



MEMORANDUM
Harvey Ruvin
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INLUC
Agenda Item No. 5(A)

TO: Honorable Chairwoman Audrey Edmonson
and Members, Regional Transportation Committee

DATE: April 11, 2012

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

SUBJECT: Approval of Commission
Committee Minutes

A handwritten signature in black ink, appearing to read "Chris Agrippa".

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:

March 14, 2012 ILUC Meeting

CA/jt
Attachment



**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Infrastructure and Land Use Committee (ILUC)**

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

March 14, 2012
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Christopher Agrippa, Division Chief
Clerk of the Board Division

Jill Thornton, Commission Reporter
(305) 375-2505





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

DRAFT 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)

Wednesday, March 14, 2012

2:00 PM

COMMISSION CHAMBERS

Members Present: Jose "Pepe" Diaz, Audrey M. Edmonson, Barbara J. Jordan, Jean Monestime, Rebeca Sosa.

Members Absent: None.

Members Late: Bruno A. Barreiro 2:37:00 PM.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

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

1A MOMENT OF SILENCE

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present: Deputy Mayor Jack Osterholt; Assistant County Attorneys Geri Bonzon-Keenan and Eduardo Gonzalez; and Deputy Clerks Doris Dickens and Jill Thornton.*

Assistant County Attorney Geri Bonzon-Keenan noted the changes listed in the County Commission Chairman's March 14, 2012 memorandum entitled "Requested Changes to the Infrastructure and Land Use Committee Agenda" were as follows: Agenda Item 1F2 Supplement was added to the agenda; Agenda Item 3A contained a scrivener's error that was corrected to include a reference to Districts 3 and 9, which was inadvertently omitted from the sentence on page 1A under the heading entitled "Scope," so that it now reads "The Recreational Waterfront Access Improvement Plan is a project of countywide significance, and will generally focus on bayfront locations within Commission Districts 3, 4, 5, 7, 8 and 9." In addition to the changes listed in the memorandum, Ms. Bonzon-Keenan noted Commissioner Barreiro asked that he be listed as a co-sponsor on Agenda Item 2A.

It was moved by Commissioner Diaz that today's (03/14) agenda be approved with the changes noted by the Assistant County Attorney. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 5-0 (Commissioner Barreiro was absent).

1D SPECIAL PRESENTATIONS

1D1

120407 Service Awards Joe A. Martinez
 PRESENTATION OF SERVICE AWARDS TO THE *Presented*
 FOLLOWING EMPLOYEES:

HORACE O. CREARY - PWWM - 30 YEARS
 LOIS E. FRUTIGER - WASD - 30 YEARS

1E DISCUSSION ITEM

4

1F PUBLIC HEARINGS

1F1

112663 Ordinance

Lynda Bell,

Rebeca Sosa

ORDINANCE AMENDING CHAPTER 10 OF THE MIAMI-DADE COUNTY CODE CLARIFYING SCOPE OF WORK FOR A SWIMMING POOL MAINTENANCE CONTRACTOR (LIMITED) AND AMENDING CERTIFICATION REQUIREMENTS OF SAME, PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation

Mover: Sosa

Seconder: Diaz

Vote: 6-0

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

Commissioner Sosa apologized that she would be leaving in 15 minutes to attend an event at the Port of Miami.

Chairwoman Sosa opened the public hearing on the foregoing proposed ordinance, and the following persons appeared in support:

1. Mr. Robert Estell, State Certified Pool Contractor/CPO Instructor for the National Swimming Pool Foundation, 6221 NW 41 Way, Coconut Creek, Fl, noted that requiring a license to clean pools held Certified Pool Operators (CPO) to a higher standard of education. He noted the State's Construction Industry Licensing Board declared that a license was not needed to add chemicals to swimming pool water.

2. Mr. Ernesto Acosta, CPO, 8371 SW 124 Ave #104, spoke through a Spanish translator in support of this proposed ordinance to eliminate the licensing requirement.

3. Mr. Alain Barbeyto, representing all CPOs, 11256 SW 238 St, spoke through a Spanish translator in support of this proposed ordinance.

4. Mr. Juan Hernandez, CPO, 10201 SW 3rd St, spoke through a Spanish translator in support of this proposed ordinance, and opposed the required General Contractor's (GC) license to clean pools. He asked that CPOs be allowed to continue cleaning pools without a license.

5. Mr. Adrian Rodriguez, CPO, 16316 SW 139 Ct, spoke through a Spanish translator.

6. Mr. Jose Torres, CPO Instructor, 755 Morrison

Drive, Orange City, Fl, spoke through a Spanish translator in support of this proposed ordinance. He noted the CPO course was sufficient education and training to service and maintain residential and commercial swimming pools.

7. Mr. Guillermo Exposito, 1635 SW 72 Court, spoke through a Spanish Interpreter and agreed that water born diseases were of concern, but CPOs were highly trained and knowledgeable to treat and maintain pool water. He pointed out that GCs and other licensed contractors rely on the skills and knowledge of CPOs to do this work.

The following persons spoke in opposition:

1. Mr. Dan Essig, 1800 NE 151 St, noted that servicing pools was more than just removing debris or leaves from swimming pools; it required certification and education on how to create a safe environment for swimming. He noted that eliminating the licensing requirement would eliminate the County's control over safety issues.

2. Mr. David Minchenor, Pool Service and Construction Manager, Reef Tropical Pools, 485 SE 22 Lane, Homestead, noted he opposed eliminating the licensing requirement, though he agreed that a GCs license was not necessary to clean pools. He explained the problem was CPOs did more than just clean pools and some did maintenance and repair work illegally. He spoke in support of certification, continual education, and licensing to maintain and repair pools.

