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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

GO  
Agenda Item No. 6(A)

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

**DATE:** April 13, 2010

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

**SUBJECT:** Approval of Commission  
Committee Minutes

*Diane Collins*

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

March 9, 2010

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)

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**Tuesday, March 9, 2010**

**9:30 AM**

**COMMISSION CHAMBERS**

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**Members Present:** Carlos A. Gimenez, Joe A. Martinez, Natacha Seijas, Rebeca Sosa.

**Members Absent:** Jose "Pepe" Diaz, Audrey M. Edmonson.

**Members Late:** None.

**Members Excused:** None.

**Members Absent County Business:** None.

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**1 MINUTES PREPARED BY:**

**Report:** *Judy Marsh, Commission Reporter,  
(305) 375-1967*

**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: Special Assistant to the County Manager Howard Piper; Assistant County Attorneys Geri Bonzon-Keenan and Daniel Frastai; and Senior Deputy Clerk Doris Dickens and Deputy Clerk Judy Marsh.*

*Commissioners Jordan and Sorenson were also present.*

*Chairman Gimenez called the meeting to order at 10:17 a.m.*

*Assistant County Attorney Daniel Frastai noted the following changes to today's agenda: Items 1F1 Substitute, 3F and 7A Supplement were added; Commissioner Martinez was requesting to be listed as a co-sponsor to Item 2C; Commissioner Diaz was requesting that Item 2A be deferred to no date certain; and Commissioner Sosa was requesting to be listed as a co-sponsor to Item 1F1 Substitute, 2C and 2F.*

*It was moved by Commissioner Seijas that the Committee approve the March 9, 2010 Government Operations Committee agenda. This motion was seconded by Chairman Gimenez, and upon being put to a vote, passed by a vote of 4-0, (Commissioners Diaz and Edmonson were absent).*

**1D**      **DISCUSSION ITEM**

1D1

**100423 Discussion Item**

**Dennis C. Moss**

DISCUSSION/ADOPTION OF FY 2010 - 2011 BUDGET  
PRIORITIES PURSUANT TO SEC. 2-1795 OF THE CODE  
(SEE AGENDA ITEM NO. 7A)

*Deferred to next committee meeting*

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

*Chairman Gimenez noted Commissioner Sosa would prefer this item be deferred until all Committee members were present.*

*Assistant County Attorney Geri Bonzon-Keenan noted pursuant to the Code provisions governing the budget process, the County Commission would consider each Committee's budget priorities at its first meeting in April of each year.*

*Chairman Gimenez requested that all Committee members submit their budget priorities for him to consolidate and forward to the County Commission Chairman.*

*Commissioner Martinez said he would review last year's budget and forward his budget priorities to Chairman Gimenez.*

**1E SPECIAL PRESENTATION**

1E1

**100533 . Special Presentation**

SPECIAL PRESENTATION OF 2009 TAXICAB  
CHAUFFEUR OF THE YEAR TO DEMISSIE KEFENIE  
(Consumer Services Department)

*Presented*

**Report:** *Prior to a quorum being present, the foregoing item was presented.*

*Chairman Gimenez presented the 2009 Taxicab Chauffeur of the Year Plaque and a check to Mr. Demissie Kefenie. He noted Mr. Kefenie, an 18-year driver with Central Cab, was selected based on a Letter of Commendation received by the Consumer Services Department from Mr. Mike Swanson of Tampa who was vacationing in Miami in August 2009. Chairman Gimenez said Mr. Swanson and his family took Mr. Kefenie's cab to a local hotel and later realized he had left his wallet containing money, credit card, social security card, family photographs and his commercial pilot's license in the cab. He noted after finding the wallet, Mr. Kefenie made extraordinary efforts to locate Mr. Swanson, which eventually led to the return of his wallet.*

*Chairman Gimenez and Commissioner Sosa congratulated Mr. Kefenie.*

**1F PUBLIC HEARINGS**

1F1

**100032 Ordinance**

**Katy Sorenson,**

**Carlos A. Gimenez, Rebeca Sosa**

ORDINANCE REQUIRING BUSINESS TELEPHONE  
DIRECTORIES TO LIST ON THE FRONT COVER  
INFORMATION ON HOW TO OPT OUT OF RECEIVING  
SUCH DIRECTORIES; REQUIRING COLLECTION OF  
UNCLAIMED DIRECTORIES; CREATING SECTION 21-50  
OF THE CODE OF MIAMI-DADE COUNTY; AMENDING  
CHAPTER 8CC OF THE CODE OF MIAMI-DADE  
COUNTY TO INCLUDE PENALTIES; PROVIDING  
SEVERABILITY, INCLUSION IN THE CODE, AND AN  
EFFECTIVE DATE

*Withdrawn*

**Report:** *(See Item 1F1 Substitute, Legislative File No. 100609).*

1F1 SUB.

