



MEMORANDUM  
Harvey Ruvin  
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**INLUC**  
**Agenda Item No. 6(A)**

**TO:** Honorable Chairwoman Barbara Jordan  
and Members, Infrastructure and Land Use  
Committee

**DATE:** December 12, 2012

**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:

November 15, 2012

CA/mf  
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)

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Thursday, November 15, 2012

2:00 PM

COMMISSION CHAMBERS

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**Members Present:** Bruno A. Barreiro, Audrey M. Edmonson, Barbara J. Jordan, Rebeca Sosa.

**Members Absent:** Jose "Pepe" Diaz, Jean Monestime.

**Members Late:** None.

**Members Excused:** None.

**Members Absent County Business:** None.

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#### 1 MINUTES PREPARED BY:

**Report:** *Maryse Fontus*  
*Commission Reporter*  
*(305) 375-4906*

#### 1A MOMENT OF SILENCE

**Report:** *The Infrastructure and Land Use Committee*  
*convened in a moment of silence.*

#### 1B PLEDGE OF ALLEGIANCE

**Report:** *This was followed by the Pledge of Allegiance.*



1D2

122253 Special Presentation Audrey M. Edmonson  
"POWER IT DOWN" PRESENTATION *Presented*

**Report:** *An Office of Sustainability Departmental Representative thanked the Chair for allowing the Office of Sustainability to recognize the work of the staff. She said that in 2009, the County received a grant from the Department of Energy and staff from the Office of Sustainability and other departments worked very hard on 13 projects that have saved the County energy and money and made a real difference to the community. She listed the projects, including the Commercial Rebate program, Alternative Energies, Reducing Energies, and the Office of Sustainability's Power it Down program, a six-week outreach program. She said it was a great team effort that included competitions between the courts and the clerks and between the floors. She noted this program demonstrated that staff could make a difference in that energy use decreased significantly in the six-week period. She noted staff members in the Finance Department on the 26th floor were the winners over the six-week period, followed by staff in the Internal Services Risk Management Department. She presented prizes and indicated that the campaign would continue. She provided a website for those who were interested in keeping up with the campaign's progress.*

1E DISCUSSION ITEMS

1F PUBLIC HEARINGS

1F1

**121852 Ordinance****Bruno A. Barreiro**

ORDINANCE PERTAINING TO CODE ENFORCEMENT; AMENDING SECTION 8CC-7 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CLARIFYING REQUIREMENTS FOR ATTACHMENT OF CODE ENFORCEMENT LIENS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Forwarded to BCC with a favorable recommendation*

*Mover: Barreiro*

*Seconder: Sosa*

*Vote: 4-0*

*Absent: Monestime, Diaz*

**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.*

*Ms. Renita Holmes, 5800 NW 7th Avenue, Suite 213, Miami, appeared before the Committee and expressed concern with the number of liens on certain properties. She said that normally she assists owners whose properties are located in areas with on-going community re-development. She pointed out that in districts with disadvantaged communities the residents did not have attorneys representing them, and they were ignorant of land use or zoning. She noted the agencies that were supposed to assist these residents had a conflict of interest because they were funded by Miami-Dade County. She explained that these liens were attached to the properties because people did not know how to defend themselves and did not have technical assistance. She pointed out that this was how people lost their properties, even though they had paid taxes for years.*

*Chairwoman Edmonson closed the public hearing after no one else appeared wishing to speak.*

*Chairwoman Edmonson opened the floor for questions or comments from members of the Committee.*

*Commissioner Barreiro explained that he proposed this item because certain landlords had tenants who owned pets, but did not keep up with their vaccinations. As a result, liens were put on the properties, and after the tenant moved on, the lien remained with the property. He said that the lien should belong to the pet owner, not the property owner.*

*Commissioner Jordan pointed out that the*

*landlord must have a lease and inquired whether the landlord could not ensure that the pets were vaccinated by including this in the lease. She noted the renter did not own the property; therefore, the County had no choice but to put the lien on the landlord's property.*

*Commissioner Barreiro stressed that this was a matter of personal responsibility. He noted if you were a pet owner, you had to be responsible for your pet. He said that it was unfair to put the onus on the landlord.*