3. Mr. Benny Horowitz, Executive Advisor, Association of Swimming Pool Industries (ASPI), 8530 SW 44 St, opposed amending Chapter 10 of the Code to eliminate the licensing requirement, continual education, and background/credit checks of individuals who service pools. He noted the license was issued by the government, not through a CPO course.

4. Mr. Irv Chazen, Licensed Pool Contractor, 13250 SW 131 St, noted that he and Dr. James Rogers investigated incidents of deaths, serious illness, and accidents for the State of Florida some of which involved improper maintenance of swimming pool water. He noted both the State and the County required pool water to be potable (drinkable). He urged the Committee to deny this ordinance.

5. Mr. Randy Schwartz, State Licensed Contractor,

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9801 SW 121 St, noted he provided Committee members with a document from the Department of Professional Regulations (DPR) indicating the dangers and consequences of hiring an unlicensed pool cleaner. He urged the Committee to deny this ordinance.

6. Mr. Edwin Green, General Contractor/former Chair of the State's Licensing Board, 775 NW 21 Street, noted his workers were licensed and insured to service pools; however, CPOs were only certified. He also pointed out that unlicensed workers were not insured, thus, making the homeowner liable for errors or injury. He urged the Committee to deny this ordinance.

7. Mr. Todd Stiff, member of the County's Construction Trades Qualifying Board (CTQB), 1255 Dove Ave, Miami Springs, noted Chapter 10, at present, ensured the work was performed by a licensed contractor, protected the homeowner, and ensured public safety. He urged the Committee to reject this ordinance.

8. Ms. Marilyn Schwitzer, ASPI member, 9300 SW 136 St, noted the CPO course was originally designed to allow handymen at hotels to service commercial pools, but not for residential pools. She noted maintaining pools included many aspects, and the ASPI wanted educated, licensed, insured, and experienced workers who were knowledgeable about pool equipment and the hazards of mixing chemicals. She pointed out that CPOs were not insured. She explained that the current requirements under Chapter 10 gave the consumer recourse for errors of pool maintenance workers, such as hearings and fines. She urged the Committee to deny this proposed ordinance.

9. Mr. Arthur (Art) Fernandez, CTQB member, 13952 Lake Lure Court, Miami Lakes, suggested the Board cautiously consider this proposed ordinance and not eliminate the licensing requirement. He agreed that a GC license was not needed to clean pools, but a license was needed to mix or add chemicals to pool water. He recommended discussing this proposed ordinance further between all concerned parties for the benefit of public safety. He pointed out that a license is what guaranteed the qualifications of a person performing the services and should not be eliminated.

10. Ms. Kim Sparks, Owner of Penguin Pools, 10440 SW 111 St, noted she required her

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employees to be educated and licensed in cleaning and maintaining pools. She also noted the required continuing education courses provided much knowledge and opportunity for her to educate homeowners on changes in the Code and new requirements, such as the Virginia Graham Baker Act and the American Disabilities Act.

Seeing no one else wishing to speak, Chairwoman Edmonson closed the public hearing.

Commissioner Bell, sponsor of this ordinance, noted it was interesting to hear the concerns of the pool company owners versus the pool cleaners regarding this ordinance. She pointed out that currently, the Code, under Chapter 10, required a contractor's license to clean pools.

Responding to Chairwoman Edmonson's request for clarification regarding the current requirements under Chapter 10 of the Code, Assistant County Attorney Eduardo Gonzalez clarified that currently, a Swimming Pool Maintenance Contractor's License (limited) was required to maintain and treat the water in existing swimming pools.

Commissioner Bell noted she would never propose anything that compromised public safety. She pointed out that the workers who testified today were the same kind of workers that commercial pool companies and licensed contractors hire to clean pools; however, the company, not the workers, held the license. She also pointed out that some homeowners clean their own pools without a license. Commissioner Bell noted every county except Broward operated under the same rules, and this proposed ordinance was stricter than the State statutes. She also noted this proposed ordinance only removed the contractors licensing requirement and required pool cleaners to be certified Public Pool Service Technicians, but prohibited them from doing electrical work or repairs.

Regarding background checks, Commissioner Bell pointed out that property owners should be aware of who they allowed on their property. She questioned whether it was fair to assume that CPOs would abuse their State certification or break the law, noting they would be subject to appropriate penalties. She noted this proposed ordinance was beneficial to the County, it would create jobs, and the Health Department did not object to it. Commissioner Bell clarified the intent

was not to relax any law, but to make it easier for pool cleaners to continue working.

Commissioner Jordan asked Assistant County Attorney Gonzalez to clarify whether the contractor's license required under Chapter 10 of the Code was comparable to a General Contractors (GC) license.

Assistant County Attorney Gonzalez noted the Code included several categories of contracting licenses, but this proposed ordinance addressed the Swimming Pool Maintenance Contractor (limited) License, which essentially was a partial contractors license for certain functions that included maintaining and treating water in existing swimming pools, and making minor repairs to pools.

Commissioner Jordan noted it seemed that a number of the speakers were confused about the contractors licensing requirements under the Code.

At Commissioner Jordan's request, Mr. Essig appeared before the Committee and explained that the duties and licensing for both pool maintenance and construction fell under the category "General Contractors License," which caused CPOs to believe they needed to obtain a GC license to work.

Commissioner Jordan noted she hired various pool companies to maintain the salt water system in her pool and had to make major repairs because the workers did not understand how the system worked. She said she preferred licensed pool cleaners who were knowledgeable, and who would be held liable for their work. She said she did not want any of her family members to suffer due to a worker's lack of knowledge about mixing and adding chemicals to pool water.

Commissioner Jordan noted she believed that eliminating the licensing requirement would put private homeowners at risk, and the County needed to be mindful of the safety issues. She also noted she had no problems with the County's standards being higher than the States.

