

Commissioner Barreiro, as sponsor, provided an overview of this proposed ordinance, which he noted aims to alleviate some of the issues involving modifications to condominiums in accordance with the Building Code but the condominium associations' regulations were different from the Code. Commissioner Barreiro advised that the City of Miami Beach implemented similar legislation that was successful in preventing ongoing disputes.

In response to questions from Commissioner Seijas, Commissioner Barreiro stated that Homeowners' Associations (HOAs) had the right to object to an application for a building permit; however, this proposal was applicable to HOAs and individual owners.

Mr. Charles Danger, Director, Building and Neighborhood Compliance (BNC), noted he did not believe it was a good idea for government to be involved in a contractual issue between a HOA and homeowners. He pointed out that many HOAs were no longer in existence and this created problems obtaining information from HOAs, whether the applications for building permits were approved or not.

Commissioner Seijas said this proposed ordinance did not address illegal issues and it was her understanding that it pertains to homeowners seeking to modifiy their units legally. She noted

homeowners should obtain approval from their HOAs before applying for permits from the County.

Commissioner Seijas suggested the Implementing Order for this proposed ordinance come back to the County Commission. She noted this ordinance was a small step in the process and it could be modified later if it was unsuccessful.

In response to Commissioner Diaz' inquiry regarding the application process for building permits, Mr. Danger said this was a dual process. He noted permit applications were submitted to the building official and reviewed by the Planning and Zoning (P&Z) staff. Mr. Danger said that he would be involved along with the P&Z Director in any complaints that were filed.

Assistant County Attorney Thomas Robertson advised that two types of permits were involved: structural permits that were issued by the Building and Neighborhood Compliance (BNC) Department and non-structural permits that were issued by the P&Z Department. He noted each department needed to independently regulate these permits. Mr. Thomas said most building permits required a zoning review; however, zoning permits did not require a building review. He noted the only way to be completely covered was to submit the applications to both departments.

Mr. Danger confirmed that a working relationship existed between both departments. He noted building permits were reviewed by the BNC Department and zoning improvement permits were reviewed by the P&Z Department.

Commissioner Martinez said he had never heard the BNC Director so adamant about a proposed ordinance; that the Director normally worked with the sponsor. He noted this proposal would involve the BNC Director, the P&Z Director as well as the County Commission. Commissioner Martinez referenced his experience while serving on the Hammocks HOA and noted a legitimate request for a building permit could be delayed based upon personal bias. He noted that he could not be supportive of this ordinance as presented.

Commissioner Barreiro pointed out the County was already involved in HOA disputes and this ordinance would prevent further issues that would require more resources to resolve. He noted this proposal would depend on the Implementing Order.

Mr. Danger noted he had a legal concern and believed a private contract impeding the function of government could lead to additional problems.

Commissioner Sosa said this ordinance requires homeowners to provide the Building Official with proof that notice of permit application was given to the HOA and this notice requirement would benefit homeowners; not the HOA. She noted that she did not believe this meant becoming involved in HOA issues, and the Implementing Order could be adjusted to ensure that it worked for individual residents.

Commissioner Diaz noted he wanted to be supportive of this proposal but was concerned about the lack of communication between the BNC Director and the P&Z Director. He suggested Commissioner Barreiro revisit this proposal.

Commissioner Barreiro noted he would ask that the Implementing Order be forwarded to the County Commission. He pointed out this proposal only addressed the exterior of the buildings and allowed the BNC Department the ability to develop the rules. Commissioner Barreiro noted he envisioned an increase in similar situations and the Commission needed to be proactive.

In response to Commissioner Diaz' inquiry whether municipalities were notified of this proposed ordinance, Assistant County Attorney Robertson advised that notification was sent to municipalities.

Commissioner Diaz asked Assistant County Attorney Robertson to determine whether municipalities had acknowledged receipt of notification of this proposed ordinance.

Commissioner Diaz noted he would be supportive and he would discuss this issue in a Sunshine meeting with Commissioner Barreiro.

Commissioner Seijas suggested the Implementing Order include a form to be signed by homeowners stating that their HOA was notified of the proposed construction. She noted she would support this proposed ordinance but felt the Implementing Order should come to the County Commission. Commissioner Seijas requested assurance that municipalities were engaged in this proposal before the ordinance came back to the Commission on second reading. She suggested

the second reading of this ordinance be delayed to February 18, 2010, to allow sufficient time for the municipalities to respond.