*Commissioner Sosa said that this item pertained to people who worked hard to purchase a property, and when they rented it, they had irresponsible tenants. She pointed out that in the end, the property owner was held responsible. She inquired whether this item dealt with all code enforcement matters, not just violations regarding pets.*

*Assistant County Attorney Dennis Kerbel confirmed that this item would address any other code enforcement matter.*

*Commissioner Sosa stressed that it was time to hold people responsible for their actions. She pointed out that sometimes the property owners were unable to check on their tenants every day, and said that hopefully this item would help educate tenants.*

*Hearing no other questions or comments, the Committee members proceeded to vote on the foregoing proposed ordinance, as presented.*

1F2

121832 Ordinance Lynda Bell

ORDINANCE RELATING TO ZONING; MODIFYING RESTRICTIONS RELATING TO CIRCUSES AND CARNIVALS; AMENDING SECTION 33-13 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

**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.

She closed the public hearing after no one appeared wishing to speak.

Chairwoman Edmonson opened the floor for questions or comments from members of the Committee.

Commissioner Bell explained that this item simply modified the restrictions relating to circuses and carnivals. She said that it still required a waiver of objection from 50 percent of all property owners within 250 feet, and from 40 percent of property owners within 500 feet.

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

1F3

121833 Ordinance Lynda Bell

ORDINANCE RELATING TO ZONING; MODIFYING RESTRICTIONS RELATING TO DONATION COLLECTION BINS; AMENDING SECTION 33-19 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Withdrawn

**Report:** See Agenda Item 1F3 Substitute, Legislative File No. 122248.

1F3 SUB.

122248 Ordinance

Lynda Bell

ORDINANCE RELATING TO ZONING; MODIFYING RESTRICTIONS RELATING TO DONATION COLLECTION BINS; AMENDING SECTION 33-19 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 121833]

*Forwarded to BCC with a favorable recommendation*

*Mover: Jordan*

*Seconder: Edmonson*

*Vote: 4-0*

*Absent: Diaz, Monestime*

**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.*

*Ms. Sarah Hollingsworth, representing the Salvation Army, appeared before the Committee in support of this ordinance. She requested that the height of the boxes be raised to seven feet. She said that the Salvation Army currently had 46 boxes that it had been unable to display because their height exceeded six feet. She indicated that these boxes were placed in churches and the Salvation Army paid \$100 per month to these churches for this privilege. She stressed that these boxes were vital for clothing donations.*

*Commissioner Bell noted she believed that Item 1F3 Substitute allowed the height of the donation boxes to be seven feet.*

*Assistant County Attorney Dennis Kerbel confirmed that Item 1F3 Substitute provided that the height of the donation boxes should not exceed seven feet.*

*Commissioner Bell noted this ordinance's intent was to help legitimate organizations such as the Salvation Army or Goodwill, and to curtail the illegitimate organizations that were taking the donations to sell them on the street.*

*Chairwoman Edmonson closed the public hearing after no one else appeared wishing to speak.*

*Hearing no further questions or comments, the Committee members proceeded to vote on the foregoing proposed ordinance, as presented.*

1F4

121949 Ordinance

Lynda Bell

ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA CREATING ARTICLE XVIII, SECTION 21-286 PROHIBITING OVERNIGHT CAMPING ON COUNTY PROPERTY; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Internal Services) *Amended*

**Report:** *See Agenda Item 1F4 Amended, Legislative File No. 122354, for the amended version.*

1F4 Amended

122354 Ordinance

Lynda Bell

ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA CREATING ARTICLE XVIII, SECTION 21-286 PROHIBITING OVERNIGHT CAMPING ON COUNTY PROPERTY; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 121949) (Internal Services)

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

*Mover: Sosa*

*Seconder: Edmonson*

*Vote: 3-1*

*No: Jordan*

*Absent: Monestime, Diaz*

**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.*

*Ms. Terry Coble, Policy and Programs Director for the Miami Coalition for the Homeless, appeared before the Committee and spoke in opposition to the foregoing proposed ordinance. She noted the organization's Executive Director was present as well. She said they were requesting that the ordinance be amended because they were concerned with its impact on the homeless. She pointed out that its language provided no exception for people who had no place to go. She noted the shelters in Miami-Dade County were full and had long waiting lists as more and more people, including families and members of the armed forces, were losing their homes as a result of the economic situation. She said that these people were subject to criminal charges for doing certain things in public even though they had no choice. She requested that the ordinance be amended to provide that homeless people must be offered a place to stay before they could be arrested. She urged the commissioners not to subject a person who was helpless from an economic perspective to criminal sanctions.*

