



MIAMI-DADE COUNTY
FINAL OFFICIAL
Meeting Minutes

Board of County Commissioners

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

Tuesday, June 26, 2007
9:30 AM, Commission Chambers

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Scott Rappleye, Commission Reporter, (305) 375-5108



FINAL OFFICIAL

Members Present: Bruno Barreiro; Jose "Pepe" Diaz; Audrey M. Edmonson; Carlos A. Gimenez; Sally A. Heyman; Barbara J. Jordan; Joe A. Martinez; Dennis C. Moss; Dorrin Rolle; Natacha Seijas; Katy Sorenson; Rebeca Sosa; Javier D. Souto

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY

Report: *Scott Rappleye, Commission Reporter, (305) 375-5108*

1A MOMENT OF SILENCE

Report: *Chairman Barriero called the meeting to order at 9:59 a.m. The Commission convened in a moment of silence, followed by the Pledge of Allegiance.*

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff support was present: County Manager George Burgess, Assistant County Managers Alina Hudak, Roger Carlton, Ian Yorty, and Ysela Llori; County Attorney Murray Greenberg, Assistant County Attorneys Robert Cuevas, Geri Bonzon-Keenan, Hugo Benitez, Joni Coffey, and Erica Zaron; and Deputy Clerks Diane Collins and Scott Rappleye.*

1D REPORTS OF OFFICIAL BOARDS

1E CITIZEN'S PRESENTATIONS (5 MINUTES MAXIMUM)

1E1

071896 Citizen's Presentation Bruno A. Barreiro

CITIZEN'S PRESENTATION BY RON BOOK, CHAIRMAN OF THE HOMELESS TRUST RE: HOMELESS EDUCATIONAL VIDEO *Presented*

Report: *Mr. Ron Book, Chairman, Homeless Trust, noted the Homeless Trust decided to begin educating children regarding the problem of homelessness two years ago. He pointed out that Florida had a reputation of being the State that was meanest to homeless people. He said the Homeless Trust, the Miami-Dade County Public Schools, the Miami Coalition for Homeless, and the Community Partnership on Homeless were working together to develop a school curriculum to educate children on homelessness and to make them more tolerant of the homeless population.*

Mr. Book noted that the curriculum for this program included a poster and essay contest. He announced the winners:

- *Poster—Miss Shelby Merrill, Jack Wood Elementary,*
- *Essay—Miss Giovanna Arias (phonetic), Palm Springs Middle School, and*
- *Essay—Miss Oriana (phonetic) Wellington, High School.*

Mr. Book presented the video entitled, "It Could Happen to You," which he noted every child in the school system viewed as part of this curriculum.

Following the video presentation, Mr. Book expressed appreciation for the County Commission's support of the Homeless Trust. He pointed out that since the inception of the Homeless Trust 14 years ago, the number of homeless people on the streets had decreased from between 8,500 and 9,000 to under 1,300.

Chairman Barreiro, on behalf of the County Commission, presented Certificates of Appreciation to the Poster and Essay contest winners.

Commissioner Edmonson expressed appreciation to Mr. Book and the contest winners and Mr. David Raymond for their participation with the Homeless Trust. She spoke in support of the Homeless Trust and the curriculum it developed.

Commissioner Moss pointed out that he sponsored legislation urging the State legislature to create legislation that would make assault of the homeless a hate crime. He commended Representative Pricilla Taylor for her efforts to carry that Bill through the House. Although it did not pass the Senate, Commissioner Moss noted Representative Taylor would reintroduce the Bill next year.

1E2

071897 Citizen's Presentation Barbara J. Jordan

CITIZEN'S PRESENTATION BY DUANNE LAWRENCE FROM "EXPERIENCE AVIATION" RE: AN UPDATE ON BARRINGTON IRVING'S FLIGHT *Withdrawn*

1F MOTION TO SET THE AGENDA AND "PULL LIST"

Report: See Report under Agenda Item 11A3, 11A4, and 14A1-3 for additional information regarding discussion to set the Agenda and "Pull List."

Commissioner Rolle asked that he be listed as a co-sponsor for Agenda Items 8O1A and 12A2.

Commissioner Gimenez asked that Poinciana Industrial Park be listed as a "Policy Matter for Discussion by the Board" (See Agenda Item 16B3).

Commissioner Sosa asked that the Computer Issue for the Department of Human Services be listed as a "Policy Matter for Discussion by the Board."

County Attorney Murray Greenberg advised that in addition to the County Manager's memorandum entitled, "Changes List for the June 26, 2007 Commission meeting," the following additional changes were requested: Commissioner Heyman asked that she be listed as a co-sponsor to Agenda Items 4B and 4D, and Commissioner Sosa asked that she be listed as a co-sponsor to Agenda Item 14A2.

Assistant County Attorney Robert Cuevas advised that staff had distributed two (2) supplements to Agenda Item 8D1A and that Agenda Item 14A3 should be added to today's agenda. He read the items to be considered at the meeting.

It was moved by Commissioner Heyman that the Commission approve the foregoing changes to the June 26, 2007 meeting Agenda with the changes listed in the County Manager's memorandum and the additional changes requested by the County Attorney. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed 13-0.

1G OFFICE OF COMMISSION AUDITOR

1H OFFICE OF INTERGOVERNMENTAL AFFAIRS

1I SPECIAL PRESENTATIONS

2 MAYORAL ISSUES

2A MAYORAL VETOES

2B MAYORAL REPORTS

2B1

071952 Report Mayor

APPROVAL OF DEPARTMENTAL AGENDA ITEMS

Approved
Mover: Sally A. Heyman
Seconded: Rebeca Sosa
Vote: 13- 0

3 CONSENT ITEMS

4D

071864

Ordinance

Katy Sorenson,
Sally A. Heyman

ORDINANCE AMENDING SECTION 2-8.2.10 OF THE CODE OF MIAMI-DADE COUNTY RELATED TO PROCUREMENT PROCEDURES FOR CONTRACTS RELATED TO PROJECTS FUNDED IN WHOLE OR IN PART BY BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

*Adopted on first reading
Public Hearing: September 11,
2007*

Mover: Carlos A. Gimenez

Seconder: Dennis C. Moss

Vote: 10- 3

No: Rolle, Martinez, Seijas

Report: *The foregoing proposed ordinance was adopted on first reading and scheduled for public hearing before the Budget and Finance Committee on September 11, 2007, at 2:00 p.m.*

6/13/2007 *Requires Municipal Notification by the Board of County Commissioners to the Budget and Finance Committee*

4E

071858

Ordinance

ORDINANCE AUTHORIZING LOAN IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$135,000,000 FROM THE SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION FOR PURPOSES OF PAYING OR REIMBURSING COSTS OF CERTAIN CAPITAL EXPENDITURES; PROVIDING THAT SUCH LOAN SHALL BE SECURED BY COVENANT TO BUDGET AND APPROPRIATED FROM LEGALLY AVAILABLE NON-AD VALOREM REVENUES OF THE COUNTY; AUTHORIZING FINANCE DIRECTOR TO APPROVE FINAL DETAILS OF LOAN WITHIN CERTAIN PARAMETERS; APPROVING FORM AND EXECUTION AND DELIVERY OF RELATED LOAN AGREEMENT; AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH SUCH LOAN; PROVIDING SEVERABILITY AND EFFECTIVE DATE (Finance Department)

*Adopted on first reading
Public Hearing: July 24, 2007*

Mover: Sally A. Heyman

Seconder: Barbara J. Jordan

Vote: 12- 1

No: Diaz

Report: *The foregoing proposed ordinance was adopted on first reading and scheduled for public hearing before the Board of County Commissioners on July 24, 2007, at 9:30 a.m.*

4F

071874

Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS DAV-MAR ESTATES STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

*Adopted on first reading
Public Hearing: July 24, 2007*

Mover: Audrey M. Edmonson

Seconder: Sally A. Heyman

Vote: 12- 0

Absent: Sorenson

Report: *The foregoing proposed ordinance was adopted on first reading and scheduled for public hearing before the Board of County Commissioners on July 24, 2007, at 9:30 a.m.*

4G

071875 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS CORAL TOWN PARK MULTIPURPOSE MAINTENANCE AND STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

*Adopted on first reading
Public Hearing: July 24, 2007
Mover: Audrey M. Edmonson
Seconder: Sally A. Heyman
Vote: 12- 0
Absent: Sorenson*

Report: *The foregoing proposed ordinance was adopted on first reading and scheduled for public hearing before the Board of County Commissioners on July 24, 2007, at 9:30 a.m.*

4H

071876 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS BAYWINDS MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

*Adopted on first reading
Public Hearing: July 24, 2007
Mover: Audrey M. Edmonson
Seconder: Sally A. Heyman
Vote: 12- 0
Absent: Sorenson*

Report: *The foregoing proposed ordinance was adopted on first reading and scheduled for public hearing before the Board of County Commissioners on July 24, 2007, at 9:30 a.m.*

4I

071877 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS CENTURY GARDENS AT TAMAMI MULTIPURPOSE MAINTENANCE AND STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

*Adopted on first reading
Public Hearing: July 24, 2007
Mover: Audrey M. Edmonson
Seconder: Sally A. Heyman
Vote: 12- 0
Absent: Sorenson*

Report: *The foregoing proposed ordinance was adopted on first reading and scheduled for public hearing before the Board of County Commissioners on July 24, 2007, at 9:30 a.m.*

4J

071878 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS PALM ISLE AT DORAL MULTIPURPOSE MAINTENANCE AND STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

*Adopted on first reading
Public Hearing: July 24, 2007
Mover: Audrey M. Edmonson
Seconder: Sally A. Heyman
Vote: 12- 0
Absent: Sorenson*

Report: *The foregoing proposed ordinance was adopted on first reading and scheduled for public hearing before the Board of County Commissioners on July 24, 2007, at 9:30 a.m.*

4K

071880 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS DENIS SUBDIVISION STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

*Adopted on first reading
Public Hearing: July 24, 2007
Mover: Audrey M. Edmonson
Seconder: Sally A. Heyman
Vote: 12- 0
Absent: Sorenson*

Report: *The foregoing proposed ordinance was adopted on first reading and scheduled for public hearing before the Board of County Commissioners on July 24, 2007, at 9:30 a.m.*

4L

071881 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS LAKESIDE COMMERCIAL PARK STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

*Adopted on first reading
Public Hearing: July 24, 2007
Mover: Audrey M. Edmonson
Seconder: Sally A. Heyman
Vote: 12- 0
Absent: Sorenson*

Report: *The foregoing proposed ordinance was adopted on first reading and scheduled for public hearing before the Board of County Commissioners on July 24, 2007, at 9:30 a.m.*

4M

071854 Ordinance

ORDINANCE PERTAINING TO PLANNING ADVISORY BOARD AND COMMUNITY COUNCILS; AMENDING SECTIONS 2-107 AND 20-43 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); MODIFYING COMPOSITION OF MEMBERSHIP TO PROVIDE FOR NONVOTING REPRESENTATIVES OF THE SCHOOL BOARD OF MIAMI-DADE COUNTY AND THE HOMESTEAD AIR RESERVE BASE; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Department of Planning & Zoning)

*Adopted on first reading
Public Hearing: September 11, 2007*

*Mover: Natacha Seijas
Seconder: Bruno A. Barreiro
Vote: 13- 0*

Report: *The foregoing proposed ordinance was adopted on first reading and scheduled for public hearing before the Governmental Operation and Environment Committee on September 11, 2007, at 9:30 a.m.*

4N

071926 Ordinance Sally A. Heyman

ORDINANCE AMENDING SECTION 18-3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING PROCEDURES FOR PROCESSING OF SPECIAL TAXING DISTRICT PETITIONS BY REQUIRING PREFERENCE INDICATORS ON PETITIONS, ESTABLISHING PROCEDURES FOR REVISING PREFERENCE INDICATORS ON PETITIONS, AND VALIDATING OR REVALIDATING OF PETITIONS AND COUNTER PETITIONS; CLARIFYING REQUIREMENT FOR THE MAILING OF NOTICES PRIOR TO PUBLIC HEARINGS AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Adopted on first reading
Public Hearing: July 11, 2007
Mover: Audrey M. Edmonson
Seconder: Sally A. Heyman
Vote: 12- 0
Absent: Sorenson*

Report: *The foregoing proposed ordinance was adopted on first reading and scheduled for public hearing before the Governmental Operation and Environment Committee on July 11, 2007, at 9:30 a.m.*

40

071925

Ordinance

Audrey M. Edmonson,
Barbara J. Jordan

ORDINANCE AMENDING SECTION 17-106 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THE AFFORDABLE HOUSING ADVISORY BOARD (AHAB) TO CODIFY THE RECENT AMENDMENTS TO FLORIDA STATUTE SECTION 420.9076, INCLUDING THE ADDITION OF TWO AHAB COMMITTEE MEMBERS AND REQUIRING AHAB TO REVIEW, AMONG OTHER THINGS, THE RESERVATION OF INFRASTRUCTURE CAPACITY FOR HOUSING FOR MODERATE-INCOME PERSONS AND FORMULATING RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS ACCORDINGLY; ELIMINATING THE REQUIREMENT THAT CERTAIN MEMBERS HAVE EXPERIENCE IN OR BE CONNECTED TO AFFORDABLE HOUSING WHEN, DUE TO A CONFLICT OF INTEREST OR OTHER REASONABLE FACTOR, THE BOARD IS UNABLE TO APPOINT SUCH A MEMBER; RESTRICTING AHAB MEMBERSHIP TO THOSE QUALIFIED PERSONS WHO DO NOT OWN A FINANCIAL INTEREST IN, ARE NOT EMPLOYED BY OR SERVE AS AN OFFICER OF ANY ENTITY THAT RECEIVES OR APPLIES FOR FUNDING FROM MIAMI-DADE COUNTY THROUGH THE AHAB; ADOPTING IN ITS ENTIRETY THE PROVISIONS OF FLORIDA STATUTE SECTION 420.9076 OF THE STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM, AS AMENDED OR AS MAY BE AMENDED OR RENUMBERED FROM TIME-TO-TIME; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Adopted on first reading
Public Hearing: July 18, 2007
Mover: Audrey M. Edmonson
Seconder: Sally A. Heyman
Vote: 12- 0
Absent: Sorenson*

Report: *The foregoing proposed ordinance was adopted on first reading and scheduled for public hearing before the Economic Development and Human Services Committee on July 18, 2007, at 9:30 a.m.*

5

PUBLIC HEARINGS (Scheduled for 9:30 a.m.)

