MEMORANDUM

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TAC
Agenda Item No. 6(A)

TO: Honorable Chairman Dennis C. Moss and Members, Transportation and Aviation Committee

DATE: July 10, 2013

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 Transportation and Aviation Committee:

March 13, 2013

CA/jt
Attachment

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

CLERK'S SUMMARY OF
Meeting Minutes
Transportation & Aviation Committee

Dennis C. Moss (9) Chair; Bruno A. Barreiro (5) Vice Chair; Commissioners Esteban L. Bovo, Jr. (13) and Jean Monestime (2)

Wednesday, March 13, 2013 **2:00 PM** **Commission Chambers**

Members Present: Esteban L. Bovo, Jr., Jean Monestime, Dennis C. Moss.

Members Absent: Bruno A. Barreiro.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

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

1A INVOCATION AS PROVIDED IN RULE 5.05 (G)

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

1B ROLL CALL

Report: *The following staff members were present: Deputy Mayor/County Manager Alina Hudak; Assistant County Attorneys Bruce Libhaber and Alexander Bokor; and Deputy Clerks Jovel Shaw and Jill Thornton.*

Assistant County Attorney Libhaber noted Agenda Items 1F1 and 3G were added to today's (2/15) agenda. He also noted Agenda Item 3C contained a scrivener's errors on page 1, under the heading entitled "Track/Record Monitoring" that should be corrected to reflect the number of participants trained and provided materials as 2,288, instead of 3,809; and the last sentence, second paragraph, on page 2, should read: "during the aforementioned time period, MDI/The Start Group provided training to 2,288 participants."

It was moved by Commissioner Bovo that the February 15, 2013 Transportation and Aviation Committee meeting agenda be approved with the changes noted by Mr. Libhaber. This motion was seconded by Commissioner Monestime, and upon being put to a vote, passed by a vote of 3-0 (Commissioner Barreiro was absent).

1C PLEDGE OF ALLEGIANCE

1D SPECIAL PRESENTATIONS (SCHEDULED TO BEGIN AT 1:30 PM)

1D1

130404 **Special Presentation** **Rebeca Sosa**

PRESENTATION OF SERVICE AWARDS TO THE FOLLOWING EMPLOYEE(S): ***Presented***

1. JOSE A. ALCAZAR - AVIATION - 30 YEARS
2. WALFREDO M. LOPEZ - MDT - 30 YEARS
3. GLEN R. QUIGLEY - MDT - 35 YEARS

Report: *Mr. Jose A. Alcazar was not present to receive his award.*

1D2

130422 **Report** **Bruno A. Barreiro**

MIAMI-DADE TRANSIT RIDERSHIP ORAL REPORT ***Presented***

Report: *Ms. Ysela Llort, Director, Miami-Dade Transit (MDT) provided a status report on MDT's Monthly Boardings for January 2013. She noted there were no significant changes in the boardings from month to month; however, MDT's system's total boardings had increased by 2.2 percent since March of 2012. She said this was primarily due to the increase in boardings for both Metrorail and Metromover and a 50 percent decrease in headways for the Orange Line operations plan. She also noted Metrobus had a small reduction in boardings because of some shifting in the routes from bus to rail.*

1D3

130439 **Special Presentation** **Jean Monestime**

SPECIAL PRESENTATION TO MORE THAN CONQUERORS OUTREACH MINISTRIES CHURCH INC.; COMMUNITY HOPE HEALTH AND HUMAN SERVICES CORP; AND MIAMI-DADE COUNTY EMPLOYEES GLENN A. LEBLANC, RAONEL RODRIGUEX, AND AFREDO MUNOZ FOR GOING ABOVE AND BEYOND IN THE CONSTRUCTION OF A BUS SHELTER AT WESTVIEW GARDEN APARTMENTS SENIOR RESIDENTIAL CENTER, 2351 NW 119TH STREET.