100609 Ordinance

Katy Sorenson,

Carlos A. Gimenez, Rebeca Sosa

*Amended*

ORDINANCE REQUIRING BUSINESS TELEPHONE DIRECTORIES TO LIST ON THE FRONT COVER INFORMATION ON HOW TO OPT OUT OF RECEIVING SUCH DIRECTORIES; CREATING SECTION 21-50 OF THE CODE OF MIAMI-DADE COUNTY; AMENDING CHAPTER 8CC OF THE CODE OF MIAMI-DADE COUNTY TO INCLUDE PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 100032]

**Report:** *(See Item 1F1 Substitute, Legislative File No. 100695).*

## 1F1 SUB. AMENDED

**100695 Ordinance****Katy Sorenson**

ORDINANCE REQUIRING BUSINESS TELEPHONE DIRECTORIES TO LIST ON THE FRONT COVER INFORMATION ON HOW TO OPT OUT OF RECEIVING SUCH DIRECTORIES; CREATING SECTION 21-50 OF THE CODE OF MIAMI-DADE COUNTY; AMENDING CHAPTER 8CC OF THE CODE OF MIAMI-DADE COUNTY TO INCLUDE PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NOS. 100032, 100609)

*Forwarded to BCC with a favorable recommendation with committee amendment(s)*

*Mover: Sosa*

*Seconder: Gimenez*

*Vote: 3-1*

*No: Seijas*

*Absent: Edmonson, Diaz*

**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 Seijas noted the original proposed ordinance required the collection of unclaimed business telephone directories; however, the foregoing proposed substitute item required the inclusion of information on methods to opt out of receiving directories being printed on the front cover. She inquired whether this was the only change.*

*Assistant County Attorney Martin Sybblis noted the only other change was the removal of the requirement that the publisher or delivery agent collect business telephone directories within 15 days of delivery.*

*Commissioner Martinez referenced a \$250 penalty per directory for the first offense, and \$500 penalty per directory for the second offense on handwritten page 9 of this proposal. He inquired how many different companies produced business directories and if the penalty pertained to each business.*

*Commissioner Sorenson, sponsor of this proposed ordinance, noted the penalties would be applicable to each directory.*

*Commissioner Martinez noted 500 million directories were produced each year and the penalty would be \$250 times \$500 million, and he could not be supportive.*

*Commissioner Sosa said this proposal would provide freedom of choice to residents; would save money and would conserve trees.*

*Commissioner Sorenson noted the violation pertained to each complaint.*

*Commissioner Martinez said he believed this proposed ordinance was a good idea; however, he expressed concern regarding the penalties being imposed on a per directory basis.*

*Chairman Gimenez noted his understanding of this proposal was that it required an affirmative action of a recipient to call and indicate that he/she did not wish to receive the directory and it would be considered a violation only if the person(s) received another directory the following year.*

*Commissioner Martinez noted he believed the intent of the ordinance was related to the previous failure to include an opt-out provision on directory covers.*

*Assistant County Attorney Sybblis noted it was his understanding that the intent was per complaint; however, the ordinance could be amended to provide further clarification.*

*Commissioner Martinez noted he concurred with the enforcement of penalties against the publisher of the business directory; however, he questioned where it was stated in the ordinance that it was per complaint. He also noted a discrepancy between handwritten page 8, Subsection (B)(2) which stated that the person who published the directories was required to provide information on how a resident could stop delivery of the directories, while Subsection (B)(3) stated that it was the person who either published or delivered the directories.*

*Commissioner Seijas asked Assistant County Attorney Sybblis to clarify handwritten page 9, Subsection (E) relating to penalties.*

*Assistant County Attorney Sybblis noted it was his understanding that Subsection (E) referred to each individual directory but it was per complaint.*

*Commissioner Martinez noted this proposal was harsh and needed to be modified.*

*Commissioner Sorenson said the language would*

*be modified to indicate that only one violation per complaint was necessary before the ordinance was forwarded to the County Commission.*

*Chairman Gimenez agreed that the language needed to be modified before this proposal was forwarded to the County Commission.*

*Following Commissioner Seijas' comments regarding her understanding of Subsection (E), Assistant County Attorney Sybblis noted the language would be clarified to accurately reflect the intent.*

*Commissioner Sosa suggested Commissioner Sorenson consider revising this proposal to allow the first violation to require a warning and in the interim residents could be educated on the issue; the second violation would be \$250, and the third violation would be \$500.*

*In response to Commissioner Martinez' suggestion that this proposal be amended to obtain the yellow pages upon request, Commissioner Sorenson said that she believed people would be less inclined to opt in, than if they had a printed notice on the front cover stating methods to opt out.*

*Commissioner Sorenson accepted Commissioner Sosa's amendment regarding the initial warning. She noted the ordinance would also be amended to clarify that the penalties would be applicable to each complaint.*

*Chairman Gimenez asked that the Consumer Services Department obtain a tally on the number of complaints received for the first year and the cost these complaints would represent. He also asked that the language be clarified to reflect the intent of this ordinance.*

*There being no further questions or comments, the Committee proceeded to vote on the foregoing proposed ordinance as amended to provide that the first violation would receive a warning; the second violation would be punishable by a \$250 fine; and the third violation would be \$500.*

1F2

**100309 Resolution**

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO USA MEDICAL TRANSPORTATION, INC. TO PROVIDE WHEELCHAIR NONEMERGENCY MEDICAL TRANSPORTATION SERVICES (NE CONTROL NO. 45075) (Consumer Services Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Martinez*