5A

071616 Ordinance

ORDINANCE GRANTING PETITION OF CENTURY BUSINESS PARK L.L.C., ("CENTURY" BUSINESS PARK OR PETITIONER) FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING CENTURY GARDENS AT TAMIAMI COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT"); PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE (Public Works Department)

*Adopted
Ordinance 07-81
Mover: Sally A. Heyman
Seconder: Dennis C. Moss
Vote: 10- 0
Absent: Edmonson, Sosa, Seijas*

6/5/2007 Scheduled for a public hearing by the Board of County Commissioners before the Board of County Commissioners

6/5/2007 Adopted on first reading by the Board of County Commissioners

5B

071519 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS BDG KENDALL 162 STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

*Adopted
Ordinance 07-82
Mover: Joe A. Martinez
Seconder: Bruno A. Barreiro
Vote: 10- 0
Absent: Edmonson, Sosa, Seijas*

5/22/2007 Scheduled for a public hearing by the Board of County Commissioners before the Board of County Commissioners

5/22/2007 Adopted on first reading by the Board of County Commissioners

5B1

071538 Resolution

RESOLUTION ADOPTING PRELIMINARY ASSESSMENT ROLL PROVIDING FOR ANNUAL ASSESSMENTS AGAINST REAL PROPERTY LOCATED WITHIN BOUNDARIES OF A SPECIAL TAXING DISTRICT KNOWN AS BDG KENDALL 162 STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND ORDINANCE NO. (Public Works Department)

*Adopted
Resolution R-749-07
Mover: Joe A. Martinez
Seconder: Bruno A. Barreiro
Vote: 11- 0
Absent: Edmonson, Seijas*

5C

071240 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS SABAL PALM ROVING PATROL SECURITY GUARD SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

*Adopted
Ordinance 07-80
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 12- 0
Absent: Edmonson*

Report: Assistant County Attorney Cuevas read the foregoing proposed ordinance into the record.

The public hearing was opened by Chairman Barreiro.

Mr. Alan Sakowitz, 915 NE 173 Street, appeared in support of this proposed ordinance.

The public hearing was closed after no other persons appeared in response to Chairman Barreiro's call for persons wishing to be heard.

Hearing no other questions or comments, the Commissioner proceeded to vote.

- 5/8/2007** Scheduled for a public hearing by the Board of County Commissioners before the Board of County Commissioners
- 5/8/2007** Adopted on first reading by the Board of County Commissioners
- 6/5/2007** Deferred by the Board of County Commissioners

5C1

071254 Resolution

RESOLUTION CALLING SPECIAL ELECTION IN PROPOSED SPECIAL TAXING DISTRICT FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS RESIDING IN SABAL PALM ROVING PATROL SECURITY GUARD SPECIAL TAXING DISTRICT, FOR THEIR APPROVAL OR DISAPPROVAL, ORDINANCE CREATING AND ESTABLISHING SAID DISTRICT PURSUANT TO SECTION 18-3(F), CODE OF MIAMI-DADE COUNTY, FLORIDA (Public Works Department)

Amended

Report: See Report Under Agenda Item 5C1 AMENDED, Legislative File No. 071971.

- 6/5/2007** Deferred by the Board of County Commissioners

5C1 AMENDED

071971 Resolution

RESOLUTION CALLING SPECIAL ELECTION IN PROPOSED SPECIAL TAXING DISTRICT FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS RESIDING IN SABAL PALM ROVING PATROL SECURITY GUARD SPECIAL TAXING DISTRICT, FOR THEIR APPROVAL OR DISAPPROVAL, ORDINANCE CREATING AND ESTABLISHING SAID DISTRICT PURSUANT TO SECTION 18-3(F), CODE OF MIAMI-DADE COUNTY, FLORIDA [SEE ORIGINAL ITEM UNDER FILE NO. 071254] (Public Works Department)

*Adopted as amended
Resolution R-746-07
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Rolle, Sosa*

Report: Assistant County Attorney Cuevas read the foregoing proposed resolution into the record.

It was moved by Commissioner Heyman that the foregoing proposed resolution be adopted as amended to include the following ballot language: "Shall a special taxing district known and designated as the Sabal Palm Roving Patrol Security Guard Special Taxing district be created and established as provided for in County Ordinance No. 07-80, with the cost of same to be assessed against each parcel of property within the special taxing district, and to continue until such time as the special taxing district is abolished by ballot?" This motion was seconded by Commissioner Martinez.

Hearing no other questions or comments, the Commission proceeded to vote.

5C2

071255 Resolution

RESOLUTION ADOPTING PRELIMINARY ASSESSMENT ROLL PROVIDING FOR ANNUAL ASSESSMENTS AGAINST REAL PROPERTY LOCATED WITHIN BOUNDARIES OF A SPECIAL TAXING DISTRICT KNOWN AS SABAL PALM ROVING PATROL SECURITY GUARD SPECIAL TAXING DISTRICT IN ACCORDANCE WITH PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND ORDINANCE NO. (Public Works Department)

*Adopted
Resolution R-747-07
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Rolle, Sosa*

6/5/2007 *Deferred by the Board of County Commissioners*

5D

071791 Resolution Joe A. Martinez

RESOLUTION CODESIGNATING SW 96TH STREET FROM SW 152ND AVENUE TO SW 157TH AVENUE AS VIPER WAY

*Adopted
Resolution R-750-07
Mover: Joe A. Martinez
Seconder: Carlos A. Gimenez
Vote: 12- 0
Absent: Rolle*

FINAL OFFICIAL

5E

071797 Resolution Audrey M. Edmonson

RESOLUTION CODESIGNATING NW 50TH STREET FROM
NW 27TH AVENUE TO NW 32ND AVENUE AS BISHOP
JOSEPH DAVID "J.D." WILLIAMS STREET

*Adopted
Resolution R-751-07
Mover: Audrey M. Edmonson
Seconder: Joe A. Martinez
Vote: 12- 0
Absent: Rolle*

5F

071682 Resolution

RESOLUTION APPROVING THE PLAT OF A.S.A.
SUBDIVISION 1ST ADDITION, LOCATED IN THE
NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 55 SOUTH,
RANGE 39 EAST (SW 124 STREET AND SW 127 AVENUE)
(Public Works Department)

*Adopted
Resolution R-752-07
Mover: Joe A. Martinez
Seconder: Rebeca Sosa
Vote: 12- 0
Absent: Rolle*

5G

071683 Resolution

RESOLUTION APPROVING THE PLAT OF POINTE AT
KENDALL, LOCATED IN THE NORTHWEST 1/4 OF SECTION
5, TOWNSHIP 55 SOUTH, RANGE 39 EAST (SW 88 STREET
AND SW 167 AVENUE) (Public Works Department)

*Adopted
Resolution R-753-07
Mover: Joe A. Martinez
Seconder: Rebeca Sosa
Vote: 12- 0
Absent: Rolle*

5H

071685 Resolution

RESOLUTION APPROVING THE PLAT OF BOREK,
LOCATED IN THE NORTHWEST 1/4 OF SECTION 19,
TOWNSHIP 56 SOUTH, RANGE 40 EAST (SW 240 STREET
AND SW 117 AVENUE) (Public Works Department)

*Adopted
Resolution R-754-07
Mover: Joe A. Martinez
Seconder: Rebeca Sosa
Vote: 12- 0
Absent: Rolle*

5I

071686 Resolution

RESOLUTION APPROVING THE PLAT OF MIREYA CASO
SUBDIVISION, LOCATED IN THE NORTHWEST 1/4 OF
SECTION 15, TOWNSHIP 54 SOUTH, RANGE 39 EAST (SW 28
STREET AND SW 147 AVENUE) (Public Works Department)

*Adopted
Resolution R-755-07
Mover: Joe A. Martinez
Seconder: Rebeca Sosa
Vote: 12- 0
Absent: Rolle*

5J

071684 Resolution

RESOLUTION APPROVING THE WAIVER OF PLAT OF BENJAMIN ROCHA AND BEVERLY ROCHA, D-22726, LOCATED IN THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 53 SOUTH, RANGE 41 EAST (NW 54 STREET AND NW 29 COURT) (Public Works Department)

*Adopted
Resolution R-756-07
Mover: Joe A. Martinez
Seconder: Rebeca Sosa
Vote: 12- 0
Absent: Rolle*

5K

071540 Ordinance

ORDINANCE APPROVING AND ADOPTING SUPPLEMENTAL BUDGETS FOR VARIOUS COUNTY DEPARTMENTS AND FUNDS; RATIFYING AND APPROVING ADMINISTRATIVE ORDERS AND OTHER BOARD ACTIONS WHICH SET CHARGES; AUTHORIZING FEES CONSISTENT WITH APPROPRIATIONS; APPROPRIATING GRANT FUNDS; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Office of Strategic Business Management)

Amended

Report: See Report Under Agenda Item 5K AMENDED, Legislative File No. 072027.

- 5/22/2007** Adopted on first reading by the Board of County Commissioners
- 5/22/2007** Scheduled for a public hearing by the Board of County Commissioners before the Board of County Commissioners
- 6/12/2007** Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Budget and Finance Committee

5K AMENDED

072027 **Ordinance**

ORDINANCE APPROVING AND ADOPTING
SUPPLEMENTAL BUDGETS FOR VARIOUS COUNTY
DEPARTMENTS AND FUNDS; RATIFYING AND
APPROVING ADMINISTRATIVE ORDERS AND OTHER
BOARD ACTIONS WHICH SET CHARGES; AUTHORIZING
FEES CONSISTENT WITH APPROPRIATIONS;
APPROPRIATING GRANT FUNDS; PROVIDING
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE [SEE ORIGINAL ITEM UNDER FILE NO. 071540]
(Office of Strategic Business Management)

Adopted as amended
Ordinance 07-83
Mover: Jose "Pepe" Diaz
Seconder: Dennis C. Moss
Vote: 13- 0

Report: Assistant County Attorney Cuevas read the foregoing proposed ordinance into the record.

County Manager Burgess noted this proposed ordinance outlined what the County Administration expected would need amending in the budget at the end of the year. Regarding the Performing Art Center (PAC), County Manager Burgess said he wished the County was not making a supplement and amendment. He pointed out that a bid to build the PAC now (6/2007) would be at least \$1 billion; and noted the County built the PAC for \$472 million. He noted the PAC had accomplished one of its original goals, which was to serve as a catalyst for increasing value to the Omni area.

County Manager Burgess pointed out the PAC was unique and could not use an existing structure as a benchmark for its budget. He said the County worked with the PAC Trust to provide building management expertise and other resources, to help better control the operating costs, to present alternatives, and to refine how electrical costs were projected. He noted the PAC had very little transition time from construction to operation and construction costs were carried over into operations.

County Manager Burgess explained the break in period for hotels was 2-3 years, and the PAC was not unlike hotels in its complexity. He said the recommended supplement for the PAC budget was \$4.1 million and would come from \$3.1 million pay-as-you-go savings in the project's construction budget and \$1 million from an advance in convention development tax dollars designated over the next five (5) years. He said the objective was to capture all of the funding required for PAC operations from the PAC. County Manager Burgess said the County needed to provide this supplement and ensure the PAC was successful and operated at maximum efficiency.

The public hearing was opened by Chairman Barreiro, and the following individuals appeared in support of this proposed ordinance:

1. Mr. Darrell Jones, 15820 SW 98 Court,
2. Mr. Rick Arriola, 450 Alton Road,
3. Mr. David Wilson, 1313 NW 96 Street, PAC Trust Treasurer,
4. Ms. Angela Brown, 24 Pinta Road,
5. Ms. Matilde Aguirre, 6510 SW 63 Court,
6. Ms. Amy Rosenberg, 2001 Biscayne Boulevard,
7. Ms. Victoria Osorio, 5201 SW 98 Court,
8. Ms. Josephine Perez, 2000 Towerside Terrace,
9. Mr. Rob Barlick, 1331 Brickell Bay Drive,
10. Ms. Betsy Kaplan, 200 SW 21 Road,
11. Mr. Jerome Cohen, 111 Street and Biscayne Boulevard,
12. Mr. Parker Thompson, 1111 Brickell Avenue,

The public hearing was closed after no other persons appeared in response to Vice-Chairman Jordan's call for persons wishing to be heard.

Following clarification by County Manager Burgess and Ms. Jennifer Glazer-Moon, Budget Director, Office of Strategic Business Management, regarding the attached supplemental budget and the \$4.1 million funding source, Ms. Glazer-Moon responded to Commissioner Seijas' concern that this proposed ordinance could expose the County to risk in terms of future debt payments. She explained that the County would not be at risk.

Commissioner Seijas questioned why the Transportation Improvement Plan (TIP) was included in Section 4 of this proposal.

Ms. Glazer-Moon noted Section 4 was standard language that was included in all supplemental budget ordinances. She said this section was not necessary in this supplement.

Following Commissioner Seijas' inquiry regarding why the Commission would vote on a proposal that had irrelevant language that could allow misuse of transportation funds in the future, Assistant County Attorney Cuevas advised he thought Section 4 was not needed for this particular amendment.

Ms. Glazer-Moon explained that nothing in this proposed budget supplement amended the TIP; that this supplement would amend the budget ordinance, which would result in an amendment of the TIP.

Commissioner Seijas pointed out that Section 5 referred to the People's Transportation Plan (PTP). She expressed concern that both the TIP and PTP were included in this proposal.

Assistant County Attorney Cuevas clarified that this proposed budget supplement did not make changes to the TIP and PTP; that Sections 4 and 5 were not needed.

Ms. Glazer-Moon noted she understood that Section 1 was the pertinent section that dealt with the proposed supplemental budget; that the other sections were consistent with the overall budget ordinance and referenced the entire budget.

Assistant County Attorney Cuevas explained the meaning of Sections 4 and 5 was that other than as amended by this proposed supplemental budget ordinance, the original budget ordinance remained unchanged. He advised that those sections were not necessary.

Following Commissioner Seijas' request to amend this proposal by deleting Sections 4 and 5, Assistant County Attorney Cuevas advised that this proposal should include language that explained the rest of the budget would remain unchanged.

County Manager Burgess spoke in support of Commissioner Seijas' proposed amendment. He noted he would ensure Sections 4 and 5 of this proposed ordinance were not needed to amend TIP projects approved by the County Commission subsequent to adoption of the budget. He said if he found that to be the case, the County Administration would come back with a separate proposal.

Following comments by County Manager Burgess and Ms. Glazer-Moon to clarify that this proposal was to inform the Commission of possible end-of-year amendments to the budget, Commissioner Gimenez asked the County Manager to provide a detailed report of the following issues concerning potential end-of-year budget amendments:

- the projected Miami-Dade Housing Agency shortfalls, the amount of Housing Agency funds disbursed to other County Departments, and the services the Housing Agency provided to other County Departments throughout the years;
- the technical adjustment to transfer funding from PTP Fund 402 to Fund 325 of Public Works for pay-as-you-go-capital projects; and
- the unrealized savings in security operations at the Seaport, including the definition of "security operations," the amount of unrealized savings, and the

reason for the unrealized savings.

Commissioner Gimenez noted he had met with Mr. Michael Kaiser, Kennedy Center President; Mr. David Kitto, Vice-President of Marketing and Sales; and Ms. Lyn Pratt, Vice-President of Finance, and learned that the facility had 85% occupancy and had received over \$70 million in private donations to cover the costs of operations. He said Mr. Kaiser, Mr. Kitto, Ms. Pratt, and Ms. Marie Mattson, Vice-President of Development, agreed to come to Miami on July 9 and 10, 2007, to see the PAC's operations and provide their insight and feedback.

Following County Manager Burgess' explanation that the County Administration would bring in another outside party to review the entire PAC operations, Commissioner Gimenez noted the Kennedy Center had programs that taught Foundation and Trust members how to be members of those bodies.

Commissioner Gimenez noted the County had made a significant investment in the PAC. He suggested the PAC tighten up its operating costs, be more self-sustaining, and engage in efforts to increase private sector donations.

In response to Commissioner Edmonson's question regarding when the decision to transition to in-house staff support would be made, County Manager Burgess noted he wanted the outside consultants, the General Services Administration (GSA), and the different elements of the PAC to continue their review and work with Mr. Michael Hardy, PAC President. He said a decision would be made based on the results of those reviews and alternative ways to manage the operating costs would be considered. He pointed out operating the PAC would not be simple and Mr. Hardy's involvement was key.