Presented

Report: *Commissioner Monestime presented Certificates of Appreciation to Miami-Dade Transit's Project Administrator Glen LeBlanc, Project Supervisor Raonel Rodriguez, and Public Works Department's Construction Manager Alfredo Munoz for their efforts in working with the residents of District 2 to build a much needed bus shelter near the West View Apartments and Senior Residential Center, along NW 23 Avenue and 119 Street. Commissioner Monestime expressed his appreciation to these gentlemen for providing exemplary public service in his district.*

Commissioner Monestime commended Apostle Leroy Smith, founder of "More than Conquerors" Outreach Ministries Church, Inc, for his participation in the foregoing project, and presented him with a Certificate of Appreciation in recognition of the contributions provided to the community by "More than Conquerors" Outreach Ministries Church, Inc, and the Community Hope, Health & Human Services, Corporation. He noted these organizations provide direct services to individuals at risk for HIV/AIDS and other sexually transmitted diseases.

1D4

130477 **Report** **Dennis C. Moss**

UPDATE ON THE TRANSIT INCIDENT INVOLVING MS. EMMA ANDERSON — ***Presented***

Report: *Chairman Moss welcomed Commissioner Edmonson to the meeting, and asked the Department Director to present the foregoing discussion item.*

Ms. Ysela Llort, Miami-Dade Transit (MDT) Director, presented a status report on the transit incident involving Ms. Emma Anderson and the following events as they occurred chronologically:

-On February 20, 2013, at approximately 2:00 pm, a Security Supervisor boarded a northbound train at the Douglas Road Metrorail station;
-the Supervisor noticed Ms. Anderson acting in a disruptive manner, making loud noises with an instrument that appeared to be a water jug filled with some beads to keep in cadence with her singing;
-the Supervisor felt this patron had violated County regulations which prohibited excessive noise, singing and dancing on transit railcars, which could impede other passengers from hearing important train announcements;
-the Supervisor called 50 States Security, the company contracted by the County to secure Metrorail, and requested an officer be sent to intervene in this situation;
-at this point, the train arrived at the Government Center station and another officer (Officer Llanes) boarded the train. This was not the officer called to intervene in the matter, but an officer boarding the train to go to work;
-Officer Llanes noticed the commotion and approached Ms. Emma to request that she cease the activity, but she did not. The disturbance continued and the noise escalated;
-Officer Llanes proceeded to remove Ms. Anderson from the train by taking a hold of her possessions, hoping she would follow, but unfortunately, Ms. Anderson held on to her rolling suitcase, and fell onto the station platform;
-at about 2:45 pm, Miami-Dade Fire and Rescue arrived at the scene to treat Ms. Anderson, but she refused treatment and transportation to the hospital, and said she was fine;
-subsequently, Captain Cooper of 50 States Security approached Ms. Anderson to assist her and escort her to her destination at the

and escort her to her destination at the Brownsville Station; and
-Captain Cooper departed after she was advised that Ms. Anderson's son was on his way to pick her up.

Ms. Llort agreed the incident could have been handled better. She noted both she and the County Mayor have apologized for the incident and have reached out to apologize to Ms. Anderson in person, but were advised by the family that she had retained a lawyer and to go through him. Ms. Llort also noted the Mayor has asked 50 States Security to remove this officer from any contract with the County, and the Company promptly complied. She noted the Department was in the process of investigating this matter and reviewing its training procedures and policies that deal with disturbances, and has requested that Miami-Dade Police Department (MDPD) Director JD Patterson provide special training on how to handle persons with special needs. She indicated she would ensure that MDT employees received this special training.

Chairman Moss noted the reason this discussion item was placed on the agenda was because the incident received much attention nationwide, and he wanted to address the training procedures and polices. He asked what type of training was provided to security officers contracted with the County, and did it include training in sensitivity and diversity.

Ms. Llort noted training is provided, but more was needed, specifically in dealing with the elderly and mental impaired persons. She noted that not all interventions required use of force. She said she had an extensive discussion with Mr. J.D. Patterson regarding this particular procedure. Ms. Llort pointed out that MDT transports approximately 300,000 riders per day, and she wanted to ensure the security officers understood the need to treat every patron with dignity and respect, as well as uphold their contract to secure Transit's system.

Commissioner Bovo cautioned members of the Committee about their line of questioning, as it related to a pending law suit. He asked if any of the information presented today could be used in a court of law.

Commissioner Monestime also inquired whether a pending law suit would prevent Committee

members from asking questions and obtaining information regarding this matter.

Assistant County Attorney Bruce Libhaber advised that any information obtained from today's (3/13) hearing that was relevant to a law suit, could be admissible in a court proceeding or trial; however, Committee members were free to ask questions or obtain information on this matter.

