MEMORANDUM

MSC
Agenda Item No. 6B

TO: Honorable Chairwoman Barbara J. Jordan
and Members, Metropolitan Services Committee

DATE: August 26, 2015

FROM: Christopher Agrippa
Director, 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 Metropolitan Services Committee:

June 10, 2015

CA/mf
Attachment

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

CLERK'S SUMMARY OF

Meeting Minutes

Metropolitan Services Committee

Barbara J. Jordan (1), Chair; Sally A. Heyman (4), Vice Chair; Commissioners Jose "Pepe" Diaz (12), Audrey M. Edmonson (3), Javier D. Souto (10) and Juan C. Zapata (11)

Wednesday, June 10, 2015 **2:00 PM** **Commission Chambers**

Members Present: Audrey M. Edmonson, Sally A. Heyman, Barbara J. Jordan, Javier D. Souto, Juan C. Zapata.

Members Absent: None.

Members Late: Jose "Pepe" Diaz 2:30:00 PM.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Maryse Fontus, Commission Reporter (305) 376-4906*

1A INVOCATION AS PROVIDED IN RULE 5.05 (H)

Report: *Chairwoman Jordan convened the Metropolitan Services Committee meeting at 2:31 p.m. with a moment of silent meditation.*

1B ROLL CALL

Report: *In addition to the Committee members, the following staff members were present: Deputy Mayor Russell Benford; Assistant County Attorneys Shannon Summerset-Williams, Gerald Sanchez, Christopher Angell, Bruce Libhaber, and Javier Zapata; and Deputy Clerks Jovel Shaw, Maryse Fontus and Nelson Diaz.*

Assistant County Attorney Shannon Summerset-Williams noted no changes needed to be made to the official agenda. She said that a motion to set the agenda was in order.

It was moved by Commissioner Heyman that the Committee approve today's (6/10) agenda. This motion was seconded by Commissioner Edmonson, and upon being put to a vote, the motion passed by a vote of 5-0 (Commissioner Diaz was absent).

1C PLEDGE OF ALLEGIANCE

Report: *The Pledge of Allegiance, led by Commissioner Heyman, followed the moment of silence.*

1D REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD AS PROVIDED IN RULE 6.06

Report: *Chairwoman Jordan announced that in accordance with Rule 5.05 of the Board of County Commissioners' Rules of Procedure, the public would have a reasonable opportunity to be heard on items and matters before the Board. She called for members of the public wishing to speak on any agenda item to come forward, and said that each person would be given two minutes to speak.*

Mr. B.J Chiszar, 2060 N.E. 194th Terrace, Miami, appeared before the Committee, and noted he supported Agenda Items 3J, 3H and 3I. He spoke about the historic African-American cemetery known as the Lincoln Memorial Park, and of his efforts to have the park re-opened. Mr. Chiszar noted in response to a letter which he wrote to the Mayor, Chairman Monestime indicated that the County would assume responsibility for the property.

Commissioner Edmonson pointed out that her office had worked to re-open Lincoln Memorial Park for the past six or seven years; however, the owner would not allow anyone on the property.

Mr. Adam Schachner, 2100 Brickell Ave., #401, Miami, appeared before the Committee on behalf of Emerge Miami, a community group that had been working for ten years to improve Miami. He announced that an event would be organized on Parcel B by this group on June 13, 2015, to dedicate a memorial park to Mr. Dan Paul, a leading First Amendment lawyer; and he invited all of the commissioners to attend.

Mr. Juan Cuba, 253 N.E. 2nd Street, #2804, Miami, appeared before the Committee, noting he was also a member of Emerge Miami. He expressed concern that promises made regarding Parcel B had not been fulfilled. He said that the Board still had the opportunity to make this parcel into a world-class waterfront park.

Mr. David McDougal, 4231 N.W. 11th Place, Miami, appeared before the Committee, noting he moved to Miami nine months ago. He stated that his prior residences were Portland, Oregon and New York City and spoke about their tremendous

transit and biking connectivity, and their bike paths along the waterfront. Mr. McDougal suggested that Miami consider having a similar system that facilitated access to the waterfront.

Ms. Jacqueline Rose, 2000 S. Bayshore Drive, #34, Coconut Grove, appeared before the Committee in connection to Agenda Item 3I. She said that she and her family owned 20 acres in the Byrd Drive Basin and asked that this property be exempted from the Environmentally Endangered Lands (EEL) program. Ms. Rose indicated that when she bought the property 40 years ago, she was told that by 2010, it would be brought within the Urban Development Boundary (UDB) line, but the South Dade Water Management District had since requested that the property not be developed. Ms. Rose said she was informed by County staff that, in order to avoid having to pay penalties, her property needed restoration clearing; however, she noted, the property was not easily accessible and this matter was currently being litigated.

Chairwoman Jordan asked Deputy Mayor Russell Benford to assign staff to meet with Ms. Rose to resolve this issue.

