



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

INLUC  
Agenda Item No. 5(A)

TO: Honorable Chairwoman Audrey M. Edmonson  
and Members, Infrastructure and Land Use Committee

DATE: November 9, 2011

FROM: Christopher Agrippa  
Division Chief, Clerk of the Board Division

SUBJECT: Approval of Commission  
Committee Minutes

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Infrastructure and Land Use Committee:

June 15, 2011 INLUC -Public Workshop Las Palmas  
October 26, 2011 INLUC

CA/jt  
Attachment



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

## CLERK'S SUMMARY OF Meeting Minutes

### Infrastructure and Land Use Committee

Audrey M. Edmonson (3) Chair; Barbara J. Jordan (1) Vice Chair; Commissioners  
Bruno A. Barreiro (5), Jose "Pepe" Diaz (12), Jean Monestime (2), and Rebeca Sosa (6)

### Public Workshop on DERM Enforcement in Las Palmas

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Wednesday, June 15, 2011

4:02 AM

Commission Chambers

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**Members Present:** Bruno A. Barreiro, Jose "Pepe" Diaz, Audrey M. Edmonson, Barbara J. Jordan.

**Members Absent:** None.

**Members Late:** None.

**Members Excused:** Jean Monestime, Rebeca Sosa.

**Members Absent County Business:** None.

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#### 1 MINUTES PREPARED BY:

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

#### 1A

111418 Report  
REPORT

#### 1B PLEDGE OF ALLEGIANCE

**1C**      **ROLL CALL**

**Report:**    *The following staff members were present:  
Assistant County Attorney Robert Duvall;  
Department of Environmental Resource  
Management Director Lee Hefty, Office of  
Sustainability Director Susanne Torriente; and  
Deputy Clerks Doris Dickens and Jill Thornton.*

*Note: At the June 15, 2011 Infrastructure and  
Land Use Committee (ILUC) meeting, a motion  
was made by Commissioner Jordan, seconded by  
Commissioner Diaz, and carried that the  
Committee recess the ILUC meeting in order to  
conduct this public hearing workshop and to  
reconvene it at the conclusion of the Workshop in  
order to consider Agenda Item 2E. (See minutes  
of Legislative Meeting Key #3079.)*

**2**      **Welcome and Purpose of the Meeting:  
Honorable ILUC Chairwoman Audrey M.  
Edmonson**

**Report:**    *Chairwoman Edmonson noted today's (6/15)  
Workshop was a follow-up to a discussion at the  
May 11, 2011 Infrastructure and Land Use  
Committee (ILUC) meeting regarding the  
Department of Environmental Resource  
Management's (DERM's) code enforcement  
efforts in the Las Palmas Community, also known  
as the 8.5 Square Mile Area (SMA). The purpose  
of this Workshop was to provide the public an  
opportunity to offer their input, and have their  
questions and concerns answered by members of  
the County Administration, she noted.  
Chairwoman Edmonson indicated that the report  
presented by DERM and further discussed at the  
May 11 ILUC meeting was in response to a  
request made by the Commissioners at a previous  
Comprehensive Development Master Plan  
(CDMP) meeting. She discussed the rules of  
decorum to be followed today, and asked the  
Office of Sustainability Director to provide a brief  
overview of the history and issues of the Las  
Palmas Community.*

### 3 Introduction and Background: Susanne M. Torriente

**Report:** *Ms. Susanne Torriente, Director, Office of Sustainability, noted the Las Palmas Community (8.5 SMA) was part of a larger area called the East Everglades, which was designated an 'area of critical environmental concern' by the County Commission in the early 1980s, due to its hydrology functions, natural resources, and connections to the Greater Everglades. During that time, a related Zoning Overlay Ordinance addressing the land use and density for the entire area was adopted and incorporated into Chapter 33 of the Code of Miami-Dade County, Ms. Torriente noted. She explained that portions of this area were subsequently purchased by the government and included in the project to expand the Everglades National Park. She pointed out that the entire 8.5 SMA was located outside the Regional Flood Control District that provided flood protection to the County's most urban areas; that the issues involving the 8.5 SMA dated back several decades; and that the County's involvement was to enforce zoning and land-use laws. Ms. Torriente noted the South Florida Water Management District and the Army Corp of Engineers had jurisdiction over the water management and flood control issues. She clarified that DERM's goal was to ensure compliance with local environmental regulations, and to protect the County's water supply and environment, and the public's health, safety, and welfare.*

**4 Overview of DERM's Report on Enforcement:  
Susanne M. Torriente**

**Report:** *Ms. Torriente noted, over the last ten years, approximately 90 violations were cited in the 8.5 SMA for working the wetlands, operating a resource recovery facility without a permit, illegal dumping, and violations of air/tree regulations. She said that DERM had resolved nearly half of the total cases, and collected approximately \$45,000 in penalties. She noted forty-eight cases were pending. Ms. Torriente noted, during a discussion at the May 11th ILUC meeting regarding DERM's investigation of illegal dumping in the 8.5 SMA, it was noted that DERM, through coordinated efforts with the Department of Solid Waste Management (DSWM), Florida Law Enforcement, and the Miami-Dade County Police Department, had discovered that mulched debris from Hurricanes Katrina and Wilma was illegally dumped on those properties. Ms. Torriente explained that DERM was able to work with the hauler to remove and properly dispose of the materials in cases where the hauler was identified; however, the department took direct corrective action in cases where the hauler could not be identified, and some of those cases were still pending. She reassured Committee members that the DSWM collected and disposed of hurricane debris properly, and had not been involved in any of the illegal dumping. Ms. Torriente noted that the County Manager instructed her and DERM's staff to work with the Las Palmas Community's Homeowners Association (HOA) to resolve these issues. She said although the issues involving the 8.5 SMA were complicated, they would be resolved through communication and cooperation. Ms. Torriente expressed appreciation to Mr. Hefty, Assistant Director, DERM, for his personal involvement and commitment in resolving these issues.*

