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, September 18, 2007
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Members Present: 3runo Barreiro; Jose "Pepe" Diaz; Audrey M. Edmonson; Carlos A. Gimenez; Barbara J. Jordan; Dorrin Rolle; Natacha Seijas; Katy Sorenson

Members Absent: None.

Members Late: Joe A. Martinez; Dennis C. Moss; Rebeca Sosa; Javier D. Souto

Members Excused: Sally A. Heyman

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Akira Spann, Commission Reporter, 305-375-2510.*

1A MOMENT OF SILENCE

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *A memorandum dated September 17, 2007 was submitted by Commissioner Heyman indicating that she would be unable to attend today's (9/20) Board of County Commission meeting.*

The following staff members were present: Assistant County Manager Ysela Llort; Assistant County Manager Alex Munoz; County Attorney Robert A. Cuevas, Jr.; First Assistant County Attorney Abigail Price-Williams; and Deputy Clerks Diane Collins and Akira Spann.

1D REPORTS OF OFFICIAL BOARDS

1E CITIZEN'S PRESENTATIONS (5 MINUTES MAXIMUM)

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

Report: *In addition to the changes listed in the County Manager's memorandum entitled "Changes for the September 18, 2007 BCC Meeting," Commissioner Edmonson requested that Agenda Item 7A be deferred; Commissioner Diaz requested that Agenda Item 8A1A be deferred; and Commissioner Gimenez requested that Agenda Item 3O10A be added to the Pull List.*

It was moved by Commissioner Diaz that the changes listed in the County Manager's memorandum be approved along with additional changes to the pull list. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 8-0 (Commissioners Martinez, Moss, and Sosa were absent); (Commissioner Heyman was excused).

1G OFFICE OF COMMISSION AUDITOR

1H OFFICE OF INTERGOVERNMENTAL AFFAIRS

1I SPECIAL PRESENTATIONS

2 MAYORAL ISSUES

2A MAYORAL VETOES

2B MAYORAL REPORTS

2B1

072777 **Report** **Mayor**

APPROVAL OF DEPARTMENTAL AGENDA ITEMS

Accepted
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing report was accepted on Thrusday September 20, 2007.*

3 CONSENT ITEMS

3O10A

072589 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR TO APPLY FOR, RECEIVE, ACCEPT, MODIFY, EXPEND AND AMEND GRANT FUNDS FOR HOMELAND SECURITY PROJECTS AS IDENTIFIED IN THE MIAMI-DADE COUNTY HOMELAND SECURITY BRIEFING BOOK AND THE NATIONAL PREPAREDNESS GOAL, AND THE FLORIDA DOMESTIC SECURITY STRATEGY (Miami-Dade Fire and Rescue Department)

Adopted
Resolution R-1019-07
Mover: Carlos A. Gimenez
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Moss
Excused: Heyman

Report: *Commissioner Gimenez questioned whether this resolution allowed Administration to receive funds without having to appear before the Board.*

Assistant County Manager Ms. Alina Hudak noted that this resolution could be applied as a blanket authorization for the County to accept grant awards from the Department of Homeland Security. She stated that approval of this resolution would streamline the grant process and allow the County additional funding opportunities for projects/programs already identified as a homeland security need.

Chief Herminio Lorenzo, Miami-Dade Fire Rescue Director, noted that an index code was created through the finance office, and all expenditures were reported through that code. He stated that all grants were reported on a quarterly basis to the State and Federal Government awarding the grant.

Commissioner Gimenez questioned whether expenditures exceeded $1 million to individual companies.

Chief Lorenzo noted that some expenditure may have exceeded $1 million, and they would proceed through the normal purchasing process in place within the County.

It was moved by Commissioner Gimenez that the foregoing resolution be adopted. This motion was seconded by Commissioner Martinez, and upon being put to a vote, passed by a vote of 11-0 (Commissioner Moss was absent); (Commissioner Heyman was excused).

The foregoing proposed resolution was adopted on Thursday September 20, 2007.