1E SPECIAL PRESENTATION(S)

1E1

151277 **Service Awards** **Jean Monestime**

PRESENTATION OF SERVICE AWARDS TO THE FOLLOWING EMPLOYEES: ***Presented***

NANCY FOX HICKS - CORRECTIONS - 30 YEARS
ORLANDO BARRUETO - WASD - 35 YEARS
DAVID J. CONNOLLY - WASD - 30 YEARS
JOHN R. LUFBERY - WASD - 30 YEARS

1F DISCUSSION ITEM(S)

1F1

151323 **Discussion Item** **Barbara J. Jordan**

DISCUSSION ITEM ON "MDPD POLICIES AND THE RACE MATTERS SERIES" ***Presented***

Report: *Chairwoman Jordan noted she requested that this item be placed on the agenda because she was so concerned after seeing the television series produced by Mr. Jim DeFede. She said she asked the Director of the Miami-Dade Police Department to be present to address the questions raised in the video.*

A video on Mr. DeFede's investigation of events that occurred in South Dade involving Miami-Dade County police was shown at this time.

1G PUBLIC HEARING

1G1

150589 **Ordinance** **Sally A. Heyman, Daniella Levine Cava, Audrey M. Edmonson**

ORDINANCE RELATED TO CIVIL PENALTIES FOR CERTAIN MISDEMEANOR VIOLATIONS; AMENDING SECTIONS 21-81, 8CC-5.1 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR CIVIL PENALTIES FOR THE COMMISSION OF CERTAIN MISDEMEANORS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE AGENDA ITEM NOS. 2A AND 2A SUBSTITUTE)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Edmonson
Vote: 5-1
No: Souto

Report: *Commissioner Levine Cava requested to be listed as a co-sponsor to Agenda Item 1G1. She noted this legislation was critical as it would save money as well as lives. She thanked Miami-Dade Police Department (MDPD) Director J.D. Patterson for being present to hear the data and responding accordingly. Commissioner Levine Cava said she agreed that some of the misdemeanors should be de-criminalized; noted best practices around the country mirrored this legislation; and pointed out that 90 percent of a police officer's time was spent on these minor offenses nationwide. Commissioner Levine Cava said that this policy would de-criminalize what was formally considered criminal behavior and reduce mass incarcerations. She suggested that the savings thus realized be re-invested into prevention programs, expressed her appreciation to Commissioner Heyman for sponsoring this item, and urged her colleagues to support it.*

Commissioner Heyman pointed out that civil citations programs were not new in the juvenile justice system, saved millions of dollars and the lives of thousands of juveniles. She explained that civil citations started being used for adults in 2010 after the County Commission approved this program for eight offenses. Commissioner Heyman noted the foregoing proposed ordinance would add seven offenses to those already approved. She stressed that the civil citations would not legalize the offenses, and the individuals receiving such citations would have a choice of either paying a fine or doing community service. She stated that a police officer would still have the discretion to either apprehend the offender or issue a civil citation. Commissioner Heyman noted from November to April, 2015, 24,187 people were booked because of such minor offenses; that it cost $156 per day to put someone in jail; and cost $43 million to process these

people every year; therefore, this program would save the County millions of dollars.

Assistant County Attorney Shannon Summerset-Williams read the title of the foregoing proposed ordinance into the record.

Chairwoman Jordan opened the public hearing on the foregoing proposed ordinance, and the following persons appeared before the Committee:

Mr. Carlos Martinez, 1320 N.W. 14th Street, Miami, Miami-Dade Public Defender, expressed support for the issuance of civil citations for adults. He spoke about outdated practices that were costly, made the County less safe, and ruined livelihoods. Mr. Martinez said this initiative was a first step in addressing the perceived and real injustices committed against low to moderate income residents who faced these charges without an attorney and had to serve jail time because they were financially unable to bond out. Mr. Martinez pointed out that civil citations were currently issued to University of Miami (UM) students found to be in possession of marijuana. He urged the Board to support the bills in Tallahassee protecting the confidentiality of juvenile records, clearing the records of tens of thousands of people in the County who were never convicted, and allowing people to pay off their court debts through community service.

Mr. B.J. Chiszar, 2060 N.E. 194th Terrace, former Chairman of the Miami-Dade County Democratic Party, expressed his support for Agenda Item 1G1. He noted this item promoted efficiency; said that the criminalization of the public must stop; and noted the arrest of individuals had not curbed the availability of cannabis.

Mr. Eric Stevens, 3433 Garden Avenue, Miami Beach, expressed support for Agenda Item 1G1. He spoke about his work with the medical marijuana campaign in the State and how this item would protect patients. He pointed out that many other communities had similar policies; and that this initiative would save the County money by preventing needless arrests.

Ms. Elvy Musikka, 4001 Potter Street, #23, Eugene, Oregon, noted she lived in Florida the majority of her life. She thanked Commissioner Heyman for bringing forth this item, and pointed out that 25 million people in the country used marijuana, either for medicinal purposes, or

recreationally.