**5 Discussion of Applicable DERM Regulations:  
Lee Hefty, Assistant Director, DERM**

**Report:** *Mr. Lee Hefty, Assistant Director, DERM, exhibited a map depicting the Las Palmas community (8.5 SMA). He noted that 'wetlands' provide habitat for certain plants, animals and endangered species; protect and purify the County's water supply; and recharge the aquifer. He also noted that wetlands were low lying areas that helped managed flood control by collecting rainwater run-off. Mr. Hefty noted a permit was required to develop any part of the wetlands, primarily to ensure that members of the Administration worked closely with developers or property owners to minimize the impact of development to the wetlands; and to ensure the quality of materials or water used for filling in wetlands was acceptable; the loss of wetland functions was mitigated; and the areas for managing stormwater and recharging the aquifer were maintained. Mr. Hefty noted examples of mitigation included: 1) projects completed onsite to enhance wetlands, 2) credits purchased from a mitigation bank such as FPL Everglades Mitigation Bank, or 3) credits obtained through working the "Hole in the Donut" Restoration Projects within a national park. He noted the County used the State of Florida's Unified Mitigation Assessment method to determine the amount of mitigation needed for projects that impact wetlands. He noted that over the past ten years, DERM issued more than 460 development permits, which had an impact to more than 10,000 acres of wetlands and provided a lot of important development for the community.*

*Mr. Hefty noted that not all wetlands looked alike, and they were defined by State Statutes, using standards for vegetation, soil type, and hydration. He noted DERM's staff was technically trained by State experts to accurately identify wetlands. Mr. Hefty explained that wetlands could completely or partially cover a property, and that people often purchased or developed a property without knowing a wetland existed on it or without obtaining the proper permits for it. He also noted that wetlands were site-specific, and that no map existed to identify all wetlands countywide, therefore, a site specific inspection was required to determine which properties in the Las Palmas Community were wetlands.*

Mr. Hefty also noted that DERM had improved its educational outreach efforts over the years by holding meetings with the community in South Dade, the Agriculture (AG) Practices Advisory Board, and the Farm Bureau. DERM also developed a brochure in English and Spanish to educate people on complying with the rules/regulations concerning wetlands. More recently, he remarked, DERM developed a link on the Property Appraiser's website called "Environmental Considerations" to educate the public on factors concerning the development of properties containing wetlands, natural forest communities, well fields and/or contaminated sites

Regarding DERM's enforcement efforts, Mr. Hefty noted DERM took a progressive approach by first identifying the problem and then sending a letter to property owner(s) notifying them of the violation. He noted many violations were resolved this way, and property owners either obtained the required wetlands or restored the area. Mr. Hefty noted, in cases in which the property owner could not comply in a timely manner, DERM usually obtained a Consent Agreement that promised the County that the property owner would comply with the County's regulations. He added that DERM also had the option to litigate matters before a Court or an independent arbitrator or with the County Attorney's Office if a property owner was unwilling to communicate or comply, and sometimes penalties were imposed by the Courts. Mr. Hefty advised that aside from issuing a citation, DERM could not independently impose a penalty on a property owner. He pointed out that DERM was more interested in compliance than collecting penalties, and was willing to negotiate down or completely waive the penalties for property owners willing to comply.

In addition, Mr. Hefty noted DERM was currently working with the Planning and Zoning Department to amend the CDMP in order to permit a change to the Zoning Plan that would allow additional agricultural uses in the C-9 Basin and in the 8.5 SMA. He said that his intentions were to move forward in a productive manner, and he believed the community understood and appreciated DERM's efforts to resolve these issues. Mr. Hefty expressed appreciation to Ms. Pena for making it possible to have an open dialogue between County staff and the community. He advised that he and members of DERM's enforcement staff were available to

**Infrastructure and Land Use Committee**

*CLERK'S SUMMARY OF*

*Meeting Minutes*

*Wednesday, June 15, 2011*

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*answer any questions, or speak outside of the  
Commission Chamber with any person(s) wanting  
to discuss compliance.*

## 6 Public Comments/Breakout Meetings

**Report:** *Chairwoman Edmonson opened the public hearing for persons wishing to speak on this matter, and the following persons appeared:*

1. *Ms. Alice Pena, President, Las Palmas Community HOA, 14390 SW 199 Avenue, appeared before the Committee, and expressed appreciation to Chairwoman Edmonson for conducting this Workshop. She made comments in response to a report submitted to the County Commission by DERM's former Director, Mr. Carlos Espinosa. She noted that lands in the Rocky Glades, the Frog Pond, and the 8.5 SMA had been farmed for more than a century. She also noted the Las Palmas area was not a low lying area, but a ridge that became adjacent to the Everglades National Park after several thousand acres of farmland, the Rocky Glades, the Frog Pond, and 4.5 square miles of the 8.5 SMA were appropriated to expand the Park. She said that flooding never occurred in the Las Palmas Community except when the canals were locked, and the area had never been declared a 'wetland' by State Statutes. She noted the current issues stemmed from the fact that the County required the property owners in the 8.5 SMA to obtain a Class IV permit for their lands, which were never defined as wetlands. Ms. Pena noted Congress passed a law in 1989 to expand the Everglades National Park, and built a canal around the entire 8.5 SMA for flood protection, which should have settled the issues and allowed the community to continue farming their land.*