*Ms. Renita Holmes appeared before the Committee in opposition to the foregoing proposed ordinance. She referred to the Occupy Movement and stated that during that time women were raped, overdosed, or were subject to violence in the tents. She pointed out that homeless women were having difficulty securing places in the homeless shelters which had more places for men. Therefore, the homeless women preferred to camp out near the Government Center which was one of the safest areas for them. She urged the*

*commissioners to consider the impact of this ordinance on homeless women before approving it.*

*Mr. Daniel Palugyai, Attorney with the American Civil Liberties Union (ACLU), 4500 Biscayne Blvd, Miami, appeared before the Committee in opposition to the foregoing proposed ordinance, noting it would negatively affect the homeless. He stated that it could not withstand constitutional challenges as this type of ordinance prohibiting overnight camping had been ruled unconstitutional before. He said that the police could pursue criminal activity and make arrests on private property, but an ordinance targeting life-sustaining, harmless, non-criminal activities on public property was unlawful.*

*Chairwoman Edmonson closed the public hearing after no one else appeared wishing to speak.*

*Chairwoman Edmonson opened the floor for questions or comments from members of the Committee. She asked whether this ordinance was proposed by staff and if staff consulted with the Homeless Trust before putting it forth.*

*Mr. Lester Sola, Director, Internal Services Department, indicated that the department had worked with the Homeless Trust and with the County Attorney's Office to ensure that this ordinance did not infringe on anyone's rights. He stressed that this ordinance only addressed activities carried out on County properties and defined camping as the use of outdoor space for living accommodation purposes, including but not limited to setting up of any tents, shacks or shelters for sleeping activities.*

*Chairwoman Edmonson asked how the Pottinger case would impact the proposed ordinance.*

*Assistant County Attorney Daniel Frastai indicated that a case was decided after the Pottinger case by the 11th circuit appellate court, which approved this type of legislation. Therefore, the County Attorneys were confident that the proposed ordinance was legally sufficient.*

*Chairwoman Edmonson inquired whether we should not at least offer some sort of shelter or assistance to the homeless people before arresting them.*

*Assistant County Attorney Frastai advised that although the ordinance did not explicitly mandate*

*this, it did instruct police officers to issue a warning to those camping on County property before arresting them.*

*Chairwoman Edmonson pointed out that the ordinance made it criminal to be homeless.*

*Assistant County Attorney Frastai noted the proposed ordinance mirrored a state statute on trespassing. He indicated that under this statute anyone could be arrested for trespassing whether or not they were homeless.*

*Commissioner Jordan asked whether the sponsor would be willing to entertain the proposed amendment.*

*Commissioner Bell pointed out that the proposed ordinance pertained to overnight camping and not to the homeless. She said that they had worked with the Homeless Trust in crafting this legislation, and they were not proposing anything new. She said that she was not opposed to instructing police officers through the Police Department's Standard Operating Procedures to offer to take the homeless to shelters before arresting them. However, Commissioner Bell reiterated that the proposed ordinance was aimed at overnight camping, noting some comments were made earlier which proved how dangerous such camping sites could be, and how necessary this legislation was.*

*Assistant County Attorney Frastai reiterated that the County Attorneys believed this item was legally sufficient and constitutional.*

*Commissioner Jordan asked the ACLU Attorney to respond to Assistant County Attorney Frastai's comments regarding the decision by the 11th circuit appellate court which found that this type of legislation was constitutional.*

*Mr. Palugyai stated that although the Jewel decision distinguished Pottinger, it did not overrule Pottinger. He explained that in Jewel, County shelters in Orlando were unable to prove that they were fully occupied, so the homeless people had an alternative to sleeping in the park. He pointed out that this was not the case in Miami, where homeless people sometimes have no alternative to sleeping on the streets because the shelters are full. He noted Pottinger and Jewel were consistent in that they found that if homeless people could be accommodated in shelters, they*

*had to go to shelters; however, if the shelters were full, the homeless people had no choice but to sleep on the streets and it would be unconstitutional to arrest them for doing so.*