Commissioner Monestime said that regardless of Ms. Anderson's behavior or her purpose for it, no one deserved to be treated in the manner she was. He noted he expected that a professional working for the County would perhaps approach the individual causing the disturbance, and coax him or her off the train without force, or call for backup enforcement; however, this officer did not do that, but took matters into his own hands. He noted many people were questioning the officer's state of mind based on the way he handled an elderly person. Commissioner Monestime said it was unfair for the County, the Administration and the Department to receive such negative press as a result of the officer's actions, and he hoped the particular individual would be removed from the contract.

Commissioner Edmonson expressed her appreciation to Chairman Moss for placing this item on the agenda to address the issue, and noted she would refrain from asking further questions, based on the comments regarding a possible law suit. She also expressed appreciation to Mayor Gimenez for addressing many of her concerns in the memorandum she sent him, especially the request that this officer no longer be permitted to man any county facility. Commissioner Edmonson asked Deputy Mayor Alina Hudak to respond in writing to the concerns and questions she expressed in the memorandum to the Mayor concerning the incident involving Ms. Anderson; and that the report include all county policies on handling disturbances on transit vehicles. Commissioner Edmonson noted she understood that Ms. Anderson was taken off the Metrorail train at the Brickell Avenue Station, which was not far from the Brownsville Station, and her disturbance and the inconveniences would have lasted for only a few more minutes.

Deputy Mayor Alina Hudak noted the Mayor's Office intends to respond in writing to the concerns of all parties, and she expected a report was forthcoming. She also noted that upon

hearing about the incident, the Mayor became very concerned and publicly apologized to Ms. Emma and her family for the incident.

Chairman Moss noted Commissioner Edmonson's memorandum to the Mayor was on point, and he was glad to hear that the Mayor had issued an apology and would follow up with a report. Chairman Moss offered his own apology to Ms. Anderson and her family for the incident, and said he hoped she was doing well. He said this kind of national attention was not good for the County, and that it was good for the Commission to be proactive and review County procedures and policies. He noted he looked forward to receiving the report, resolving the issue and said he would follow up on this matter.

1D5

130478 **Report** **Dennis C. Moss**

STATUS OF THE NORTH CORRIDOR AND EAST WEST CORRIDOR ***Presented***

Report: *Mr. Albert Hernandez, Miami-Dade Transit (MDT), Deputy Director, Department of Engineering and Planning Development, provided a status report on the North and East-West Corridors. He noted, due to fiscal constraints, the initial plans for heavy rail in these corridors were placed on hold and staff explored other transit modes as a cost-effective alternative. One alternative proposed was enhanced bus services, which is a premium service and entailed running 60-foot articulated buses down the corridors through mixed traffic, but not in a dedicated lane. He noted the Department would most likely use Compressed Natural Gas (CNG) to save on costs, but would explore other fuel technologies for these buses. The passenger amenities included: robust (larger) bus stations; digital "Next Bus" message boards to advertise arrival information; free WIFI; Transit Signal Priority (TSP) to extend the green phase of signal lights, enabling buses to advance through the intersection ahead of other traffic; and "Park and Ride" lots. Later, he noted all bus shelters along the corridor would be branded to distinguish between this particular service and other local bus services.*

Mr. Hernandez provided examples of Enhanced Bus Services/Bus Rapid Transit (BRT) used in other cities across the nation:

Kansas City Max – used branding which matched both the bus stations and the buses;
Seattle Rapid Ride – used rapid service and "Next Bus" arrival signs;
Seattle Swift – used rapid service and articulated buses;
San Francisco Muni – used branded bus shelters;
Chapel Hill Transit – used "Next Bus" arrival signs;
Downtown Orlando LYMMO – used branded shelters and frequent service with limited stops.

Mr. Hernandez noted the benefits of enhanced bus service were to provide a convenient alternative to driving, saves on fuel costs, build ridership, and create jobs. He said that as ridership increased, the Department would like to implement a true Bus Rapid Service with a dedicated bus lane, and

continue pursuing heavy or light rail plans for these corridors in the future. Mr. Hernandez noted the projected capital costs for enhanced bus service in the North Corridor were $25.5 million, operating cost was $3.2 million, ridership was estimated at 2,400 boardings per day on opening day and construction should be completed and services in place by the end of 2017. Mr. Hernandez explained that the service alignment and stops along the North Corridor were the same as that planned for the heavy rail in this corridor, and would continue to the Miami Intermodel Center (MIC). He noted the originally plan was to run the buses down the corridor as far as the Martin Luther King station, but the planners felt that providing patrons a one-seat ride to the airport would be more beneficial.