Ms. Karen Goldstein, 3341 S.W. 35th Street, West Park, noted Ms. Musikka received medical marijuana from the federal government. She said, in spite of the voters' support for medical marijuana in the 2014 election, arrests for possession of marijuana in the County increased by 116 percent between 2001 and 2010 and the hardships created by these arrests were immeasurable. Ms. Goldstein suggested that Miami-Dade focus on more important areas of concern; expressed her support for a civil citation program such as the one being proposed; and commented on the money that would be saved by allowing the police and the courts to spend their time and already strained resources on dealing with real criminals.

Mr. Andrew Lease, 4501 Lake Road, noted he had practiced law for 39 years and studied the marijuana law extensively. He said that marijuana possession was made illegal in 1937 in order to arrest Hispanics and Blacks; and stated that over the last 40 years 20-30 million people had been arrested because of this law. He quoted Martin Luther King Jr. who said that all good men must obey just laws, but if a law was unjust good men must speak out against it.

Mr. J.L. Demps Jr., 11025 S.W. 223rd Street, Goulds, expressed his support for the foregoing proposed ordinance. He thanked Mr. Jim DeFede for his investigative documentary, and Representative McGee and Senator Bullard for participating in a community meeting on this issue the previous week. He emphasized the negative impact an arrest record had on the lives of many young people.

Ms. Victoria Mallette, 111 N.W. 1st Street, Executive Director of the Homeless Trust, expressed her support for the foregoing proposed ordinance because it would prevent the homeless from being arrested for minor offenses. She requested that a warning be given prior to a civil citation, as it would be difficult for the homeless to pay the fines.

Mr. Juan Cuba, 253 N.E. 2nd Street, #2804, thanked Commissioner Heyman for her leadership on this item. He expressed his support for this item noting even though it would not address the harassment and racial profiling that communities of color had to endure, it would lessen the long-

term impact of having an arrest record.

Ms. Jacquelyn Rose, 2000 S. Bayshore Drive, #34, said she agreed with the suggestion of giving an offender a warning first; and if the individual did not have the means to pay a fine, he/she should be given the opportunity to do community service. Referring to the video shown earlier in the meeting, she expressed dismay over the way police officers treated a blind individual. She said she believed that police officers should be kinder to the members of the communities they served and should be willing to engage in a dialogue to improve community-police relations.

Mr. Demetrius Walton, 20623 N.W. 13th Avenue, Miami Gardens, expressed his support for the foregoing proposed ordinance and noted he hoped that it would provide the opportunity to engage in an in-depth dialogue on the causes of police mistreatment of minorities over minor offenses. Mr. Walton referred to socio-economic disparities as being a major cause of this problem and stated that these arrests for minor offenses were not as prevalent in the more affluent communities. As an example, he noted a previous speaker's comment that civil citations were already being issued to UM students found to be in possession of marijuana.

Chairwoman Jordan closed the public hearing after no other person appeared wishing to speak.

In response to Chairwoman Jordan's request for clarification onUM's civil citation program, Mr. Martinez noted this information appeared as a bullet point in a letter from the State Attorney to Representative McGee. He said the program had been offered to the other universities, but they had not yet seized this opportunity. He clarified that the UM civil citation program was established by the State Attorney; while the foregoing proposed ordinance would establish such a program for the MDPD.

Responding to Chairwoman Jordan's questions as to whether it was legal for the Prosecutor's Office to provide preferential treatment to a certain class of residents and if other similar programs existed, Mr. Martinez indicated that the Prosecutor had the discretion to set up diversion and civil citation programs and said that he did not know whether other similar programs existed.

Mr. J.D. Patterson, Director, MDPD, stated that

reports such as the one done by Mr. DeFede were inaccurate as they were not a reflection on the entire department. He said he believed that police officers carried out their work to the best of their abilities, without regard to race. He pointed out that in the South Dade area, there were 143 shootings last year, six homicides had occurred this year alone, and one person was shot at every day. Director Patterson noted he had no objection to the civil citations program and agreed with the speaker who said it was necessary to engage in an in-depth dialogue on the root causes of the police response.

Responding to Chairwoman Jordan's question regarding the Crime Suppression Team, Director Patterson noted that particular unit no longer operated as it had in the past, because team members were now required to wear uniforms; however, there were still 11 Crime Suppression Teams operating in the County to remove criminals from the streets. He said it was not possible to back away from assertive, intelligent, strategic policing, as this would result in chaos. Regarding the incident with the blind man shown on the video, he indicated that an investigation was being conducted and those officers responsible for that act would be disciplined.

Commissioner Diaz asked for a moment of personal privilege, and introduced four visitors from Prague, Czech Republic, who were on an official mission to discuss the establishment of a direct flight between Miami and Prague.