Following Commissioner Edmonson's comments regarding the fundraising capability of the PAC Trust, Mr. Hardy clarified the PAC Foundation was responsible for fundraising and its fundraising goals were realistic.

Mr. Hardy said he would meet with Commissioner Edmonson to review the PAC's marketing plan and would send each commissioner a copy of the plan.

Commissioner Heyman noted she would support this proposed supplement to the PAC with reservations. She explained she thought the County should make the PAC more accountable and appoint an individual to oversee this operation.

Commissioner Martinez noted the private sector was responsible to provide more financial assistance. He spoke in support of this proposed ordinance.

Commissioner Moss noted he would feel more comfortable if the private sector committed to bear some of the cost overruns. He asked Mr. Hardy to provide a report of the discussion that occurred during a recent PAC Foundation meeting that led to the conclusion that no additional private sector funding could be generated this fiscal year for the continued operation of the PAC.

Mr. Hardy noted he would provide Commissioner Moss with the report, and explained the Foundation did not believe enough fundraising could happen in 30 days to generate enough funding to keep the PAC open. He said the Foundation did vote to increase its fundraising 30% to \$3.5 million by next

year and to provide the PAC advanced private sector donations.

In response to Commissioner Moss' inquiry regarding when cost red flags were identified and how the PAC responded to them, Mr. Hardy noted the first red flag was around November 15, 2006, when the PAC had its first month budget report. He said the PAC responded by notifying its Finance and Operations Committees and the County Manager's Office that the occupancy cost appeared higher than budgeted for the first month. He pointed out the PAC was still an active construction site on November 15th, which accounted for some of the higher than expected costs. Mr. Hardy said that the PAC's first quarter budget report around January 15, 2007, provided conclusive results that occupancy costs were much higher than predicted. He noted the PAC responded by working with the County Manager's Office to intensely study the situation, to reorganize staff, and to do more work in-house.

County Manager Burgess noted he provided the County Commission a report on February 27, 2007, outlining concerns regarding the status of the PAC's finances and the probability of additional funding assistance being required. He explained that his staff and the PAC staff met to perform a very detailed analysis of PAC operations, occupancy, utilities, security, et cetera. The Manager noted that in May 2007, he met with the PAC Foundation and discussed the importance of the Foundation's assistance with this funding gap, and that he subsequently advised the County Commission that part of the supplemental budget would include public funding adjustment needed for the remainder of this fiscal year.

Following Mr. Hardy's explanation of how negative media coverage impacted season ticket sales and fundraising efforts, Commissioner Moss questioned the County's involvement in the pro forma.

Ms. Glazer-Moon noted that during the pro forma the Budget Office raised questions regarding the PAC's ability to generate anticipated revenues and the occupancy costs, and the PAC presented information on similar facilities that recently opened. She said the Budget Office asked many pointed questions and relied on the experts' advice concerning how to develop a pro forma for this type of facility.

Commissioner Moss clarified that the PAC's figures were used in the pro forma and not the County's figures.

Responding to Commissioner Moss' inquiry regarding accountability measures, County Manager Burgess clarified that Mr. Hardy worked for the PAC Trust, however, the County would monitor and work closely with the PAC; that the Finance Department, the General Services Administration, the Budget Office, and the Human Resources personnel would work with Mr. Hardy to look at the operation and help in any way possible. He said the Budget Office would monitor operations at least monthly; the County Administration would meet with the PAC Trust and Mr. Hardy to address concerns; and if no progress occurred, he would come back to the Board with alternative approaches to manage PAC operations.

Mr. Thompson explained the PAC Trust had used consultants and members of the County Administration to conduct a comparative cost analysis; the PAC Trust Audit Committee and Finance Committee met monthly to review the figures; the continued employment and compensation of PAC staff was conditioned on strict accountability requirements adopted by the PAC Trust; the PAC Trust welcomed any assistance from the County; the PAC Trust

decided to use consultants in the beginning with the intention of bringing them in-house later; and that it was unreasonable for staff to fully operate a newly constructed facility. Mr. Thompson noted the PAC Trust concurred with County Manager Burgess regarding the need to eliminate outside consultants and the PAC Trust was working with finance personnel that were imposing direct accountability on staff.

Following further discussion regarding how supplemental funding would be allocated and why the private sector should help supplement funding, Commissioner Sosa asked Ms. Glazer-Moon to provide a report outlining the potential impact of end-of-year budget amendments associated with the December 2006 District 13 and January 2007 countywide elections on the end-of-year adjustments. She asked that this report also include the expenses associated with separation costs in the Office of Historic Preservation and the Office of the County Manager, the reasons for those expenses, and the meeting date, the respective expenses were approved by the County Commission.

Responding to Commissioner Sosa's request concerning the Office of Historic Preservation and the Office of the County Manager, Ms. Glazer-Moon clarified the expenses associated with separation costs in those offices were for employees who retired or left County service in each office; and not for separating the Office of Historic Preservation from the Office of the County Manager.

Discussion ensued regarding the amount of the County's, the City of Miami's, and the private sector's funding commitments to the PAC.

Commissioner Sosa expressed concern that the County Administration did not ask the County Commission to authorize the use of this \$4.1 million when it asked for \$16 million a few months earlier. She asked the County Manager to provide a report identifying the amount the County paid in consultant fees for the PAC from its inception to June 26, 2007.

Commissioner Sosa asked that the County Manager's memorandum entitled, "Report on the Carnival Center for the Performing Arts" be amended to delete any language stating that the PAC would be funded from savings in the Center's construction project budget. She expressed concern that advanced ticket sales would be used. She asked the County Manager to provide a report of the other projects that were affected by the County using this \$4.1 million on the PAC.

Commissioner Sosa asked the County Manager to provide a professional management plan for the PAC, in 60 days, with the following information:

- a list of steps that would be taken to increase private donations, such as naming a group of people who would generate ideas to increase, deliver, and realize the private donations;
- a list of ways the PAC would be showcased to different ethnic groups and groups outside the County, such as meeting with the media to arrange free advertising to promote the events;
- a plan to increase the number of volunteer workers;
- a new, realistic marketing plan that considered past mistakes;
- an energy saving plan in conjunction with Florida Power and Light to provide in-kind services;
- a cost analysis reflecting the cost of hiring police to provide security versus security officers;
- a report of whether or not using Ticketmaster or other sources to sell tickets would be more cost effective than the current method.

Commissioner Sosa noted she would not vote in favor of supporting the PAC after today (6/26). She asked the County Manager to provide a monthly report to the Recreation & Cultural Affairs Committee that detailed the amount of money given to the PAC, and the following information regarding consultants:

- the money paid to consultants,
- the plans created by the consultants,
- the amount of money the PAC had earned from the consultants' professional ideas, and
- all the operation red flags and the response plans created by the PAC Trust, especially the plan created for the maintenance cost red flag on November 15, 2006, its results up to June 26, 2007, and plans to proceed.

In response to Commissioner Diaz's inquiry regarding the County Manager's responsibility over the PAC, County Manager Burgess noted PAC management did not have a direct reporting relationship with any County officials. He explained the PAC management reported to the PAC Trust.

Responding to Commissioner Diaz's question concerning the County's legal rights to place oversight on the PAC Trust, Assistant County Attorney Borzon-Keenan explained the PAC Trust was the manager and operator of the PAC on behalf of the County, pursuant to an operating agreement. She advised that the operating agreement contained default provisions, cure periods, and other dispute resolution provisions; and that she would have to examine the contract to determine whether it provided for County oversight.

Commissioner Diaz noted he thought any government that loaned money to an institution had the right to oversee that entity. He asked if the Commission Auditor could oversee the PAC Trust.

Assistant County Attorney Cuevas pointed out that what Commissioner Diaz was requesting would add additional money to the PAC's operating costs. He advised the County Commission could include a condition in the contract to require that this \$4.1 million be subject to oversight by the Commission Auditor.

Following Commissioner Diaz's question regarding the Commission Auditor's right to oversee the \$4.1 million and ensure that it was used properly, Mr. Charles Anderson, Commission Auditor, noted he thought Ordinance 03-2 gave the Commission Auditor the authority to have oversight over any organization that received funds from the County.

Mr. Thompson noted a representative of the Office of the Inspector General (OIG) had attended all PAC Trust meetings during construction and the PAC Trust would welcome an OIG representative again. He said the PAC Trust had auditors, its books were audited, all financial transactions were public records, and the PAC Trust welcomed an audit by the County.

It was moved by Commissioner Diaz that the County Manager and the Commission Auditor be given authority to oversee proceedings at the PAC. This motion was seconded by Commissioner Moss.

Commissioner Seijas clarified Commissioner Diaz's motion would apply to the \$4.1 million under discussion and any prospective funding.

Responding to Commissioner Rolle's inquiry regarding the proposed budget for fiscal year 2007-08, Mr. Wilson noted the 2007-08 budget had been submitted with no projected deficit.

Commissioner Rolle asked Mr. Wilson to provide a report explaining the low percentage of Black staff and senior staff members and how the PAC planned to increase Black representation.

Commissioner Rolle asked the County Manager to provide a report on how parking survey results would impact plans to build a parking garage for the PAC.

Commissioner Rolle asked Ms. Glazer-Moon to provide a detailed report of the expenditures for the potential end-of-year budget amendments listed under the Alliance for Human Services, the Office of Community and Economic Development, and the Miami-Dade Housing Agency.

Commissioner Sorenson pointed out that the County Administration needed to apply the lessons learned from the PAC to future projects to avoid the same problems in the future; and that property taxes was not the source of the \$4.1 million.

In response to Commissioner Jordan's request that he note, for the record, the PAC's efforts to recover consultant fees for a miscalculated cost factor, Mr. Hardy explained the County Attorney's Office and the PAC's General Counsel reviewed the consultant's contract and the County Attorney's Office advised that the PAC did not have legal recourse for a claim. He said he was advancing a request for a donation or gesture from the consultant in lieu of legal recourse.

Commissioner Jordan commended the PAC for its advertising.

Following comments by Chairman Barreiro concerning the importance of endowments for facilities like the PAC, Commissioner Gimenez noted a performing arts center needed donations to account for 40-50% of its budget to operate debt free.

Chairman Barreiro noted the County needed to put the culture and the mindset in place to obtain the necessary endowments.

Following Commissioner Souto's request to amend this proposed ordinance to have commissioners attend PAC Trust meetings, Mr. Thompson noted that each commissioner had appointed one member of the PAC Trust Board of Directors; and that the County Commission had appointed six (6) additional members, which could include members of the Commission.

Commissioner Souto asked Assistant County Attorney Cuevas to report to the Commission whether or not an additional commissioner could be appointed to sit on the PAC Trust following his analysis of the PAC Trust's Articles of Incorporation.

It was moved by Commissioner Diaz that the foregoing proposed ordinance be adopted as amended, as follows:

- To delete sections 4 and 5;
- To add a section that provided, "With the exception of the amendments to the budget specifically approved in this ordinance, all other provisions of the budget remain unchanged;"
- To add a section that provided, "The County's grant of operational subsidies approved herein, and any prospective funding is conditioned upon the Trust's agreement to an amendment to the operating agreement that would

accord the County Manager and Commission Auditor the right to oversight. Such amendment will be subject to ratification by the Board of County Commissioners;" and

- To have the County Manager provide a monthly status report to the appropriate committee.

This motion was seconded by Commissioner Moss.

Hearing no other questions or comments, the Commission proceeded to vote.

5K SUPPLEMENT

071826 Supplement

SUPPLEMENTAL INFORMATION RE: PERFORMING ARTS CENTER *Accepted*

6/12/2007 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Budget and Finance Committee

5K SUPPLEMENT #2

071898 Supplement

SUPPLEMENTAL INFORMATION TO ORDINANCE APPROVING AND ADOPTING SUPPLEMENTAL BUDGETS; MEMORANDUM FROM THE MAYOR *Accepted*

6 CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

7 ORDINANCES SET FOR SECOND READING

7A

070724

Ordinance

Jose "Pepe" Diaz,
Dorrin D. Rolle

ORDINANCE PERTAINING TO ZONING REGULATION OF SIGNS; AUTHORIZING MUNICIPALITIES TO OPT OUT OF REGULATIONS RESTRICTING SIGN PLACEMENT IN PROXIMITY TO EXPRESSWAYS; AMENDING SECTION 33-121.11 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 070554]

Adopted

Ordinance 07-84

Mover: Jose "Pepe" Diaz

Seconder: Joe A. Martinez

Vote: 9-4

*No: Jordan, Heyman, Barreiro,
Sorenson*

Report: Assistant County Attorney Cuevas read the foregoing proposed ordinance into the record.

It was moved by Commissioner Diaz that this proposed ordinance be adopted. This motion was seconded by Commissioner Seijas, and upon being put to a vote, passed 9-2 (Commissioner Heyman and Chairman Barreiro voted "no," Commissioners Moss and Sorenson were absent).

In response to Commissioner Jordan's inquiry regarding whether or not this ordinance would allow additional proliferation of signs by municipalities opting out, Assistant County Attorney Coffey advised a municipality that opted out could have more or less billboards than allowed by the County's standard. She clarified that municipalities that opted out would be exempted from the County's standard and would have to comply with the State's standard.

Commissioner Diaz noted that most cities would probably not want any signs, except cities that were largely industrial; and that the State law would provide protection against a proliferation of signs.

Responding to Commissioner Jordan's question concerning the strictness of the County's sign standard, Assistant County Attorney Coffey noted it was stricter than the State's standard with regard to the distance from the expressway; and that cities that opted out would have the choice to have more signs than what the County currently allowed.

It was moved by Commissioner Jordan that this ordinance be reconsidered. This motion was seconded by Commissioner Sorenson, and upon being put to a vote, passed 11-2 (Commissioners Seijas and Diaz voted "no").

It was moved by Commissioner Diaz that the foregoing proposed ordinance be adopted. This motion was seconded by Commissioner Rolle.

Commissioner Sorenson noted that the City of North Miami made an agreement with a sign company in April 2006, to install six (6) billboards along Interstate 95 for \$6 million. She pointed out that County Manager Burgess devoted all of page 4 in his October 11, 2006 Memorandum regarding sign violations to the City of North Miami; that he identified Media Net as the main company; and that he put the City of North Miami on written notice not to violate the expressway billboard ban. She asked who the four (4) members of the corporate entities were that broke the County's laws.

Assistant County Manager Roger Carlton said he could not remember all four members, but two were Mr. Ron Book and Mr. Arthur Hertz.

Commissioner Sorenson pointed out that Mr. Hertz's rent payments for the Miami Seaquarium's land made him one of the County's biggest tenants in the Parks system. She pointed out that Mr. Book was the County's lead lobbyist.

In response to Commissioner Sorenson's question regarding direct communication with a member of the North Miami City Council or Administration, Assistant County Manager Carlton noted the County Administration sent a series of letters to the City Manager with the message to "cease and desist" with the six billboards. He said he spoke directly with Mr. Hertz and asked him not to put up the billboards.

Mr. Book said Assistant County Manager Carlton did not speak to him before the billboards were posted. He maintained Assistant County Manager

Carlton never spoke to him regarding the billboards until they were up, and Mr. Carlton did not provide him a copy of any letter(s) sent to the City of North Miami.