*Seconder: Gimenez*

*Vote: 4-0*

*Absent: Edmonson, Diaz*

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

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

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

1F3

**100315 Resolution**

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO THROWER MOBILITY TRANSPORTATION SERVICE, CORP. TO PROVIDE COMBINATION WHEELCHAIR AND STRETCHER NONEMERGENCY MEDICAL TRANSPORTATION SERVICES (NE CONTROL NO. 45076) (Consumer Services Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Martinez*

*Seconder: Gimenez*

*Vote: 4-0*

*Absent: Edmonson, Diaz*

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

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

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

1F4

**100358 Resolution**

RESOLUTION APPROVING APPLICATION FOR TWO (2) CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO LABOSS TRANSPORTATION SERVICES, INC. TO PROVIDE WHEELCHAIR NONEMERGENCY MEDICAL TRANSPORTATION SERVICES (Consumer Services Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Martinez*

*Seconder: Gimenez*

*Vote: 4-0*

*Absent: Edmonson, Diaz*

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

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

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

1F5

**100359 Resolution**

RESOLUTION APPROVING APPLICATION FOR TWO (2) CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO LUMIER INVESTMENTS, INC. D/B/A MEDCARE TRANSIT TO PROVIDE WHEELCHAIR NONEMERGENCY MEDICAL TRANSPORTATION SERVICES (Consumer Services Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Martinez*

*Seconder: Gimenez*

*Vote: 4-0*

*Absent: Edmonson, Diaz*

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

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

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

1F6

**100458 Resolution**

RESOLUTION APPROVING APPLICATION FOR TEN (10) CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO THE AMERICAN GREEN CROSS, INC. TO PROVIDE WHEELCHAIR NONEMERGENCY MEDICAL TRANSPORTATION SERVICES (Consumer Services Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Martinez*

*Seconder: Gimenez*

*Vote: 4-0*

*Absent: Edmonson, Diaz*

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

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

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

1F7

**100459 Resolution**

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30194 FROM CASINO TOURS, INC. TO CASINO TRAVEL, INC. TO PROVIDE SPECIAL OPERATIONS SERVICE AS A PASSENGER MOTOR CARRIER (Consumer Services Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Martinez*

*Seconder: Gimenez*

*Vote: 4-0*

*Absent: Edmonson, Diaz*

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

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

*Commissioner Sosa expressed concern regarding the purchase of Certificate of Transportation from an existing entity. She asked whether any requirements relating to the transfer cost existed and asked whether these transactions were regulated.*

*Ms. Cathy Peel, Director, Consumer Services Department (CSD), said Certificate of Transportation transfers were private transactions between two private parties, and was not regulated. She noted the parties were required to report the amount of the transfer to the CSD.*

*Commissioner Sosa noted some companies were charging enormous prices for Certificate of Transportation transfers. She said the transfers were not completely private transactions due to the requirement of County Commission approval.*

*Commissioner Sosa asked Ms. Peel to meet with her to discuss Certificate of Transportation transfer complaints.*

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

**2 COUNTY COMMISSION**

2A

**093306 Ordinance** **Jose "Pepe" Diaz**

ORDINANCE RELATING TO COMMUNITY COUNCILS/COMMUNITY ZONING APPEALS BOARDS; AMENDING CHAPTER 20 ARTICLE IV AND CHAPTER 33 ARTICLE XXXVI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); MODIFYING THE NUMBER OF COMMUNITY COUNCILS/COMMUNITY ZONING APPEALS BOARDS TO NO MORE THAN FOUR; MODIFYING BOUNDARIES OF COMMUNITY COUNCILS/COMMUNITY ZONING APPEALS BOARDS TO CONFORM TO BOUNDARIES OF COUNTY COMMISSION DISTRICTS; MODIFYING COMMUNITY COUNCIL RESPONSIBILITIES; PERMITTING ELECTED AND APPOINTED MEMBERS CURRENTLY IN OFFICE TO REMAIN IN OFFICE UNTIL RESIGNATION, REMOVAL OR EXPIRATION OF TERM; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 092506]

*Deferred to no date certain*  
*Mover: Seijas*  
*Seconder: Gimenez*  
*Vote: 4-0*  
*Absent: Edmonson, Diaz*

**Report:** *During consideration of changes, the foregoing proposed ordinance was deferred to no date certain pursuant to Commissioner Diaz' request.*

*In response to Commissioner Seijas' comment that the foregoing proposed ordinance was being deferred for the third time, Assistant County Attorney Daniel Frastai clarified that the original deferral was from the County Commission and this was the second consecutive deferral from Committee.*

2B

**100398 Resolution** **Jose "Pepe" Diaz**

RESOLUTION DECLARING ONE 2000 DODGE VAN SURPLUS AND AUTHORIZING ITS DONATION TO YOUNG MARINES OF MIAMI-DADE

*Forwarded to BCC with a favorable recommendation*  
*Mover: Sosa*  
*Seconder: Gimenez*  
*Vote: 4-0*  
*Absent: Edmonson, Diaz*

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

*There being no questions or comments, the Committee proceeded to vote on the foregoing proposed resolutions as presented.*