Chairwoman Jordan welcomed the visitors and thanked them for taking the time to travel to Miami. She said that hopefully a mutually beneficial relationship would be established between the two cities.

Mr. Petr Dolinek, First Deputy Mayor, Prague, thanked the Committee members for their warm reception, and noted the cooperation between Prague and Miami could be very productive. He said that he looked forward to cooperating with Miami on a number of projects.

Commissioner Souto noted the existence of a Vaclav Havel Park near the West Dade Regional Library; and a Vaclav Havel Foundation at the Florida International University. He invited the visitors to visit these sites. Commissioner Souto noted the Czech people were great supporters of the Cuban people in their fight for democracy.

Commissioner Zapata welcomed the visitors. He said that it was an honor and a pleasure to host them and thanked them for visiting this community.

Commissioner Zapata said he was in support of Agenda Item 1G1, and suggested the inclusion of a reporting mechanism, as a tool to measure its impact. He requested that Director Patterson expound on the training that would be provided to police officers to ensure that they implemented this program correctly and inquired whether officers would still have the discretion to either make arrests or issue citations.

Director Patterson stressed that discretion was always important to enable police officers to respond to a specific set of circumstances. He said during the training, police officers would be made aware that they would have the ability to issue civil citations for the seven misdemeanors covered in this item, as they had been doing for the other offenses previously approved. Director Patterson noted a database would have to be created to register these citations.

In response to Commissioner Zapata's question regarding how an officer would react if a group of young people were found smoking marijuana in a park, Director Patterson said the officer would have the option of asking them to leave, and that the civil citation program would provide officers with another tool to respond to these types of situations.

Commissioner Zapata expressed his support for the foregoing proposed ordinance; however, he reiterated the importance of including a reporting mechanism to ensure that it was implemented properly. He emphasized the training that would be provided, as it would help improve the quality of policing.

Commissioner Edmonson noted she was very supportive of the foregoing proposed ordinance and requested to be added as a co-sponsor. She asked whether it would be possible to require that a warning be given prior to issuing a civil citation.

Assistant County Attorney Christopher Angell noted an officer already had the authority, in his/her discretion, not to arrest an offender; therefore, the officer could issue a verbal warning. However, he advised, if the Board

members wanted to set a policy to require that a warning be given prior to issuance of a civil citation, it would have to be done in a separate item with an implementing order.

Commissioner Edmonson said the reason she was bringing this up was because she was concerned about giving too much discretion to the officers.

Director Patterson pointed out that the police department did not receive the same types of calls from all areas. He noted police officers currently had the discretion to arrest or not to arrest; and they needed that discretion.

Responding to Commissioner Edmonson's question regarding who would have access to the database on civil citations, Director Patterson indicated that the data would be public record and could be placed on the police department's website.

Commissioner Heyman pointed out that data was currently collected on the existing civil citations issued. She said that if the item was adopted, she would work with all of the stakeholders on the creation of a database for the offenses included in the foregoing proposed ordinance.

Commissioner Diaz said he concurred with Director Patterson's comment that it was vital for police officers to have discretion. He stated that it was very clear that the item was not decriminalizing possession of marijuana, which he considered an important factor. On the other hand, he referred to young men whose dreams of going into the military were shattered due to an arrest for illegal possession of marijuana. He urged Director Patterson to work closely with the Public Defender to find a solution to these conflicting interests.

Commissioner Souto noted Miami-Dade had a wonderful police system; expressed his support of Director Patterson; and said the County had one of the best public defenders.

Chairwoman Jordan noted people committing minor offenses should not have criminal records and Mr. Defede's documentary found that South Dade had 254 arrests in one year for petty offenses that resulted in two convictions and 80 withheld adjudications. She deplored the fact that those 80 people with withheld adjudications now had criminal records, yet they had no legal

representation at their hearing. Chairwoman Jordan said she was very supportive of ensuring that the police officers had what they needed to do their work; but they had to be carefully trained and should not be given carte blanche to do whatever they chose. She suggested that Director Patterson review the police department's Standard Operating Procedures to ensure that police officers did not arrest people guilty of minor offenses simply to improve their numbers. She pointed out that the County government's progressive discipline process gave a warning first before resorting to more serious disciplinary action. She commended Mr. Jim DeFede for highlighting this issue and Commissioner Heyman for her leadership on this item.

Chairwoman Jordan requested to be listed as a co-sponsor to the foregoing proposed ordinance.

Commissioner Diaz pointed out that part of the discretion of the police officer was to be allowed to give a warning, but if a crime was committed an arrest would have to be made.

Director Patterson noted police officers came across various types of cases every day, and were constantly exercising their discretion.

