



MEMORANDUM
Harvey Ruvin
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EDPC
Agenda Item No. 6(A)

TO: Honorable Chair Lynda Bell
and Members, Economic Development and
PortMiami Committee

DATE: November 14, 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 Economic Development and PortMiami Committee:

October 10, 2013

CA/js
Attachment



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

CLERK'S SUMMARY OF Meeting Minutes

Economic Development & Port Miami Committee

Lynda Bell (8) Chair; Javier D. Souto (10) Vice Chair; Commissioners Jose "Pepe"
Diaz (12), Barbara J. Jordan (1), and Juan C. Zapata (11)

Thursday, October 10, 2013

2:00 PM

COMMISSION CHAMBERS

Members Present: Jose "Pepe" Diaz, Barbara J. Jordan, Juan C. Zapata.

Members Absent: Lynda Bell, Javier D. Souto.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 Minutes Prepared by:

Report: *Zorana Gainer, Commission Reporter*
305-375-3570

1A INVOCATION AS PROVIDED IN RULE 5.05
(H)

1B ROLL CALL

Report:

ROLL CALL

The following staff members were present:

- ~Deputy Mayor Jack Osterholt*
- ~Assistant County Attorney Jess McCarty*
- ~Assistant County Attorney Monica Maldonado*
- ~Deputy Clerk Judy Marsh*
- ~Deputy Clerk Zorana Gainer*

In Chair Bell's absence, Commissioner Diaz presided over today's (10/10) meeting.

Assistant County Attorney McCarty noted there were no official changes to today's (10/10) agenda, however staff had distributed to each member a substitute to agenda item 1F1 as well as an amended version of agenda item 1F1 substitute.

It was moved by Commissioner Jordan to approve the foregoing changes to today's (10/10) agenda. This motion was seconded by Commissioner Zapata and upon being put to a vote, passed by a vote of 3-0 (Chair Bell and Commissioner Souto was absent)

1C PLEDGE OF ALLEGIANCE

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

1D1

131906 Service Awards Rebeca Sosa
 PRESENTATION OF SERVICE AWARDS TO THE FOLLOWING EMPLOYEES: *Presented*

ANA DOMINGUEHERRICK - ITD - 30 YEARS
 SHANDA A. MAZZORANA - ITD - 30 YEARS
 REGINA MCDONALD - ITD - 30 YEARS

1E DISCUSSION ITEMS

1F PUBLIC HEARINGS

1F1

131415 Ordinance

Sally A. Heyman,

Lynda Bell

Withdrawn

ORDINANCE AMENDING SECTION 30-388.2 OF THE MIAMI-DADE COUNTY CODE PROVIDING THAT, CONSISTENT WITH STATE LAW, PARKING CHARGES MAY BE IMPOSED ON VEHICLES DISPLAYING A DISABLED PARKING PERMIT OR LICENSE TAG AT ANY COUNTY AIRPORT OR SEAPORT UNDER SPECIFIED CIRCUMSTANCES, BUT THAT SUCH CHARGES MAY NOT BE IMPOSED FOR CERTAIN VEHICLES AS DEFINED IN SUCH STATE LAW; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

1F1 Sbstitute

131987 Ordinance

Sally A. Heyman,

Lynda Bell

ORDINANCE AMENDING SECTION 30-388.2 OF THE MIAMI-DADE COUNTY CODE PROVIDING THAT, CONSISTENT WITH STATE LAW, PARKING CHARGES MAY BE IMPOSED ON VEHICLES DISPLAYING A DISABLED PARKING PERMIT OR LICENSE TAG AT ANY COUNTY AIRPORT OR SEAPORT UNDER SPECIFIED CIRCUMSTANCES, BUT THAT SUCH CHARGES MAY NOT BE IMPOSED FOR CERTAIN VEHICLES AS DEFINED IN SUCH STATE LAW; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO, 131415]

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

Report: *Assistant County Attorney Jess McCarty read the foregoing ordinance into the record.*

Commissioner Heyman, the sponsor of the item appeared before the Committee; and explained the intent of the foregoing proposed ordinance and noted the administration of the Miami International Airport (MIA) and Seaport was in support as well. She pointed out that MIA and Seaport were the only airport and seaport in the state of Florida that offered free parking to all disabled persons. The Inspector General had issued a report detailing many instances of improper or fraudulent uses of these free parking spaces, specifically at the airport and the majority of the fraudulent use was by employees and construction contract employees. Commissioner Heyman noted that every other county in the state followed the Florida Statute that allowed users who had toll exempt tags for special vehicles, to be exempt from paying tolls or for parking at any venue. The toll exempt statute would remain effective and the amendment to the substitute would allow two hours of free parking at MIA and the Seaport to people that had a county issued disabled parking permit placards.