*Ms. Pena said that if necessary, property owners in the 8.5 SMA needing to farm their lands could obtain a permit to do so, or have DERM review their land, but she asked that an official record be made stating why an owner's land was determined to be a 'wetland' pursuant to all of the State's criteria. She said the Class IV permit should only be applied to those lands determined to be a wetlands. Ms. Pena identified the Environmental Protection Agency (EPA) as the entity that issued the permit for the Modified Water Deliveries Project (Mod Waters) to build a levee, pump station, and canal around the Las Palmas Community, and noted flooding criteria was met when the Army Corp of Engineers completed the project three years ago. Since then, she noted, the County graciously gave the 8.5 SMA an*

*Agriculture (AG), Zoning designation, and the community was ready to move forward in addressing the issues.*

*2. Mr. James Humble, (no address provided), appeared before the Committee and expressed appreciation to Commissioner Bell for her support and efforts in resolving the issues of the 8.5 SMA. He noted these issues dated back more than 30 years to 1983, when the County adopted an ordinance changing the Area's zoning designation from one house per five acres to one house per forty acres. This action resulted in an 80% decrease in the value of the lands, which decreased the equity base that farmers often depended on during lean years, he noted. Subsequently, the State established the '380 Committee' that was comprised of members appointed from DERM, the Federal Government (FED), the farming community, and the East Everglades Community; and was charged to review Statewide lands of critical concern. This Committee, by a vote of 21-4, designated the entire 8.5 SMA an area of 'critical environmental concern,' he added. Mr. Humble noted the farmers, in response, challenged the Committee's decision, and the State Legislature reversed it by a 7-0 vote, noting they did so because farming could not be considered a type of development under Chapter 380.*

*In addition, Mr. Humble noted Senator Dante Fascell introduced a Bill in 1989 that resulted in the FEDs taking over 12 homes on the west side of the 8.5 SMA, leaving a 3.5 SMA for development. It also resulted in the adoption of the Zoning Overlay Ordinance and a flood control system around the area, built by the FEDs at a cost of \$300 million. Consequently, he noted, the FEDs formed the Sea Salt Committee, comprised of members from the FED, State and local governments, the farming community and the homeowners, to oversee the flood system. He said this Committee, by a majority vote, approved a proposal to protect the entire 8.5 SMA from flooding and make the remaining 3.5 SMA available for farming in the future. Mr. Humble indicated that 50 percent of this land was already being farmed. He noted thousands of acres were taken from the Rocky Glades by the FEDs, and 5,000 acres that he and his partners owned near the edge of the National Park were taken by the State to build a buffer, as a result of the Fascell Bill. Mr. Humble said the issues had evoked much emotion and conflict in the Community, but he*

*believed they could be worked out through everyone's cooperation. Mr. Humble pointed out that the FED and State's wetlands laws provided for an AG exemption, but the County's wetland laws did not. He noted, as Chair of the Agricultural (AG) Practices Advisory Board, he had requested on two occasions that the County Commission reconsider the County's wetlands laws. He expressed appreciation to those Commissioners who initiated steps in this direction, and said that County ordinances should be reviewed from time to time to see if they were still necessary or needed to be amended.*

*Chairwoman Edmonson closed the public hearing after seeing no one else wishing to speak on this matter. Indicating that she believed the 8.5 SMA was in Commissioner Bell's Commission District (DIST 8), she invited Commissioner Bell to initiate the Committee members' closing remarks.*

*Commissioner Bell said she was encouraged by the outcome of the dialogues and the town hall meetings regarding this matter. She noted that although the subject area was still referred to as the 8.5 SMA, it was much smaller than its name indicated. She said that national articles had been written, opposing the actions taken against this Community. Commissioner Bell noted she was concerned for the environment and members of the farming community, whom she noted were also environmentalists. She said a public dialogue was always healthy, and expressed appreciation to the speakers for representing many voices in their Community. Commissioner Bell also expressed appreciation to the Chairwoman for allowing today's speakers time beyond the normal limits to present their viewpoints, as the issues were too complex to be discussed in just two minutes. She said she was glad to hear that staff and the Community were working together to find solutions.*

*Commissioner Diaz commended County staff and the community for working with each other to find solutions. He noted that transparency, discussion, and cooperation were important and should be the priority of a government. He spoke in support of moving forward, and in support of Commissioner Bell's proposal.*

*Responding to Commissioner Jordan's comments that she thought the 8.5 SMA was within Commission DIST 9 (Commissioner Moss' District), not in DIST 8 (Commissioner Bell's*

District), Commissioner Diaz clarified that he, Commissioner Moss and Commissioner Bell, when she was Mayor of the City of Homestead, had been involved in these issues for some time.

Commissioner Jordan said she was glad that Chairwoman Edmonson called this Workshop, and that DERM and County staff were working together with the Community to resolve these issues. She emphasized the critical work performed by DERM to make the County's water supply healthy and safe for the public's consumption should not be underestimated. She noted it was important that the community be kept informed. Commissioner Jordan commended Commissioner Bell for her efforts to bring staff and the Community together in an effort to correct these problems.