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

1G1 Supplement

151379 **Supplement**

FISCAL IMPACT TO ORDINANCE RELATED TO CIVIL PENALTIES FOR CERTAIN MISDEMEANOR VIOLATIONS; AMENDING SECTIONS 21-81, 8CC-5.1 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR CIVIL PENALTIES FOR THE COMMISSION OF CERTAIN MISDEMEANORS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE AGENDA ITEM NO. 2A)

Presented

1G2

151068 **Ordinance** **Juan C. Zapata**

ORDINANCE RELATING TO SOLICITATION OR COLLECTION IN THE PUBLIC RIGHT-OF-WAY; CREATING SECTION 21-36.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, ENACTING PROHIBITIONS ON SOLICITATION OR COLLECTION AT DESIGNATED HIGH TRAFFIC OR HIGH ACCIDENT INTERSECTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Amended

Report: *See Agenda Item 1G2 Amended, Legislative File No. 151448, for the amended version.*

1G2 Amended

151448 **Ordinance** **Juan C. Zapata**

ORDINANCE RELATING TO SOLICITATION OR COLLECTION IN THE PUBLIC RIGHT-OF-WAY; CREATING SECTION 21-36.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, ENACTING PROHIBITIONS ON SOLICITATION OR COLLECTION AT DESIGNATED HIGH TRAFFIC OR HIGH ACCIDENT INTERSECTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 151068]

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Zapata
Seconder: Edmonson
Vote: 3-1
No: Jordan
Absent: Heyman, Souto

Report: *Assistant County Attorney Shannon Summerset-Williams read the title of the foregoing proposed ordinance into the record.*

Chairwoman Jordan opened the public hearing on the foregoing proposed ordinance.

Assistant County Attorney Bruce Libhaber read the following amendments into the record:

- Sub-section (c), regarding permissible hours, should be inserted and read "It shall be unlawful for a solicitor or collector to operate between the hours of 9 p.m. and 9 a.m."

- The current sub-section (c) will become sub-section (d) and will eliminate the intersection S.W. 137th Avenue and S.W. 56th Street from the proposed ordinance.

- The penalties sub-section (g) (1), which currently provides that the first violation of this section will be a fine of not more than $30, will be changed to provide that a first violation of this section will receive a verbal warning or reprimand.

- The penalties sub-section (g) (2), will be amended to read that subsequent violations of this section will be a fine of no less than $30 and no more than $500.

Mr. B.J Chiszar, 2060 N.E. 194th Terrace, Miami, appeared before the Committee in support of this item. He noted while it was not necessary to make it more difficult for those who were struggling and striving to put food on the table by selling their goods at the busy intersections; too many people were soliciting at these intersections, and this created a public safety issue.

Chairwoman Jordan closed the public hearing after no other persons appeared wishing to speak.

It was moved by Commissioner Zapata that the foregoing proposed ordinance be adopted, as amended. This motion was seconded by Commissioner Edmonson, followed by discussion.

Commissioner Zapata noted one of the proposed amendments was incorrect, as he intended that solicitation not be permitted at the designated intersections at any time.

Assistant County Attorney Bruce Libhaber clarified that what would have been the proposed sub-section (c) would be removed.

Responding to Chairwoman Jordan's question as to whether vendors would be able to sell flowers at the intersections, Commissioner Zapata noted this was a public safety issue, and because the designated intersections had a great deal of traffic, it would be dangerous for any vendors to sell their products there.

Chairwoman Jordan reiterated her concern for the vendors, because this was their only recourse to make a living.

Commissioner Zapata stressed that it would be preferable to find safe places for them to sell their goods rather than at high traffic intersections. He said that he did not object to the vendors selling their products from the side of the road.

Pursuant to Chairwoman Jordan's question as to whether the proposed ordinance could be amended to allow the vendors to stand on the corners to sell their goods, Commissioner Zapata said that he would work with the County Attorney's Office to amend the language to accommodate Chairwoman Jordan's concerns.

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

The foregoing proposed ordinance wasforwarded to the County Commission, with Committee amendments to:

- Eliminate the intersection S.W. 137th Avenue and S.W. 56th Street from Section 1, sub-section (c) of the proposed ordinance;

- Change the penalties sub-section (g) (1), which currently provides that the first violation of this section will be a fine of not more than $30, to provide that a first violation of this section will receive a verbal warning or reprimand.

- Amend the penalties sub-section (g) (2) to read that subsequent violations of this section will be a fine of less than $30 and no more than $500."

2 COUNTY COMMISSION

2A

151153 **Resolution** **Sally A. Heyman**

RESOLUTION APPROVING AMENDMENT TO IMPLEMENTING ORDER 2-12 RELATING TO MIAMI-DADE COUNTY DIVERSION PROGRAM TO INCLUDE VIOLATIONS OF SECTIONS 21-81(D)(1) THROUGH AND INCLUDING 21-81(D)(7) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL RIGHTS CONTAINED THEREIN (SEE AGENDA ITEM NO. 1G1)