Chairman Moss asked why the start date for construction was not until 2015.

Mr. Hernandez noted this project is fully funded with State, federal and local funding, and its progress depended heavily upon availability of funding. He noted funding for the design would not be available until next fiscal year, and the design could not begin until the following year. Mr. Hernandez said that due to delays in funding, the Orange Max bus service was established, which mirrored the alignment of the enhanced bus service along the North Corridor to the Intermodel Center, but without the same frequent headways. He said he would be glad to meet with the Committee members to discuss the cash flow and financial information pertaining to this project.

Chairman Moss asked Mr. Hernandez to provide this committee with a report on the funding for the North Corridor project, including an explanation on why funding for the project design would not be available until next fiscal year. In addition, he asked that the report include the funding for the Orange Max service. Chairman Moss noted he wanted to stay focused on all these projects, especially the NW 27th Ave-North Corridor project.

Mr. Hernandez noted the County identified and purchased a 14-acre parcel located at the end of the North Corridor (NW 215th Street) for the purpose of developing a large "Park-n-Ride" lot and to bring in a private developer to develop mixed-use, commercial retail, housing and a transit terminal on site. He indicated that the purchase price was half the price listed in 2006.

He also noted the developer would pay to construct the transit facility, and the County would receive an annual revenue source for operations and maintenance, plus a transit hub at no cost. Mr. Hernandez noted the commissioners and stakeholders would be given an opportunity to review the Request for Proposals (RFP) before it went out for advertisement this year.

Regarding the East-West Corridor, Mr. Hernandez noted the enhanced bus service alignment was similar to the alignment planned for heavy rail in this corridor. It entailed running the buses from the MIC down the SR 836 Expressway to Flagler Street west, turning south onto SW 107th Avenue to pick up patrons at the Florida International University (FIU) Engineering School, before turning west onto SW 8th Street and into FIU. The bus route would travel further from FIU to other bus stations located at SW 127th Avenue, 137th Avenue and the final terminal at SW 147th Avenue. Mr. Hernandez noted staff thought this route to be the best because there was greater density on SW 8TH Street, and ridership would increase. He noted the FIU master plan included constructing another parking garage adjacent to SW 8th street that encompassed several MDT bus shelters and benches on the first floor. FIU would pay to construct the parking garage shell, and the County would pay for the bus shelters and some minor road improvements to accommodate the buses, he also noted. Mr. Hernandez further noted this project was also fully funded; the capital costs were projected at approximately $25.2 million, operating costs at $2.4 million, ridership was estimated to be 3,700 boardings per day on opening day, and the project's design and construction would occur simultaneously with the North Corridor project.

Discussion ensued between members of the Committee and Mr. Hernandez regarding the possibility of dedicating a lane in the North Corridor for this service.

Mr. Hernandez noted a dedicated lane was possible for both corridors; however, it would result in additional capital costs of $60 to $90 million just for the north corridor. He also noted that currently, there was no opportunity for a dedicated lane on the SR 836 until the Miami-Dade Expressway Authority (MDX) completed its managed lanes, which would not be completed until 2020/21, according to the MDX Capital Plan. He said the buses would be permitted to

travel on the shoulders of the SR 836 in some areas, if necessary.

In response to Commissioner Monestime's inquiry regarding why the capital cost was so much for a dedicated lane in the North Corridor, Mr. Hernandez explained that about 10 miles of the median would need to be reconstructed to accommodate a dedicated lane, at a cost between $8 to $10 million per mile. He noted reconstruction would include new drainage, paving, resurfacing, relocation of some utilities and construction of some bus stations within the median. Mr. Hernandez also noted this method was typically the most economical method for a roadway with mixed traffic. He further noted there is an issue regarding a section of NW 27th Avenue, south of NW 79th Street, where six lanes merge to four lanes and would need to be widened in order to accommodate a dedicated lane.

Commissioner Monestime asked if could be as simple as declaring one lane as a dedicated lane similar to the High Occupancy Vehicle (HOV) lane on Interstate I-95.