*Commissioner Jordan asked the Assistant County Attorney to explain the difference between camping and homeless people sleeping on the street.*

*Assistant County Attorney Frastai explained that the ordinance specifically defined camping as follows: someone would have to be using outdoor space for living accommodation purposes, including but not limited to setting up any tents, shacks, or shelters for sleeping activities, or making preparations to sleep, including the laying down of bedding for the purpose of sleeping. He pointed out that the proposed ordinance only applied to County property, and not to all Miami-Dade County, so it would not prevent the homeless people from going across the street to sleep. He stated that in the Pottinger case the homeless people had no other alternatives.*

*Commissioner Jordan noted she disagreed with the proposed ordinance because there had been incidents in the past in which people who were sleeping on public property were arrested. She stated that this proposed ordinance could have unintended consequences, and cause some people, even families, to be harassed. For this reason, Commissioner Jordan said, she would prefer to amend the proposed ordinance to instruct police officers to work with the homeless shelters to place homeless people rather than arresting them. She added that if the shelters were full, the police officers should not be able to arrest the homeless people.*

*Pursuant to Chairwoman Edmonson's inquiry, Assistant County Attorney Frastai confirmed that the proposed ordinance applied to individuals and to groups.*

*Chairwoman Edmonson noted she would prefer for the proposed ordinance to only apply to groups, and not to individuals. Nevertheless, she said that she would support it because she agreed with its intent.*

*Commissioner Sosa said that if the sponsor accepted the amendment, the Board should still consider what to do if the homeless person refused to go to a shelter. She noted other counties and*

even states were sending their homeless people to Miami-Dade County. Although the Homeless Trust had come a long way, there must be some order, she stated. Commissioner Sosa urged the sponsor to accept the amendment, but said that if the police offered to send the homeless to shelters and they refused, this was a problem. On the other hand, if the shelters were full, the homeless would still have to move, because they would be prevented by law from sleeping on the streets. She noted she would support the item with the amendment if it addressed what would happen (1) if the homeless people refused to go to a shelter, and (2) if the shelters were full. She reminded her fellow commissioners that the Board had approved a special shelter for homeless veterans.

Commissioner Barreiro pointed out that in the Pottinger case a zone was set up for homeless people, noting it was necessary to devote specific locations to people who found themselves in these unfortunate circumstances. He said that hopefully once the new Camillus House was completed, sufficient space would be available to accommodate the homeless even in the courtyard. In the meantime, he stated, he would support the item.

Commissioner Bell said that she appreciated the comments, but pointed out that the original proposed amendment virtually nullified the legislation, because it excluded the homeless entirely. On the other hand, she indicated that she was prepared to accept the amendment proposed by Commissioners Jordan and Sosa and instruct police officers to make a good faith effort to ensure that the homeless people were offered the opportunity to be placed in shelters. She reiterated that the intent of the legislation was to prevent overnight camping and egregious behavior, noting this legislation was not anti-homeless. However, she pointed out that the homeless did not comprise a homogeneous group of people: some had substance abuse problems, some had mental illnesses, and some were just going through a difficult time economically. She said that many homeless people refused to go to shelters, and the Board would have to decide what to do about these cases.

Assistant County Attorney Bonzon-Keenan said that the attorneys wanted to confirm that the amendment was approved, and if so what it should provide. She said that their understanding was that the individual should be offered space at a

homeless shelter; if space was not available or the individual refused to go to a shelter, the individual still had to leave the premises.

Commissioner Bell noted the Administration should work with the Police Department to create a Standard Operating Procedure to ensure that police officers made a good faith effort to take the homeless people to a shelter rather than arresting them, as the ordinance's intent was not to be punitive towards the homeless.

Commissioner Sosa said that if the homeless people refuse to go to a shelter after the offer is made, they should leave the premises; however, if there is no space in the shelters, they should not be forced to leave the premises.

Commissioner Jordan said that she did not believe a person could be forced to go into a shelter. The police officer would have to contact the Homeless Assistance Center for help with placing the homeless people, but she stressed that they should not be arrested if no space was available at the shelters or if they refused to go to a shelter, because this would put an undue burden on the homeless and on the detention centers.