Assistant County Manager Carlton explained that staff and the County Attorney's Office made very substantial efforts to stop the billboards in North Miami from being posted. He noted he did not think he had spoken to Mr. Hertz or Mr. Book after the billboards were posted.

Commissioner Sorenson expressed concern regarding the violation of the County's sign ordinance and the clause in this proposed ordinance that would allow municipalities to opt out. She said she felt this proposed ordinance would lead to additional violations of the law.

Following Commissioner Diaz's explanation regarding the intent of this proposed ordinance, Commissioner Jordan noted she felt the County needed to establish countywide standards for signs and not allow the municipalities to opt out and establish their own standards.

Commissioner Moss suggested that the municipalities that opted out of this proposed ordinance be required to present a plan similar to the plan done for the City of Miami on this issue. He expressed concern regarding the possibility of this proposed ordinance resulting in a proliferation of signs.

Discussion ensued between Commissioner Moss and Assistant County Attorney Coffey regarding the laws that would apply to signs in municipalities that opted out of this proposed ordinance.

Mr. Kevin Burns, Mayor, City of North Miami, explained the billboard company wanted to put up 40 billboards and sued North Miami. He said the Court ruled that the City of North Miami's sign ordinance was unconstitutional and that a federal judge urged North Miami to settle with the company. Mr. Burns noted North Miami did not want billboards. He pointed out the County ordinance was designed to prevent billboards. He clarified that North Miami did not want billboards on Biscayne Boulevard, or more on NW 7th Avenue and Interstate 95; and that North Miami should have the ability to regulate the billboards the community desired. He noted that municipalities could opt out of this proposed ordinance to make stricter sign requirements.

Following Commissioner Gimenez's questions to Mr. Burns regarding the City of North Miami's intent for allowing the billboards, Commissioner Seijas noted she supported community control of the signs; that the municipalities had responsible people who knew what to do; and that the County should respect the municipalities and allow them to control their communities.

Discussion ensued regarding why the City of North Miami did not involve the County in the billboard litigation since the County had an ordinance that superceded municipal law.

Hearing no other questions or comments, the Commission proceeded to vote.

- 3/6/2007** Adopted on first reading as amended by the Board of County Commissioners
- 3/7/2007** Requires Municipal Notification by the Board of County Commissioners to the Governmental Operations and Environment Committee
- 3/19/2007** Municipalities notified of public hearing by the Board of County Commissioners to the Governmental Operations and Environment Committee

5/15/2007 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

6/5/2007 Deferred by the Board of County Commissioners

8 **DEPARTMENTAL ITEMS**

8A **[No items were submitted for these sections.]**
thru
8C

8D **ENVIRONMENTAL RESOURCES MANAGEMENT**

8D1A

071321 Resolution

RESOLUTION APPROVING FORM OF CHICAGO CLIMATE EXCHANGE, INC. APPLICATION FOR MEMBERSHIP AS A PHASE II MEMBER FOR DIRECT EMISSIONS ONLY AND ALL RELATED AGREEMENTS AND LETTERS; AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE AND FILE FOR AND ON BEHALF OF THE COUNTY SUCH APPLICATION AND RELATED AGREEMENTS AND LETTERS; DESIGNATING COUNTY REPRESENTATIVES TO PERFORM THE REQUIRED DUTIES AS SET FORTH IN THE APPLICATION FOR MEMBERSHIP AND RELATED RULEBOOK; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO DESIGNATE ANY ADDITIONAL REPRESENTATIVES OR MAKE SUBSTITUTIONS AS NEEDED DURING THE TERM OF MEMBERSHIP OF THE COUNTY IN THE CHICAGO CLIMATE EXCHANGE, INC. AS A PHASE II MEMBER FOR DIRECT EMISSIONS ONLY (Department of Environmental Resources Management)

Adopted
Resolution R-757-07
Mover: Natacha Seijas
Seconder: Rebeca Sosa
Vote: 12- 0
Absent: Barreiro

Report: *Hearing no objection, the County Commission considered Agenda Items 8D1A and 11A6 simultaneously.*

Commissioner Seijas noted she disagreed with the County Administration's opinion that the County would not reduce its fuel consumption and have to buy credits in the Chicago Climate Exchange. She explained the County would operate more efficiently on a reduced budget; the slowed construction industry would require fewer site visits by inspectors; the Transit Director was working to realign routes to use less fuel; and the Water and Sewer Department had an effective water conservation program to reduce the need for fuel in water treatment plants.

Commissioner Seijas pointed out if Congress adopted the Energy and Environment Block Grant Act of 2007, the County could receive a grant up to \$17 million to use for energy and environmental programs.

Commissioner Sosa asked that she be listed as a co-sponsor to Agenda Item 11A6.

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

5/15/2007 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

6/5/2007 Deferred by the Board of County Commissioners

8D1A SUPPLEMENT

071961 Supplement

SUPPLEMENTAL INFORMATION TO THE CHICAGO CLIMATE EXCHANGE APPLICATION FOR MEMBERSHIP

Accepted
Mover: Natacha Seijas
Seconder: Rebeca Sosa
Vote: 12- 0
Absent: Barreiro

8D1A SUPPLEMENT #2

071966 Supplement

SUPPLEMENT INFORMATION TO THE CHICAGO CLIMATE
EXCHANGE APPLICATION FOR MEMBERSHIP*Accepted**Mover: Natacha Seijas**Second: Rebeca Sosa**Vote: 12- 0**Absent: Barreiro***[No items were submitted for this section.]****8F GENERAL SERVICES ADMINISTRATION**

8F3A

071887 Bid Awards

CONTRACT AWARD RECOMMENDATION FOR MASTER
PLAN FOR MIAMI-DADE COUNTY CORRECTIONAL
FACILITIES/DESIGN DEVELOPMENT AND CONSTRUCTION
ADMINISTRATION SERVICES FOR THE NEW KROME
DETENTION CENTER - PROJECT NO: A06-GSA-01 GOB 194;
CONTRACT NO: Z00017-194 (SEE ORIGINAL FILE UNDER
071418) (General Services Administration Department)*Amended***Report:** *See Report Under Agenda Item 8F3A AMENEDDED, Legislative File
No. 073074.***5/17/2007** *Forwarded to BCC with a favorable recommendation with committee amendment(s) from
the Health and Public Safety Committee*

8F3A AMENDED

073074

Bid Awards

CONTRACT AWARD RECOMMENDATION FOR MASTER PLAN FOR MIAMI-DADE COUNTY CORRECTIONAL FACILITIES/DESIGN DEVELOPMENT AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE NEW KROME DETENTION CENTER - PROJECT NO: A06-GSA-01 GOB 194; CONTRACT NO: Z00017-194 (SEE ORIGINAL ITEM UNDER FILE NO.071887) (General Services Administration Department)

Approved as amended

Mover: Rebeca Sosa

Seconder: Dennis C. Moss

Vote: 12- 1

No: Martinez

Report: Commissioner Heyman pointed out the budgetary breakdown for this proposed contract had a line item for Art in Public Places of \$92,273.28, pursuant to Section 2-11.15.1(a) of the County Code of Ordinances (Code) that 1.5% of Capital Improvement monies go to Art in Public Places. She noted Section 2-11.15.1(b) of the Code allowed the County Commission to waive the Art in Public Places requirement. She suggested the County display some of its stored art in the Krome Detention Center. Commissioner Heyman explained that, pursuant to her request, the Mayor and the County Manager were auditing approximately \$1 million of misplaced art.

It was moved by Commissioner Heyman that this proposed contract award be amended to waive the Art in Public Places requirement and that the \$92,273.28 be used for other Krome Detention Center project needs. This motion was seconded by Commissioner Sorenson.

Following Assistant County Attorney Cuevas' and Commissioner Heyman's clarification that her proposed amendment would remove the money for Art in Public Places and put it in the Krome Detention Center general project budget, Commissioner Seijas asked for an explanation regarding the contract language for the Art in Public Places.

County Manager Burgess noted he thought if the County Commission waived the Code's requirement for Art in Public Places, then those funds would be additional monies in the construction project for the jail. He pointed out that, pursuant to the Code, the art could be displayed at an alternative location other than the Krome Detention Center.

Commissioner Seijas noted the County could invest the Art in Public Places money into the jail if it waived the requirement.

Hearing no other questions or comments regarding the proposed amendment, the Commission proceeded to vote unanimously to amend this proposed bid award.

Commissioner Sosa asked the County Attorney to ensure that the following Health and Public Safety Committee amendments were included in this proposed bid award:

- that the Master Plan should include an analysis of existing facilities to determine the capacity and type of inmates housed in each facility; projections on the future inmate population to determine the type of security needed;
- that the agreement be brought back to the Health and Public Safety Committee for ratification after each phase of the project was completed; and
- that a provision be included that stated the contractors would assume responsibility for construction management.

Commissioner Sosa also asked that this proposed bid award include, as part of Phase I, the stockade as a possibility of constructing a one-stop center to bring the correction center the necessary rehabilitation services. She asked that a committee work on accommodating the creation of a one-stop center to allocate the reentry program in the new facility; and that the Corrections Advisory Board and the Mayor's initiative on the reentry program be taken into consideration.

Assistant County Attorney Robert Cuevas noted the Committee amendments had to be included in the contract.

Responding to Commissioner Sosa's question if the proposed bid award

included all of the amendments she noted, Assistant County Attorney Cuevas advised that he was only aware of the three items listed on the cover sheet of the County Manager's report and they had to be included.

It was moved by Commissioner Sosa that the foregoing bid award be amended to include the following:

- that the Master Plan should include an analysis of existing facilities to determine the capacity and type of inmates housed in each facility; projections on the future inmate population to determine the type of security needed;
- that the agreement be brought back to the Health and Public Safety Committee for ratification after each phase of the project was completed;
- that a provision be included that stated the contractors would assume responsibility for construction management; and
- that the design of the new facility would include a design for the one-stop center to allocate the rehabilitation piece and reentry program, and the possibilities of looking at the stockade for an additional rehabilitation center.

In response to Commissioner Martinez's comment that this proposed bid award already had the Health and Public Safety Committee amendments in it, Commissioner Sosa clarified that she was ensuring that the Committee amendments were included and she was adding an amendment to include as part of the new facility a one-stop center and the possibility of looking at the stockade for an additional rehabilitation center.

Commissioner Sosa further clarified that this proposal was an agreement to design and she was asking for consideration as part of the design a one-stop center—the rehabilitation piece would be inside the center. She noted the Montgomery County facility and Tampa facility were examples; and that this would allow classrooms in the facility.

County Manager Burgess stated this was a semantics issue and the Master Plan should include the one-stop facility, training, and treatment center. He indicated these items were part of the scope of the Master Plan phase. Mr. Burgess further stated the subsequent phases were more detailed to the design of a facility. He noted Phase One was the actual Master Plan for Miami-Dade County Correctional Facilities/Design Development and Construction Administration; and further phases would be more specific to the New Krome Detention Center.

Responding to Commissioner Martinez' question for an explanation on the award of the \$8 million, Ms. Wendi Norris, Director, General Services Administration, noted the \$8 million was for all three phases of the contract.

In response to Commissioner Martinez' inquiry that the \$8 million was for construction management and not for construction, Ms. Wendi Norris said the proposed contract award did not included money for materials, such as brick and mortar.

Commissioner Martinez noted he supported the proposed contract; however, the Agenda contained consulting services contract awards totaling \$86 million.

It was moved by Commissioner Sosa that the foregoing contract award be adopted as amended to waive the Art in Public Places requirement in Section 2-11.15.1(a) of the Code and that the \$92,273.28 reflected on handwritten page 5 be used for other Krome Detention Center project needs.. This motion was seconded by Commissioner Moss.

In response to Commissioner Seijas' inquiry whether the instructions were being changed, Mr. Eduardo Astigarraga, Division Chief, Miami-Dade Corrections and Rehabilitation (MDCR) Department, noted the Master Plan portion would incorporate speaking to the Blue Ribbon Panel and law enforcement partners to determine the direction the Department needed to pursue.

Vice-Chairwoman Jordan said Commissioner Sosa's proposed amendment to the item was not on the floor as staff responded to the question that it was already included.

Hearing no other questions or comments, the Commission proceeded to vote.

8G thru 8I **[No items were submitted for these sections.]**

8J **MIAMI-DADE TRANSIT AGENCY**

8J1A

071605 **Resolution**

RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF COORDINATION AND FARE AGREEMENTS FOR THE COORDINATION OF TRANSPORTATION DISADVANTAGED SERVICES IN MIAMI-DADE COUNTY WITH ACTION COMMUNITY CENTER, INC.; ALLAPATTAH COMMUNITY CENTER, INC.; ASSOCIATION FOR RETARDED CITIZENS OF SOUTH FLORIDA - ADULT PROGRAM; ASSOCIATION FOR RETARDED CITIZENS OF SOUTH FLORIDA - CHILDREN'S PROGRAM; BETTER WAY OF MIAMI, INC.; CHARLEE OF DADE COUNTY, INC.; CITRUS HEALTH NETWORK, INC.; CONCEPT HOUSE INC.; EASTER SEALS OF SOUTH FLORIDA, INC.; FELLOWSHIP HOUSE; GOODWILL INDUSTRIES, INC.; HEBREW HOMES HEALTH NETWORK; HELEN B. BENTLEY FAMILY HEALTH CENTER, INC.; HIALEAH HOUSING AUTHORITY; JEWISH COMMUNITY SERVICES OF SOUTH FLORIDA; LITTLE HAVANA ACTIVITIES & NUTRITION CENTERS OF DADE COUNTY, INC.; LOVE SOUTH DADE, INC.; MIAMI BEACH COMMUNITY HEALTH CENTER; MIAMI BRIDGE YOUTH AND FAMILY SERVICES, INC.; MIAMI LIGHTHOUSE FOR THE BLIND; MIAMI JEWISH HOME AND HOSPITAL FOR THE AGED; NEW HORIZONS COMMUNITY HEALTH CENTER, INC.; NORTH MIAMI FOUNDATION FOR SENIOR CITIZENS SERVICE, INC.; SUNRISE COMMUNITY, INC.; VILLA MARIA NURSING AND REHABILITATION CENTER, INC.; AND THE VILLAGE SOUTH, INC. (Miami-Dade Transit Agency)

*Adopted
Resolution R-758-07
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0*

6/13/2007 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Transit Committee

8J1B

071886 Resolution

RESOLUTION APPROVING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE CITY OF HOMESTEAD AND MIAMI-DADE COUNTY FOR FEDERAL FUNDING PASS-THROUGH ARRANGEMENTS FROM FEDERAL TRANSIT ADMINISTRATION FISCAL YEAR 2005 FUNDS OF \$242,945 FOR PURCHASE OF A TROLLEY AND FOR PROVISION OF CITY TROLLEY SERVICES IN THE CITY OF HOMESTEAD; AND AUTHORIZING THE COUNTY MAYOR, OR HIS DESIGNEE, TO EXERCISE PROVISIONS CONTAINED THEREIN (Miami-Dade Transit Agency)

*Adopted
Resolution R-759-07
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0*

8K [No items were submitted for this section.]