Mr. Hernandez noted that decision would need to be made by the Florida Department of Transportation; however, the concern still remained regarding the section of NW 27th Avenue, where six lanes merge to four. He noted it was possible to dedicate a lane between NW 215 Street and NW 79th street southbound, and allow the buses to continue traveling from NW 79 Street to the airport in mixed traffic.

Commissioner Monestime noted his concern was that he wanted to ensure the riders arrived at the airport within 25 minutes. He said he believed it was possible, even with a dedicated lane only to NW 79th Street, and hoped that staff would find a way to accomplish it.

Mr. Hernandez noted the project was currently in the planning stages and staff was in the process of conducting a National Environmental Policy Act (NEPA) study, which was a required step to obtain federal funding. He noted staff would explore the possibility of dedicating a lane in the East-West Corridor.

Commissioner Monestime noted explaining to the public why the County was unable to live up to the promises it made for the North Corridor was very difficult. He concurred with the Chairman's

comments that we need to stay focused on these projects.

Mr. Hernandez noted that staff would also like to conduct a public outreach to explain to the public the details and feasibility of the projects, as well as get public input.

Discussion ensured between members of the Committee and Mr. Hernandez regarding the NEPA process and whether a dedicated lane could be considered as an alternative in this process.

Chairman Moss noted he would like to continue discussion on a plan and the alternatives in the near future. He expressed concern that should some funding become available or acquired for a dedicated lane, staff would need to repeat the NAPA process, and delay the projects further.

Mr. Hernandez noted a dedicated lane was not considered because of the additional capital costs, but staff would study alternatives within the NEPA process that were within budget and should funds become available for a dedicated lane, staff would revisit it within the NEPA study as part of the alternatives analysis. He pointed out that the lowest level of assessment in the NEPA process was the categorical exclusion, and he did not foresee it taking more than six months to revisit the issue.

1E PUBLIC HEARING

1E1

130350 **Resolution**

RESOLUTION APPROVING APPLICATION FOR TWO (2) CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO AVENTURA LIMOUSINE AND TRANSPORTATION SERVICE, INC. TO PROVIDE WHEELCHAIR NONEMERGENCY MEDICAL TRANSPORTATION SERVICES (Regulatory and Economic Resources)

Forwarded to BCC with a favorable recommendation
Mover: Monestime
Seconder: Bovo, Jr.
Vote: 3-0
Absent: Barreiro

Report: *Hearing no objections, the Committee considered Agenda Items 1E1, 1E2, 1E3 and 1E4 simultaneously.*

Assistant County Attorney Bruce Libhaber read the foregoing proposed resolutions into the record.

Chairman Moss opened the public hearing for persons wishing to be heard in connection with these resolutions. He closed the public hearing after no one appeared to speak.

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

1E2

130351 **Resolution**

RESOLUTION APPROVING APPLICATION FOR FOUR (4) CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO EXXEL MEDICAL TRANSPORTATION, INC. TO PROVIDE COMBINATION WHEELCHAIR AND STRETCHER NONEMERGENCY MEDICAL TRANSPORTATION SERVICES (Regulatory and Economic Resources)

Forwarded to BCC with a favorable recommendation
Mover: Monestime
Seconder: Bovo, Jr.
Vote: 3-0
Absent: Barreiro

Report: *See Agenda Item 1E1; Legislative File No. 130350 for the report.*

1E3

130352 **Resolution**

RESOLUTION APPROVING APPLICATION FOR TWO (2) CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO RAD MEDICAL TRANSPORTATION, INC. TO PROVIDE COMBINATION WHEELCHAIR AND STRETCHER NONEMERGENCY MEDICAL TRANSPORTATION SERVICES (Regulatory and Economic Resources)

Forwarded to BCC with a favorable recommendation
Mover: Monestime
Seconder: Bovo, Jr.
Vote: 3-0
Absent: Barreiro

Report: *See Agenda Item 1E1; Legislative File No. 130350 for the report.*

1E4

130413 **Resolution**

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30319 FROM JOSEPH A. DIPATRIZIO D/B/A SABRE INVESTIGATIVE AGENCY/LIMOUSINE SERVICE TO U.S. SEDAN SERVICE, INC. TO PROVIDE SPECIAL OPERATIONS SERVICE AS A PASSENGER MOTOR CARRIER (Regulatory and Economic Resources)