3O13A

072667 **Resolution**

RESOLUTION AUTHORIZING THE APPROVAL OF TWO (2) COMMUNITY BASED ORGANIZATION GRANTS IN SUPPORT OF THE FY 2007-2008 LIBRARY INFORMATION AND ACCESS SERVICES PROGRAM INCLUDING FANTASY THEATRE FACTORY "LIVE AT THE LIBRARY" READING OUTREACH PROGRAM; AND FRIENDS OF THE MIAMI-DADE PUBLIC LIBRARY, INC. "SUMMER READING PROGRAM"; AND AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN (Library Department)

Withdrawn
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing resolution was withdrawn on Thursday September 20, 2007.*

3O13B

072669 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND FUNDS FROM THE FLORIDA DEPARTMENT OF STATE IN THE APPROXIMATE AMOUNT OF $400,000 FOR RENOVATION OF THE CULMER LIBRARY, FOR THE MIAMI-DADE LIBRARY DEPARTMENT; AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE, AMEND AND EXTEND SUCH CONTRACTS AND AGREEMENTS AS REQUIRED; AND TO APPLY FOR, RECEIVE, AND EXPEND ADDITIONAL FUTURE FUNDS SHOULD THEY BECOME AVAILABLE UNDER THIS PROGRAM FOR THIS PURPOSE (Library Department)

Adopted
Resolution R-1020-07
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing resolution was adopted on Thursday September 20, 2007.*

3O13C

072670 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND FUNDS FROM THE FLORIDA DEPARTMENT OF STATE IN THE APPROXIMATE AMOUNT OF $500,000 FOR CONSTRUCTION OF THE ARCOLA LAKES LIBRARY, FOR THE MIAMI-DADE LIBRARY DEPARTMENT; AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE, AMEND AND EXTEND SUCH CONTRACTS AND AGREEMENTS AS REQUIRED; AND TO APPLY FOR, RECEIVE, AND EXPEND ADDITIONAL FUTURE FUNDS SHOULD THEY BECOME AVAILABLE UNDER THIS PROGRAM FOR THIS PURPOSE (Library Department)

Adopted
Resolution R-1021-07
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing resolution was adopted on Thursday September 20, 2007.*

4 ORDINANCES FOR FIRST READING

4A

072484 **Ordinance**

ORDINANCE PERTAINING TO ZONING; AMENDING SECTIONS 33-1, 33-13, 33-255, AND 33-259 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING DEFINITION OF DOG KENNEL; PERMITTING DOG KENNELS IN BU-3 AND IU-1 DISTRICTS SUBJECT TO CONDITIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE AGENDA ITEM NO. 4B] (Department of Planning & Zoning)

Adopted on first reading
Public Hearing: October 11, 2007
Mover: Jose "Pepe" Diaz
Seconder: Dorrin D. Rolle
Vote: 9- 0
Absent: Sosa, Moss, Martinez
Excused: Heyman

Report: *The foregoing ordinance was adopted on first reading on Thursday September 20, 2007.*

On handwritten page 4, Section (ii)b should read as follows: "six (6) dogs on property that is at least 1 acre but less than 2 acres in gross area in an RU-1 or RU-2 district or in any EU, AU, or GU district.

9/4/2007 *Withdrawn by the Board of County Commissioners*

9/4/2007 *Scheduled for a public hearing by the Board of County Commissioners before the Health and Public Safety Committee*

4B

072490 **Ordinance**

ORDINANCE PERTAINING TO ANIMALS; DELETING AND REPLACING SECTIONS 5-1 THROUGH 5-16 AND 5-18 THROUGH 5-25 IN THEIR ENTIRETY; AMENDING SECTIONS 8CC-8 AND 8CC-10 OF THE CODE; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE AGENDA ITEM NO. 4A] (Animal Services)

Adopted on first reading
Public Hearing: October 11, 2007
Mover: Jose "Pepe" Diaz
Seconder: Dorrin D. Rolle
Vote: 9- 0
Absent: Sosa, Moss, Martinez
Excused: Heyman

Report: *The foregoing ordinance was adopted on first reading on Thursday September 20, 2007.*

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

5A

072527 **Resolution**

RESOLUTION AUTHORIZING THE ERECTION, CONSTRUCTION AND OPERATION OF THE GENERAL PLAN FOR THE EXPANSION AND RENOVATION OF JACKSON SOUTH COMMUNITY HOSPITAL LOCATED AT 9333 SW 152ND STREET, IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY (General Services Administration Department)

Adopted
Resolution R-1022-07
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Excused: Heyman

Report: *Chairman Barreiro opened the public hearing and the following persons appeared before the Board.*

Mr. O'Quinn appeared before the Board and gave a historical overview of Jackson South Community Hospital (Jackson). He stated that the vision of Jackson's growth as a regional facility that served a growing community began in 2005. Mr. O'Quinn noted that the Board approved the purchase of land adjacent to Jackson for expansion, a $50 million-plus General Obligation Bonds (GOB) for a portion of the construction cost, and funds allocated towards various projects. He requested that the Board approve the master plan to begin the implementation of the project.

Commissioner Gimenez questioned whether $102 million was sufficient to complete the project.