8L OFFICE OF STRATEGIC BUSINESS MANAGEMENT

8L1A

071700 Resolution

RESOLUTION APPROVING INTERLOCAL AGREEMENT WITH THE TOWN OF CUTLER BAY TO TRANSFER QUALITY NEIGHBORHOOD IMPROVEMENT PROGRAM (QNIP) FUNDS IN AN AMOUNT NOT TO EXCEED \$523,000 FOR VARIOUS PARK CONSTRUCTION/ RENOVATION PROJECTS AT BEL AIRE, CUTLER RIDGE, FRANJO, LINCOLN CITY PARK #2, SAGA BAY, SAGA LAKE, AND WHISPERING PINES PARK (Office of Strategic Business Management)

*Adopted
Resolution R-760-07
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0*

6/12/2007 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Budget and Finance Committee

8M PARK AND RECREATION DEPARTMENT

8M3A

071677 Bid Awards

CONTRACT AWARD RECOMMENDATION FOR PARK TRAIL IMPROVEMENTS, PROJECT NO: E05-PARK-01; CONTRACT NO: 999999-05-002-1, PROJECT LOCATION: NORTH MIAMI-DADE GREENWAYS, SOUTH MIAMI-DADE GREENWAYS, LUDLAM/ FLORIDA EAST COAST RAILROAD RIGHT-OF-WAY, BIKE PATHS ADJACENT TO SFWMD CANALS, AND GREENWAYS PARK TRAILHEADS [SEE ORIGINAL VERSION UNDER LEG. FILE NO. 070594] (Park & Recreation Department)

Deferred to July 16, 2007

Mover: Carlos A. Gimenez

Seconder: Rebeca Sosa

Vote: 8- 5

No: Jordan, Rolle, Sorenson, Moss, Souto

Report: *Hearing no objection, the County Commission considered Agenda Items 8M3A, 8M3B, and 8M3C simultaneously.*

Commissioner Gimenez pointed out the "Base Estimate" on handwritten page 5, should be corrected to use \$1.44 million for each contract for an approximate total of \$4.2 million.

Responding to Commissioner Gimenez's question regarding the source of the Capital Outlay Reserve Funds (CORF), Mr. Howard Gregg, Assistant Director, Parks and Recreation, noted that the CORF were a minimum amount the County had to guarantee as a match for the Florida Department of Transportation funds; and that the CORF was General Fund money being used to pay for consultants.

Commissioner Gimenez expressed concern that even with 30,000 employees the County lacked personnel with the expertise to perform the scope of work in this project.

Mr. Gregg explained the County lacked capacity, not expertise, to handle the size of capital program in Parks and Recreation.

Discussion ensued regarding the billing rate of the consultants and the multiple of direct salary expense in these proposed contract awards.

Following further discussion concerning the arguments for and against using consultants or hiring new employees, Commissioner Gimenez asked the County Manager to analyze the skills, abilities, certifications, training, and other qualifications of existing County employees and to determine future projects that could be performed by County employees versus hiring new employees or consultants. Additionally, Commissioner Gimenez asked the County Manager to conduct an analysis of this contract to determine the feasibility of allowing existing County employees to perform the work and the number of hours required to complete it.

Discussion ensued concerning how the County should approach the use of consultants in the future.

Commissioner Gimenez expressed concern regarding the breadth of the scope of work in the consultant contract. He asked County Manager Burgess to analyze the scope of work for the consultants and to reduce it as necessary.

Following further discussion concerning the benefits of and need for consultants, Commissioner Sorenson pointed out that these proposed contract awards would provide the Parks and Recreation Department access to the money, but the department would not necessarily spend the money.

In response to Commissioner Sosa's proposal to amend this proposed contract award to require the County Manager to provide a written report that justified the use of these funds when consultants were paid, Assistant County Attorney Cuevas advised the Commission could direct staff to follow that procedure prior to issuing any work orders on this contract. He clarified that the County controlled the flow of work to the consultant and this proposed amendment would limit the County Manager's authority to issue work orders.

Commissioner Sosa clarified she did not want to delay the process by having the work orders come to the County Commission for approval.

Mr. Roger Hernstadt, Director, Capital Improvements Department, explained the County Administration could provide the Commission Auditor a copy of each work order to review why the County could not do that work in-house and the Commission Auditor could apprise the Commission how this contract was being used.

Following further discussion, it was moved by Commissioner Gimenez to defer these proposed contract awards to the July 16, 2007, Recreation & Cultural Affairs Committee Meeting at 2:00 pm. This motion was seconded by Commissioner Sosa.

Following comments by Commissioners Moss and Jordan against the motion to defer, Commissioner Rolle asked Mr. Gregg to provide a report regarding the impact deferring these proposed bid awards would have on the Parks and Recreation's project backlog, especially for District 2 projects.

Hearing no other questions or comments, the Commission proceeded to vote.

3/12/2007 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Recreation & Cultural Affairs Committee

8M3B

071674 Bid Awards

CONTRACT AWARD RECOMMENDATION FOR PARK TRAIL IMPROVEMENTS, PROJECT NO: E05-PARK-01, CONTRACT NO. 999999-05-002-2, PROJECT LOCATION: NORTH MIAMI-DADE GREENWAYS, SOUTH MIAMI-DADE GREENWAYS, LUDLAM/ FLORIDA EAST COAST RAILROAD RIGHT-OF-WAY, BIKE PATHS ADJACENT TO SFWMD CANALS, AND GREENWAYS PARK TRAILHEADS [SEE ORIGINAL VERSION UNDER LEG. FILE NO. 070594] (Park & Recreation Department)

Deferred to July 16, 2007
Mover: Carlos A. Gimenez
Seconder: Rebeca Sosa
Vote: 8- 5
No: Jordan, Rolle, Sorenson, Moss, Souto

Report: The foregoing proposed Bid Award was deferred to the July 16, 2007, Recreation & Cultural Affairs Committee meeting at 2:00 pm.

(See Report Under Agenda Item 8M3A, Legislative File No. 071677.)

3/12/2007 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Recreation & Cultural Affairs Committee

8M3C

071655 Bid Awards

CONTRACT AWARD RECOMMENDATION FOR PARK TRAIL IMPROVEMENTS, PROJECT NO: E05-PARK-01; CONTRACT NO: 999999-05-002-3, PROJECT LOCATION: NORTH MIAMI-DADE GREENWAYS, SOUTH MIAMI-DADE GREENWAYS, LUDLAM/ FLORIDA EAST COAST RAILROAD RIGHT-OF-WAY, BIKE PATHS ADJACENT TO SFWMD CANALS, AND GREENWAYS PARK TRAILHEADS [SEE ORIGINAL ITEM UNDER FILE NO. 070594] (Park & Recreation Department)

*Deferred to July 16, 2007
Mover: Carlos A. Gimenez
Seconder: Rebeca Sosa
Vote: 8- 5
No: Jordan, Rolle, Sorenson,
Moss, Souto*

Report: *The foregoing proposed Bid Award was deferred to the July 16, 2007, Recreation & Cultural Affairs Committee meeting at 2:00 pm.*

(See Report Under Agenda Item 8M3A, Legislative File No. 071677.)

3/12/2007 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Recreation & Cultural Affairs Committee

8N **[No items were submitted for this section.]**

80 **PROCUREMENT MANAGEMENT DEPARTMENT**

801A

071584 Resolution Dorrin D. Rolle

RESOLUTION AUTHORIZING AWARD OF COMPETITIVE CONTRACTS, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER, CONTRACT MODIFICATIONS, AWARD OF COMPETITIVELY BID CONTRACTS OF OTHER GOVERNMENTAL ENTITIES, RATIFICATION OF ADVERTISEMENTS AND APPROVAL FOR THE ISSUANCE OF ADVERTISEMENTS FOR THE PURCHASE OF GOODS AND SERVICES [SEE ORIGINAL ITEM UNDER FILE NO. 071466] (Procurement Management Department)

Amended

5/15/2007 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Budget and Finance Committee

6/5/2007 Deferred by the Board of County Commissioners

801A AMENDED

071978 Resolution

RESOLUTION AUTHORIZING AWARD OF COMPETITIVE CONTRACTS, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER, CONTRACT MODIFICATIONS, AWARD OF COMPETITIVELY BID CONTRACTS OF OTHER GOVERNMENTAL ENTITIES, RATIFICATION OF ADVERTISEMENTS AND APPROVAL FOR THE ISSUANCE OF ADVERTISEMENTS FOR THE PURCHASE OF GOODS AND SERVICES [SEE ORIGINAL ITEM UNDER FILE NOS. 071466, 071584] (Procurement Management Department)

*Adopted as amended
Resolution R-761-07
Mover: Dennis C. Moss
Seconder: Barbara J. Jordan
Vote: 9- 0
Absent: Edmonson, Sorenson,
Souto, Martinez*

FINAL OFFICIAL

Report: *Commissioner Diaz noted Item 7.3: Disaster Debris Removal Monitoring Services was included for ratification. He expressed concern that the estimated allocation for Item 7.3 was \$75 million and the County Manger's threshold for approval of awards was \$1 million.*

Ms. Miriam Singer, Director, Procurement Management Department, explained the \$1 million threshold applied to competitive contracts and the County Commission had granted the County Manager authority to approve advertisement contracts of any value. She noted this item was included to provide transparency in operations.

Commissioner Diaz expressed concern that a dollar amount was used to estimate the allocation for debris removal monitoring service rather than using the County's percentage obligation. He said he preferred to have the County advertise this service when it was needed.

Following further discussion between Commissioner Diaz, Ms. Singer, and Ms. Kathleen Woods-Richardson, Director, Solid Waste Management, regarding the new Federal Emergency Management Agency (FEMA) monitoring requirements and the FEMA audit for Hurricanes Katrina and Wilma, Commissioner Edmonson questioned if Sam's Club or Costco was on the County's authorized vendors list.

Commissioner Heyman noted, pursuant to her June 5, 2007 request, she expected the County Administration would provide a consolidated list of contracts.

Ms. Singer noted she had contacted each department with an allocation in Items 8.6, 8.7, and 8.8, and questioned the necessity of those services.

In response to Commissioner Heyman's comments regarding her perspective of essential purchases, County Manager Burgess pointed out the contracts in this proposed resolution were needed to support the County's multibillion dollar operating costs. He asked that this proposed resolution be amended to remove Item 4.1—36' Firestorm Marine Vessel (Fire Boat).

Commissioner Heyman expressed concern that the County paid \$10 million in credit card fees and suggested the County stop accepting American Express; and that the County still allowed employees to receive a paper check. She questioned whether or not the County had maximized its efforts to control costs.

In response to remarks by Ms. Rachel Baum, Director, Finance Department, regarding the County Administration's reasoning for accepting credit cards, Commissioner Heyman clarified she preferred to cut administrative operational costs than community program operational costs.

Following further discussion, Chairman Barreiro asked County Manager Burgess to consider forming a partnership or other relationship with the County's financial institution that would provide savings on banking fees or some other mechanism that would not have an internal payment system.

Responding to Commissioner Edmonson's earlier inquiry regarding Sam's Club and Costco, Ms. Singer noted they were not active, registered County vendors.

Commissioner Edmonson asked Ms. Singer to meet with her to discuss adding

FINAL OFFICIAL

Sam's Club, Costco, Office Depot, and other companies to the County's approved vendors list.

Following Commissioner Seijas' inquiry regarding the sources of funding for the equipment described in Item 8.6, Ms. Allison Diego, Assistant Director, Parks and Recreation Department, Mr. Herminio Lorenzo, Fire Chief, Fire Rescue Department, Mr. Ed Astigarraga, Chief, Corrections and Rehabilitation Department, and Ms. Ana Sotorrio, Associate Aviation Director, Aviation Department, explained how their departments would spend their allocations in Item 8.6.

Pursuant to Commissioner Seijas' concern regarding vague contract descriptions for contract awards, Ms. Singer noted she would provide specific descriptions on future contracts.

Responding to Chairman Barreiro's request that she determine how the County's price for latex gloves compared to the Public Health Trust's price, Ms. Singer noted she would provide the Board with this information in July 2007.

It was moved by Commissioner Moss that the foregoing proposed resolution be adopted as amended to remove Item 4.1—36' Firestorm Marine Vessel (Fire Boat). This motion was seconded by Commissioner Jordan.

Hearing no other questions or comments, the Commission proceeded to vote.

Commissioner Rolle asked Ms. Singer to meet with him to discuss the difference between minority participation in Request For Proposals and Invitations to Bid and to discuss the "Small Business Enterprise Bid Preference" and "Small Business Enterprise Selection Factor" categories identified in this contract.

801B

071260 Resolution

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH REPUBLIC ELECTRIC TO OBTAIN AN LED TRAFFIC SIGNAL HEAD RETROFIT PROJECT FOR THE NORTH ZONE OF THE COUNTY; AUTHORIZING THE REJECTION OF ALL PROPOSALS RECEIVED FOR REQUEST FOR PROPOSALS NO. 524 FOR LED TRAFFIC SIGNAL HEAD RETROFIT PROJECT FOR THE SOUTH ZONE OF THE COUNTY; WAIVING FORMAL BID PROCEDURES AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH REPUBLIC ELECTRIC TO OBTAIN AN LED TRAFFIC SIGNAL RETROFIT PROJECT FOR THE SOUTH ZONE OF THE COUNTY; AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS; AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN CONTRACT NOS. 524A AND 524B (Procurement Management Department)

*Adopted
Resolution R-762-07
Mover: Natacha Seijas
Seconder: Rebeca Sosa
Vote: 10- 0
Absent: Edmonson, Souto,
Martinez*

Report: *Commissioner Seijas expressed concern that the work for the LED Traffic Signal Head Retrofit Project would be delayed by waiving the competitive bid process and awarding the work for both the North and the South to the same company.*

Ms. Miriam Singer, Director, Procurement Management Department, noted the contractor had indicated that the work schedule had not changed pursuant to them being recommended for award of the work in both the North and South; that the North would not be impacted; that the contractor would use parallel implementation; and that the work would be completed within 350 days.

Mr. Wade White, President, Republic Electric, noted he had been apprised of which intersections his company would place the LED Traffic Signals.

Commissioner Seijas noted a LED Traffic Signal on NW 67th Avenue in Miami Lakes was in an area with heavy traffic and should be removed.

Mr. Robert Williams, Public Works, clarified the LED Traffic Signal referred to by Commissioner Seijas was safe. He suggested that she might be referring to a program signal head.

Ms. Ester Calas, Director, Public Works, noted the LED Pedestrian Signal Head installed on NW 67th Avenue in Miami Lakes was not working properly and was being tested. She said that signal would be replaced with a regular pedestrian signal.

Responding to Commissioner Seijas' comment that her only concern was that the North and South would be completed within 350 days, Mr. White clarified Republic Electric had suggested the 350 day timeframe versus the County Administration's 480 day timeframe.

Hearing no other questions or comments, the Commission proceeded to vote.

5/15/2007 Withdrawn by the Budget and Finance Committee

6/12/2007 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Budget and Finance Committee

8P PUBLIC WORKS DEPARTMENT

8P1A

071840 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A JOINT PARTICIPATION AGREEMENT IN THE AMOUNT OF \$550,000 BETWEEN MIAMI-DADE COUNTY AND THE CITY OF NORTH MIAMI BEACH TO FUND THE REMOVAL OF THE EXISTING PEDESTRIAN BRIDGE AND THE DESIGN AND CONSTRUCTION OF A REPLACEMENT PEDESTRIAN BRIDGE AT APPROXIMATELY NE 13 AVENUE OVER THE SNAKE CREEK CANAL (C-9); AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE THE PROVISIONS THEREIN (Public Works Department)

*Adopted
Resolution R-763-07
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0*

6/12/2007 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Governmental Operations and Environment Committee

8Q [No items were submitted for this section.]