Chairwoman Edmonson noted she would support the proposed ordinance for the time being to allow it to be considered by the full Board. In the interim, she and her staff would research this matter fully, she indicated.

Assistant County Attorney Bonzon-Keenan asked whether the Committee members wished to forward the item to the full Board with or without the amendment.

Commissioner Bell reiterated that the Administration should work with the Police Department to create a Standard Operating Procedure to ensure that police officers made a good faith effort to take the homeless people to a shelter rather than arresting them, as the ordinance's intent was not to be punitive towards the homeless.

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

1F5

**121737 Ordinance** Jose "Pepe" Diaz

ORDINANCE CREATING REPORTING REQUIREMENT FOR COUNTY AND MUNICIPAL CANDIDATES REGARDING PAID AND VOLUNTEER CAMPAIGN WORKERS PARTICIPATING IN ABSENTEE BALLOT RELATED CAMPAIGN ACTIVITIES; PROVIDING PENALTIES FOR FAILURE TO REPORT AND FOR OTHER VIOLATIONS OF ABSENTEE BALLOT LAWS; PROVIDING FOR ENFORCEMENT BY THE COMMISSION ON ETHICS AND PUBLIC TRUST; CREATING SECTION 12-14.1 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

*Deferred to next committee meeting**Mover: Jordan**Seconder: Sosa**Vote: 4-0**Absent: Monestime, Diaz*

**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. She closed the public hearing after no one appeared wishing to speak.*

*Chairwoman Edmonson opened the floor for questions or comments from members of the Board.*

*Commissioner Jordan asked the Assistant County Attorney to explain the terms of the ordinance.*

*Assistant County Attorney Oren Rosenthal explained that any candidate for municipal or county office who files a campaign treasurer's report must also file a report detailing which campaign workers, either paid or volunteer, worked on absentee ballot issues. He stated that this report would be filed with the Supervisor of Elections at the same time as the campaign treasurer's report, and would be a public document. He further explained that the second section of the ordinance makes it an ethics violation for any campaign to direct any of its employees, or to willfully or knowingly refrain from stopping any of its employees from violating another provision of Florida law governing absentee ballot abuses.*

*Commissioner Jordan observed that the proposed ordinance was adding another level of reporting for campaigns regarding volunteers.*

*Commissioner Sosa noted although the intention was good, a lot of discussion was needed on this*

*item. What if campaigns had different people working on the same things and the candidate could not ascertain exactly who was working on specific things, she pointed out. She recommended that the item be deferred until the next Committee meeting, and that the sponsor be asked to attend that meeting in order to answer Committee members' questions.*

*Hearing no further questions or comments, the Committee members proceeded to vote on the deferral of the foregoing proposed ordinance.*

1F6

**121895 Ordinance****Jose "Pepe" Diaz**

ORDINANCE RELATING TO PLANNING AND ZONING; REQUIRING THE BOARD OF COUNTY COMMISSIONERS TO RETAIN JURISDICTION TO MODIFY OR DELETE COVENANTS OR DECLARATIONS OF RESTRICTIONS ACCEPTED IN CONNECTION WITH COMPREHENSIVE DEVELOPMENT MASTER PLAN AMENDMENT APPLICATIONS OR ZONING APPLICATIONS, WHEN THE AREA THAT IS THE SUBJECT OF THE COVENANT OR DECLARATION OF RESTRICTION HAS BEEN ANNEXED OR INCORPORATED; AMENDING SECTION 20-26 AND CREATING SECTION 20-8.8 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Deferred to next committee meeting**Mover: Barreiro**Seconder: Edmonson**Vote: 4-0**Absent: Monestime, Diaz*

**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.*

*Mr. Stephen Homestead, Planning Director for the Village of Pinecrest, appeared before the Committee in opposition of the foregoing proposed ordinance. He stated that the residents of the Village of Pinecrest were opposed to this item because they were concerned that it would allow the Board to retain authority in a matter related to land use and development that should be governed by the local governing body. Retention of jurisdiction by the Board would be contrary to the purpose of annexation which was to allow for more responsive, efficient and cost effective delivery of services at the local level, he pointed out. Mr. Homestead said that the residents of the Village of Pinecrest believed that local issues relative to planning and development were most effectively resolved by the local governing body of the jurisdiction in which the land use was located.*

*Ms. Renita Holmes stressed that with all of the proposed land changes, it was crucial for local residents to obtain reliable data. She noted someone living on contaminated land who wanted to annex it, needed expert advice. She spoke in support of the proposed ordinance and asked that the Board retain jurisdiction because the process was open and transparent allowing the public to*

voice their concerns directly to the Board members through public hearings.