2C

**100498 Resolution** **Carlos A. Gimenez,**

**Sally A. Heyman, Joe A. Martinez, Rebeca Sosa**  
 RESOLUTION REQUIRING WRITTEN RESPONSE OR  
 REPLY BY THE ADMINISTRATION TO DISCUSSION  
 ITEMS ON A BOARD OR COMMITTEE AGENDA BE  
 PROVIDED WITHIN A TIME CERTAIN PRIOR TO THE  
 SCHEDULED MEETING

*Forwarded to BCC with a favorable  
 recommendation*

*Mover: Martinez*

*Seconder: Gimenez*

*Vote: 4-0*

*Absent: Edmonson, Diaz*

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

*There being no questions or comments, the  
 Committee proceeded to vote on the foregoing  
 proposed resolutions as presented.*

2D

**100300 Resolution** **Dennis C. Moss**

RESOLUTION DECLARING TWO METROMOVER  
 VEHICLES SURPLUS AND AUTHORIZING THIER  
 DONATION TO THE GOLD COAST RAILROAD MUSEUM

*Forwarded to BCC with a favorable  
 recommendation*

*Mover: Sosa*

*Seconder: Gimenez*

*Vote: 4-0*

*Absent: Edmonson, Diaz*

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

*There being no questions or comments, the  
 Committee proceeded to vote on the foregoing  
 proposed resolutions as presented.*

2E

**100491 Resolution** **Rebeca Sosa**

RESOLUTION SETTING POLICY FOR MIAMI-DADE  
 COUNTY REQUIRING THAT ALL COUNTY RETIREES  
 WHO SEEK RE-EMPLOYMENT WITH THE COUNTY  
 SHALL BE SUBJECT TO THE COUNTY'S REGULAR  
 HIRING PROCESS AND IF HIRED SHALL START AT  
 THE APPLICABLE ENTRY LEVEL SALARY

*Amended*

**Report:** *(See Agenda Item 2E Amended; Legislative File  
 No. 100741)*

2E Amended

**100741 Resolution Rebeca Sosa**

RESOLUTION SETTING POLICY FOR MIAMI-DADE COUNTY REQUIRING THAT ALL COUNTY RETIREES WHO SEEK RE-EMPLOYMENT WITH THE COUNTY SHALL BE SUBJECT TO THE COUNTY'S REGULAR HIRING PROCESS AND IF HIRED SHALL START AT THE APPLICABLE ENTRY LEVEL SALARY, AND APPROVING IMPLEMENTING ORDER NO. \_\_\_\_\_ (SEE ORIGINAL ITEM UNDER FILE NO. 100491)

*Forwarded to BCC with a favorable recommendation with committee amendment(s)*

*Mover: Sosa*

*Seconder: Gimenez*

*Vote: 4-0*

*Absent: Edmonson, Diaz*

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

*Commissioner Sosa, sponsor, explained the intent of this proposal. She noted she believed employees re-hired after retiring from County Government (i.e., painters, aides, interviewers, support specialists, driver messengers, senior companions, library greeters, and other positions that do not require special skills) should be required to reapply through the normal process and begin at the entry level. Commissioner Sosa expressed concern about instances where individuals retired at \$145,000 and were rehired at \$190,000. She pointed out that this was the second time she had sponsored this item and felt strongly that it would help balance the County's budget and provide more jobs for the community.*

*Commissioner Seijas noted she was hopeful that the corresponding Administrative Order (A.O.) would clarify some of the issues raised by Commissioner Sosa. She also noted if the A.O. did not provide clarification, this proposal would apply to technical and non-technical positions filled by retirees. Commissioner Seijas said she was willing to vote for this proposed resolution; however, she was hopeful that an accompanying A.O. was forthcoming to clarify the language.*

*Mr. Howard Piper, Special Assistant to the County Manager, explained that pursuant to existing Human Resources (HR) policies individuals who previously retired and were rehired by the County were required to go through the standard hiring process and begin at Step 1.*

*Commissioner Seijas expressed concern that the policy referred to by Mr. Piper was not in writing. She noted she would support this proposal provided an accompanying A.O. was prepared to separate the different situations.*

*In response to Commissioner Seijas' comments, Mr. Piper clarified that the HR policy he referred to was in writing.*

*Commissioner Seijas questioned whether an accompanying A.O. would be forthcoming.*

*Assistant County Attorney Frastai clarified that an Implementing Order (I.O.) would be forthcoming, rather than an A.O.*

*Commissioner Sosa asked Mr. Frastai to prepare the corresponding I.O. for this resolution and to submit the I.O. for consideration by the County Commission along with this resolution, within 30 days.*

*Commissioner Sosa asked Mr. Piper to provide her with a report outlining the names of retirees who separated from the County and rehired; including the names of the department(s) that rehire them, the separation and rehire dates; and whether they were required to go through the regular hiring process. She also asked Mr. Piper to provide her with the current rehiring policy A.O.*

*Chairman Gimenez asked that this proposed resolution along with the I.O. be placed on the next Government Operations Committee meeting agenda as a discussion item, as requested by Commissioner Sosa.*

*Chairman Gimenez spoke in support of this proposal, noting that policies established by the County Commission currently required a corresponding I.O. He noted he did not believe anyone was irreplaceable and management had a responsibility to train employees to assume jobs performed by people who retire.*

*Assistant County Attorney Frastai advised that policies established by the County Commission required compliance and did not automatically require an I.O. unless it was requested.*

*In response to Chairman Gimenez' inquiry on the implementation of County Commission policies by the Administration, Mr. Piper noted the County had written procedures that govern the hiring or rehiring of employees. When the County Commission adopts legislation amending that policy, that legislation is written into the existing procedures.*

Mr. Piper noted he was referring to a 2003 memorandum from the County Manager that says, "I am changing the rehire policies . . ."