Commissioner Diaz opened the public hearing.

Mr. Damian P. Gregory 11342 SW 163rd St Miami, Florida appeared in opposition of the foregoing proposed ordinance. He noted he felt this was not the proper way of preventing fraudulent use of the disabled parking permits. He expressed his concern regarding this ordinance creating unintended consequences. Mr. Gregory pointed out that although he was able to afford a

Economic Development & Port Miami Committee

CLERK'S SUMMARY OF

Meeting Minutes

Thursday, October 10, 2013

vehicle that is retrofitted for his specific needs with a lift and hand controls, others were unable to afford these modifications to their vehicles and under this ordinance those persons would not be able to park for free any longer. He requested that Committee members considered the economic hardship this may cause to those that lived on a fixed income.

Mr. Ernie Martinez 6660 Biscayne Blvd. Miami, Florida, Disability Advocate, Center for Independent Living appeared in opposition of the foregoing proposed ordinance. He noted that an amendment was needed to the ordinance which maintained the spirit of humanitarian benefits for the most vulnerable population, people with disabilities. He noted MIA needed to offer better accommodations to its employees with disabilities. He suggested that the ordinance be amended to include paid internships, stipend internships, more employment, better public notice campaigns regarding people with disabilities, public notices of MIA's Advisory Committee's for people with disabilities as well as other services to better accommodate those with disabilities.

Mr. Jackson David 2350 NW 91 Street Miami, Florida noted that he was in opposition to the foregoing proposed ordinance. Upon hearing the amendment he felt that it was an attempt to stop fraud but in fact would punish everyone with disabilities. He asked that the Committee amend the ordinance to include more than two (2) hours of free parking to disabled persons.

Mr. Alan Rigerman 17910 NW 84TH Avenue noted that he was in support of the foregoing proposed ordinance. He requested to address the entire commission in a public hearing regarding the issues surrounding the disabled parking.

Mr. Art Noriega, CEO, Miami Parking Authority 40 NW 3rd Street Miami, Florida noted he was in support of the foregoing proposed ordinance and stated this was an issue that has been discussed for quite some time; the abuse was ongoing and enforcement was difficult. He noted the financial incentive provided motive for those obtaining fraudulent or illegal disabled parking permits and removing the incentive would help. He pointed out that Jackson Hospital needed to be included in this ordinance in the future.

Seeing no one else come forward to speak Commissioner Diaz closed the public hearing.

Mr. Juan Kuryla noted that the foregoing ordinance would have a positive financial impact on the Seaport.

Commissioner Diaz noted that this was a difficult subject and that he was supportive of the foregoing proposed ordinance. He noted that he wanted to work with the County Attorney to draft legislation to place more penalties on usage of fraudulent handicapped parking permits.

Commissioner Jordan asked for clarification regarding the difference between the current ordinance versus the foregoing proposed ordinance.

Assistant County Attorney Jess McCarty explained that the amendment to the substitute made three changes as follows: it changed the Whereas Clause from \$3.7 million to \$4.1 million of increased revenue; it added the Seaport and the Airport for two hours of free parking; and the amendment to the substitute also add some subsections to make the ordinance more reader friendly.

Commissioner Jordan expressed her concern regarding the comments put on the record by Mr. Damian P. Gregory and the unintended consequences he pointed out. She noted that every disabled person did not have retrofitted controls on their vehicles. Commissioner Jordan stated if the intent was to cut down on misuse of the disabled parking permits by individuals who did not have any disabilities, she inquired if this could be accomplished by having attendants match drivers licenses with the permit to see if the numbers matched upon entry of the parking areas.