Chairwoman Edmonson closed the public hearing after no one else appeared wishing to speak.

Chairwoman Edmonson opened the floor for questions or comments from Committee members. She inquired whether the amended language on handwritten page 6 referred to annexation as well as incorporations.

Assistant County Attorney Craig Collier explained that the County Attorneys created a new section 20-8.8 in Section 1 of the ordinance that dealt with municipal boundary change, which was another term for annexation; therefore, this item included both annexations and incorporations.

Commissioner Jordan asked what would happen if covenants were placed on the property while it was part of unincorporated Miami-Dade County; would those covenants be subject to the jurisdiction of the new municipality if the property was annexed or became a municipality.

Assistant County Attorney Dennis Kerbel stated that this item would require that those covenants that were accepted by the Board stay within the Board's jurisdiction.

Commissioner Jordan asked the County Attorney to clarify whether those covenants that were put on the property when it was unincorporated would still fall under the Board's jurisdiction and the Board members would decide whether to keep the restrictions in place.

Assistant County Attorney Kerbel confirmed this, and explained that prior to this item all land use covenants would fall under the jurisdiction of the new municipality.

Commissioner Barreiro noted the proposed ordinance was very broad and without the presence of the sponsor to explain the terms, he would prefer for the item to be deferred.

Hearing no other questions or comments, the Committee members proceeded to vote on the deferral of the foregoing proposed ordinance.



1F7 SUB

122227 Ordinance Audrey M. Edmonson

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-13 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REAUTHORIZING AND AMENDING THE PROVISIONS REGULATING MOBILE FOOD SERVICE OPERATIONS SPECIAL EVENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 121945] (Regulatory and Economic Resources)

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

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

Chairwoman Edmonson relinquished the Chair to Vice Chairwoman Jordan.

Vice Chairwoman Jordan opened the public hearing on the foregoing proposed ordinance. She closed the public hearing after on one appeared wishing to speak.

Vice Chairwoman Jordan opened the floor for questions or comments from members of the Board.

Commissioner Barreiro observed that food trucks were very popular. He asked whether the Board would be hindering their operations by adopting these regulations.

Mr. Eric Silva, Assistant Director, Development Services Division, Regulatory and Economic Resources, noted this item was the re-authorization of an ordinance that was adopted last year. He said that the department was required to submit a re-authorization in 18 months. He stated that this item proposed four minor changes to improve it.

Hearing no other questions or comments, the Committee members proceeded to vote on the foregoing proposed ordinance, as presented.

2 COUNTY COMMISSION

3 DEPARTMENTS

3A

**122167 Resolution Jose "Pepe" Diaz**

RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED RIGHTS-OF-WAY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH FLORIDA STATUTE SECTION 125.38, FOR NO MONETARY CONSIDERATION, FOR IMPROVEMENTS TO IMPLEMENT EXPRESS LANES ALONG STATE ROAD 826 BETWEEN NW 25 STREET AND NW 154 STREET ALSO KNOWN AS PARCEL NOS. 101.1, 102.1, 103.1, 104.1, 105.1, 106.1, 107.1, 108.1, 701.1, 702.1, 703.1, 704.1, AND 705.1, AND AUTHORIZING THE CHAIRPERSON OR VICE CHAIRPERSON TO EXECUTE COUNTY DEEDS AND TEMPORARY EASEMENTS CONVEYING SAID PARCELS, IN SECTIONS 14, 15, 22, 23, AND 26, TOWNSHIP 53 SOUTH, RANGE 40 EAST (Public Works & Waste Management)

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

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

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

3B

**122142 Resolution Audrey M. Edmonson**

RESOLUTION DELEGATING THE AUTHORITY TO THE MAYOR OF MIAMI-DADE COUNTY OR MAYOR'S DESIGNEE TO SELL ELECTRIC POWER GENERATED AT THE COUNTY'S RESOURCES RECOVERY FACILITY TO ACHIEVE THE BEST AVAILABLE MARKET VALUE FOR MIAMI-DADE COUNTY (Public Works & Waste Management)