Commissioner Sosa questioned whether the County Manager had the authority set the rehiring policy for County employees. She asked Assistant County Attorney Frastai who sets the laws and the rules of the County with the exception of those established by the State and Federal Government.

Assistant County Attorney Frastai noted the County Commission establishes the laws and rules.

There being no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolutions as amended to include the corresponding I.O.

2F

100475 Resolution

Sen. Javier D. Souto,

Rebeca Sosa

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO PREPARE A REPORT REGARDING THE COUNTY'S FLEET OF TOYOTA PRIUSES

*Forwarded to BCC with a favorable recommendation*

*Mover: Sosa*

*Seconded: Gimenez*

*Vote: 4-0*

*Absent: Edmonson, Diaz*

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

*In response to Chairman Gimenez' inquiry, Ms. Wendi Norris, Director, General Services Administration, confirmed that Toyota Priuses were the only Toyotas in the County's fleet.*

*There being no further questions or comments, the Commission proceeded to vote on the foregoing proposed resolution as presented.*

2G

**100516 Resolution Sen. Javier D. Souto**

RESOLUTION AMENDING RESOLUTION NO. R-1164-04 RELATING TO WATER AND SEWER BILLING; REQUIRING THE MIAMI-DADE WATER AND SEWER DEPARTMENT TO ISSUE A ONE-TIME LIFETIME BILLING ADJUSTMENT WHEN THE WATER CONSUMPTION RATE FOR A SINGLE-FAMILY RESIDENTIAL CUSTOMER EXCEEDS SIX (6) TIMES THE AVERAGE QUARTERLY CONSUMPTION BASED ON THE PAST YEAR'S CONSUMPTION REGARDLESS OF WHETHER OR NOT THE PROPERTY HAS A CONCEALED LEAK

*Deferred to no date certain**Mover: Seijas**Seconder: Martinez**Vote: 4-0**Absent: Edmonson, Diaz*

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

*Commissioner Seijas asked Mr. John Renfrow, Director, Miami-Dade Water and Sewer Department, to provide her with a report on a customer complaint regarding a water bill; specifically how this customer was handled; whether the customer determined that a problem such as a leak existed on his property and due diligence was demonstrated; whether the amount charged by the department was six times higher than the average of the past year's quarterly consumption rate; whether the department's process was appropriate and fair to the customer; and whether the customer had the opportunity to file a complaint.*

*Commissioner Seijas noted this was a very serious issue and sufficient information was not available.*

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

*Chairman Gimenez said he did not support this proposal and he felt an investigation should be conducted to determine the circumstances. He noted he believed the flexibility to adjust water bills should be applied on a case-by-case basis.*

*Commissioner Martinez expressed concern regarding the language contained on handwritten page 4, Section 3 pertaining to the provisions of this proposal being retroactive to billings rendered as of July 1, 2007.*

*In response to Commissioner Seijas' inquiry regarding the timeframe for the deferral, Mr.*

*Renfrow said ninety (90) days would be appropriate.*

*Chairman Gimenez asked Mr. Renfrow whether he had any flexibility to provide an adjustment in these cases, to which Mr. Renfrow responded that he did not.*

*Chairman Gimenez spoke in support of the proposed 90-day deferral, noting he did not have a problem giving Mr. Renfrow the flexibility to adjust water bills requested in this proposed resolution in the event of extraordinary circumstances, provided the customer demonstrated evidence of the occurrence.*

*Chairman Gimenez suggested Mr. Renfrow work with Commissioner Souto, as the sponsor of this proposal, to craft appropriate language.*

*Commissioner Sosa noted she believed the intent of this proposal was to enable Mr. Renfrow to make appropriate adjustments for customers if they receive an incredibly high or abnormal water bill.*

*Mr. Renfrow explained that adjustments to customers' water bills were justifiable in the event of hidden leaks and other unusual circumstances.*

*There being no further questions or comments, the Committee proceeded to vote to defer the foregoing proposed resolution for 90 days.*

2H

100381 Resolution

Barbara J. Jordan,

Sally A. Heyman, Rebeca Sosa

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO ASSEMBLE AN HONOR GUARD FOR ACTIVE DUTY MILITARY PERSONNEL OR INTERNATIONAL PEACE KEEPING FORCES WHO HAVE DIED IN THE PERFORMANCE OF THEIR DUTY

Forwarded to BCC with a favorable recommendation

Mover: Seijas

Seconder: Sosa

Vote: 4-0

Absent: Edmonson, Diaz

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

Commissioner Sosa commended Commissioner Jordan, sponsor, on this proposal. She asked that the financial impact be provided when this item was presented to the County Commission.

Commissioner Jordan noted this was a voluntary item with no financial impact.

Commissioner Sosa asked to be listed as a co-sponsor.