Commissioner Diaz agreed that much had changed in this industry and the issues needed to be vetted. He noted he agreed with Commissioner Jordan that the Commission needed to be mindful of the safety issues and ensure jobs for citizens. Commissioner Diaz requested clarification on the

difference between a contractor's license and a general contractor's license.

Assistant County Attorney Gonzalez noted the categories listed under Chapter 10 were all contractors' licenses, and the referenced category in this ordinance was a Swimming Pool Maintenance Contractor (limited) License, which was a contractor's license, as opposed to a GC license.

Commissioner Diaz pointed out that this type of work required a certain level of expertise, thus it required a contractors license, but not a GC license. He agreed with Commissioner Bell that homeowners could clean their own pools without being licensed. He expressed concern regarding the liability issues and questioned whether licensed pool cleaners must be insured pursuant to the County Code.

Assistant County Attorney Gonzalez noted that Chapter 10 defined the scope of the work, and licensed contractors were subject to oversight by the CTQB, which might require insurance.

Mr. Charles Danger, Director, Permitting, Environment and Regulatory Affairs, clarified that under the current Code, a licensed contractor was required to carry liability insurance; however, CPOs were not licensed. They were certified, which meant they did not have to be insured.

Commissioner Diaz said he would feel more comfortable supporting this ordinance if it included provisions for requiring all professional swimming pool cleaners to carry liability insurance.

Mr. Danger pointed out that currently, a person working under a commercial company or licensed contractor to service or maintain pools did not have to be licensed or certified. He agreed that the company should be liable, but owners often let their insurance lapse. He noted this proposed ordinance required a CPO to do the work. Mr. Danger suggested that since it was expensive and difficult to obtain the required contractors license, the County could require independent pool cleaners to be certified as a CPO and show proof of insurance, in lieu of obtaining the required contractors license. He reiterated that under the current Code, workers hired by commercial companies or licensed contractors to service pools were covered by the company's license and

insurance.

Commissioner Diaz noted he supported Commissioner Bell's intent to create jobs, however, a balance was needed between experienced workers or CPOs versus those who worked under a licensed contractor or company. He agreed that safety and knowledge were the major issues. He said he would work with Commissioner Bell to tweak this proposed ordinance to create a balance and to address the concerns regarding liability, insurance, and various categories of contractors licensing, fees and tests.

Commissioner Sosa noted safety must come first and the CPO course would ensure anyone hired would be knowledgeable. She noted a requirement for insurance would address the major concern for public safety. She encouraged Commissioner Bell to follow up on the suggested proposals regarding provisions for liabilities and insurance in this proposed ordinance.

In response to Commissioner Sosa's inquiry regarding the State requirements to do this work, Mr. Danger noted the State had no requirements to service pools or add chemicals to pool water.

Commissioner Monestime inquired regarding the requirements for becoming a CPO.

Mr. Danger noted a 16 hour course that teaches how to mix and add chemicals, maintain, and balance swimming pool water, a passing score on a test, and a CPO certificate recognized by the State of Florida were required.

In response to Commissioner Monestime's inquiries whether this proposed ordinance required all pool cleaners, both independent and hired by a company, to at least be certified as a CPO, Mr. Danger noted this proposed ordinance required unlicensed persons who cleaned or maintained swimming pools to be certified as a CPO, but it did not require a licensed company or contractor to hire a CPO, noting they could still hire anyone, even if they were not certified.

Commissioner Monestime asked if this proposed ordinance would enable an independent pool cleaner to work independently.

Mr. Danger affirmed that it would.

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Commissioner Monestime suggested the sponsor of this proposed ordinance incorporate a requirement that licensed contractors and companies hire only CPOs. He expressed concern that licensed companies and contractors could hire persons who were not licensed or certified to clean pools.

Commissioner Bell noted she would consider the comments suggesting a requirement that every worker be trained and certified. She noted the purpose of this proposed ordinance was to be more stringent.

Commissioner Jordan concurred that the issues of concern were certification and liability, and that licensed companies and contractors were able to hire uncertified workers to clean pools. She suggested that all pool maintenance workers be required to be insured and certified; otherwise, homeowners would have no recourse for liabilities. She also noted this would allow CPOs to spin off from companies to start their own business.

Commissioner Bell asked the Committee to forward this proposed ordinance to the County Commission and allow her to work on the amendments and present them before the Board of County Commissioners (BCC). She agreed that any employee who maintains pools for a living should be certified. Commissioner Bell pointed out that the requirements in this proposed ordinance were more stringent than the requirements and guidelines currently in place.

Chairwoman Edmonson noted she would support this proposed ordinance now, but may not support it before the BCC if it did not include some amendments for certification and insurance.

Assistant County Attorney Bonzon-Keenan advised that staff would bring back an amended ordinance with language that addressed the liability and insurance issues, and require that all individuals be certified as a CPO or licensed to clean pools.