Commissioner Barreiro concurred with Commissioner Seijas' suggestion that the second reading be delayed to February 18, 2010.

Commissioner Martinez noted he just spoke to the president of a large HOA in Commission District 11 who expressed concern with government's involvement with HOAs.

Chairman Gimenez expressed similar concerns as Commissioner Martinez regarding creating more bureaucracy and government becoming involved in a contractual obligation.

Responding to questions from Chairman Gimenez whether the County had a right to deny a permit application if the HOA did not agree to the application, Mr. Danger noted his concern that this would be basing government function on a private contract.

Assistant County Attorney Robertson advised that the County could not stop the permit as long as proof of notice to the HOA was provided. He noted in order to legally protect itself, the BNC Department could request a receipt from the Post Office, United Postal Services, (UPS) or Federal Express, as proof that notification was sent to the HOA.

Chairman Gimenez noted he did not believe this proposal was practical and he questioned the rationale behind the municipalities' involvement. He indicated that he was not sure whether he would be supportive of this ordinance.

In response to Chairman Gimenez, Assistant County Attorney Robertson advised that this ordinance could be limited to the Unincorporated Municipal Service Area (UMSA).

Chairman Martinez urged the Committee to listen to his concerns if this proposed ordinance were to be imposed on UMSA as he and Commissioner Souto had the largest HOAs in the UMSA.

Commissioner Barreiro said he would present this proposal to the League of Cities and the Countywide Association of Homeowners Associations to obtain their input. He noted he would not like to see the State take jurisdiction

over this issue because it was ignored by the County Commission. He asked Assistant County Attorney Robertson to provide him with a report of all lawsuits that the County had been involved in due to HOA related disputes and noted that if this proposed ordinance was not adopted by the County Commission, he would request another report within a year or two to compare the volume of cases.

Chairman Gimenez asked Mr. Danger to meet with the City of Miami Beach Building Director to determine the effectiveness of similar legislation in that City.

In response to Commissioner Edmonson's inquiry whether this ordinance required a deadline for HOAs to respond, Assistant County Attorney Robertson advised that it did not require a response from the HOAs; and the HOAs needed to be notified in advance that construction would occur. He noted the applicant was required to provide satisfactory proof to the Department that they sent the notice to the HOA; however, no acknowledgement of actual receipt was required. Mr. Robertson advised if the homeowner applied for a permit without notification the permit would be delayed.

Commissioner Edmonson suggested and Commissioner Barreiro concurred, to defer this proposed ordinance.

It was moved by Commissioner Martinez that this proposed ordinance be deferred. This motion was seconded by Commissioner Diaz.

Commissioner Seijas expressed support for this proposal. She suggested that Commissioner Barreiro continue the process and meet with the League of Cities and the municipalities.

Commissioner Sosa asked Mr. Danger to meet with Commissioner Barreiro to develop Department protocols to facilitate the process.

Commissioner Martinez requested, and Chairman Gimenez concurred, that this ordinance be considered as a public hearing when it comes back to the Committee.

Hearing no further discussion, the Committee by motion duly made, seconded and carried, deferred the foregoing proposed ordinance.

2B

093078 **Resolution** **Dennis C. Moss**

RESOLUTION DECLARING ONE 2001 DODGE CARGO VAN SURPLUS AND AUTHORIZING ITS DONATION TO CAROLYN TAYLOR PATES ENTERPRIZES

Forwarded to BCC with a favorable recommendation
Mover: Edmonson
Seconder: Diaz
Vote: 4-0
Absent: Seijas, Martinez

Report: *Assistant County Attorney Daniel Frastai read the foregoing proposed resolution into the record.*

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

2C

093109 **Resolution** **Sen. Javier D. Souto**

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PREPARE PRINTED REPORT CONTAINING NAMES, POSITIONS AND SALARIES OF ALL MIAMI-DADE COUNTY EMPLOYEES, TO UPDATE SUCH REPORT ANNUALLY AT TIME BUDGET IS PREPARED, AND TO MAINTAIN A COPY OF MOST RECENT SUCH REPORT AT ALL MIAMI-DADE COUNTY REGIONAL LIBRARIES

Deferred to next committee meeting
Mover: Sosa
Seconder: Diaz
Vote: 5-0
Absent: Martinez

Report: *Assistant County Attorney Daniel Frastai read the foregoing proposed resolution into the record.*

It was moved by Commissioner Sosa that this proposed resolution be deferred. This motion was seconded by Commissioner Diaz.