Commissioner Bell clarified that the 8.5 SMA was specifically within DIST 9; however, she and Commissioner Moss piggybacked on many issues that impacted both of their Districts; and, because she had been very involved in the farming community as Mayor of Homestead, it was natural for many farmers to approach her. She noted the issues at hand affected the environment and the people countywide, and her job was to serve the public. She commended Commissioner Moss for staying on top of these issues and Mr. Hefty, specifically, for his personal desire to work through these issues with the community.

Ms. Torriente expressed appreciation to the Committee for giving staff the opportunity to demonstrate that DERM's interest was about compliance. She assured everyone that DERM had not impeded this community's development, but was ready and willing to work with the residents to achieve sustainability.

## 7 Adjourment

**Report:** *The Committee adjourned the Public Hearing Workshop at 4:39 p.m., and reconvened the June 15, 2011 Infrastructure and Land Use Committee to consider Agenda Item 2E. (See Legislative Meeting Key No. 3079.)*



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

## CLERK'S SUMMARY OF Meeting Minutes

### Infrastructure and Land Use Committee

Audrey M. Edmonson (3) Chair; Barbara J. Jordan (1) Vice Chair; Commissioners  
Bruno A. Barreiro (5), Jose "Pepe" Diaz (12), Jean Monestime (2), and Rebeca Sosa (6)

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Wednesday, October 26, 2011

2:00 PM

COMMISSION CHAMBERS

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**Members Present:** Bruno A. Barreiro, Audrey M. Edmonson, Barbara J. Jordan, Jean Monestime.

**Members Absent:** Rebeca Sosa.

**Members Late:** None.

**Members Excused:** Jose "Pepe" Diaz.

**Members Absent County Business:** None.

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### 1B PLEDGE OF ALLEGIANCE

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

**1C**      **ROLL CALL**

**Report:** *The following staff members were present: Deputy Mayor Jack Osterholt; Assistant County Attorney Geri Bonzon-Keenan, and Deputy Clerks Judy Marsh and Jill Thornton.*

*Assistant County Attorney Geri Bonzon-Keenan noted, in addition to the changes listed in the October 26, 2011 County Manager's Memorandum entitled "Requested Changes to the Infrastructure and Land Use Committee Agenda," Agenda Item 2A was waived from Committee review and forwarded to the November 3, 2011 Board of County Commissioners Meeting. She noted Agenda Items 1E2 Supplement, 1E3 Supplement and 1E4 Substitute were added to the agenda; Agenda Items 1E2 and 1E2 Supplement should be deferred to the November 9, 2011 Infrastructure and Land Use Committee (ILUC) meeting, as requested by the co-prime sponsor, Commissioner Diaz; and scrivener's errors existing in Items 1E6, 1E7, 1E8 and 3A were corrected, and the items were reprinted and included on the final agenda with the corrections.*

*It was moved by Commissioner Jordan that today's (10/26) agenda be approved with the additional change noted by Assistant County Attorney Bonzon-Keenan. This motion was seconded by Commissioner Monestime, and upon being put to a vote, passed by a vote of 4-0 (Commissioners Sosa and Diaz were absent).*

**1D**      **SPECIAL PRESENTATIONS**

1D1

**112154 Service Awards****Joe A. Martinez**PRESENTATION OF SERVICE AWARDS TO THE  
FOLLOWING EMPLOYEE(S):*Presented*

ROLSERT DENOE - PWWMD - 30 YEARS  
EDUARDO LIMA - PWWMD - 35 YEARS  
AZILA LOUISSANT - PWWMD - 30 YEARS  
ALVET MOISE - PWWMD - 30 YEARS  
ANASTAL ORIS - PWWMD - 30 YEARS  
CELHOMME PIERRE LOUIS - PWWMD - 30 YEARS  
JOSEPH T. STINFILE - PWWMD - 30 YEARS  
THOMAS L. SCHLUNAKER - PWWMD- 30 YEARS  
JORGE L. FERRER - WASD - 30 YEARS  
ANTONIO L. RAIDE - WASD - 30 YEARS  
JOSE ANTONIO RODRIGUEZ - WASD - 30 YEARS  
JAMES E. TURNER - WASD - 35 YEARS

**Report:** *A service award was also presented to Mr.  
Francisco Altidor of the Public Works and Waste  
Management Department (PWWD) for 30 years of  
continuous service.*

**1E****PUBLIC HEARINGS**

1E1

**111734 Ordinance****Bruno A. Barreiro**

ORDINANCE AMENDING SECTIONS 12-17 AND 12-21 OF THE CODE OF MIAMI-DADE COUNTY REGARDING THE FILING OF CAMPAIGN FINANCE REPORTS WITH THE SUPERVISOR OF ELECTIONS AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

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

*Chairwoman Edmonson opened the public hearing on the foregoing proposed ordinance. Hearing no one wishing to speak before the Committee, she closed the public hearing.*

*Commissioner Barreiro made a motion to forward this ordinance with an amendment to delete some language that was redundant. He asked the Assistant County Attorney to read the amendment into the record.*

*Assistant County Attorney Oren Rosenthal noted the ordinance would be amended to eliminate all of the language in subsection (b) of Section 12-21, on handwritten page 6.*

*Commissioner Jordan seconded the motion and asked if this ordinance would eliminate the requirement that anyone who submitted campaign finance reports online must also submit a hard copy that would serve as the official copy.*