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

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1F2

112543 Ordinance

Sally A. Heyman,

Esteban L. Bovo, Jr., Jean Monestime
 ORDINANCE RELATING TO INCORPORATION;
 REPEALING ORDINANCE NO. 07-120 OF MIAMI-DADE
 COUNTY, FLORIDA; DELETING PROVISIONS THAT
 SUSPENDED PROCESSING AND CONSIDERATION OF
 PROPOSED INCORPORATIONS; PROVIDING
 SEVERABILITY, EXCLUSION FROM THE CODE, AND
 AN EFFECTIVE DATE

*Forwarded to BCC with a favorable
 recommendation*

Mover: Monestime

Seconder: Barreiro

Vote: 3-2

No: Jordan, Diaz

Absent: Sosa

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

*Commissioner Monestime suggested that one
 person be allowed to speak on behalf of all
 persons in favor of this ordinance, in order to
 expedite this hearing.*

*Chairwoman Edmonson opened the public hearing
 for persons wishing to speak in connection with
 this ordinance, and limited speakers to two
 minutes.*

The following persons spoke in support:

*1) Mr. Jonathan Morton, 2135 NE 204 St,
 Highland Lakes Community, noted a few years
 ago, the citizens of his community moved to
 incorporate as a city to control their destiny, but
 were stopped by the moratorium. He asked that
 the moratorium be lifted and that they be allowed
 the right to vote to become a city.*

*2) Mr. Mike Hatcher, 25145 SW 144 Ave, Redland
 Community, spoke in support of lifting the
 moratorium and allowing communities to
 incorporate. He thanked Chairwoman Edmonson
 for allowing the public to speak on this issue.*

*3) Ms. Beverly (Bev) Gerald, 14271 SW 74th Ct,
 Palmetto Bay, asked that the moratorium be lifted
 and communities be allowed to move forward with
 annexations and incorporations.*

*4) Ms. Bari Schanerman, 2145 NE 207 St, spoke
 in support of repealing the moratorium.*

*5) Mr. Lenny Feldman, HOA Vice-President, Sky
 Lake/Highland Lakes Community (part of the
 Northeast Municipal Advisory Committee (MAC)),
 20620 NE 22 Pl, spoke in support of lifting the*

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moratorium. He noted some local issues were so specific and personal to the community that they could be better resolved under municipal governments.

6) Mr. Richard Friedman, 6328 NW 175 Terr, supported a repeal of the moratorium, and recommended the ordinance be tabled, pending a study on how new incorporations would impact the remaining portion of the Unincorporated Municipal Service Area (UMSA); a plan based on current economic conditions, and a deadline on the study.

7) Mr. Andrew Nierenberg, 13725 SW 104 Ct, noted during his tenure as a member of the Financial Responsibility Advisory Committee, charged with addressing a proposal to incorporate the Falls areas, a 90-day moratorium was subsequently imposed to study the impact on UMSA, which was still in effect today, five years later. He noted it was his understanding that Mayor Gimenez was devising a plan and would submit it at the next County Commission meeting to respond to the nine areas presently seeking to incorporate. He asked that the Commission vote to repeal the moratorium and the constituencies involved in this process be recognized and allowed to vote.

8) Mr. Mack Samuel, 8951 NW 8 Ave, UMSA, spoke in support of lifting the moratorium. He noted he represented a 12-square mile area, an enclave that was a community unto itself. He said his desire was to have a dialogue and provide the community with all the facts, so that they could decide if they want to incorporate or not. He expressed appreciation to all the Commissioners that sponsored this item.

9) Mr. Vernell Everett, 15100 S. River Dr, Biscayne Gardens, Chairman of the MAC, spoke in favor of repealing the moratorium. He noted the MAC did a study and determined the budgets, but its progress was halted by the moratorium.

10) Ms. Anne Cates, 13939 NW 1 Ave, asked that the moratorium be lifted. She cited articles by the Miami Herald on waste, unethical activities and the Fuel Farm at the Miami International Airport. Ms. Cates suggested the Commission get out of the municipal services business and focus on the bigger issues.

11) Reverend Carl Johnson (address not given),

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expressed appreciation to the Committee regarding how today's public hearing was conducted. He said he supported lifting the moratorium and would be happy to have an honest, intelligent discussion with the concerned parties on the issues of cities incorporating.

The following persons appeared in opposition:

1) Mr. Alan Rigerman, 17910 NW 84th Ave, Palm Springs North, noted the earlier incorporations were good for the wealthy, but left out the recipient neighbors and denied UMSA its most profitable communities. He suggested if UMSA could afford to maintain good services after more donor communities incorporated, it was time for the moratorium to be lifted. Mr. Rigerman noted he was open-minded, and wanted the best for the entire County. He expressed appreciation to the Committee and its Chair for conducting today's public hearings professionally.

Hearing no one else wishing to speak, Chairwoman Edmonson closed the public hearing.

It was moved by Commissioner Monestime that the Committee forward the foregoing proposed ordinance to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Barreiro, followed by a discussion.

Commissioner Diaz noted, as members of the Incorporation and Annexation Subcommittee, he and Commissioners Martinez and Souto were tasked to gather input and hear testimony on incorporations and annexations, and heard a lot of it. He noted the reason the moratorium was extended was due to budget constraints and the unstable economy. He also noted the key issue raised in the study was annexation before incorporation. Commissioner Diaz said the motives were: 1) the right to self-govern and 2) the greater good of the government. He pointed out that the numbers in the 2007 study would not be the same today. Commissioner Diaz noted he had strongly supported annexations and incorporations until he saw the bigger picture. He said he was surprised to hear the Mayor had developed a plan before the Commission knew the numbers and financial impact to the remaining portion of UMSA.

Deputy Mayor Jack Osterholt clarified that

members of the Administration felt any discussion on incorporations and annexations was like a plan, and made a commitment to not only perform a financial analysis, but also to consider all the community's concerns. He suggested the entire unincorporated area be reviewed to ensure all the recipient areas were addressed.

Commissioner Diaz noted that getting the facts did not require lifting the moratorium. He noted the information was needed to avoid putting Commission Districts with mostly unincorporated areas at risk. He said the proposed annexations of Doral, Medley, Virginia Gardens and Miami Springs caused much frustration regarding increased taxes. He noted he completely supported the Mayor looking at a plan, but was concerned with opening the flood gates and the potential impact on UMSA. He said he would like the process to be more comprehensive. The Commissioner later clarified that he was not opposed to incorporating, but wanted to see the numbers before lifting the moratorium.