8R WATER AND SEWER DEPARTMENT

8R3A

071717 Request to Advertise

REQUEST TO ADVERTISE FOR SOUTH DISTRICT WASTEWATER TREATMENT PLANT, HLD UPGRADE TO 285 MGD, OXYGENATION TRAIN NO. 7 - PROJECT NO: N/A; CONTRACT NO: S-816 (Water & Sewer Department)

*Approved
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0*

6/12/2007 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Governmental Operations and Environment Committee

8R3A SUPPLEMENT

071833 Supplement

REPORT RE: SUMMARY OF "REQUEST TO ADVERTISE" AND "CONTRACT AWARDS" AGENDA ITEMS FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT [SEE AGENDA ITEM NOS. 8R3B THRU 8R3K]

Accepted

6/12/2007 Report Received by the Governmental Operations and Environment Committee

8R3B

071693 Request to Advertise

REQUEST TO ADVERTISE FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE CENTRAL DISTRICT WASTEWATER TREATMENT PLANT WATER RECLAMATION FACILITY - CONTRACT NO: E07-WASD-03 [SEE AGENDA ITEM NO. 8R3A SUPPLEMENT] (Water & Sewer Department)

Approved
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0

6/12/2007 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Governmental Operations and Environment Committee

8R3C

071709 Request to Advertise

REQUEST TO ADVERTISE FOR CONSTRUCTION ENGINEERING & INSPECTION SERVICES FOR THE SDWWTP HIGH LEVEL DISINFECTION FACILITY. PROJECT NO. E07-WASD-05. PROJECT LOCATION: 8950 SW 232 ST., GOULDS, FL 33170 [SEE AGENDA ITEM NO. 8R3A SUPPLEMENT] (Water & Sewer Department)

Approved
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0

6/12/2007 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Governmental Operations and Environment Committee

8R3D

071715 Request to Advertise

REQUEST TO ADVERTISE FOR SOUTH DISTRICT WASTEWATER TREATMENT PLANT, HLD UPGRADE TO 285 MGD, YARD PIPING, - PROJECT NO: N/A; CONTRACT NO: S-813 [SEE AGENDA ITEM NO. 8R3A SUPPLEMENT] (Water & Sewer Department)

Approved
Mover: Barbara J. Jordan
Seconder: Joe A. Martinez
Vote: 13- 0

6/12/2007 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Governmental Operations and Environment Committee

8R3E

071718 Request to Advertise

REQUEST TO ADVERTISE FOR SOUTH DISTRICT WASTEWATER TREATMENT PLANT, HLD UPGRADE TO 285 MGD, TEMPORARY OFFICE FACILITIES, - PROJECT NO: N/A; CONTRACT NO. S-825 [SEE AGENDA ITEM NO. 8R3A SUPPLEMENT] (Water & Sewer Department)

Approved
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0

6/12/2007 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Governmental Operations and Environment Committee

8R3F

071708 Request to Advertise

REQUEST TO ADVERTISE FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE SOUTH MIAMI HEIGHTS WATER TREATMENT PLANT - CONTRACT NO: E07-WASD-01, PROJECT LOCATION: 11800 SW 208 STREET [SEE AGENDA ITEM NO. 8R3A SUPPLEMENT] (Water & Sewer Department)

Approved
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0

6/12/2007 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Governmental Operations and Environment Committee

8R3G

071696 Request to Advertise

REQUEST TO ADVERTISE FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE SOUTH DISTRICT WASTEWATER TREATMENT PLANT WATER RECLAMATION FACILITY - CONTRACT NO. E07-WASD-02. PROJECT LOCATION: 8950 SW 232ND STREET, GOULDS, FL 33170 [SEE AGENDA ITEM NO. 8R3A SUPPLEMENT] (Water & Sewer Department)

Approved
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0

6/12/2007 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Governmental Operations and Environment Committee

8R3H

071713 Request to Advertise

REQUEST TO ADVERTISE FOR SOUTH DISTRICT WASTEWATER TREATMENT PLANT, HLD UPGRADE TO 285 MGD, TRANSFER PUMP STATION, - PROJECT NO: N/A; CONTRACT NO. S-806 [SEE AGENDA ITEM NO. 8R3A SUPPLEMENT] (Water & Sewer Department)

Approved
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0

6/12/2007 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Governmental Operations and Environment Committee

8R3I

071695 Request to Advertise

REQUEST TO ADVERTISE FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR NORTH DISTRICT WASTEWATER TREATMENT PLANT WATER RECLAMATION FACILITY, PROJECT NO. E07-WASD-04. LOCATION: 2575 N.E. 15 STREET, NORTH MIAMI, FL 33160 [SEE AGENDA ITEM NO. 8R3A SUPPLEMENT] (Water & Sewer Department)

Approved
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0

6/12/2007 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Governmental Operations and Environment Committee

8R3J

071720 Request to Advertise

REQUEST TO ADVERTISE FOR SOUTH DISTRICT
WASTEWATER TREATMENT PLANT, HLD UPGRADE TO
285 MGD, FILTER SYSTEM, - PROJECT NO: N/A; CONTRACT
NO. S-805 [SEE AGENDA ITEM NO. 8R3A SUPPLEMENT]
(Water & Sewer Department)

Approved
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0

*6/12/2007 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the
Governmental Operations and Environment Committee*

8R3K

071719 Request to Advertise

REQUEST TO ADVERTISE FOR SOUTH DISTRICT
WASTEWATER TREATMENT PLANT, HLD UPGRADE TO
285 MGD, SITE PREPARATION, - PROJECT NO: N/A;
CONTRACT NO. S-828 [SEE AGENDA ITEM NO. 8R3A
SUPPLEMENT] (Water & Sewer Department)

Approved
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0

*6/12/2007 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the
Governmental Operations and Environment Committee*

9

ADDITIONAL DEPARTMENTAL ITEMS

9A10A

071767 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF THE STATE "COUNTY CERTIFICATION FORM" FOR PARTICIPATION IN THE STATE FUNDING FORMULA TO FUND AND NEGOTIATE THE PURCHASE OF OPTICAL SCAN AND BALLOT ON DEMAND EQUIPMENT TO REPLACE TOUCHSCREEN VOTING EQUIPMENT (Elections Department)

Adopted
Resolution R-748-07
Mover: Rebeca Sosa
Seconder: Carlos A. Gimenez
Vote: 9- 0
Absent: Edmonson, Heyman,
Souto, Martinez

Report: *Commissioner Heyman questioned if the County Administration would aggressively attempt to get a decent return on its old voting machines.*

Mr. Lester Sola, Supervisor of Elections, Elections Department, explained the State would give the County approximately \$5 million in new equipment under the State "County Certification Form;" that the State required the County to give its unused touchscreen voting equipment to the State; and that the State was required to return to the County any revenue generated from sales of the County's equipment.

Discussion ensued regarding the financial impact to the County for new voting machines.

Commissioner Sosa expressed concern that the State would cut taxes without providing adequate funding to the County to pay for new voting machines. She noted she wanted the County to send a message to the Governor and the Dade Delegation regarding the financial burden of the new voting machines.

Mr. Sola pointed out that the State had \$67 million of Federal funds from the "Help America Vote Act" that the County could try and access during the 2008 Legislative Session. He noted the Elections Department would present legislation in July that would have all of the purchasing requirements for the 2008 election cycle. He said the deadline for the "County Certification Form" was June 30, 2007.

In response to Commissioner Diaz's questions concerning the process the County would use to procure these voting machines, Mr. Sola noted that only three (3) vendors were certified to sell these voting machines; that the County's best interest was to continue with its current vendor; that the County Administration's goal was to send an amendment to its existing contract with the current vendor to provide the voting equipment; and that costs would greatly increase by using another vendor. He said the County would not be ready for the January 2008 election if it used another vendor and changed its entire election system. Mr. Sola clarified the touchscreens were the only part of the voting system that were obsolete; and that the total expense to the County would be between \$6 million and \$7.5 million.

Hearing no other questions or comments, the Commission proceeded to vote.

6/12/2007 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Governmental Operations and Environment Committee

9A11A

071707 Resolution

RESOLUTION APPROVING AND RATIFYING EXECUTION OF THE 2005-2008 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY, THE MIAMI-DADE COUNTY SOLID WASTE MANAGEMENT DEPARTMENT, AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), SOLID WASTE EMPLOYEES, LOCAL 3292 (Employee Relations Department)

*Adopted
Resolution R-764-07
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0*

6/12/2007 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Budget and Finance Committee

9A19A

071258 Resolution

RESOLUTION AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT BETWEEN THE MIDTOWN MIAMI COMMUNITY DEVELOPMENT DISTRICT AND MIAMI-DADE COUNTY TO PROVIDE SERVICES TO THE MIDTOWN MIAMI COMMUNITY DEVELOPMENT DISTRICT ACCORDING TO SECTION 197.3632, FLORIDA STATUTES, UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS (Property Appraisal Department)

*Adopted
Resolution R-765-07
Mover: Audrey M. Edmonson
Seconder: Joe A. Martinez
Vote: 13- 0*

5/15/2007 Deferred to next committee meeting by the Budget and Finance Committee

6/12/2007 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Budget and Finance Committee

9A19B

071687 Resolution

RESOLUTION APPROVING EXECUTION OF THE INTERLOCAL AGREEMENT BETWEEN THE HOMESTEAD 50 COMMUNITY DEVELOPMENT DISTRICT AND MIAMI-DADE COUNTY TO PROVIDE SERVICES TO THE HOMESTEAD 50 COMMUNITY DEVELOPMENT DISTRICT ACCORDING TO SECTION 197.3632, FLORIDA STATUTES, UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS (Property Appraisal Department)

*Adopted
Resolution R-766-07
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0*

6/12/2007 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Budget and Finance Committee

10

AUTHORITIES, BOARDS, COUNCILS AND TRUSTS

10J1A

071906 **Miscellaneous**

COUNTY COMMISSION APPOINTMENT TO MIAMI-DADE EXPRESSWAY AUTHORITY VACANCY (Expressway Authority) *Appointed*

Report: *The Board of County Commissioners, by ballot vote, appointed Mr. Felix M. Lasarte to replace Roymi V. Membiela as a member of the Miami-Dade Expressway Authority.*

11 **COUNTY COMMISSION**

11A **RESOLUTIONS**

11A1

071734 **Resolution** **Dennis C. Moss**

RESOLUTION APPROVING THE ALLOCATION OF FY 2006-2007 DISTRICT RESERVE FUNDS OF DISTRICT 9 TO BOUNTY PROGRAM *Adopted
Resolution R-767-07
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0*

11A2

071758 **Resolution** **Joe A. Martinez**

RESOLUTION APPROVING THE ALLOCATION OF FY 2006-2007 DISTRICT RESERVE FUNDS OF DISTRICT 11 *Adopted
Resolution R-772-07
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0*

11A3

071005 **Resolution** **Jose "Pepe" Diaz**

RESOLUTION EXPRESSING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS, UPON THE REQUEST OF THE CITY OF DORAL, TO REDUCE ITS MITIGATION PAYMENT FROM 1.5 MILS IN THE RESIDENTIAL AREA, AS ADJUSTED AND 1.5 MILS IN THE COMMERCIAL, BUSINESS, INDUSTRIAL AREA (CBI) TO 1 MIL IN THE CITY OF DORAL, SUBJECT TO ADJUSTMENTS *Deferred to no date certain
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0*

Report: *During consideration of the Agenda and "Pull List", the foregoing proposed resolution was deferred indefinitely as requested by the sponsor Commissioner Diaz.*

4/10/2007 *Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee*

5/8/2007 *Carried over by the Board of County Commissioners*

5/10/2007 *Deferred by the Board of County Commissioners*

FINAL OFFICIAL

11A4

071288 Resolution Natacha Seijas

RESOLUTION EXPRESSING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS TO MAKE THE TOWN OF MIAMI LAKES WHOLE BY REIMBURSEMENT OF MITIGATION PAYMENTS AS APPROPRIATE, IN THE EVENT THE BOARD APPROVES A MUNICIPAL CHARTER CHANGE FOR THE CITY OF DORAL OR THE VILLAGE OF PALMETTO BAY WHICH HAS THE EFFECT OF ALLOWING THOSE CITIES TO PAY MITIGATION FOR FEWER YEARS THAN MIAMI LAKES OR IS OTHERWISE INEQUITABLE

*Deferred to no date certain
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0*

Report: *During consideration of the Agenda and "Pull List," the foregoing proposed resolution was deferred indefinitely as requested by the sponsor Commissioner Seijas.*

5/8/2007 *Carried over by the Board of County Commissioners*

5/10/2007 *Deferred by the Board of County Commissioners*

11A5

071812 Resolution Natacha Seijas

RESOLUTION RESCINDING ALLOCATION TO HIALEAH DADE DEVELOPMENT, AND APPROVING THE ALLOCATION OF FY 2006-2007 DISTRICT 13 OFFICE BUDGET FUNDS

*Adopted
Resolution R-773-07
Mover: Natacha Seijas
Seconder: Bruno A. Barreiro
Vote: 9- 0
Absent: Edmonson, Heyman,
Souto, Martinez*

11A6

**071929 Resolution Natacha Seijas,
Barbara J. Jordan,
Joe A. Martinez,
Katy Sorenson,
Rebeca Sosa**

RESOLUTION URGING CONGRESS TO ADOPT THE ENERGY AND ENVIRONMENT BLOCK GRANT ACT OF 2007

*Adopted
Resolution R-768-07
Mover: Natacha Seijas
Seconder: Rebeca Sosa
Vote: 12- 0
Absent: Barreiro*

Report: *See Report Under Agenda Item 8D1A, Legislative File No. 071321.*

11A7

071904 Resolution Bruno A. Barreiro

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN MIAMI-DADE COUNTY, THE UNITED STATES DEPARTMENT OF TREASURY, CITY OF MIAMI BEACH, CITY OF MIAMI AND THE INTER-AMERICAN DEVELOPMENT BANK 2008 HOST COMMITTEE TO HOST THE 2008 INTER-AMERICAN DEVELOPMENT CONFERENCE AND THE 23RD ANNUAL MEETING OF THE BOARD OF GOVERNORS OF THE INTER-AMERICAN INVESTMENT CORPORATION [SEE AGENDA ITEM NO. 12B1]

*Adopted
Resolution R-769-07
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0*

11 B ADDITIONAL BUDGET ALLOCATIONS

11B1

071996 Report

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 1)

*Approved
Mover: Jose "Pepe" Diaz
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Rolle, Edmonson,
Heyman, Sosa, Souto, Martinez*

Report: *The following funding allocations were made from fiscal year (FY) 2006/07 District 1 Discretionary Reserve funds as requested by Vice-Chairwoman Jordan.*

*\$1,500 to Portrait of Empowerment, Inc. (for scholarship recipient)
\$400 to Caribbean Contact Newspaper*

11B2

071997 Report

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY
RESERVE FUNDS (DISTRICT 3)

*Approved**Mover: Jose "Pepe" Diaz**Seconder: Dennis C. Moss**Vote: 7- 0**Absent: Rolle, Edmonson,
Heyman, Sosa, Souto, Martinez*

Report: *The following funding allocations were made from fiscal year (FY) 2006/07 District 3 Discretionary Reserve Funds as requested by Commissioner Edmonson.*

\$5,000 to Village of El Portal - Re: 70th Anniversary of El Portal's Event/Celebration

\$2,590 to Nat's Catering - Re: Senior Citizen 4th of July Celebration

\$2,000 to American Legion Harvey Seeds Post 29 - Re: 4th of July Celebration

\$2,000 to Haitian-American Scholarship Funds, Inc. - Re: 6th Annual Fundraising Gala

\$1,000 to Belafonte TACOLCY Center, Inc. - Re: 40th Anniversary Celebration

\$1,000 to Theodore R. Gibson Memorial Fund, Inc.