*Assistant County Attorney Rosenthal answered "yes."*

*Hearing no further comments or questions, it was moved by Commissioner Barreiro that the foregoing proposed ordinance be forwarded to the County Commission with a favorable recommendation, with committee amendment(s) as noted by Assistant County Attorney Rosenthal. This motion was seconded by Commissioner Jordan, and upon being put to a vote, passed 4-0 (Commissioners Sosa and Diaz were absent).*

1E2

**111733 Ordinance**

**Jose "Pepe" Diaz,**

**Lynda Bell**

ORDINANCE CREATING SECTION 32-101; GRANTING DISCRETION TO THE DIRECTOR OF THE MIAMI-DADE WATER AND SEWER DEPARTMENT TO ISSUE A ONE-TIME LIFETIME BILLING ADJUSTMENT TO CUSTOMERS WHERE THERE ARE EXTREME CIRCUMSTANCES THAT MERIT AN ADJUSTMENT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Deferred to November 9, 2011*

*Mover: Jordan*

*Seconder: Monestime*

*Vote: 4-0*

*Absent: Diaz, Sosa*

**Report:** *The foregoing proposed ordinance was deferred during consideration of changes to today's (10/26) agenda, as requested by the Co-Prime Sponsor Commissioner Diaz.*

1E2 SUPP.

**112245 Supplement**

FISCAL IMPACT TO ORDINANCE CREATING SECTION 32-101 GRANTING THE WATER AND SEWER DEPARTMENT DISCRETION TO ISSUE A ONE-TIME LIFETIME BILLING ADJUSTMENT TO CUSTOMERS

*Deferred to November 9, 2011*

*Mover: Jordan*

*Seconder: Monestime*

*Vote: 4-0*

*Absent: Sosa, Diaz*

**Report:** *The foregoing proposed supplemental report was deferred during consideration of changes to today's (10/26) agenda, as requested by the Co-Prime Sponsor Commissioner Diaz.*

1E3

## 111901 Ordinance

Barbara J. Jordan,

Audrey M. Edmonson, Jean Monestime

ORDINANCE RELATING TO THE COLLECTION OF DATA FOR A DISPARITY STUDY IN CONNECTION WITH RACE, GENDER AND ETHNIC BASED CONTRACTING PROGRAMS; REQUIRING COUNTY CONTRACTORS TO REPORT THE RACE, GENDER AND ETHNIC MAKEUP OF THE OWNERSHIP OF SUBCONTRACTORS PERFORMING THE WORK; REQUIRING COUNTY CONTRACTORS TO REPORT PAYMENTS MADE TO ALL SUBCONTRACTORS UNDER THE CONTRACT; AMENDING SECTIONS 2-8.1, 2-8.8 AND 10-34 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

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

*Chairwoman Edmonson opened the public hearing on the foregoing proposed ordinance. Hearing no one wishing to speak before the Committee, she closed the public hearing.*

*Regarding Chairwoman Edmonson's concern that she had asked to be added as a co-sponsor of this ordinance when it was before the full County Commission for first reading, Assistant County Attorney Bonzon-Keenan noted Chairwoman Edmonson was reflected as a co-sponsor of this ordinance in the final agenda.*

*At the request of Commissioner Jordan, Assistant County Attorney Bonzon-Keenan read into the record an amendment requested by the Sponsor to add the following to Sec 2-8.1 (f) of the Code and to Sec. 10-34 of the Code, under Sections 1 and 2 of the ordinance:*

- A. the words "and employees" after the word "owners;" and*
- B. the following sentence: "In the event that the successful bidder demonstrates to the County, prior to award, that the race, gender and ethnic information is not reasonably available, at that time, the successful bidder shall be obligated by contract to exercise diligent efforts to obtain that information and to provide the same to the County, not later than 10 days after it becomes available, and in any event, prior to final payment under the contract."*

*Hearing no further comments or questions, it was moved by Commissioner Jordan that the foregoing proposed ordinance be forwarded to the County Commission with a favorable recommendation, with committee amendment(s), as noted by Assistant County Attorney Bonzon-Keenan. This motion was seconded by Commissioner Monestime, and upon being put to a vote, passed 4-0 (Commissioners Sosa and Diaz were absent).*

1E3 SUPP.

**112242 Supplement**

FISCAL IMPACT TO ORDINANCE RELATING TO THE COLLECTION OF DATA FOR A DISPARITY STUDY IN CONNECTION WITH RACE, GENDER AND ETHNIC BASED CONTRACTING PROGRAMS

*Forwarded to BCC with a favorable recommendation  
Mover: Jordan  
Secunder: Monestime  
Vote: 4-0  
Absent: Diaz, Sosa*

1E4

**111416 Ordinance**

**Audrey M. Edmonson**

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-1 AND CREATING SECTION 33-14.1 OF THE CODE OF MIAMI-DADE COUNTY; AUTHORIZING MOBILE SALES AND MOBILE FOOD SERVICE OPERATIONS; REQUIRING COUNTY MAYOR OR DESIGNEE TO REPORT ON IMPLEMENTATION OF THIS ORDINANCE WITHIN ONE YEAR OF EFFECTIVE DATE; PROVIDING SUNSET CLAUSE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE SUBSTITUTE ITEM UNDER FILE NO. 112263] (Permitting, Environment & Regulatory Affairs)

*Withdrawn*

**Report:** *See Agenda Item 1E4 Substitute; Legislative File No. 112263.*

1E4 SUB.