Commissioner Sosa asked whether police officers were included in this proposed resolution and the potential liability to the County if something happened to employees due to their vocations. She expressed concern regarding privacy issues related to the release of employees' addresses and social security numbers.

Commissioner Diaz noted he did not have a problem with listing employees on the Internet by their titles; however, he was concerned about listing employee's financial and personal information. He noted it was appropriate to identify people who worked for County government but any additional information was unacceptable.

Chairman Gimenez noted it was his understanding that this proposal asked for the names, positions and salaries of employees and he inquired whether this information could be obtained through a public records request.

In response to Chairman Gimenez' inquiry, Assistant County Attorney Geri Bonzon-Keenan confirmed this information could be obtained through a public records request.

Hearing no further comments or questions, the Committee deferred the foregoing proposed resolution to the Committee meeting scheduled for January 12, 2010.

3 PUBLIC HEARING

3A

092628 **Ordinance** **Jose "Pepe" Diaz,**

Government Operations Committee

ORDINANCE RELATING TO AMBULANCES AND MEDICAL TRANSPORTATION VEHICLES; AMENDING SECTION 4-7 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT RATES CHARGED BY MUNICIPAL GROUND AMBULANCE CERTIFICATE HOLDERS SHALL BE DETERMINED BY RESOLUTION ADOPTED BY CITY COMMISSION; PROVIDING THAT APPROVED RATES BECOME EFFECTIVE WHEN FILED WITH CONSUMER SERVICES DEPARTMENT WITHIN SPECIFIED TIME PERIOD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Report: *Assistant County Attorney Daniel Frastai 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 expressed concern regarding different rates for ambulance services being charged by the various municipalities and Unincorporated Miami-Dade County. She noted a disparity in service cost would be established by allowing municipalities to determine ambulance rates.

Commissioner Diaz, sponsor of this proposed ordinance, said municipalities wishing to increase ambulance rates should do so without approval of the County Commission and rate increases should be filed with the Consumer Services Department.

Commissioner Sosa said the information she received differed from the information provided by Commissioner Diaz, and if that was the case, a fair, equal, balanced cost must be established countywide. She noted she could not support a disparity in service cost.

Chairman Gimenez noted his understanding was that this proposed ordinance only pertained to municipalities with their own fire rescue departments; therefore, those municipalities operating their own fire rescue services would be allowed to establish fire rescue service rates. He noted the private ambulance rates would remain as a uniform, countywide rate set by the County

Commission

Ms. Cathy Peel, Director, Consumer Services Department, confirmed that Miami-Dade County set the private ambulance rates and they were uniform countywide.

Commissioner Sosa asked staff to identify the language in this proposed ordinance that authorized municipal governments with their own fire departments to set their rates.

In response to Commissioner Sosa's inquiry, Assistant County Attorney Gerald Sanchez referenced subsection (d): "Ambulance Rates Charged by Municipalities." He noted it would only apply where the municipality itself was charging the rate and that would apply to municipal fire departments.

Commissioner Sosa asked that language be modified to include "only municipal governments having a fire department."

Assistant County Attorney Sanchez noted he would add the following language: "all ambulance rates charged by a municipal fire department in Miami-Dade County."

Commissioner Diaz accepted the proposed amendment.

Hearing no further comments or questions, it was moved by Commissioner Diaz that this proposed ordinance be amended to add the following language to Section 1, subsection (d): "all ambulance rates charged by a municipal fire department in Miami-Dade County." This motion was seconded by Commissioner Edmonson, and upon being put to a vote, passed by a vote of 5-0, (Commissioner Martinez was absent).

4 DEPARTMENT

4A

093068 **Resolution**

RESOLUTION APPROVING THE EXECUTION OF A CONTRACT WITH THE CITY OF NORTH MIAMI FOR THE PROVISION OF SANITARY SEWAGE DISPOSAL SERVICE BY MIAMI-DADE COUNTY TO THE CITY OF NORTH MIAMI (Water & Sewer Department)

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

Report: *Assistant County Attorney Daniel Frastai read the foregoing proposed resolution into the record.*

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

5 COUNTY MANAGER

6 COUNTY ATTORNEY

7 CLERK OF THE BOARD

8 REPORT

9 ADJOURNMENT