\$600 to Communities United, Inc. - Re: Seniors First Hurricane Awareness Program

For the record, Commissioner Audrey M. Edmonson rescinded the allocation made from her Office Funds on May 24, 2007, to the Miami-Dade Housing Finance Authority in the amount of \$6,000.00 and reallocated it to the Miami-Dade Affordable Housing Foundation.

11B3

071998 Report

ALLOCATION OF (FY) 2006/07 OFFICE FUNDS (DISTRICT 4)

*Approved**Mover: Jose "Pepe" Diaz**Seconder: Dennis C. Moss**Vote: 7- 0**Absent: Rolle, Edmonson,
Heyman, Sosa, Souto, Martinez*

Report: *The following funding allocations were made from fiscal year (FY) 2006/07 District 4 Office Funds as requested by Commissioner Heyman.*

\$375 to The Lodge

\$129.38 to City of North Miami

11B4

071999 Report

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 4)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Rolle, Edmonson, Heyman, Sosa, Souto, Martinez

Report: *The following funding allocations were made from fiscal year (FY) 2006/07 District 4 Discretionary Reserve Funds as requested by Commissioner Heyman.*

- \$1,000 to JFK Middle School*
- \$1,000 to Anti-Defamation League*
- \$5,000 to GableStage*
- \$500 to South Florida Firefighters Calendar*
- \$2,000 to Arts at St. Johns*

11B5

072000 Report

ALLOCATION OF (FY) 2006/07 OFFICE FUNDS (DISTRICT 5)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Rolle, Edmonson, Heyman, Sosa, Souto, Martinez

Report: *The following funding allocations were made from fiscal year (FY) 2006/07 District 5 Office Funds as requested by Chairman Barreiro.*

- \$1,000 to the Theodore R. Gibson Memorial Fund for the Silver Anniversary Unity Dinner*
- \$225 to Power & Wisdom in Jesus Ministries*
- \$5,000 Hispanic Affairs Advisory Board*
- \$1,000 Kiwanis of Little Havana for the Summer Camp*

11B6

072001 Report

ALLOCATION OF (FY) 2006/07 OFFICE FUNDS (DISTRICT 6)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Rolle, Edmonson, Heyman, Sosa, Souto, Martinez

Report: *The following funding allocation was made from fiscal year (FY) 2006/07 District 6 Office Funds as requested by Commissioner Sosa.*

- \$300 to West Miami Recreational Center*

11B7

072002 Report

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY
RESERVE FUNDS (DISTRICT 8)

*Approved**Mover: Jose "Pepe" Diaz**Seconder: Dennis C. Moss**Vote: 7- 0**Absent: Rolle, Edmonson,
Heyman, Sosa, Souto, Martinez*

Report: *The following funding allocations were made from fiscal year (FY)
2006/07 District 8 Discretionary Reserve Funds as requested by
Commissioner Sorenson.*

*\$1,411 to Miami Dade Parks Department show mobile rental for the Cutler
Ridge Police District Open House/Back to School Event
\$6,448.74 to Cultural Council
\$5,182 to Community Relations Board – Save Darfur Rally
\$1,000 to Dade County Police Benevolent Association 24th Annual Saltwater
Fishing Tournament*

11B8

072003 Report

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY
RESERVE FUNDS (DISTRICT 9)

*Approved**Mover: Jose "Pepe" Diaz**Seconder: Dennis C. Moss**Vote: 7- 0**Absent: Rolle, Edmonson,
Heyman, Sosa, Souto, Martinez*

Report: *The following funding allocations were made from fiscal year (FY)
2006/07 District 9 Discretionary Reserve Funds as requested by
Commissioner Moss.*

*\$1,000 to Worldwide Agape Ministry for "Family Fun Day"
\$3,000 to Contractors Resource Center, Inc., towards a program to restore
opportunity and job training to former offenders
\$1,000 to Hispanic Chamber of Commerce, Industry & Agriculture
Homestead, Florida City, and South Miami Dade and the Hispanic
Newspaper "La Prensa del Sur" to celebrate its 27th event of Hispanic
Heritage Month
\$1,695 to Moe's Party Rental for Kingdom Covenant Ministries Church
Community Youth Explosion
\$1,050 to LJ's Mobile Food Express for the West Perrine Park Event*

11B9

072004 Report

ALLOCATION OF (FY) 2006/07 OFFICE FUNDS (DISTRICT 10)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Rolle, Edmonson,
Heyman, Sosa, Souto, Martinez

Report: *The following funding allocations were made from fiscal year (FY) 2006/07 District 10 Office Funds as requested by Commissioner Souto.*

\$1,000 to Light House for the Blind
\$1,000 to Girl Scouts Council of Tropical Florida

11B10

072005 Report

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 12)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Rolle, Edmonson,
Heyman, Sosa, Souto, Martinez

Report: *The following funding allocations were made from fiscal year (FY) 2006/07 District 12 Discretionary Reserve Funds as requested by Commissioner Diaz.*

\$5,000 to La Liga Contra el Cancer
\$10,000 to Museo de la Brigada 2506

11B11

072029 Report

ALLOCATION OF (FY) 2006/07 OFFICE FUNDS (DISTRICT 8)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Rolle, Edmonson,
Heyman, Sosa, Souto, Martinez

Report: *The following funding allocations were made from fiscal year (FY) 2006/07 District 8 Office Funds as requested by Commissioner Sorenson.*

\$1,000 to Miami All Star Baseball Team Tournament in Italy
\$1,000 to The Gould's Community Advisory Committee
\$1,000 to Suited for Success
\$5,000 to Fellowship House
\$5,000 to Redland Tropical Garden – South Miami Dade Agritourism
Tourism Display at the International Sister Cities Conference

11C REPORTS

12 COUNTY MANAGER

12A1

071521 Resolution

RESOLUTION RELATING TO NORTH TERMINAL DEVELOPMENT PROJECT AT MIAMI INTERNATIONAL AIRPORT; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE CLAIMS SETTLEMENT AGREEMENT WITH SAFECO INSURANCE COMPANY OF AMERICA (AS ASSIGNEE OF THE CLAIM RIGHTS OF ANECO ELECTRICAL CONSTRUCTION, INC.), SEABOARD SURETY COMPANY, AND TURNER AUSTIN AIRPORT TEAM IN CONNECTION WITH NORTH TERMINAL DEVELOPMENT PROJECTS 741E, D EXTENSION MEP AND REMAINING SHELL, AND 739H AT MIAMI INTERNATIONAL AIRPORT (County Manager, County Attorney)

Adopted
Resolution R-770-07
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0

12A2

071899 Resolution

RESOLUTION RELATING TO NORTH TERMINAL DEVELOPMENT PROJECTS AT MIAMI INTERNATIONAL AIRPORT; APPROVING SETTLEMENT AGREEMENT BETWEEN MIAMI-DADE COUNTY, AMERICAN AIRLINES, INC., AND FISK ELECTRIC COMPANY IN CONNECTION WITH FISK'S WORK ON PROJECTS 739F AND 737G; AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY (County Manager, County Attorney)

Deferred to July 10, 2007

Mover: Natacha Seijas

Seconder: Jose "Pepe" Diaz

Vote: 8- 0

*Absent: Edmonson, Heyman,
Sosa, Souto, Martinez*

Report: *Commissioner Jordan pointed out that Fisk Electric had been in default on four (4) projects with the County and the settlement in this proposed resolution was for only two (2) projects. She clarified that this settlement did not include \$500,000 that Fisk Electric should have paid to Community Small Business Enterprises (CSBE) and Disadvantaged Business Enterprises (DBE). She expressed concern that this proposed settlement did not fully rectify the situation and that the County Administration allowed Fisk Electric to continue to receive County contracts after the problem had been detected.*

In response to Commissioner Jordan's questions regarding why two (2) projects were not included in the settlement, Assistant County Manager Ysela Llort noted the County Administration had met with Fisk Electric and discussed the issues regarding CSBEs and the \$500,000 dollars; and that she had been assured that this proposed settlement agreement included the \$500,000 DBE issue.

Assistant County Attorney Erica Zaron advised that she understood from the Aviation Department that the figures referred to were not included in the \$2.8 million settlement.

Mr. Mitchell Bierman, 2525 Ponce De Leon Avenue, Attorney representing Fisk Electric, noted Mr. James Muhl, Senior Vice-President, Fisk Electric, and Mr. Greg Thomas, General Counsel, Fisk Electric, were present. He explained that the original settlement agreement discussions were concerning Aviation Department staff wanting Fisk Electric to reduce the amount of its Reservation of Claims for two projects on the North Terminal; that staff raised the issue of Fisk's deficiencies in CSBE and DBE performance; that Fisk Electric reduced the amount of its Reservation of Claims by \$1.2 million in recognition of the CSBE and DBE performance deficiencies; that the County Administration asked Fisk Electric, after it reduced its claims by \$1.2 million, to show it was compensating for the CSBE and DBE performance deficiencies on the two projects; and that Fisk Electric understood that this settlement agreement was a global settlement for all of its issues with the County.

Mr. Muhl expressed regret regarding the CSBE issue and pointed out that this was Fisk Electric's first issue with the law and government compliance. He clarified that this issue was a result of one bad person who also stole considerable money from Fisk Electric. He noted that Mr. Larry Brookshire had bought Fisk Electric from Tyco, who owned the company when the illegal activities took place, and he was unaware of the issue. Mr. Muhl explained Fisk Electric reorganized the company and implemented programs and checks and balances to ensure this problem would not happen again; that he came to Miami for two (2) to three (3) weeks each month to provide direct oversight; and that the General Counsel personally reviewed all documents executed in Miami. He noted that Fisk Electric had asked what it needed to do to resolve all the issues and that this agreement was presented and Fisk Electric had agreed to it.

Commissioner Jordan clarified that the settlement agreement discussions were for two (2) projects; that Fisk Electric had four (4) contracts; and that the amount of the settlement was lacking \$500,000. She noted that the community was hurt whenever resources were diverted from small businesses. She expressed concern that the settlement agreement did not consider all four (4) projects. Commissioner Jordan noted she wanted to ensure that the County would recover the CSBE and DBE deficiencies for the other two (2) projects.

FINAL OFFICIAL

In response to Commissioner Jordan's questions regarding the County's action when an entity did not comply with its contract, Ms. Penelope Townsley, Deputy Director, Elections Department, explained the County issued a notice of violation to the contractor and the appropriate department, and that the department would take appropriate action. She clarified that debarment may be the sanction in cases of fraud and that the department was responsible to start the debarment process.

Responding to Commissioner Jordan's inquiry why the Aviation Department had not initiated the debarment process for Fisk Electric, Mr. John Cospers, Deputy Director, Aviation Department, noted Fisk Electric was not indicted in the fraud investigation and the Aviation Department discussed with County Attorneys and they found no reason to stop Fisk Electric from bidding on County contracts. He stated the Aviation Department based the \$2.8 million make-up package on two (2) contracts; that this proposed settlement agreement was a global settlement; that Fisk Electric removed \$1.25 million from the original claim for a release. Mr. Cospers concurred that the County lost \$500,000 and needed to find a way to make it up. He said Fisk Electric had a plan to increase the CSBE goal on several projects to make up the \$500,000 and debarment would prevent the County from receiving that money; and that Fisk Electric was meeting its CSBE goals on current projects at the Airport.

Following Commissioner Jordan's recommendation that the County Commission reject this proposed settlement agreement, Assistant County Manager Llorca suggested that this proposed resolution be amended to include an assurance that no money would be released to the company until it produced a sound plan that included the contracts with clearly identified subcontractors. She noted the County needed to pay Fisk Electric for the work it had already done.

Commissioner Jordan questioned why the County could not pay Fisk Electric \$500,000 less than the amount in this proposed settlement agreement.

Following further discussion regarding the two (2) projects not included in this proposed settlement agreement, Commissioner Diaz questioned whether or not the Commission needed to pass this Agenda Item today (6/26).

Discussion ensued regarding how this Agenda Item could be expedited in a way that was fair to all parties.

Mr. Thomas pointed out that Fisk Electric notified the County of the DBE deficiency. He said he came to Miami in July 2004 when a DBE problem was discovered, and Fisk Electric terminated the inappropriate contractor and replaced it with a DBE contractor to make up as much as possible. He noted the CSBE or DBE was not deprived \$500,000; that the \$500,000 represented materials, equipment, and profit; and that the CSBE and DBE was only deprived the profit for that project and the profit was probably \$50,000.

In response to Commissioner Jordan's comment that the DBE goal for the disputed contract should have been \$744,000, and not the \$485,191 that was listed, Mr. Howard Gregory, Acting Associate Director, Aviation Department, noted that \$259,000 was paid to a DBE company. He clarified that FLP lost its certification and eligibility to continue on the project in 2005; and that another contractor was substituted into the contract and finished the work.

Following further discussion regarding how the County could cure the

FINAL OFFICIAL

\$500,000 DBE deficiency from this proposed settlement agreement, Mr. Muhl said Fisk Electric would agree to an amendment to the proposed settlement agreement to increase the DBE settlement by \$500,000 through procurement.

Commissioner Jordan noted she accepted Mr. Muhl's suggested amendment. She said she would meet with the County Attorney to evaluate the County's procedure for following through on the ordinance relating to entities that defaulted on CSBE and DBE goals.

It was moved by Commissioner Jordan that this proposed resolution be adopted as amended to increase the DBE settlement by \$500,000 through procurement. This motion was seconded by Commissioner Gimenez.

Assistant County Attorney Cuevas noted Commissioner Jordan's amendment would be inserted to this proposed resolution with the following language: "The effectiveness of this resolution shall be subject to the conditions subsequent: that on or before 20 days following the effective date of this resolution Fisk Electric Company will submit a cure plan, reasonably satisfactory to the Director of the Department of Procurement Management, addressing a specific methodology to monitor Fisk's compliance with the CSBE cure provisions contained within the settlement agreement. At a minimum the cure plan shall contain the following: A) a list of subcontractors to be used to satisfy the stated goals, B) the scope of the work to be performed by such subcontractors, C) the dollar amounts of such subcontracts, D) the anticipated date of execution of all such subcontractors, E) a commitment to provide executed copies of any such subcontract within 10 days of its execution, F) a commitment to update the cure plan within 10 days of any material change containing an explanation of the material change and any plan for remediation of the resulting shortfall, and G) an increase in the amount of the recovery plan to satisfy all CSBE deficiencies by Fisk under the contract. The Office of Small Business Affairs shall monitor compliance of the terms of the cure plan and that Office shall report to this Board on a quarterly basis with respect to Fisk's compliance with the terms of the cure plan.

Commissioner Jordan noted she wanted to ensure that the amount of Fisk's make-up payment was increased by \$500,000.

Assistant County Manager Llort said Fisk's make-up payment would increase from \$2.8 million to \$3.3 million.

In response to Commissioner Seijas' inquiry regarding how the County would hold Fisk Electric accountable for \$1.437 million of CSBE participation on the Miami Intermodal Center project, Mr. Cospers noted Fisk Electric would allow the County to monitor and audit their financial records.