Commissioner Jordan noted the ordinance implementing the moratorium was adopted on September 4, 2007, about four years ago, and she co-sponsored it. She said she firmly believed in self-determination, but understood what it meant in terms of donor versus recipient communities. She noted in the initial process, affluent communities cherry-picked wealthier communities, while leaving out the poorer communities. She said she purposely included a requirement that the Administration provide Biscayne Gardens technical support to determine its budget and if it wanted to proceed with incorporating. She also noted it was initially determined that the City of Miami Gardens was a recipient community and could not sustain itself without increasing taxes; however, that information was not provided to its citizens. She said citizens needed to know the costs and impact of incorporating, and whether their taxes would increase.

Commissioner Jordan noted the moratorium was also implemented to study the impact of new incorporations on the remainder of UMSA. She noted the community could suffer if UMSA could not sustain itself without increasing taxes. She also noted incorporations that did not have a surplus could hurt other communities in UMSA. She concurred with Commissioner Diaz' and Mr. Osterholt's statements regarding including all communities and getting the numbers first.

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Commissioner Jordan noted that one's ambition to form a city in which to run for office should not block the distribution of information to the community. She noted she appeared before the MAC with information on taxes, but was not heard.

Chairwoman Edmonson noted she believed the citizens should have the right to participate in the decisions that impact their communities. She asked that if the moratorium was lifted and an application for annexation was filed, the financial information would have to come back before the BCC and the community.

Assistant County Attorney Craig Collier noted typically, the Board of County Commissioners (BCC) were provided the anticipated revenues and expenses for a specific area seeking to incorporate.

Commissioner Edmonson noted that staff had 4.5 years to compile this information, and the Board should not continue delaying the inevitable. She said she would support forwarding this ordinance to the BCC to get input from her colleagues and the sponsors, but may not vote in favor of it at the BCC meeting.

Commissioner Barreiro noted he supported this ordinance, and noted the Board should ensure that the County achieved a balance concerning incorporated and unincorporated areas. He pointed out that historically, smaller communities had more ethical problems and crime.

Commissioner Diaz noted once the moratorium was lifted, the Board could not deny applications to incorporate, and would have to move forward with the process. Commissioner Diaz also noted he would prefer to defer this ordinance until staff provided this Board and County residents with all the information.

Mr. Osterholt noted it was important to understand that staff's role in this process was an independent, neutral consultant and it would not adopt the position of any city.

Commissioner Jordan read into the record language from the existing ordinance, which stated: "whereas such a report was to indicate whether municipalities near unincorporated areas were interested in annexing such areas as the preferred method to pursue boundary

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changes...and updating financial information relative to the North Central MAC." She asked that this ordinance be deferred for 30 days to allow staff to provide an overlay of what the remainder of UMSA would look like with new incorporations and an update on the financial information relative to the North Central MAC.

Mr. Osterholt asked that he and staff be allowed to determine a realistic timeframe in which the information and a proposed work plan could be provided to the Board.

Commissioner Jordan noted she asked for 30 days because the existing ordinance referenced a report already prepared by the County Manager and placed on the December 11, 2007 Government Operations and Environmental Committee agenda, but was deferred to no date certain. She said she thought the overlay would be based on the report prepared in 2007, and only the financial information on the North Central MAC would need to be updated.

Mr. Osterholt noted he believed the Commission needed a recalculated assessment of how proposed incorporations would financially impact the remainder of UMSA, post 2007. He said he would like to come back at the next Committee meeting with a detailed work plan and a realistic timeframe.

Commissioner Jordan withdrew her request for a deferral, and asked Deputy Jack Osterholt to provide a comprehensive report at the April 11, 2012 Committee meeting, on the impact of incorporations on the Unincorporated Municipal Service Area (UMSA), including the status of the North Central Municipal Advisory Committee (MAC), a detailed financial report, specifically the financial implications to UMSA; and an overlay map showing the remaining portion of UMSA, including a complete work program, timelines, etc.

Commissioner Monestime pointed out that the requested information would have to come before the Board before any proposal to incorporate was approved. He said he believed it would show that even during the current economy, municipalities were able to increase their taxes and sustain themselves better than the County had; and that areas remaining in UMSA had disintegrated over time. He noted self-determination fed growth and allowed municipalities to take responsibility for their own decisions, plus receive federal funding.

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He agreed that the plan had to be comprehensive and the numbers from 2007 had to be adjusted. He said that letting go of unincorporated areas was sometimes necessary and the right thing to do.

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

1F2 SUPP

120491 Supplement

FISCAL IMPACT TO ORDINANCE RELATING TO INCORPORATION REPEALING ORDINANCE 07-120

Forwarded to BCC with a favorable recommendation

Mover: Monestime

Seconder: Barreiro

Vote: 3-2

No: Jordan, Diaz

Absent: Sosa

DRAFT

1F3

120044 Ordinance

Xavier L. Suarez

Tabled

ORDINANCE RELATING TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); AMENDING SECTION 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING CERTAIN APPLICATIONS TO AMEND THE URBAN DEVELOPMENT BOUNDARY OR URBAN EXPANSION AREA BOUNDARY MAY NOT BE FILED UNTIL 2015; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

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

Chairwoman Edmonson opened the public hearing for persons wishing to speak in connection with Agenda Items 1F3 and related Item 2A, and the following persons appeared in support:

1) Mr. Alan Rigerman, 17910 NW 84 Ave, Palm Springs North, noted should development move west beyond the Urban Development Boundary (UDB) line, he would encourage approving multi-use development only, and that it be done right.

2) Ms. Barbara Falsey, President of the Urban Environment League, 2660 NE 166 St, spoke in support of the proposed moratorium on applications to move the UDB, and suggested the Board consider recommendations from the Environmental Protection Agency (EPA) study on moving the UDB. Regarding related Agenda Item 2A, she said she doubted a work group with opposing members could reach a better consensus than the County's professional staff had on this issue.