3 DEPARTMENTS

3A

100427 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A LOCAL FUNDED AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, IN AN AMOUNT NOT TO EXCEED \$869,925.95; TO OBTAIN RASTER IMAGERY AND AERIAL PHOTOGRAPHY SERVICES (Enterprise Technology Services Department)

Forwarded to BCC with a favorable recommendation

Mover: Sosa

Seconder: Gimenez

Vote: 4-0

Absent: Edmonson, Diaz

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

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

3B

**100360 Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF ALL CLAIMS WITH UNITECH BUILDERS CORP., IN THE AMOUNT OF \$247,598.00, FOR WORK IN CONNECTION WITH THE RENOVATION OF THE SOUTH DADE GOVERNMENT CENTER; FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY AND ALL OTHER RIGHTS CONTAINED THEREIN (General Services Administration)

*Forwarded to BCC with a favorable recommendation*

*Mover: Gimenez*

*Seconder: Sosa*

*Vote: 3-1*

*No: Martinez*

*Absent: Edmonson, Diaz*

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

*It was moved by Chairman Gimenez that this resolution be considered for discussion. The motion was seconded by Commissioner Sosa.*

*Commissioner Sosa expressed concern regarding this settlement to prevent Unitech Builders Corp (Unitech) from suing the County. She questioned the rationale behind the settlement and the amount owed.*

*Ms. Wendi Norris, Director, General Services Administration Department, said Unitech's claim was approximately \$320,000 and after evaluation of claims, it was determined that Unitech was due \$247,000 as a result of staff errors. She noted \$55,000 was being withheld because staff had incorrectly assessed liquidated damages. Ms. Norris said staff had authorized work to proceed prior to obtaining a change order; therefore the amount being paid was for work that had been completed.*

*Commissioner Sosa noted concerns that mistakes should not be at a cost of \$247,000; that the County should not continually be paying liquidated damages; and that she was not completely satisfied with the responses being received. She questioned the reason the original amount was not paid, followed by the amount for the additional work that was performed; were there disagreements in the cost of the amount that was extended and whether this could have been prevented.*

*Ms. Norris said the County Commission should have authorized any additional work in advance as an appropriate change order. She noted this*

oversight was addressed through disciplinary action. Ms Norris said she was satisfied that the recommended amount represented work that was performed by Unitech and due to be paid.

Commissioner Sosa asked Ms. Norris to apprise her of whether Unitech was doing business with any other County department. She noted the Commission needed to establish procedures to prevent a similar situation in the future.

Commissioner Martinez spoke in opposition to this proposed resolution. He pointed out that many contractors had failed to perform work as agreed at the South Dade Government Center (SDGC).

Ms. Norris noted this project was at the existing SDGC complex; and the work performed by Unitech was at the County's request.

Commissioner Seijas said she supported this settlement and asked that the Director, Office of Americans with Disabilities Act, state her opinion.

Ms. Heidi Johnson-Wright, ADA Director, concurred with Ms. Norris' explanation and that the settlement would be the best course of action.

Chairman Gimenez noted Ms. Norris' candor was refreshing and he supported this proposal.

There being no further questions or comments, the Committee voted on the foregoing proposed resolution as presented.

3C

**100414 Resolution**

RESOLUTION APPROVING AMENDMENT TO LEASE AGREEMENT AT 6330 MANOR LANE, SUITE 100, SOUTH MIAMI, WITH LISSET RIGUEIRO AND ALEX RIGUEIRO FOR PREMISES TO BE UTILIZED AS A COMMISSION DISTRICT OFFICE; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENT AND EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration)

**Forwarded to BCC with a favorable recommendation**

**Mover: Sosa**

**Seconder: Gimenez**

**Vote: 4-0**

**Absent: Edmonson, Diaz**

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

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

3D

**100429 Resolution**

RESOLUTION APPROVING INTERLOCAL AGREEMENT WITH CITY OF MIAMI GARDENS PROVIDING FOR THE INSTALLATION OF WATER EFFICIENT FIXTURES FOR LOW-INCOME SENIOR HOMEOWNERS AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND EXERCISE TERMINATION PROVISIONS CONTAINED THEREIN (Water & Sewer Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Seijas*

*Seconder: Martinez*

*Vote: 4-0*

*Absent: Edmonson, Diaz*

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

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

3E

**100416 Resolution**

RESOLUTION APPROVING COUNTY-WIDE CONTRACT NO. S-838R IN THE AMOUNT OF \$2,300,000 TO LANZO LINING SERVICES, INC. TO MAKE REPAIRS TO THE COUNTY'S SEWAGE COLLECTION SYSTEM; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN (Water & Sewer Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Martinez*

*Seconder: Seijas*

*Vote: 4-0*

*Absent: Edmonson, Diaz*

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

*Commissioner Seijas expressed appreciation to Lanzo Construction for making emergency repairs due to flooding in Commission District 13. She noted the residents were hard working people who were not offended by what occurred and only wanted the problem addressed.*

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

3F

**100604 Resolution**

RESOLUTION APPROVING CONTRACT WITH THE CITY OF HOMESTEAD PROVIDING FOR THE RENDITION OF WHOLESALE WATER SERVICE BY MIAMI-DADE COUNTY TO THE CITY OF HOMESTEAD; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN (Water & Sewer Department)