Commissioner Seijas expressed concern that the County made it easy for companies to fail to meet CSBE and DBE goals by allowing them to promise they would makeup their failures on another contract.

Responding to Commissioner Seijas' question regarding documentation from the review committee, Ms. Townsley noted this CSBE and DBE makeup was voluntary and was not required to go back to the review committee. She said the County would monitor the \$1.36 million CSBE participation at the North Terminal.

It was moved by Commissioner Seijas that this proposed resolution be deferred. This motion was seconded by Commissioner Diaz.

Assistant County Attorney Benitez advised that Fisk Electric was a subcontractor to Parsons Oderbrecht Joint Venture (POJV) on the on-going North Terminal Development; and that the County could not tell POJV who to use as subcontractors.

Discussion ensued regarding the fiscal impact of the motion to defer.

In response to Commissioner Gimenez's question regarding Mr. Jack Maxwell and Mr. Hector Paultree, Mr. Muhl noted his understanding was that they were in prison.

Following further discussion, the Commission proceeded to vote.

12B1

071910 Report

REPORT ON THE MEMORANDUM OF UNDERSTANDING TO HOST THE INTER-AMERICAN DEVELOPMENT BANK (IDB) 2008 ANNUAL MEETING [SEE AGENDA ITEM NO. 11(A)7] (County Manager)

Accepted
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0

12B2

071927 Report

PROPERTY TAX REFORM REPORT (County Manager)

Accepted
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0

13 COUNTY ATTORNEY

14 ITEMS SUBJECT TO 4-DAY RULE

14A1

071663 Resolution Sen. Javier D. Souto

RESOLUTION DIRECTING THE VIZCAYA MUSEUM AND GARDENS TRUST, A COUNTY ENTITY, TO RESCIND ITS RESOLUTION 079217 WHICH, WITHOUT PERMISSION OF THE BOARD OF COUNTY COMMISSIONERS, ENCOURAGED THE VIZCAYANS, INC. TO PROSECUTE A LAWSUIT AGAINST A ZONING DECISION OF THE CITY OF MIAMI AND AGREED TO ALLOW THE VIZCAYANS, INC. TO CREDIT ITS LITIGATION EXPENSES AGAINST MONEYS OWED TO THE TRUST

4 Day Rule Invoked

Report: During consideration of the Agenda and "Pull List," the 4-Day Rule was invoked by Commissioner Gimenez.

6/11/2007 Carried over Due to Lack of a Quorum by the Recreation & Cultural Affairs Committee

14A2

071957

Resolution

Dennis C. Moss,
 Rebeca Sosa,
 Bruno A. Barreiro,
 Jose "Pepe" Diaz,
 Audrey M. Edmonson,
 Carlos A. Gimenez,
 Sally A. Heyman,
 Barbara J. Jordan,
 Joe A. Martinez,
 Dorrin D. Rolle,
 Katy Sorenson,
 Natacha Seijas,
 Sen. Javier D. Souto

RESOLUTION HONORING THE MEMORY OF NINE SOUTH CAROLINA FIREFIGHTERS WHO PERISHED IN THE LINE OF DUTY

Adopted
Resolution R-771-07
Mover: Dennis C. Moss
Seconder: Carlos A. Gimenez
Vote: 13- 0

Report: Every commissioner, except the sponsor Commissioner Moss, asked that they be listed as co-sponsors.

Commissioner Moss noted that nine (9) firefighters in Charleston, South Carolina, gave their lives on June 18, 2007, which started this proposed resolution. He said this proposal would be sent to all municipalities and fire departments, accompanied by a proclamation signed by each commissioner.

Following comments by Mr. Herminio Lorenzo, Fire Chief, Fire Rescue, regarding the firefighters who died while attempting to save two people trapped in a burning furniture store, the Commission proceeded to vote.

14A3

071963

Resolution

Rebeca Sosa

RESOLUTION DIRECTING COUNTY MANAGER TO PROVIDE THE COUNTY COMMISSION WITH A "RED-FLAG REPORT" EVERY SIXTY DAYS REGARDING CONTRACTS, PROJECTS, PROGRAMS AND INITIATIVES FUNDED IN WHOLE OR IN PART BY THE COUNTY WHICH ARE AT RISK

4 Day Rule Invoked

Report: During consideration of the Agenda and the "Pull List," the 4-Day-Rule was invoked by Commissioner Seijas.

15

CLERK OF THE BOARD

15B

REPORTS

FINAL OFFICIAL

15B1

071815 Report

PROPOSED PUBLIC HEARING DATES FOR ORDINANCES
SUBMITTED FOR FIRST READING ON JUNE 26, 2007 (Clerk
of the Board)

Accepted
Mover: Sally A. Heyman
Seconder: Dennis C. Moss
Vote: 13- 0

15B2

071820 Report

APPROVAL OF MIAMI-DADE PROPERTY APPRAISER 2006
CUT-OUT SUMMARY SHEETS (Clerk of the Board)

Accepted
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0

15B3

071825 Report

PROPOSED BOUNDARY CHANGE TO THE CITY OF
FLORIDA CITY - AREA D (Clerk of the Board)

Accepted
Mover: Natacha Seijas
Seconder: Sally A. Heyman
Vote: 11- 0
Absent: Edmonson, Barreiro

15B4

071827 Report

PROPOSED BOUNDARY CHANGE TO THE CITY OF
FLORIDA CITY AREAS G-1, G-2 AND G-3 (Clerk of the Board)

Accepted
Mover: Natacha Seijas
Seconder: Sally A. Heyman
Vote: 11- 0
Absent: Edmonson, Barreiro

15B5

071828 Report

PROPOSED BOUNDARY CHANGE TO THE CITY OF
HOMESTEAD - ANNEXATION AREA NW2 (Clerk of the Board)

Accepted
Mover: Natacha Seijas
Seconder: Sally A. Heyman
Vote: 11- 0
Absent: Edmonson, Barreiro

15B6

071829 Report

PROPOSED BOUNDARY CHANGE TO THE CITY OF
HOMESTEAD - ANNEXATION AREA SW (Clerk of the Board)

Accepted
Mover: Natacha Seijas
Seconder: Sally A. Heyman
Vote: 11- 0
Absent: Edmonson, Barreiro

15B7

071830 Report

PROPOSED BOUNDARY CHANGE TO THE VILLAGE OF PINECREST - SNAPPER CREEK CANAL COMMERCIAL TRIANGLE (Clerk of the Board)

Accepted
Mover: Natacha Seijas
Seconder: Sally A. Heyman
Vote: 11- 0
Absent: Edmonson, Barreiro

Report: *Mr. Gary C. Matzner, Mayor, Village of Pinecrest, noted Pinecrest wanted to annex the land bounded by US1, SW 67th Avenue, and the Village. He pointed out that this land had a Toys 'R' Us store, a shopping mall, a bank, a motor parts store, and Kendall Chevrolet. He said Pinecrest wanted to annex this land to help with infill and the density along US1; and that this land would provide Pinecrest its only opportunity to do a charrette and develop a multi-use, multi-housing location. He pointed out this location was ideal for future planning to increase density along the transportation corridor.*

Commissioner Seijas noted this land was completely commercial and she was not willing to annex any commercial area to any municipality given the current budget issues. She pointed out that Pinecrest was willing to pay mitigation and said she was not willing to get involved in mitigation issues.

Commissioners Martinez and Diaz concurred with Commissioner Seijas regarding annexations and the budget issues.

Commissioner Sorenson commended Pinecrest for developing a plan to increase density and she pointed out the Planning Advisory Board's review and recommendation would answer many of the questions concerning the budget issues.

Following further discussion, the Commission proceeded to vote.

15B8

071834 Report

CERTIFICATE OF COUNTY CANVASSING BOARD FOR SPECIAL TAXING DISTRICT ELECTIONS HELD JUNE 5, 2007 FOR BAY HEIGHTS ROVING PATROL SECURITY GUARD; BISCAYNE POINT SECURITY GUARD; AND SANS SOUCI NATURAL GAS PIPELINE EXTENSION (Clerk of the Board)

Accepted
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0

15C COUNTY ADVISORY BOARD APPOINTMENTS

15D COUNTY ADVISORY BOARD APPOINTMENTS BY BALLOT

15D1

071822 Nomination

BALLOT APPOINTMENT TO THE INDEPENDENT REVIEW PANEL (Clerk of the Board)

Appointed
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 13- 0

16A5

071945 Special Presentation Barbara J. Jordan

SCHOLARSHIP PRESENTATION TO 5000 ROLE MODELS-
DISTRICT 1 GRADUATING SENIORS:

DR. MICHAEL KROP HIGH SCHOOL
DADRIAN A. CAMPBELL
JEFFREY C. CORRIOLAN
GIOVANNI S. TASSY

MIAMI CAROL CITY HIGH SCHOOL
JOHNATHAN R. BROWN
ANDRE D. LEWIS

MIAMI NORLAND HIGH SCHOOL
PRENTICE J. GILLUM
HERMENIGHT LEFEVRE

16B POLICY MATTERS FOR DISCUSSION BY THE BOARD

16B1

071824

Discussion Item

Dennis C. Moss

WEST PERRINE COMMUNITY REDEVELOPMENT AGENCY

Presented

Report: Commissioner Moss noted the County would commit \$500,000 to the West Perrine Community Redevelopment Agency (CRA) in 2007 if 2006 was used as the base year. He pointed out that the CRA's projected revenues over 30 years showed a \$7-8 million decrease in funding over the life of the CRA if the Commission moved to set 2007 as the base year versus 2006. He questioned whether or not the \$500,000 commitment for this year would break the bank.

Ms. Jennifer Glazer-Moon, Budget Director, Office of Strategic Business Management (OSBM), noted she could not answer whether or not the \$500,000 commitment would break the bank; and that she felt the issue for the Commission to consider was prioritization of the use of the funds. She pointed out that \$395,000 would go to Countywide services and \$105,000 would go to Unincorporated Municipal Service Area (UMSA) if the \$500,000 did not go to the West Perrine Trust Fund. Ms. Glazer-Moon noted the County paid approximately \$45 million annually to the various CRAs and that amount would be virtually the same in fiscal year 2007-08.

Chairman Barreiro emphasized that CRAs needed to use funds for projects that would attract investors to the community for redevelopment. He suggested that the County Commission serve as the CRA Board.

Commissioner Seijas expressed concern that the County Commission's work load would prevent them from effectively serving as the West Perrine CRA Board. She noted she was willing to consider any just and fair suggestions. She said the property tax reforms presented the issue of how to balance the losses countywide and not hurt one area more than the others and much more monitoring and scrutinizing would be needed.

Following Commissioner Moss' comments to clarify that he was seeking input from his colleagues as to whether or not setting aside the money for the West Perrine CRA this year was such a financial burden that the County should not do it, Commissioner Seijas noted she could not answer the question regarding the financial burden at this time.

Commissioner Gimenez noted he was opposed to the County Commission serving as the CRA Board. He recommended that the West Perrine CRA have a definite timeframe and a set of projects and then do them. He said he could not answer the question regarding the financial burden at this time.

Commissioner Moss pointed out that the County Commission had passed legislation at the last Commission meeting that required the Board to make a decision today (6/26).

Following Commissioner Sorenson's recommendation that this discussion be deferred until after the Mayor and County Manager provided their proposed budget, Assistant County Attorney Bonzon-Keenan advised that Ordinance 07-79 (Legislative File No. 071528), enacted at the June 5, 2007, meeting, set the base year as 2006; that the issue today (6/26) was whether or not to reconsider this ordinance; that a decision to reconsider would require the ordinance to be readvertised and the 2006 base year would be lost and it would move to 2007; and that deferral of discussion would keep the existing legislation in place and the base year would be 2006 and the \$500,000 would not be lost.

County Manager Burgess clarified the only way for the Commission to reconsider the base year was to reconsider it today (6/26).

Following further discussion regarding the issue of deferral, Assistant County Attorney Bonzon-Keenan clarified that the ordinance that appropriated the monies to the trust fund had to be enacted before June 30, of a fiscal year; that the ordinance that appropriated funds to the trust fund was enacted at the last County Commission meeting; and that the motion to reconsider that ordinance may only happen at this meeting. She further clarified that Ordinance 07-79 was a public hearing item and would have to be deferred to the next Commission meeting to allow the public hearing to be advertised, if the Commission reconsidered it; that the effect of deferral, after voting to reconsider, would be that the base year would no longer be 2006, and would automatically be 2007.

Following further discussion, the Commission decided to take no action.

Commissioner Moss expressed appreciation to his colleagues for their support.

16B2

071922 Discussion Item Bruno A. Barreiro

PROPERTY TAX REFORM

16B3

071972 Discussion Item Carlos A. Gimenez

POINCIANA INDUSTRIAL PARK

Report: *Commissioner Moss noted, for the record, that he was disappointed with how Congressman Kendrick Meek and Former Congresswoman Carrie Meek were treated in the Poinciana Industrial Park process; that they had done so much for the community and he thought they would have received the benefit of the doubt in this process; and that he thought people went into this process with the intention to help the community.*

County Manager Burgess clarified that not a nickel of County funds would be spent on the Poinciana Industrial Park parking garage. He noted that he had sent a letter today (6/26) to Mr. Stackhouse that informed him of default on more than one provision of the parking garage project. County Manager Burgess noted that the default would eliminate the parking garage project and should have the land reverted back to the County.

16B4

071976 Discussion Item Rebeca Sosa

COMPUTER ISSUE - DEPARTMENT OF HUMAN SERVICES

16C ZONING AGENDA (Scheduled for 9:30 a. m.)

16D METROPOLITAN PLANNING ORGANIZATION AGENDA (Scheduled for 2:00 p.m.)

072006 Report

NON AGENDA ITEMS

Approved

Report: *Commissioner Seijas made a special presentation to Ms. Maria De La Milera for her years of service to the County.*

Chairman Barreiro made a special presentation to County Attorney Murray Greenberg for his many years of service in the County Attorney's Office. Chairman Barreiro noted this would be County Attorney Greenberg's final meeting before retiring.

County Attorney Greenburg expressed appreciation to the Board of County Commissioners, to former members of the County Attorney's Office, to the present members of the County Attorney's Office, to his family, wife, and parents.

Each Commissioner had the opportunity to pay tribute to County Attorney Greenberg.

It was moved by Commissioner Diaz that the County residency requirement for Charter Review Committee members be waived for Mr. Robert Ginsburg. This motion was seconded by Commissioner Heyman, and upon being put to a vote, passed 13-0.

It was moved by Commissioner Seijas that the Fiscal Agent for a \$30,000 allocation to the Community Based Care Alliance that was made by the Board in September 2006, be changed from the Dade Community Foundation to the United Way of Miami-Dade County. This motion was seconded by Chairman Barreiro, and upon being put to a vote, passed 9-0 (Commissioners Edmonson, Heyman, Souto, and Martinez were absent).

Commissioner Seijas noted the October 9, 2007 Governmental Operations and Environment Committee meeting was rescheduled for October 12, 2007.

It was moved by Commissioner Diaz that the County Commission extend the meeting beyond 6:30 pm. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 9-0 (Commissioners Edmonson, Heyman, Souto, and Martinez were absent).

19**ADJOURNMENT**



Bruno A. Barreiro, Chairman

ATTEST: HARVEY RUVIN, CLERK



By: Kay Sullivan, Deputy Clerk