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

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

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

*Chairwoman Edmonson resumed the Chair.*

3C

**122174 Resolution**

RESOLUTION APPROVING CHANGE ORDER NO. 1 FOR A CONTRACT BETWEEN MIAMI-DADE COUNTY AND HORSEPOWER ELECTRIC, INC., FOR A PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT PROJECT ENTITLED PROACTIVE STREET LIGHTING REPAIR AND MAINTENANCE CONTRACT - COUNTYWIDE (PROJECT NO. 20100408; CONTRACT NO. 20100408), INCREASING THE CONTRACT AMOUNT BY \$827,290.68 AND ADDING TEN (1) PAY ITEMS (Public Works & Waste Management)

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

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

*Commissioner Jordan inquired whether County staff knew about the additional 2085 street lights to be constructed under the American Recovery and Reinvestment Act prior to issuing the Request for Proposals (RFP).*

*Ms. Kathleen Woods-Richardson, Director, Public Works and Waste Management, indicated that the department did not have this information when the first contract was advertised.*

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

3D

**122128 Resolution**

**Lynda Bell,**

**Dennis C. Moss**

RESOLUTION AUTHORIZING THE ACCEPTANCE OF EIGHT (8) ENVIRONMENTALLY ENDANGERED LANDS COVENANTS IN MIAMI-DADE COUNTY, FLORIDA (Regulatory and Economic Resources)

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

**Report:** *Hearing no objection, the Committee considered Agenda Items 3D, 3E, 3F and 3G simultaneously.*

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

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

3E

**122126 Resolution Jose "Pepe" Diaz**

RESOLUTION AUTHORIZING THE RELEASE OF UNNEEDED CANAL RESERVATION LYING WITHIN THE EAST ½ OF THE EAST ½ OF SECTION 22, AND LYING WITHIN THE WEST ½ OF THE SW ¼ OF SECTION 23, TOWNSHIP 53 SOUTH AND RANGE 39 EAST IN MIAMI-DADE COUNTY (Regulatory and Economic Resources)

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

**Report:** *Hearing no objection, the Committee considered Agenda Items 3D, 3E, 3F and 3G simultaneously.*

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

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

3F

**122151 Resolution Audrey M. Edmonson**

RESOLUTION APPROVING A NEW QUANTITATIVE EVALUATION FORM TO BE USED IN EVALUATING NATURAL FOREST COMMUNITY SITES AND ENVIRONMENTALLY ENDANGERED LANDS COVENANT PROGRAM SITES IN MIAMI-DADE COUNTY, FLORIDA (Regulatory and Economic Resources)

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

**Report:** *Hearing no objection, the Committee considered Agenda Items 3D, 3E, 3F and 3G simultaneously.*

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

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

3G

**122169 Resolution** **Xavier L. Suarez**

RESOLUTION AUTHORIZING THE EXECUTION OF AN ACCESS AND INDEMNIFICATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF MIAMI TO CONDUCT COASTAL RESOURCE ENHANCEMENT AT CITY OF MIAMI SHORELINES THROUGH THE COUNTY'S BISCAIYNE BAY RESTORATION AND ENHANCEMENT PROGRAM; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN (Regulatory and Economic Resources)

*Forwarded to BCC with a favorable recommendation*

*Mover: Sosa*

*Second: Edmonson*

*Vote: 4-0*

*Absent: Monestime, Diaz*

**Report:** *Hearing no objection, the Committee considered Agenda Items 3D, 3E, 3F and 3G simultaneously.*

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

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

3H

**122163 Resolution** **Audrey M. Edmonson**

RESOLUTION APPROVING REIMBURSEMENT TO RODNEY BERRY, IN AN AMOUNT NOT TO EXCEED \$5,394.08, FOR THE THEFT/LOSS OF PERSONAL TOOLS STOLEN FROM HIS COUNTY VEHICLE #27782, IN ACCORDANCE WITH SECTION 2-11.13 OF THE CODE OF MIAMI DADE COUNTY AND ADMINISTRATIVE ORDER 7-23; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (Water & Sewer Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Edmonson*