Forwarded to BCC with a favorable recommendation
Mover: Monestime
Seconder: Bovo, Jr.
Vote: 3-0
Absent: Barreiro

Report: *See Agenda Item 1E1; Legislative File No. 130350 for the report.*

2 COUNTY COMMISSION

3 DEPARTMENT

3A

130300 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE AN INTERLOCAL PUBLIC TRANSPORTATION SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF SURFSIDE FOR THE PROVISION OF PUBLIC TRANSPORTATION SERVICES; AND AUTHORIZING THE COUNTY MAYOR, COUNTY MAYOR'S DESIGNEE, OR MIAMI-DADE TRANSIT DIRECTOR TO EXERCISE THE PROVISIONS CONTAINED THEREIN (Miami-Dade Transit)

Forwarded to BCC with a favorable recommendation
Mover: Monestime
Seconder: Moss
Vote: 3-0
Absent: Barreiro

Report: *Hearing no objection, Agenda Items 3A and 3B were considered simultaneously.*

Assistant County Attorney Bruce Libhaber read the foregoing proposed resolutions into the record.

Chairman Moss noted representatives of the Transport Workers Union (TWU) raised some concerns regarding approval of the foregoing agreements. He asked the Assistant County Attorney to summarize the issues at hand.

Assistant County Attorney Bruce Libhaber explained that Section 31 of the Miami-Dade County (MDC) Code required a Certificate of Public Convenience and Necessity license for the private sector to operate a public transportation service, such as a jitney, taxi cab or a limousine; however, Section 31-113 of the Code, subparagraph m, provided some exemptions for municipalities to operate local municipal circulators. It states that "motor vehicles owned, operated by or operated under contract with a municipality, in a local public transportation system providing circulator services, when authorized by an Interlocal agreement with Miami-Dade County and approved by the Board, are exempt from having to obtain this special license." It also states that at least seventy percent (70%) of the transportation service must be within the local municipality requesting the exemption. Mr. Libhaber noted the City of Surfside and the Village of Pinecrest have requested an exemption because they are interested in providing circulator services in their area. He said he believed the concerns of the TWU representatives had more to do with the provision in the Code that states "where a municipality intends to provide circulator services

in a contract with a third party (private vendor), the said municipality shall give MDC an opportunity to submit a bid or a proposal to provide that transportation service."

Chairman Moss noted staff was instructed to review and clarify that particular Code. He also noted that although the foregoing items did not require a public hearing at this time, he would permit the following individuals to state their concerns for the record:

1) Mr. Pedro Flora, Executive Vice President, Transport Workers Union (TWU) Local 291, appeared and referred to TWU's legal counsel to make comments.

2) Ms. Patricia Ireland, Attorney for TWU Local 291, appeared and recognized union representatives present in the audience. She noted their concern was that everytime a municipal circulator was expanded; the transport worker's jobs were threatened. She pointed out that local municipal circulators often connected to federal projects, got direct federal funding, provided a free service and followed the same routes of Miami-Dade Transit (MDT) buses, which reduced MDT's hours and miles. She said that although layoffs had not occurred yet, except through attrition, they were concerned that transport workers might lose their jobs as a result of these circulators.

Chairman Moss advised that the issue had been discussed and that a study was ongoing to determine if the municipal circulators would take business away from MDT.

Ms. Ysela Llort, MDT Director, noted the two foregoing resolutions involved local governments that chose to use their Surtax funding to provide a local transportation service. She also noted these particular circulators would not receive federal funding; would not result in any layoffs or reductions in service, and would connect to MDT's countywide services to ensure efficiency in the system. She said the bigger issue was the fiscal challenge that MDT faces with its future budgets and why the County could not complete all phases of the Orange Line project. She noted even if the project was constructed, the County's funds were insufficient to maintain and operate the system.

Ms. Llort noted the existing system continues to

operate at a deficit because of monies taken from operations and maintenance and placed into the bond program. She said the Mayor has asked that the Department review its existing services to determine if other opportunities and efficiencies existed and whether MDT services could continue with fewer funds, which would involve consideration of labor, fuel and costs. She said she understood the union members' and representatives/ concerns, but believed they pertained to MDT's future budgets, and not these items.

In response to Chairman Moss' inquiry regarding whether the study included consideration of the local municipal circulators, Ms. Llort noted some areas within the grid system would not be served anymore. She said that MDT had been inefficient in trying to accommodate everyone.