**112263 Ordinance****Audrey M. Edmonson**

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-1 AND CREATING SECTION 33-14.1 OF THE CODE OF MIAMI-DADE COUNTY; AUTHORIZING MOBILE SALES AND MOBILE FOOD SERVICE OPERATIONS; REQUIRING COUNTY MAYOR OR DESIGNEE TO REPORT ON IMPLEMENTATION OF THIS ORDINANCE WITHIN ONE YEAR OF EFFECTIVE DATE; PROVIDING SUNSET CLAUSE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 111416] (Sustainability, Planning & Economic Enhancement)

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

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

*Chairwoman Edmonson relinquished the Chair to Vice Chairwoman Jordan, who opened the public hearing on the foregoing proposed ordinance.*

*Deputy Mayor Jack Osterholt noted one of the vendors contacted him to request the Committee consider amending this ordinance to add the word "museum" to the beginning of the last line of paragraph (a) at the top of handwritten page 7, so that it would read: "...as a museum, hospital or school."*

*Vice Chairwoman Jordan closed the public hearing.*

*In response to Commissioner Edmonson's inquiry whether staff had agreed to the suggested amendment, Mr. Osterholt noted staff and the County Attorney's Office agreed to the amendment.*

*Following Commissioner Edmonson's acceptance of the amendment, it was moved by Commissioner Edmonson that the foregoing proposed ordinance be forwarded to the County Commission with a favorable recommendation, with committee amendment(s), as noted by Mr. Osterholt. This motion was seconded by Commissioner Monestime, and upon being put to a vote, passed 4-0 (Commissioners Sosa and Diaz were absent).*

1E5

**111481 Ordinance**

**Audrey M. Edmonson**

ORDINANCE AMENDING SECTION 24-25 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR ADOPTION OF CHANGES TO UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGULATIONS RELATING TO PRETREATMENT STANDARDS; AMENDING SECTION 24-42.4 OF THE CODE RELATING TO SANITARY SEWER DISCHARGE LIMITATIONS AND PRETREATMENT STANDARDS TO CORRECT A REFERENCE TO THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Permitting, Environment & Regulatory Affairs)

*Forwarded to BCC with a favorable recommendation*

*Mover: Edmonson*

*Secunder: Monestime*

*Vote: 4-0*

*Absent: Sosa, Diaz*

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

*Vice Chairwoman Jordan opened the public hearing on the foregoing proposed ordinance. Hearing no one wishing to speak before the Committee, she closed the public hearing.*

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

1E6

111850 Resolution

Audrey M. Edmonson,

Rebeca Sosa

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO 2103 COUNTRY CLUB PRADO, CORAL GABLES, FLORIDA PURSUANT TO SECTION 196.1997, AND 196.1998 FLORIDA STATUTE AND SECTION 16A-18, MIAMI-DADE COUNTY CODE (Sustainability, Planning & Economic Enhancement)

*Forwarded to BCC with a favorable recommendation*

*Mover: Edmonson*

*Seconder: Monestime*

*Vote: 4-0*

*Absent: Sosa, Diaz*

**Report:** *During consideration of changes to today's (10/26) agenda, a scrivener's error was corrected as follows:*

*This item has been reprinted to correct scrivener's errors. The errors corrected are addition of pages 3, 4, & 5 of the covenant which were accidentally left out of the original package. In addition, the subject on the cover memorandum was corrected to refer to this item. Also on handwritten page 2 under the Scope Header, it should read: "While this specific property is located in Commissioner Rebeca Sosa's District 6, the impact of the agenda item is countywide and does not have a separate impact upon one or more commission districts."*

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

*Vice Chairwoman Jordan opened the public hearing on the foregoing proposed resolution. Hearing no one wishing to speak before the Committee, she closed the public hearing.*

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

*22*

1E7

111852 Resolution

Audrey M. Edmonson,

Rebeca Sosa

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO 637 ALCAZAR AVENUE, CORAL GABLES, FLORIDA PURSUANT TO SECTION 196.1997, AND 196.1998 FLORIDA STATUTE AND SECTION 16A-18, MIAMI-DADE COUNTY CODE (Sustainability, Planning & Economic Enhancement)

*Forwarded to BCC with a favorable recommendation*

*Mover: Edmonson*

*Seconder: Monestime*

*Vote: 4-0*

*Absent: Sosa, Diaz*

**Report:** *During consideration of changes to today's (10/26) agenda, a scrivener's error was corrected as follows:*

*This item has been reprinted to correct scrivener's errors on Handwritten page 7 of agenda item 1(E)7 by removing from the enactment provision of the resolution the names "Rafael and Margaret Reyes" and replacing them with the names "Ryan and Katherine Foley." Also on handwritten page 2 under the Scope Header, it should read: "While this specific property is located in Commissioner Rebeca Sosa's District 6, the impact of the agenda item is countywide and does not have a separate impact upon one or more commission districts."*

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

*Vice Chairwoman Jordan opened the public hearing on the foregoing proposed resolution. Hearing no one wishing to speak before the Committee, she closed the public hearing.*

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

1E8

**111854 Resolution**

**Audrey M. Edmonson,**

**Bruno A. Barreiro**

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO THE ANGLERS HOTEL AND ANNEX, 634 AND 660 WASHINGTON AVENUE, MIAMI BEACH, FLORIDA PURSUANT TO SECTION 196.1997, AND 196.1998 FLORIDA STATUTE AND SECTION 16A-18, MIAMI-DADE COUNTY CODE (Sustainability, Planning & Economic Enhancement)