3) Mr. James Humble, Chair of the Agricultural Practices Advisory Board, (address not given), spoke on Item 2A only, noting the landowners would be the party most affected by UDB decisions, and should be included as members of the Work Group.

4) Ms. Debbie Brady, Executive Director of the Dade County Farm Bureau, 17825 SW 232 St., noted the Comprehensive Development Master Plan (CDMP) was originally developed to protect Agriculture, Biscayne Bay, the Everglades, and other natural resources. She noted the Board

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should proceed cautiously, consider each parcel related to CDMP amendments separately, and not draw a broad UDB line. Regarding Agenda Item 2A, she noted the work group should include representation from the Agriculture (AG) Industry, which was not included in this resolution.

5) Ms. Sara Fain, Everglades Law Center, 3660 Battersea Rd., appeared on behalf of National Parks Conservation Association, the Tropical Audubon Society, and Richard Grosso, Executive Director of the Environment and Land Use Law Clinic at Nova Southeastern Law School, in support of the moratorium. Regarding Item 2A, Ms. Fain noted she was doubtful a working group could come to any consensus on where to draw a permanent line. She noted the only impact of trying to creating a permanent line would be to move the line sooner than later, as recommended by County experts. She said that as a matter of law, this Commission may not bind the actions of future County Commissioners, and indicated no line created would be permanent. She said this resolution proposed comprehensive studies, but they had already been done, e.g. the Watershed Study. Ms. Fain advised that Executive Director Laura Reynolds of Tropical Audubon Society, and Richard Grosso were listed in the resolution as members of the work group, and respectfully declined from participating on the task force at this time.

The following persons spoke in opposition:

1) Mr. Jeffrey Bercow, Attorney, 200 S. Biscayne Blvd, appeared on behalf of Mr. Alexander Heckler, Turnberry Doral Development, LLC, and all developers in opposition to this ordinance. He noted this ordinance would prevent developers from presenting their justification for UDB expansion and submitting any application before 2015. He said it would impact real estate, development, and the housing market. Mr. Bercow quoted from the Evaluation and Appraisal Report (EAR) depletion dates and required quantities concerning developable residential land. Regarding Item 2A, Mr. Bercow supported the proposed work group, but was doubtful it would ever reach a consensus on this issue.

2) Mr. William Delgado, President of the Latin American Business Association, 2413 NW 85 Ave., asked that if a task force was created, it not be like the Watershed group, but that the construction industry and environmental groups be equally

represented; and that a sensible line be drawn that was good for business and created jobs.

3) Ms. Truly Burton, Representative, Florida Atlantic Builders Association (FABA), 1175 NE 125 St., appeared in opposition to the moratorium. She echoed Mr. Bercow's and Mr. Delgado's comments. She pointed out that the County's Sustainability, Planning, and Economic Enhancement Department (SPEED) already had rigorous standards in place which had delayed the application process. She agreed a dialogue was needed and that the FABA members were willing to participate in it.

4) Mr. Bernie Navarro, President, Latin Builders Association, 200 Sevilla Ave, spoke in opposition to a moratorium, but in favor of a dialogue between concerned parties.

Hearing no one else wishing to speak, Chairwoman Edmonson closed the public hearing.

Chairwoman Edmonson asked staff to explain the purpose of this moratorium, and what would occur during it.

Deputy Mayor Jack Osterholt noted the Committee had all the information he had.

Chairwoman Edmonson said she could not support imposing a moratorium if no one could say what it would accomplish or what would occur during it.

Commissioner Monestime yielded to Committee members for a discussion or a motion.

This ordinance was tabled due to a lack of a motion.

2 COUNTY COMMISSION

2A

120454 Resolution

Jose "Pepe" Diaz,

Bruno A. Barreiro

Amended

RESOLUTION CREATING A WORKING GROUP TO
MAKE RECOMMENDATIONS TO THE BOARD OF
COUNTY COMMISSIONERS ON A PERMANENT URBAN
DEVELOPMENT BOUNDARY (UDB) AND ON
RESTRICTIVE PROCEDURES SHOULD FUTURE UDB
AMENDMENTS BECOME NECESSARY

Report: *(See Agenda Item 2A Amended; Legislative File
No. 120558 for the amended version.)*

2A AMENDED

120558 Resolution

Jose "Pepe" Diaz,

Bruno A. Barreiro, Esteban L. Bovo, Jr.
RESOLUTION CREATING A WORKING GROUP TO MAKE RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS ON A PERMANENT URBAN DEVELOPMENT BOUNDARY (UDB) AND ON RESTRICTIVE PROCEDURES SHOULD FUTURE UDB AMENDMENTS BECOME NECESSARY [SEE ORIGINAL ITEM UNDER FILE NO. 120454]

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Diaz
Seconder: Barreiro
Vote: 4-1
No: Monestime
Absent: Sosa

Report: *Note: Earlier in the meeting, Commissioner Sosa advised that she needed to leave early due to a prior commitment, and asked Deputy Mayor Jack Osterholt to provide Commissioners, particularly the newly elected Commissioners with a copy of the Watershed Study and the cost of that study before moving forward. She also asked the County Administration to ensure that anything approved by the work group was balanced, e.g., if three developers were selected on one side, then three environmentalists should be selected on the other side.*

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

Commissioner Diaz explained the intent of this ordinance, noting the Commission had dealt with the issues of the Urban Development Boundary (UDB) for some time. He also noted the UDB was never meant to be permanent, but created to protect sections of the community, slow down massive growth and ensure proper procedures were put in place. It was just a process. He asked if it was correct that only six of the forty applications filed were approved.