*Second: Sosa*

*Vote: 4-0*

*Absent: Monestime, Diaz*

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

*Chairwoman Edmonson relinquished the Chair to Vice Chairwoman Jordan.*

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

*Chairwoman Edmonson resumed the Chair.*

3I

**122130 Resolution**

RESOLUTION APPROVING A NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT NUMBER 12BLVE003: PROJECT NUMBER E12-WASD-01 IN AN AMOUNT NOT TO EXCEED \$3.3 MILLION TO BLACK & VEATCH CORPORATION TO PROVIDE BOND CONSULTING ENGINEERING SERVICES; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN (Water & Sewer Department)

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

**Report:** *Hearing no objection, the Committee considered Agenda Items 3I and 3J simultaneously.*

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

*Referring to Agenda Item 3I, Commissioner Jordan inquired why prospective proposers were precluded from Water and Sewer Department (WASD) design projects under this contract.*

*Mr. Joseph Ruiz, Water and Sewer Department, explained that these bond engineers who were in charge of ensuring that the department did not misspend monies. As they work for the bond holders, they would have an unfair advantage in future WASD design projects, he noted.*

*Hearing no further questions or comments, the Committee members proceeded to vote on the foregoing proposed resolutions, as presented.*

3J

**122234 Resolution**

RESOLUTION AUTHORIZING THE EXECUTION OF INTERLOCAL AGREEMENTS BETWEEN MIAMI-DADE COUNTY AND THE CO-PERMITTEES NAMED IN THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. FLS000003-003 PROVIDING FOR PERFORMANCE OF PROFESSIONAL SERVICES BY MIAMI-DADE COUNTY AND FOR ESTABLISHING RESPONSIBILITY FOR IDENTIFICATION AND CONTROL OF POLLUTANT DISCHARGES IN MUNICIPAL SEPARATE STORM SEWER SYSTEMS SHARED BETWEEN CO-PERMITTEES; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS TO THE INTERLOCAL AGREEMENTS; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONTAINED THEREIN (Regulatory and Economic Resources)

*Forwarded to BCC with a favorable recommendation*

*Mover: Barreiro*

*Seconder: Sosa*

*Vote: 4-0*

*Absent: Monestime, Diaz*

**Report:** *Hearing no objection, the Committee considered Agenda Items 3I and 3J simultaneously.*

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

*Hearing no further questions or comments, the Committee members proceeded to vote on the foregoing proposed resolutions, as presented.*

3K

**122255 Resolution****Lynda Bell,****Dennis C. Moss**

RESOLUTION TO APPOINT ONE BOARD MEMBER AND REAPPOINT THREE BOARD MEMBERS TO THE AGRICULTURAL PRACTICES ADVISORY BOARD (Regulatory and Economic Resources)

*Forwarded to BCC with a favorable recommendation*

*Mover: Sosa*

*Seconder: Edmonson*

*Vote: 4-0*

*Absent: Diaz, Monestime*

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

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

3L

**122262 Resolution Sally A. Heyman**

RESOLUTION WAIVING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM'S ADMINISTRATIVE RULES FOR PURPOSE OF DISBURSING BOND FUNDS IN THE AMOUNT OF \$1,171,875.25 AS LOCAL GOVERNMENT MATCH TO U.S. ARMY CORPS OF ENGINEERS RELATING TO BBC GOB PROJECT NO. 52 - "BEACH EROSION MITIGATION AND RENOURISHMENT PROJECT"; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE FOREGOING (Regulatory and Economic Resources)

*Forwarded to BCC with a favorable recommendation*

*Mover: Jordan*

*Seconder: Edmonson*

*Vote: 4-0*

*Absent: Monestime, Diaz*

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

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

**4 COUNTY ATTORNEY**

**5 CLERK OF THE BOARD**

5A

**122200 Report**

APPROVAL OF CLERK'S MEETING MINUTES FOR THE OCTOBER 17, 2012 INFRASTRUCTURE AND LAND USE COMMITTEE MEETING (Clerk of the Board)

*Approved*

*Mover: Sosa*

*Seconder: Edmonson*

*Vote: 4-0*

*Absent: Monestime, Diaz*

**6 REPORTS**

**7 ADJOURNMENT**

**Report:** *There being no further business to come before the Committee, the meeting adjourned at 4:13 p.m.*