Mr. Ken Pyatt, Deputy Director, Miami-Dade Aviation Department explained that currently drivers licenses were checked against patron's disability parking permit placards upon entry of the airport parking garages; if the placard did not match the driver's license the patron was charged to park.

Responding to Commissioner Jordan's comments regarding if driver's licenses were matched against the disabled parking permits then why was fraud still happening and whether the Seaport had the same practices as the airport, Mr. Kuryla explained that yes the Seaport followed the same practices as the airport in regards to disabled

parking; upon exiting the terminals if the driver's license did not match the sequence of numbers on the disabled parking permit placard the driver was charged the full price of parking.

Commissioner Jordan commented that if the placards were being matched to driver's licenses and patrons had to pay the daily rate of parking when the placard did not match the license then there should be no financial losses because the people with faulty placards were being charged.

In response to Commissioner Jordan's comments Mr. Pyatt explained that the \$4.1 million represented the amount that had not been collected due to free parking for persons with valid disabled parking placards. He further noted that in 2008 the Inspector General (IG) conducted an investigation and discovered that within a two week period more than 200 employees were witnessed parking in disabled parking spaces. Due to Health Insurance Portability and Accountability Act (HIPAA) laws the IG's staff did not check the permits to see if these employees held valid disabled parking permits; however, he noted, some of the employee's did not appear to be disabled but may have non-visible disabilities, which did entitle them to the placards and the parking spaces. Mr. Pyatt noted although airport employees had a designated area to park, disabled employees with valid placards were entitled to park at any disabled parking space at the airport, which ultimately lead to customers competing with employees for the disabled parking spaces near the terminals.

Commissioner Jordan inquired whether employees that had valid disabled parking permits should be treated differently from any other disabled person. She noted that, in an effort to verify the employee's disabled parking permits, the department should have some type of clearance for parking specifically for those disabled employees. She also inquired whether this would be forbidden due to legal reasons. She expressed concern that airport employees that had disabilities maybe equivalent to customer's disabilities were being punished by having to park long distances away from their work sites.

Mr. Pyatt noted that the disabled parking permit placard entitles persons to park closer to their destination. He noted this was the same procedure at the airport if you are designated to park in the employee parking lot the disabled

parking permit placard will allow you to park in a spot very close to the bus stop that shuttles employees to their work places.

Commissioner Jordan inquired whether a policy could be established at the airport where any employee holding a disabled parking permit could have designated parking spots only within the employee parking lot. She noted that it seems the issue was with employees parking in handicapped spaces meant for customers.

Responding to Commissioner Jordan's inquiry Assistant County Attorney Thomas "Tim" Abbott responded that this type of policy could be adopted if that was the only concern.

Responding to Commissioner Zapata's inquiry regarding how Broward County handled disabled parking at its airports and seaports, Commissioner Heyman responded that they charged everyone for parking at its airports and seaports.

Responding to Commissioner Zapata's inquiry whether this legislation would be adopted county wide, Commissioner Heyman noted this legislation only included the airport and the seaport and that Miami-Dade was the exception offering free parking to those with valid disabled parking permits.

Commissioner Zapata noted this was a good policy, he had mixed feelings regarding the substitute, however he was in support of the foregoing ordinance. He further noted the focus should also be on fraudulent use of the disabled parking permits.

Commissioner Heyman noted that it was only fair to allow people that have physical challenges or to have someone that is dropping them off the two-hour concession to this ordinance due to the dynamics of United States Department of Homeland Security Transportation Security Administration (TSA). She noted no longer will people holding disabled parking permits be able to park for free to travel on their five to ten day cruises or the four to five months for snowbirds who park free of charge as well. Commissioner Heyman noted her intention was to have spaces available for people that actually needed them and free versus paying which made a huge difference in availability. She noted that employees could park in the designated employee parking area for

free rather than coming to the passenger/customer parking lot and pay.

Commissioner Jordan agreed with Commissioner Heyman's comments. With regards to her prior comments she noted that in an effort to prevent employees from taking spaces for passengers and customers, she believed that creating a policy that required employees to park in the designated employee parking lot should be put in place. Commissioner Jordan pointed out that due to the unintended consequences to the elderly or those that did not have a retrofit vehicle she was divided on the foregoing ordinance.