Withdrawn
Mover: Heyman
Seconder: Edmonson
Vote: 5-0
Absent: Diaz

Report: *See Agenda Item 2A Substitute, Legislative File No. 151381.*

2A Substitute

151381 **Resolution** **Sally A. Heyman**

RESOLUTION APPROVING AMENDMENT TO IMPLEMENTING ORDER 2-12 RELATING TO MIAMI-DADE COUNTY DIVERSION PROGRAM TO INCLUDE VIOLATIONS OF SECTIONS 21-81(D)(1) THROUGH AND INCLUDING 21-81(D)(7) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL RIGHTS CONTAINED THEREIN (SEE ORIGINAL ITEM UNDER FILE NO. 151153) (SEE AGENDA ITEM NO. 1G1)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Edmonson
Vote: 4-1
No: Souto
Absent: Diaz

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

Commissioner Heyman requested that an appropriate memorandum be prepared asking Board of County Commissioners' Chairman Monestime to waive the Board's Rules of Procedure to allow Agenda Items 1G1 and 2A Substitute to be heard at the June 30, 2015, Board of County Commissioners' meeting.

The Clerk of the Board received the appropriate memorandum from Chairwoman Jordan dated June 11, 2015, entitled "Waiver of item to the June 30th, 2015 Board of County Commissioners' meeting," requesting that the Board's Rules of Procedure be waived to allow Agenda Items 1G1 and 2A Substitute to be heard the June 30, 2015, Board of County Commissioners' meeting.

2B

150994 **Resolution** **Rebeca Sosa**

RESOLUTION ESTABLISHING COUNTY POLICY TO IMPLEMENT ADDITIONAL MIAMI-DADE POLICE DEPARTMENT RECRUITING CLASSES, AS AND WHEN NECESSARY, TO OFFSET THE ANTICIPATED LOSS OF OFFICERS DUE TO RETIREMENT OR ENROLLMENT IN THE DEFERRED RETIREMENT OPTION PROGRAM; AND DIRECTING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO PREPARE AND SUBMIT A REPORT TO THIS BOARD REGARDING A PLAN FOR IMPLEMENTATION OF THIS POLICY AND TO INCLUDE THE PLAN FOR IMPLEMENTATION OF THE POLICY AS PART OF THE MAYOR'S PROPOSED COUNTY BUDGET COMMENCING FISCAL YEAR 2015-16

Withdrawn
Mover: Heyman
Seconder: Edmonson
Vote: 5-0
Absent: Diaz

Report: *See Agenda Item 2B Substitute, Legislative File No. 151389.*

2B Substitute

151389 **Resolution** **Rebeca Sosa**

RESOLUTION ESTABLISHING COUNTY POLICY TO IMPLEMENT ADDITIONAL MIAMI-DADE POLICE DEPARTMENT RECRUITING CLASSES, AS AND WHEN NECESSARY, TO OFFSET THE ANTICIPATED LOSS OF OFFICERS DUE TO RETIREMENT OR ENROLLMENT IN THE DEFERRED RETIREMENT OPTION PROGRAM; AND DIRECTING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO PREPARE AND SUBMIT A REPORT TO THIS BOARD REGARDING A PLAN FOR IMPLEMENTATION OF THIS POLICY AND TO INCLUDE THE PLAN FOR IMPLEMENTATION OF THE POLICY AS PART OF THE COUNTY BUDGET COMMENCING FISCAL YEAR 2015-16 [SEE ORIGINAL ITEM UNDER FILE NO. 150994]

Forwarded to BCC without a recommendation
Mover: Edmonson
Seconder: Diaz
Vote: 4-0
Absent: Souto, Heyman

Report: *Assistant County Attorney Shannon Summerset-Williams read the title of the foregoing proposed resolution into the record.*

Chairwoman Jordan noted Agenda Item 2B duplicated an Agenda Item sponsored by Commissioner Diaz, previously adopted by the Board.

Pursuant to Commissioner Diaz' request that the differences between the two items be clarified, Assistant County Attorney Javier Zapata noted the prior item asked the County to match national averages in the number of police officers; while this resolution asked the police department to implement additional recruiting classes to offset the anticipated loss of officers due to retirement or enrollment in the deferred retirement option program. He stated that they were two separate items, despite their similarities.

Commissioner Diaz noted the item that was previously adopted also included the recruitment of civilians to support the police officers.

Hearing no further questions or comments, the Committee members proceeded to vote to forward the foregoing proposed resolution without recommendation.