Mr. Mark Woerner, Chief of Metropolitan Planning in the Sustainability, Planning, and Economic Enhancement Department (SPEED), noted from 1989 to present, 38 applications had been filed, and of those, only nine were approved, five of them in the last ten years.

Commissioner Diaz noted the idea was to have a discussion between staff and all parties involved about the studies already conducted. He expressed disappointment that two organizations withdrew from the Work Group in order to impede the process, but noted other organizations were

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willing to take their place and had valid opinions. He noted many applications had been filed that he thought had merit, but they failed due to a strong oppositional campaign. He asked Assistant County Attorney Collier to read the amendments into the record.

Assistant County Attorney Craig Collier noted the language "after input from owners of property outside the Urban Development Boundary" should be inserted in the third line of the second paragraph on typed page 2, after the word "board;" and 'Chair of the Agriculture Practices Advisory Board or its designee' should be added to the Working Group as an additional member.

Commissioner Diaz said he was willing to work with staff to establish a balanced work group; and invited his colleagues to add other groups. Commissioner Diaz expressed appreciation to Commissioner Barreiro for co-sponsoring this resolution.

Commissioner Monestime noted he disliked this proposal for the same reason he disliked the previous one Commissioner Suarez sponsored. He pointed out the Board approved only a small percentage of UDB applications that came before it. He also noted he was unsure whether the proposed discussion would provide the well-intended results that Commissioner Diaz desired, and did not believe 90 days was sufficient time for the work group to provide a good report. Commissioner Monestime expressed disbelief that the County's demand for land would not be met beyond 2016, noting developers redeveloped or built on existing land during the condominium boom, not on new land. He suggested the workgroup include representation from other organizations more interested in developing within the UDB, such as the MDEAT and CRAs. He further noted he understood it was cheaper to develop outside the UDB than inside it, and believed the cost factors were the real issue. He also noted he believed a serious discussion that focused on policies and practices that drive investment and development into the urban communities within the UDB was needed. He noted for these reasons he stated, he could not support this resolution.

Commissioner Barreiro spoke in support of this resolution, noting it would provide a positive process for looking at areas in terms of conservation. He also noted this resolution

proposed a second, permanent UDB line that would serve as a buffer between the urban core and the Everglades National Park for years to come. He said he believed it would result in better planning of the CDMP, since currently, applications were approved piecemeal, without the broader picture being considered.

Commissioner Jordan expressed concern regarding the terms 'permanent' and 'unanimous vote'. She said she could accept an extraordinary vote instead; noting even nine votes were hard to obtain for a UDB item. She said she usually considered each application independently, and voted inconsistently on UDB items. She noted requiring a unanimous vote could prevent a good project from moving forward.

Commissioner Diaz noted the point made by Commissioner Jordan was valid and why he wanted the working group to be balanced in representation. He noted the reason the Beacon Council and Greater Chamber of Commerce were chosen as members was because they were neutral entities with many members and represented tourism. He noted the County's largest industry was tourism and the Everglades National Park attracted a lot of tourists. He suggested school representatives should be included as well. Commissioner Diaz pointed out that the Green Belt was supposed to be a permanent buffer, created as a wide park; and that nearly all of Broward County built out to the edge of the UDB, which he did not want Miami-Dade County to do. Jobs needed to be created in the community and a limited supply of developable land needed to be addressed as well, he noted. In addition, this was a work in progress and the working group would be required to bring back recommendations for consideration by the County Commission.

There being no further discussion, the foregoing proposed ordinance was forwarded to the County Commission with a favorable recommendation, with Committee amendment(s) to insert the following language after the word 'Board' in the third line, second paragraph on typed page 2 (handwritten page 4): "after input from owners of property outside the Urban Development Boundary"; and to include the Chair of the Agricultural Practices Advisory Board or its designee as a member of the Working Group.

2B

120349 Resolution

Sen. Javier D. Souto

RESOLUTION DIRECTING THE COUNTY MAYOR OR
DESIGNEE TO PROVIDE NOTICE TO THE
APPROPRIATE DISTRICT COUNTY COMMISSIONER OF
APPLICATIONS FOR BUILDING PERMITS IN SPECIFIED
RESIDENTIAL ZONING DISTRICTS THAT EXCEED A
CERTAIN HEIGHT

*Forwarded to BCC with a favorable
recommendation*

Mover: Sosa

Seconder: Diaz

Vote: 5-0

Absent: Barreiro

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

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

3

DEPARTMENTS

3A

120291 Resolution

Bruno A. Barreiro

RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION FOR \$100,000 TO THE FLORIDA INLAND NAVIGATION DISTRICT TO USE THESE AND OTHER BOATING IMPROVEMENT FUNDS TO COMPLETE A COUNTYWIDE RECREATIONAL WATERFRONT ACCESS IMPROVEMENT PLAN; AND AUTHORIZING DISBURSEMENT OF \$100,000 IN MATCHING FUNDS FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND FOR ENVIRONMENTAL ENHANCEMENT PROJECTS TO OFFSET DAMAGE FROM HUMAN USES TO THE BAY OR ITS SHORE IN ACCORDANCE WITH CHAPTER 24-40(3) AND 24-40(6) OF THE CODE OF MIAMI-DADE COUNTY (Parks, Recreation and Open Spaces)

Forwarded to BCC with a favorable recommendation as corrected

Mover: Jordan

Seconder: Sosa

Vote: 5-0

Absent: Barreiro

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

Hearing no objection, Agenda Items 3A, 3B and 3C were heard simultaneously.

Regarding Agenda Item 3A, Commissioner Diaz asked Deputy Mayor Jack Osterholt to provide each Commissioner with the report he previously requested on Matching Grants, including existing grants and all grant applications submitted for approval.