In response to Commissioner Bovo's inquiry regarding the 360,000 per day figure and what percentage of that number included County residents, Ms. Llort noted the number represented individual or one way trips, and not multiple, round trips.

Commissioner Bovo noted, at some point in time, the Committee would need a fair assessment on the number of county residents that used public transportation. He commended the Chair for making this an issue and wanting to conduct another summit. He noted people do not easily exchange the convenience of their cars for public transportation, even when gas prices escalate, and it was hard to sell a project when only a small portion of the community was served by it. He noted it was frustrating to explain why promises were not delivered, and said the Commission needed to get serious about dialoging these issues, and being transparent with the public on the cost and feasibility of these projects. He noted the County was challenged by the municipalities and smaller services, which had the flexibility to alter service lines or routes.

Chairman Moss noted the reason for conducting another Transit Summit with the Citizen's Independent Transportation Trust (CITT) was to have an open discussion with the public regarding these issues and the reality of moving projects forward with limited resources.

Commissioner Monestime asked if the Union Representatives would be invited to the summit.

He said he wanted to ensure inclusion.

Chairman Moss said that all stakeholders would be invited to the Summit. He noted as traffic congestion increased, people would have little choice but to use public transportation and the County should plan transit for the future and be in a position to provide alternative transit services to accommodate the needs, which was not easy or cheap to do. Chairman Moss asked Ms. Llort to provide this committee with a report on the impact of the municipal circulators on MDT's countywide transit system.

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

3B

130301 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE AN INTERLOCAL PUBLIC TRANSPORTATION SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF PINECREST FOR THE PROVISION OF PUBLIC TRANSPORTATION SERVICES; AND AUTHORIZING THE COUNTY MAYOR, COUNTY MAYOR'S DESIGNEE, OR MIAMI-DADE TRANSIT DIRECTOR TO EXERCISE THE PROVISIONS CONTAINED THEREIN (Miami-Dade Transit)

Forwarded to BCC with a favorable recommendation
Mover: Monestime
Seconder: Moss
Vote: 3-0
Absent: Barreiro

Report: *See Agenda Item 3B; Legislative File No. 130300 for the report.*

3C

130312 **Resolution**

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS WAIVING BID PROTEST PROCEDURES BY A TWO-THIRDS VOTE PURSUANT TO SECTION 2-8.4 OF THE MIAMI-DADE COUNTY CODE; WAIVING COMPETITIVE BIDDING BY A TWO-THIRDS VOTE PURSUANT TO SECTION 2-8.1(B) OF THE COUNTY CODE, AND SECTION 5.03(D) OF THE HOME RULE CHARTER; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO RETROACTIVELY APPROVE PURCHASE ORDERS IN THE AMOUNT OF $952,740 FROM MARKETING DISPLAYS INCORPORATED (DBA MDI/THE START GROUP) FOR TRAINING COURSES AND MATERIALS PROVIDED UNDER THE FY 2007 UNITED STATES DEPARTMENT OF HOMELAND SECURITY GRANT (USDHS) AND MANAGED BY THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (Miami-Dade Transit)

Forwarded to BCC with a favorable recommendation as corrected
Mover: Bovo, Jr.
Seconder: Moss
Vote: 3-0
Absent: Barreiro

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Commissioner Bovo requested clarification on whether the foregoing contract had ever gone out for bid.

Ms. Llort, Director, Miami-Dade Transit (MDT), noted the original contract was a dually procured contract between Market Displays Inc (MDI) and MDT, and the issue involved "Scope Creep" –a change in the original scope of work that was usually acceptable, but in this case, was not authorized. She noted the contractor actually completed the work and did a quality job, but the work was not authorized and now needed to be authorized.

In response to Commissioner Bovo's inquiry regarding when this work was done, Ms. Llort noted the original contract was procured correctly in 2005, but melded into this work, which was carried out in 2011.

Commissioner Bovo asked who in the chain of command authorized this work.

Ms. Llort noted approval of the work involved several people internally, beginning with those who received the grant from Home Land Security, and the accountants who signed the checks, etc....