2C

151286 **Resolution** **Xavier L. Suarez**

RESOLUTION WAIVING BY A TWO-THIRDS VOTE OF MEMBERS PRESENT THE TERM LIMIT RESTRICTION FOR MIAMI-DADE COUNTY YOUTH COMMISSION MEMBER GIA CASTILLO; AND AUTHORIZING REAPPOINTMENT FOR ADDITIONAL TERM

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

Report: *Assistant County Attorney Shannon Summerset-Williams read the title of the foregoing proposed resolution into the record.*

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

3 DEPARTMENT

3A

151101 **Resolution**

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00159 IN A TOTAL AMOUNT UP TO $7,975,000.00 FOR PURCHASE OF SODIUM POLYPHOSPHATE FOR THE WATER AND SEWER DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38 AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS (Internal Services)

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

Report: *Assistant County Attorney Shannon Summerset-Williams read the title of the foregoing proposed resolution into the record.*

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

3B

151150 **Resolution** **Dennis C. Moss**

RESOLUTION APPROVING A COOPERATIVE AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA TO CONTINUE THE IMPLEMENTATION OF PROJECT SEARCH; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND EXERCISE ALL PROVISIONS CONTAINED THEREIN (Parks, Recreation and Open Spaces)

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

Report: *Assistant County Attorney Shannon Summerset-Williams read the title of the foregoing proposed resolution into the record.*

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

3C

151208 **Resolution** **Esteban L. Bovo, Jr., Jose "Pepe" Diaz**

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF HIALEAH AND MIAMI-DADE COUNTY FOR SURFACE WATER QUALITY SAMPLING AND ANALYSIS; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME (Regulatory and Economic Resources)

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

Report: *Assistant County Attorney Shannon Summerset-Williams read the title of the foregoing proposed resolution into the record.*

Chairwoman Jordan requested that the Water and Sewer Department prepare a report on the reverse osmosis plant and present it at the next meeting of the Metropolitan Services Committee.

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

3D

151038 **Resolution** **Jose "Pepe" Diaz**

RESOLUTION AUTHORIZING THE RELEASE OF UNNEEDED CANAL RESERVATION LYING WITHIN THE NORTHEAST ¼ OF SECTION 17, TOWNSHIP 52 SOUTH AND RANGE 40 EAST IN THE CITY OF HIALEAH IN MIAMI-DADE COUNTY; AND AUTHORIZING MAYOR TO EXECUTE DISCLAIMER OF INTEREST FOR RELEASE OF RESERVATION (Regulatory and Economic Resources)

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

Report: *Assistant County Attorney Shannon Summerset-Williams read the title of the foregoing proposed resolution into the record.*

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

3E

151219 **Resolution** **Jose "Pepe" Diaz**

RESOLUTION AUTHORIZING THE RELEASE OF UNNEEDED CANAL RESERVATION LYING WITHIN THE NORTHEAST ¼ OF SECTION 17, TOWNSHIP 52 SOUTH AND RANGE 40 EAST IN THE CITY OF HIALEAH IN MIAMI-DADE COUNTY AS REQUESTED BY ELSIE L. GOULD (Regulatory and Economic Resources)

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

Report: *Assistant County Attorney Shannon Summerset-Williams read the title of the foregoing proposed resolution into the record.*

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

3F

151220 **Resolution** **Jose "Pepe" Diaz**

RESOLUTION AUTHORIZING THE RELEASE OF UNNEEDED CANAL RESERVATION LYING WITHIN THE NORTHEAST ¼ OF SECTION 17, TOWNSHIP 52 SOUTH AND RANGE 40 EAST IN THE CITY OF HIALEAH IN MIAMI-DADE COUNTY AS REQUESTED BY ERUDITIONAL, LLC; AND AUTHORIZING THE MAYOR TO EXECUTE DISCLAIMER FOR RELEASE OF RIGHTS OF RESERVATION (Regulatory and Economic Resources)

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

Report: *Assistant County Attorney Shannon Summerset-Williams read the title of the foregoing proposed resolution into the record.*

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

3G

151243 **Resolution** **Dennis C. Moss, Daniella Levine Cava**

RESOLUTION APPROVING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 184.9 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND PORTER US 1, LLC AS SELLER FOR A PURCHASE PRICE OF $775,000.00 USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09 (Regulatory and Economic Resources)

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

Report: *Assistant County Attorney Shannon Summerset-Williams read the title of the foregoing proposed resolution into the record.*

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

3H

151249 **Resolution** **Dennis C. Moss, Daniella Levine Cava**

RESOLUTION APPROVING "CONTRACT FOR SALE AND PURCHASE" OF APPROXIMATELY 3.47 ACRES OF GOULDS PINELAND PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM MIAMI ROCKRIDGE PINELANDS ACQUISITION SITE WITH MIAMI-DADE COUNTY AS PURCHASER, AND MORNING STAR BAPTIST CHURCH, INC AS SELLER FOR A PURCHASE PRICE OF $180,000.00 USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT FOR SALE AND PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09 (Regulatory and Economic Resources)

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

Report: *Assistant County Attorney Shannon Summerset-Williams read the title of the foregoing proposed resolution into the record.*

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

3I

151227 **Resolution** **Juan C. Zapata**

RESOLUTION APPROVING A RELEASE OF COVENANT FOR ENVIRONMENTALLY ENDANGERED LANDS OWNED BY JACQUELINE ANN ROSE WITH FOLIO NUMBERS 30-4918-001-0275 AND 30-4918-001-0280 IN MIAMI-DADE COUNTY, FLORIDA AND AUTHORIZING MAYOR TO EXECUTE SAME (Regulatory and Economic Resources)