Commissioner Diaz noted the requested report would assist the Commission when approving applications with matching grants.

Chairwoman Edmonson inquired how soon staff could provide this report, to which Mr. Osterholt responded that the report would be provided in one week.

In response to Commissioner Sosa's inquiry whether the County's matching funds for this particular application would come from the Biscayne Bay Environmental Enhancement Trust, Mr. George Navarrete, Deputy Director, Department of Parks, Recreation and Open Space, affirmed that it would.

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

Note: During consideration of changes to today's (3/14) agenda, a scrivener's error existing in this

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resolution was corrected pursuant to the March 14, 2012 County Commission Chairman's memorandum of changes, as follows: "On page 1A, under the heading titled "Scope", a reference to Districts 3 and 9 was inadvertently omitted. The sentence should instead read "The Recreational Waterfront Access Improvement Plan is a project of countywide significance, and will generally focus on bayfront locations within Commission Districts 3, 4, 5, 7, 8 and 9."

3B

120304 Resolution

Dennis C. Moss

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 10 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND JOANN A. BERGKAMP, TRUSTEE OF THE URBAN M. LANDWEHR AND ROSE L. LANDWEHR TRUST, AS SELLER FOR A PURCHASE PRICE OF \$20,000; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONTAINED THEREIN (Permitting, Environment & Regulatory Affairs)

Forwarded to BCC with a favorable recommendation
Mover: Jordan
Second: Sosa
Vote: 5-0
Absent: Barreiro

Report: (See Agenda Item 3A; Legislative File No. 120291 for the report)

3C

120330 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIAMI GARDENS AND THE MIAMI-DADE COUNTY STORMWATER UTILITY FOR STORMWATER MANAGEMENT; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL PROVISIONS CONTAINED THEREIN (Permitting, Environment & Regulatory Affairs)

Forwarded to BCC with a favorable recommendation
Mover: Jordan
Second: Sosa
Vote: 5-0
Absent: Barreiro

Report: (See Agenda Item 3A; Legislative File No. 120291 for the report)

3D

120339 Resolution

Lynda Bell

RESOLUTION AUTHORIZING AND APROVING, PURSUANT TO SECTION 125.37, FLORIDA STATUTES, THE EXCHANGE OF CERTAIN COUNTY REAL PROPERTY LOCATED AT APPROXIMATELY S.W. 109TH AVENUE AND S.W. 7TH TERRACE FOR OTHER REAL PROPERTY OWNED BY UNIVERSITY CAMPUS LODGE, LLC OR ITS ASSIGNEE LOCATED AT APPROXIMATELY 737 S.W. 109TH AVENUE, WHICH PROPERTIES HAVE EQUAL ASSESSED VALUES OF \$48,600.00; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO COMPLETE SUCH EXCHANGE OF LANDS AND TO EXECUTE THE AGREEMENT WITH UNIVERSITY CAMPUS LODGE, LLC OR ITS ASSIGNEE, IN CONNECTION THEREWITH; AUTHORIZING THE COMMISSION CHAIRPERSON OR VICE-CHAIRPERSON TO EXECUTE A COUNTY DEED; AUTHORIZING ACCEPTANCE OF A DEED FROM UNIVERSITY CAMPUS LODGE, LLC OR ITS ASSIGNEE; AUTHORIZING UNIVERSITY CAMPUS LODGE, LLC OR ITS ASSIGNEE TO RELOCATE COUNTY PUMP STATION 1251, AT ITS SOLE COST, TO THE LAND TO BE OWNED BY THE COUNTY AFTER THE EXCHANGE; AND AUTHORIZING UNIVERSITY LODGE, LLC OR ITS ASSIGNEE TO UTILIZE CERTAIN PARTS FROM PUMP STATION 1251 IN THE RELOCATION OF THE PUMP STATION (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation

Mover: Jordan

Second: Edmonson

Vote: 4-0

Absent: Barreiro, Diaz

Report: *Hearing no objections, Agenda Items 3D and 3E were heard simultaneously.*

Assistant County Attorney Geri Bonzon-Keenan read Agenda Items 3D and 3E into the record.

Regarding Agenda Item 3D, Commissioner Jordan noted that Florida International University (FIU) wanted to build an apartment complex and parking lot for student housing where a Water and Sewer pump station was currently located. She asked who would be responsible for the costs to relocate this pump station.

Mr. John Renfrow, Director, Water and Sewer Department (WASD), noted FIU agreed to pay the total costs to relocate the pump station.

Responding to Commissioner Sosa's inquiry whether WASD was working with the City of Sweetwater to ensure this transition had no problems, Mr. Renfrow affirmed that they were.

Hearing no further comments or questions, the

Committee proceeded to vote.

3E

120418 Resolution

RESOLUTION REJECTING ALL BIDS RECEIVED ON JANUARY 12, 2011 IN CONNECTION WITH MIAMI-DADE WATER AND SEWER DEPARTMENT'S 42-INCH RECLAIMED WATER MAIN PHASE 1, SW 127 AVENUE FROM C-1W CANAL TO ZOO MIAMI, CONTRACT NO. S-845A (A) (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation

Mover: Jordan

Seconder: Edmonson

Vote: 4-0

Absent: Barreiro, Diaz

Report: *(See Agenda Item 3D; Legislative File No.120339 for the report)*

4 COUNTY ATTORNEY

5 CLERK OF THE BOARD

5A

120406 Report

APPROVAL OF CLERKS MEETING MINUTES FOR THE FEBRUARY 15, 2012 INFRASTRUCTURE AND LAND USE COMMITTEE MEETING (Clerk of the Board)

Approved

Mover: Sosa

Seconder: Jordan

Vote: 4-0

Absent: Barreiro, 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 6:05 p.m.*