*Forwarded to BCC with a favorable recommendation*

*Mover: Edmonson*

*Seconder: Monestime*

*Vote: 4-0*

*Absent: Diaz, Sosa*

**Report:** *During consideration of changes to today's (10/26) agenda, a scrivener's error was corrected as follows:*

*This item has been reprinted to correct scrivener's errors. The item has been corrected by adding pages 3, 4, & 5 of the covenant which were accidentally left out of the original package. In addition, the subject on the cover memorandum was corrected to refer to this item. Also on handwritten page 2 under the Scope Header, it should read: "While this specific property is located in Commissioner Bruno A. Barreiro's District 5, the impact of the agenda item is countywide and does not have a separate impact upon one or more commission districts."*

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

*Vice Chairwoman Jordan opened the public hearing on the foregoing proposed resolution. Hearing no one wishing to speak before the Committee, she closed the public hearing.*

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

**2 COUNTY COMMISSION**

24

2A

**112132 Resolution****Bruno A. Barreiro**

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, JANUARY 31, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT COMMISSIONERS SHALL DEVOTE FULL-TIME SERVICE TO THE OFFICE OF COUNTY COMMISSIONER AND HOLD NO OTHER EMPLOYMENT; NO LONGER RECEIVE THEIR CURRENT \$6,000 ANNUAL SALARY ESTABLISHED IN 1957, BUT RECEIVE INSTEAD THE SALARY PROVIDED BY STATE STATUTORY FORMULA, ADJUSTED ANNUALLY BASED ON THE COUNTY'S POPULATION (CURRENTLY APPROXIMATELY \$92,097); AND SHALL BE SUBJECT TO TERM LIMITS SO THAT NO PERSON WHO HAS SERVED THREE CONSECUTIVE FOUR-YEAR TERMS AS A COMMISSIONER SHALL BE ELIGIBLE TO QUALIFY AS A CANDIDATE FOR, NOR MAY BE ELECTED AS, COMMISSIONER FOR THE NEXT SUCCEEDING TERM EXCEPT THAT CURRENT COMMISSIONERS WHO WOULD BE TERM LIMITED IN 2012 OR 2014 SHALL BE ELIGIBLE TO QUALIFY FOR, AND BE ELECTED AS, A COMMISSIONER FOR ONE MORE TERM

*Forwarded to the full BCC by the BCC Chairman as requested*

*Mover: Jordan*

*Seconder: Monestime*

*Vote: 4-0*

*Absent: Sosa, Diaz*

**Report:** *Chairwoman Edmonson submitted a memorandum dated October 25, 2011, requesting that Chairman Martinez waive the Board's rules and allow this proposed resolution to be forwarded for consideration at the November 3, 2011 County Commission meeting.*

2B

**112134 Resolution****Rebeca Sosa**

RESOLUTION APPROVING ALLOCATION OF \$1.5 MILLION FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NUMBER 220 – “ACQUIRE OR CONSTRUCT MULTI-PURPOSE FACILITIES” TO FUND DEVELOPMENT OF MULTI-PURPOSE FACILITY BY CITY OF MIAMI

*Forwarded to BCC with a favorable recommendation*

*Mover: Monestime*

*Seconder: Edmonson*

*Vote: 4-0*

*Absent: Sosa, Diaz*

**Report:** *Chairwoman Edmonson resumed the Chair before this item was considered.*

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

*It was moved by Commissioner Monestime that this resolution be forwarded to the County Commission, with a favorable recommendation. This motion was seconded by Chairwoman Edmonson, followed by a discussion.*

*In response to Commissioner Jordan's question regarding whether the list of projects approved for the Building Better Communities General Obligation Bond (BBC-GOB) program included this project as well, Assistant County Attorney Bonzon-Keenan noted that \$1.5 million was allocated as a special line item for Multi-Purpose Facilities in Commission District 6, and was part of GOB Project No. 220, a \$15 million GOB fund for Multi-Purpose Facilities.*

*Commissioner Jordan asked if this fund was accessible to all Commission Districts.*

*Assistant County Attorney Bonzon-Keenan noted the Board determined funding for multi-purpose facilities as a policy matter, but this particular fund was for District 6.*

*Regarding Commissioner Jordan's comment that multi-purpose facilities were slated to be built in Commission Districts 1 and 13, Assistant County Attorney Bonzon-Keenan noted she could provide this Committee with information pertaining to those projects at the conclusion of today's (10/26) meeting, but Project No. 220 only pertained to District 6.*

*Commissioner Jordan noted she would support this resolution, but would like more clarification.*

*Chairwoman Edmonson said she was confused because she thought \$15 million was allocated for projects in the Targeted Urban Areas (TUAs), and each project was limited to \$3 million. She asked if the funding in this resolution pertained to the TUA funding.*

*Discussion ensued regarding where the money came from for multi-purpose facilities, and regarding the differences between the TUA Funding and the Economic Development Funding.*

*Commissioner Jordan suggested the Committee defer this item for further clarification.*

*Assistant County Attorney Bonzon-Keenan explained that the Budget contained the category 'Multi-purpose Facilities' and a separate category for 'Economic Development Fund.' She said that under the category of Economic Development Fund were two separate line items; one in the amount of \$75 million that was designated for countywide projects, and another in the amount of \$15 million designated to TUAs.*

*Chairwoman Edmonson said she did not want to delay this resolution, and would address the issues before the full County Commission.*

*Commissioner Jordan noted she would like staff to provide information clarifying the issues before this resolution was forwarded to the Commission.*