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

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

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

**4 COUNTY MANAGER**

**5 COUNTY ATTORNEY**

**6 CLERK OF THE BOARD**

6A

**100496 Report**

APPROVAL OF COMMISSION COMMITTEE MINUTES FOR THE FEBRUARY 9, 2010 GOVERNMENT OPERATIONS COMMITTEE MEETING (Clerk of the Board)

*Approved  
Mover: Martinez  
Seconder: Sosa  
Vote: 4-0  
Absent: Edmonson, Diaz*

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

*There being no questions or comments, the Committee proceeded to vote on the foregoing report as presented.*

**7 REPORTS**

7A

**100494 Report**

DEPARTMENTAL BUDGET PRESENTATIONS [SEE  
AGENDA ITEM NO. 1D1] (County Manager)

*Deferred to next committee meeting*

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

*Chairman Gimenez noted the foregoing proposed report would be deferred to the next Committee meeting scheduled for April 13, 2010. He noted he was hopeful that all Committee members would be present and asked that the appropriate budgetary staff members be in attendance.*

7A SUPP.

**100598 Resolution**

DEPARTMENTAL BUDGET INFORMATION

*Deferred to next committee meeting*

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

*(See notes under Agenda Item 7A).*

7B

**100550 Report**

FOLLOW-UP TO TAXICAB DISCUSSION AT THE DECEMBER 8, 2009 GOVERNMENT OPERATIONS COMMITTEE (County Manager)

**Report Received**

**Mover: Martinez**

**Seconder: Gimenez**

**Vote: 4-0**

**Absent: Edmonson, Diaz**

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

*Ms. Cathy Peel, Director, Consumer Services Department (CSD), summarized the following recommendations in response to concerns expressed by the taxicab industry regarding service areas in North and South Miami-Dade County; a medallion auction; medallions for senior drivers; and driver issues.*

- Allow lottery winners in the Underserved and South Miami-Dade Service Areas to work out of the zone on alternate days for a temporary period of up to 24 months*
- Conduct a taxicab medallion auction for a limited number of medallions that are equipped with technology enhancements*
- Conduct a special lottery of a small number of medallions solely for senior drivers*
- Enhance provisions in the required chauffeur agreements*
- Consider Accidental Death and Dismemberment insurance for drivers*
- Establish taxicab technology standards and requirements such as credit card processing, printed receipts, dispatch systems and security cameras*

*Mr. Dawood Akhtar, 1735 NE 142 Street, said the recommendation that all lottery winners in the Underserved and South Miami-Dade Service Areas be allowed to work out of the zone on alternate days for a temporary period of up to 24 months was not prudent. He noted all taxicab drivers were financially impacted by restriction(s). Mr. Akhtar said approximately 2,100 taxicab medallions existed, of which approximately 150 were restricted. He noted taxicab drivers with unrestricted medallions could pick up passengers at the Airport or Seaport, and he believed that all taxicabs should be equally regulated and deeded, with no restrictions. With regard to the recommendation relating to senior drivers, Mr. Akhtar noted while he agreed with*

*this recommendation, it was difficult to identify drivers with 20 or more years of service. Concerning driver insurance, Mr. Akhtar said he believed this was technically impossible as some drivers continued to hold licenses but were not actively driving.*

*Mr. Jerry Moskowitz, Coral Cab/Mosko Cab; and Vice-Chair, Taxi Advisory Committee (TAC), said the TAC voted unanimously with one abstention, in support of technology enhancements. He noted the TAC recommended that existing permit owners be required to pay for new technology under the condition that they were allowed transferability and inheritance privileges. Mr. Moskowitz said that currently 40 percent of taxicabs did not utilize radio dispatch services and would be unable to remain in business if forced to hire dispatchers. He noted the TAC made suggestions to allow other companies to supply dispatchers but these suggestions were not included in the CSD's report. He noted taxicab drivers were unwilling to pay for radios they did not use and this would create a huge financial impact.*

*Mr. Diego Feliciano, South Florida Taxicab Association, commented on the recommendation pertaining to extending the timeframe for banks to provide loans to taxicab drivers. He noted taxicab licenses had to be sold by the County, not by the banks; and the banks wanted the ability to foreclose on the licenses, similar to a home foreclosure. Mr. Feliciano said that an inherent problem existed with how permits were issued and how they were confiscated. He noted foreclosures were sent to the County, the County sold the permits and the banks were paid. Concerning taxicab technology, Mr. Feliciano said while up-front money might not be required from some companies that installed technology in cabs, the drivers and customers would ultimately pay for this enhancement. He asked the Committee to allow the industry to provide an incentive to promote the adoption of taxicab technology.*

*Mr. Les Eisenberg, Metro Taxi, 3600 NW 37th Court, said the impetus for this issue was the fee increases that became effective last year. He noted staff and the industry could agree upon the following: rolling back the fee increases and bringing in hundreds of thousands, if not millions of dollars with an auction; incorporation of medallions; and rolling back onerous interest rates charged by lenders to taxicab owners. He noted staff appeared to be moving in the direction*

of changing the laws.