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

Report: *Assistant County Attorney Shannon Summerset-Williams read the title of the foregoing proposed resolution into the record.*

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

4 COUNTY MAYOR

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

7 REPORT(S)

7A

151009 **Report** **Audrey M. Edmonson**

REPORT REGARDING THE LINCOLN MEMORIAL PARK CEMETERY

Report Received
Mover: Edmonson
Seconder: Diaz
Vote: 4-0
Absent: Souto, Heyman

7B

151330 **Report** **Audrey M. Edmonson**

ORAL REPORT BY THE MIAMI-DADE POLICE DEPARTMENT RE: UPDATE ON JUVENILE CURFEW ORDINANCE ENFORCEMENT

Report Received
Mover: Edmonson
Seconder: Diaz
Vote: 4-0
Absent: Souto, Heyman

Report: *Assistant County Attorney Shannon Summerset-Williams read the title of the foregoing proposed report into the record.*

Major Ricky Carter, North Side Station Commander, Miami-Dade Police Department (MDPD), read the following report:

"The Juvenile Curfew Ordinance was adopted in 1994 as a tool by the department to reduce juvenile violence, victimization and criminal activity. The curfew ordinance was created to protect juveniles and citizens of Miami-Dade County from the dangers of crimes that occur during the curfew hours from 11 p.m. to 6 a.m. The Miami-Dade Police Department utilizes the COMP Stats process to identify areas of high criminal activity. Each individual district is tasked with the responsibility to use the intelligence gathered from COMP Stats to deploy their officers to the areas experiencing the highest incidences of crime within their respective areas. Using the COMP Stats we have identified several areas that are higher in crime. Those areas include the North End of Miami Gardens, from 215th Street to 167th Street and from 47th Avenue to 27th Avenue; the North Side from N.W. 79th Street to 62nd Street and from N.W. 10th Avenue to N.W. 32nd Avenue; the South End in the Naranja area from S.W. 268th Street to S.W. 248th Street, West Perrine from S.W. 184th Street to S.W. 168th Street, and Goulds from S.W. 224th Street to S.W. 211th Street. This information is readily available, is updated weekly, and is used to address the County as a whole.

The Neighborhood Resource Units are responsible for preparing the certified letters to be sent to the juveniles' parents and/or guardians that explain the violations' potential fines of up to $500 that may occur at the third and subsequent violations. To begin addressing the curfews in 2015, the Miami-Dade Police Department launched a comprehensive outreach program to provide this information to the community. This consisted of a

flyer provided to Miami-Dade public schools to be disseminated prior to the end of the 2015 school year, and at the beginning of the 2015/2016 school year. Additionally, the Juvenile Services Division plans to send the flyer to the Miami-Dade County Services Department, the Guardian Ad Litem Program, the Clerk of the Courts to post in juvenile court rooms, the Parents-Teachers Association, and the Miami-Dade Public Schools website. In addition, the Miami-Dade Police Department has put this information on the County's website, and on various forms of social media, such as Facebook and Twitter.

Enforcement of this curfew ordinance will have no additional financial impact on the County, because it will largely use on-duty personnel who are currently working. If at some point it is determined that additional enforcement is required, it may be accomplished where needed by using a squad comprised of one sergeant and four officers throughout the curfew hours, at a cost of approximately $2,359 per operation. In closing, as a department we want to ensure that we are applying the Juvenile Curfew Ordinance in an effective and efficient manner without biases, throughout Miami-Dade County. The results will vary because each district has different geographical and/or commercial limitations, such as malls, stores, and parks. We will make adjustments when warranted to address unforeseen issues, and we are confident that by using these measures we will effectively manage the Juvenile Curfew Ordinance.

Thank you."

Commissioner Edmonson suggested that the MDPD contact the Florida Power and Light and the Water and Sewer Department to verify whether it would be possible to place flyers on the Juvenile Curfew Ordinance in the consumers' bills.

7C

150550 **Report**

ORAL REPORT REGARDING ALL PERMITTED EVENTS SCHEDULED TO BE HELD IN COUNTY PARKS WITH AN EXPECTED ATTENDANCE OF OVER 100 PERSONS IN ACCORDANCE WITH RESOLUTION NO. R-1009-14 (Mayor)

Report Received
Mover: Edmonson
Seconder: Diaz
Vote: 4-0
Absent: Souto, Heyman

7D

151226 **Report**

MONTHLY STATUS REPORT ON MIAMI-DADE WATER AND SEWER DEPARTMENT'S INFRASTRUCTURE PROJECTS - MAY 2015 (Mayor)

Report Received
Mover: Edmonson
Seconder: Diaz
Vote: 4-0
Absent: Souto, Heyman

8 ADJOURNMENT

Report: *There being no further business to come before the Committee, the meeting adjourned at 4:42 p.m.*