Commissioner Diaz asked that the administration at the airport and seaport look for solutions and better ways for employees that had disabilities to park and get to their work sites easier. He noted that the disabled parking permit situation needed to be addressed county wide.

Hearing no further comments, the Committee proceeded to vote.

It was moved by Commissioner Zapata to amend the foregoing proposed ordinance. This motion was seconded by Commissioner Diaz and upon being put to a vote, passed by a vote of 3-0 (Chair Bell and Commissioner Souto was absent).

2 COUNTY COMMISSION

3 DEPARTMENTS

3A

131956 Resolution

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE A STANDARD FORM NON-EXCLUSIVE STEVEDORING SERVICE CONTRACT BETWEEN MIAMI-DADE COUNTY AND ANY STEVEDORE COMPANY HOLDING A VALID STEVEDORING LICENSE AND A VALID STEVEDORING PERMIT, ISSUED BY THE COUNTY PURSUANT TO CHAPTER 28A OF THE CODE OF MIAMI-DADE COUNTY, TO PROVIDE STEVEDORING SERVICES TO CRUISE LINES OPERATING AT THE SEAPORT (AT THE CRUISE LINES' OPTION); EXERCISE ALL RIGHTS CONFERRED THEREIN; AND, PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTIONS 2-8.1, 2-8.3 AND 2-8.4 OF THE CODE OF MIAMI-DADE COUNTY, WAIVING COMPETITIVE BIDDING REQUIREMENTS AND BID PROTEST PROCEDURES BY TWO-THIRDS (2/3) VOTE IN CONNECTION WITH THE NON-EXCLUSIVE STEVEDORING SERVICE CONTRACTS, THE MAYOR FINDING IT IN THE BEST INTEREST OF THE COUNTY TO DO SO (Port of Miami)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Zapata

Seconder: Jordan

Vote: 3-0

Absent: Bell, Souto

Report: *Assistant County Attorney Jess McCarty read the foregoing resolution into the record.*

Hearing no comments or question the Committee proceeded to vote.

Chair Bell submitted a memorandum dated October 11, 2013, entitled "Waiver to the October 22, 2013 Board of County Commissioners" requesting that the foregoing agenda item be heard at the October 22, 2013 BCC meeting.

3B

131911 Resolution

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND TETRA TECH, INC. FOR CARGO GATE MODIFICATIONS AND PROCESS IMPROVEMENTS IN THE AMOUNT OF \$2,475,000.00, CONTRACT NO. E12-SEA-01; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY TERMINATION AND RENEWAL PROVISIONS THEREIN (Port of Miami)

Forwarded to BCC with a favorable recommendation
Mover: Jordan
Seconder: Diaz
Vote: 3-0
Absent: Souto, Bell

Report: Assistant County Attorney Jess McCarty read the foregoing resolution into the record.

Commissioner Zapata inquired regarding the extension provision that did not require approval of the commission and whether this was standard.

Mr. Juan Kuryla, Deputy Director Designee, Port Miami explained that the four year contract included two one-year options to renew solely at the county's discretion and the renewals of these extensions were handled administratively until the funding was depleted.

Responding to Commissioner Zapata's inquiry regarding whether there was a threshold on the dollar amount for the contract extension renewal to be decided administratively, Mr. Kuryla explained that typically at the discretion of the Port's administration, the extension was based on the amount of funds left over.

Hearing further no comments or question the Committee proceeded to vote.

4 COUNTY MAYOR

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

131907 Report

APPROVAL OF CLERKS MEETING MINUTES FOR THE
AUGUST 27, 2913 ECONOMIC DEVELOPMENT AND
PORT MIAMI COMMITTEE MEETING (Clerk of the Board)

Approved
Mover: Zapata
Second: Diaz
Vote: 3-0
Absent: Souto, Bell

Report: *Assistant County Attorney Jess McCarty read the
foregoing report into the record.*

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

7 REPORTS

8 ADJOURNMENT

Report: *Hearing no further business to come before the
Committee the meeting was adjourned at 3:12 p.m.*