Mr. John Valdes, 5590 SW 5th Terrace, said auctions were not feasible because it would be too expensive for taxicab drivers to purchase medallions. He noted drivers would pay more for lease rates and shift payments based on the cost of the medallions. Mr. Valdes also noted many non-existent bidders (ghost bidders) sold their medallions and repurchased them in order to manipulate their value. He pointed out that many taxicab drivers without radios purchased them from other taxicabs. Mr. Valdes said that he supported technology enhancements and had a Taxipass Credit Card System installed in his cab. He noted he felt taxicab drivers should be allowed to pick up passengers in any area.

Commissioner Martinez asked for clarification on incorporating medallions.

In response to Commissioner Martinez, Ms. Peel said the Code required that medallions issued after 1998 be held in an individual person's name. She noted the concern was being able to determine who was responsible when a grievance or violation occurred.

Commissioner Martinez noted it was very hard to finance the medallions and drivers must have cash or obtain a second mortgage. He questioned whether removing the incorporation issue would help with the financing, to which Ms. Peel said she had no indication of any benefit.

Commissioner Martinez noted not all taxicabs had dispatch capabilities; however, some dispatchers were referring passengers to certain drivers.

Commissioner Martinez asked that Ms. Peel investigate complaint(s) that customers were being referred to specific taxicab drivers by taxicab dispatchers. He questioned the need for having technology if this was being done.

Ms. Peel noted in some instances calls were received by dispatchers and the closest taxicab was located via global positioning system (GPS) and made the connection between the caller and the taxicab.

Responding to Commissioner Martinez' inquiry whether taxicab owners and operators would have to pay for the installation of a GPS and radio if such equipment was required, Ms. Peel said she

*believed it depended on how the deal was structured but ultimately, all incurred costs were passed on to drivers in their leases.*

*Commissioner Martinez noted the County Commission could adopt legislation requiring that any taxicab operating in Miami-Dade County be equipped with radio dispatch and be paid for by the owner.*

*Assistant County Attorney Gerald Sanchez noted Commissioner Martinez' suggestion could be accomplished by the County Commission.*

*Ms. Peel noted the County could not control the lease amount paid by drivers as this was preempted by state law.*

*Commissioner Martinez said he would like to see some recommendations implemented to benefit owner/drivers and senior drivers. He noted that he believed the ghost bidder issue could be addressed in several different ways.*

*In response to Commissioner Martinez' inquiry whether the CSD had records indicating the timeframe that taxicab drivers were actively driving, Ms. Peel said the Department had records but could not confirm whether drivers were continuously driving or if they were maintaining their chauffeur registration and active status. She noted most of the drivers were exempt from the training program after 20 years of service.*

*Commissioner Martinez suggested taxicab drivers be required to provide income tax returns as proof that they were driving for a specified timeframe.*

*Assistant County Attorney Sanchez noted he believed criteria could be imposed to verify that a driver had been driving a taxicab for a specified timeframe.*

*Commissioner Martinez noted he felt some of Ms. Peel's recommendations were excellent, and he looked forward to Ms. Peel meeting with his staff and Assistant County Attorney Sanchez to continue addressing this issue.*

*Chairman Gimenez noted the free market could have regulated the taxicab medallions; however, the County had to address this issue due to its involvement. He stated that he was not opposed to incorporating and setting limits on medallions,*

and he believed the County needed to determine the type of technology that would be required for taxicabs. Chairman Gimenez questioned the need for radios, noting that everyone had a cell phone.

In response to Chairman Gimenez' inquiry regarding the medallion process, Ms. Peel said that according to the current Code, medallion holders could provide one medallion as a gift through inheritance (one medallion per family member). She noted an additional medallion could be provided as a gift to someone else, and any remaining medallions would have to be sold to drivers via a private sale.

Ms. Peel said if a medallion was mortgaged, and payments were not made on the mortgage, the lender would foreclose on the medallion and it would be sold through a public auction via the Clerk of the Courts. She noted the lender could operate the medallions for 90 days and recommended the timeframe be extended.

Mr. Eisenberg pointed out that lenders would not finance medallions because they could not operate the medallions in the event of a foreclosure. He noted recent foreclosures had occurred and the lenders could not give the medallions to someone to operate until they could recover their money. Mr. Eisenberg said as an alternative to Ms. Peel's recommendation that lenders operate the medallions for up to one year, that they be allowed to operate for one year or until they recovered their money. He noted lenders currently had 90 days to find a qualified buyer for medallions.

In response to Chairman Gimenez' inquiry regarding the lottery system, Ms. Peel said according to the Code, a lottery system existed for new medallions which were valued at \$25,000. She noted these medallions were issued by the County and payment was made to the County. Ms. Peel said the current value of the medallions was approximately \$175,000.

Commissioner Martinez inquired whether the County could allow the free market to regulate the medallions, to which Assistant County Attorney Sanchez said he would provide Commissioner Martinez with a response.

Chairman Gimenez noted he believed the County could be potentially liable if the medallions lost their value.

*Chairman Gimenez asked Ms. Peel to work with the taxicab industry. He noted that he had no problem with allowing the incorporation of medallions provided that liability insurance was required.*

**8 ADJOURNMENT**

**Report:** *There being no further business to come before the Committee, the Government Operations Committee meeting was adjourned at 12:02 p.m.*