*Commissioner Monestime noted he was satisfied with the clarification provided by staff and felt this resolution should move forward. He noted the foregoing project was a multi-purpose, public facility; and due to the fact that TUA funding was for infrastructure projects that supported economic development, he did not believe this project qualified for TUA funding. He noted Project Number 320 was for the TUAs, and may have been confused with Project Number 220, the subject of the foregoing resolution.*

*The committee deferred voting on this resolution until later in the meeting to get more information and clarity.*

*Later in the meeting, Assistant County Attorney Bonzon-Keenan noted she had not received the information yet, but assured Committee members that Project 220 and projects for TUAs were funded from two different sources.*

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

2C

**112043 Resolution** **Sen. Javier D. Souto** **Tabled**  
RESOLUTION DIRECTING THE MAYOR TO DEVELOP  
A PLAN FOR EVENING INSPECTIONS FOR THE  
PURPOSE OF DISCOVERING AND REPORTING  
PROBLEMS AND MALFUNCTIONS ASSOCIATED WITH  
STREET LIGHTS, BUS SHELTER LIGHTS, PARK  
LIGHTS, LIBRARY PARKING LOT LIGHTS AND  
FURTHER TO IDENTIFY AND TO TAKE APPROPRIATE  
ACTION WITH RESPECT TO NON-FUNCTIONING  
PARKING LOT LIGHTS IN COMMERCIAL PARKING  
LOTS AND ESTABLISHMENTS OPEN TO THE PUBLIC  
DURING EVENING HOURS AND TO ENFORCE  
PARKING BANS ON COMMERCIAL VEHICLES IN  
RESIDENTIAL NEIGHBORHOODS

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

*The foregoing proposed resolution was laid on the table due to a lack of a motion.*

**3 DEPARTMENTS**

3A

**112064 Resolution****Dennis C. Moss**

RESOLUTION AUTHORIZING THE EXECUTION OF TWO CONTRACTS FOR SALE AND PURCHASE BETWEEN NORMA MURRAY, MARSHA A. LEE, CLARICE WASHINGTON, NORMAN SYMONETTE, JEFFREY SYMONETTE, AND ANGELA DORSAINVILLE FOR PROPERTY LOCATED AT 11325 SW 220 STREET IN THE AMOUNT OF \$41,760.00 AND BETWEEN NORMA MURRAY, EDISON SYMONETTE, MARSHA A. LEE, CLARICE WASHINGTON, ROGER SYMONETTE, NORMAN SYMONETTE, JEFFREY SYMONETTE, ANGELA DORSAINVILLE, AND DARYL HARRIS, FOR PROPERTY LOCATED AT 11335 SW 220 STREET IN THE AMOUNT OF \$69,900.00 AND MIAMI-DADE COUNTY, AS BUYER, FOR THE PURPOSE OF EXPANDING GOULDS PARK; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN; AND AUTHORIZING AND DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ACCEPT CONVEYANCE OF 11325 SW 220S STREET AND 11335 SW 220 STREET TO MIAMI-DADE COUNTY BY INSTRUMENT OF CONVEYANCE AND TO RECORD INSTRUMENT OF CONVEYANCE IN PUBLIC RECORDS OF THE COUNTY AND TO MAINTAIN COPY AS REQUIRED BY RESOLUTION NO. R-974-09 (Internal Services)

*Forwarded to BCC with a favorable recommendation*

*Mover: Jordan*

*Seconder: Monestime*

*Vote: 4-0*

*Absent: Sosa, Diaz*

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

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

3B

**111955 Resolution**

**Bruno A. Barreiro**

RESOLUTION DESIGNATING A PORTION OF MIAMI-DADE COUNTY OWNED PROPERTY KNOWN AS THE HICKMAN BUILDING AS RIGHT-OF-WAY BEING THE RADIUS RETURNS LOCATED AT THE INTERSECTIONS OF NW 3 AVENUE AND NW 2 STREET AND NW 3 AVENUE AND NW 3 STREET, IN SECTION 1, TOWNSHIP 54 SOUTH, RANGE 41 EAST (Public Works & Waste Management)

*Forwarded to BCC with a favorable recommendation*

*Mover: Barreiro*

*Seconder: Monestime*

*Vote: 4-0*

*Absent: Diaz, Sosa*

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

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

3C

**111956 Resolution**

**Audrey M. Edmonson**

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

*Forwarded to BCC with a favorable recommendation*

*Mover: Barreiro*

*Seconder: Monestime*

*Vote: 4-0*

*Absent: Sosa, Diaz*

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

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

3D

**112000 Resolution**

**Lynda Bell**

RESOLUTION GRANTING PETITION TO CLOSE ALI COGIA CIRCLE, FROM SW 213 STREET TO SW 214 STREET (ROAD CLOSING PETITION NO. P-889) (Public Works & Waste Management)

*Forwarded to BCC with a favorable recommendation*

*Mover: Barreiro*

*Seconder: Monestime*

*Vote: 4-0*

*Absent: Diaz, Sosa*

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

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

**4 COUNTY ATTORNEY**

**5 CLERK OF THE BOARD**

5A

**112099 Report**

APPROVAL OF COMMISSION COMMITTEE MINUTES FOR THE SEPTEMBER 14, 2011 INFRASTRUCTURE AND LAND USE COMMITTEE MEETING (Clerk of the Board)

*Approved*

*Mover: Monestime*

*Seconder: Edmonson*

*Vote: 4-0*

*Absent: Sosa, Diaz*

**6 REPORT**

**7 ADJOURNMENT**

**Report:** *There being no further business to come before the Infrastructure and Land Use Committee, the meeting was adjourned at 3:14 p.m.*