She noted this invoice was brought to her attention because it was not authorized for payment, and the error was caught by the new procedures put in place. She said the matter was investigated thoroughly and she sought help from the Miami-Dade Police Department (MDPD) Public Corruption Unit to examine the transactions. She noted many of the decisions made were made by people who no longer worked for the Department, and MDPD concluded that it was an Administrative oversight, and not from improper conduct or collusion.

In response to Commissioner Bovo's inquiry regarding whether the new procedures now in place would catch errors like this in the future, Ms. Llort replied 'yes' and said the new procedures were very thorough and caught this one.

In response to Commissioner Bovo's question regarding whether this was a past due invoice, and did the contract contain a penalty provision, Assistant County Attorney Alexander Bokor noted there is no contractual penalty at this point because there is no contract connected with this invoice.

Following Ms. Llort's comment that the company, MDI, was also investigated to ensure there was no foul play, Commissioner Bovo moved a motion to forward the foregoing resolution to the County Commission with a favorable recommendation. The motion was seconded by Commissioner Moss, followed by more discussion.

Commissioner Monestime asked if it was necessary for these items to come before the Board of County Commissioners for approval since the work was already performed. He questioned how someone could accept an invoice for $1 million without the Board's approval first.

Assistant County Attorney Libhaber noted the reason this invoice was before the Committee was because there was no contract or authorization for it. He also noted this matter was brought to the attention of the County Attorney's Office (CAO), and it was determined that the previous payments made were improper based on no written contract; therefore, the CAO prepared the foregoing resolution to bring the matter before the Board, which is the lawful entity to waive formal bid procedures and make the transactions legal. He said the wrong thing to do would be to continue

making invalid payments.

Commissioner Monestime noted it would be more comfortable for him to have received a report and lived with the mistake, than to approve and ratify a contract already performed.

Ms. Llort noted she was displeased about having to report this error, and that it was very difficult to understand how it happened. However, she said she was appointed as Director of MDT to effectuate change and make things right.

Commissioner Monestime said he understood the Director's position, but was struggling to understand the conclusion that nothing wrong had transpired.

Ms. Llort clarified that she did not state that nothing wrong was done, but that the Administration was not thorough with this contract. She explained that they thought because there had been a previous resolution for the original contract, they were authorized to make the payments for the expanded scope, which was fundamentally wrong, and it escalated from there. She apologized for the error and having to bring it before this Board.

In response to Chairman Moss' question regarding whether the work had been completed and was verified, Ms. Llort said yes, and that it was verified by the Department and the MDPD.

Chairman Moss asked if the investigation by the Public Corruptions Unit concluded that nothing illegal had transpired, but this was just a misstep by the Administration, and that MDI performed the work and was now owed a payment.

Ms. Llort noted that was correct. She noted the company was owed the last payment; however, the previous payments made were not authorized, and needed to be authorized by the Board.

In response to Chairman Moss' inquiry regarding whether the current system in place would catch these issues in the future, Ms. Llort noted that was correct going forward from when the system was implemented, but pointed out that this situation transpired before the new system was in place.

Chairman Moss noted although no system was perfect, he understood that the new system would ensure the rules would be followed going forward,

and said he was comfortable with moving this resolution forward. He recommended the Director meet with the County Commissioners to brief them on this item.

Hearing no further comments or questions, the foregoing proposed resolution was forwarded to the County Commission with a favorable recommendation, as corrected to reflect on page 1, in the paragraph entitled "Track/Record Monitoring" the number of participants trained and provided materials as 2,288, instead of 3,809; and on page 2, the last sentence of the second paragraph should read: "during the aforementioned time period, MDI/The Start Group provided training to 2,288 participants."

4 COUNTY MAYOR

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

130405 **Report**

CLERK'S SUMMARY OF MEETING MINUTES FOR THE TRANSPORTATION & AVIATION COMMITTEE MEETING(S): FEBRUARY 15, 2013 (Clerk of the Board)

Approved
Mover: Bovo, Jr.
Seconder: Monestime
Vote: 3-0
Absent: Barreiro

7 REPORTS

7A

130331 **Report**

MONTHLY REPORT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION ON THE MIAMI INTERMODAL CENTER (Mayor)

Report Received
Mover: Bovo, Jr.
Seconder: Moss
Vote: 3-0
Absent: Barreiro

8 ADJOURNMENT

Report: *There being no further business to come before the Transportation and Aviation Committee, the meeting was adjourned at 10:22 a.m.*