Mr. O'Quinn noted a progress of value engineering would be carried out to ensure the project's completion with the allocated funds. Mr. O'Quinn noted that Jackson was responsible for the debt service.

Commissioner Gimenez questioned what impact of this project on Jackson's bottom line.

Mr. O'Quinn noted that Jackson expected to have a bottom line of $6.5 million during the first year of operations and should moderately increase to $9 million in the black over the next four years.

Responding to Commissioner Diaz's question regarding the amount of County funds allocated to this project, Mr. O'Quinn noted that $52 million General Obligation Bond funds (GOB) were approved with a host of projects, and the remaining $50 million was funded through the Public Health Trust Series Revenue Bond. He stated that Jackson had no intention to exceed the capped funds.

Mr. O'Quinn accepted responsibility to monitor the project. He stated that the Strategic Planning Director Ms. Laura Hunter, the Jackson Administration Director Mr. Stewart Podronate (phonetic), and Jackson's Regional Facilities Director Mr. Richard Morgan would assist him as the project proceeded.

Ms. Wendy Norris noted that Ms. Karen Townsend-Leigh, GSA Real Estate Officer, was responsible for the Governmental Facilities Hearing. She stated that Capital Improvement Office staff would monitor the GOB funds and expenditures.

Mr. Frank Barrett, Public Health Trust (PHT) Executive Vice President, noted that PHT could be impacted by a potential $81 million reduction to Medicaid. He stated that the Auto Insurance reduction was $17 million.

Mr. O'Quinn asked that the Board members continue to express their support for Jackson at the impending Special Session in Tallahassee.

There being no other persons to appear before the Board, the public hearing was closed.

It was moved by Commissioner Sorenson that the foregoing resolution be adopted. This motion was seconded by Commissioner Moss, and upon being put to a vote, passed by a vote of 12-0 (Commissioner Heyman was excused).

The foregoing resolution was adopted on Thursday September 20, 2007.

On handwritten page 2 of the County Manager's memorandum, the second sentence under Funding Source should read: "The project is included in the Building Better Communities General Obligation Bond (GOB Project Number 210-R) as a value of $52 million."

5B

072016 **Resolution**

RESOLUTION GRANTING PETITION TO CLOSE NW 142 AVENUE, FROM NW 138 STREET TO NW 162 STREET; NW 137 AVENUE, FROM NW 154 STREET NORTH TO THE SOUTH LINE OF TRACT 3 OF SAID SECTION 15; NW 146 STREET, FROM NW 137 AVENUE WEST TO A LINE 470 FEET EAST OF NW 147 AVENUE; NW 154 STREET, FROM NW 137 AVENUE WEST TO A LINE 1,420 FEET EAST OF NW 147 AVENUE; NW 162 STREET, FROM NW 137 AVENUE WEST TO A LINE 1,420 FEET EAST OF NW 147 AVENUE (ROAD CLOSING PETITION NO. P-819) (Public Works Department)

Adopted
Resolution R-1023-07
Mover: Jose "Pepe" Diaz
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Seijas
Excused: Heyman

Report: *Chairman Barreiro opened the public hearing.*

Mr. Simon Farrow, 1231 Brickell Avenue, appeared before the Board to address any questions from the Board.

Responding to Commissioner Diaz's question regarding the location of the proposed road closing, Mr. Farrow presented an aerial display and noted that areas marked in yellow indicated the proposed road closings.

There being no other persons to appear before the Board, the public hearing was closed.

It was moved by Commissioner Diaz that the foregoing resolution be adopted. This motion was seconded by Commissioner Martinez, and upon being put to a vote, passed by a vote of 11-0 (Commissioner Seijas was absent); (Commissioner Heyman was excused).

The foregoing resolution was adopted on Thursday September 20, 2007.

7/11/2007 *Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee*

5C

072019 **Resolution**

RESOLUTION GRANTING PETITION TO CLOSE NW 73 STREET, FROM NW 27 AVENUE EAST FOR 120 FEET (ROAD CLOSING PETITION NO. P-839) (Public Works Department)

Adopted
Resolution R-1024-07
Mover: Dorrin D. Rolle
Seconder: Rebeca Sosa
Vote: 11- 0
Absent: Seijas
Excused: Heyman

Report: *The foregoing resolution was adopted on Thursday September 20, 2007.*

7/11/2007 *Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee*

5D

072384 **Resolution**

RESOLUTION APPROVING THE PLAT OF VILLA LAS ROSAS, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 56 SOUTH, RANGE 39 EAST (SW 274 STREET AND SW 132 AVENUE) (Public Works Department)

Deferred to October 2, 2007

Report: *The foregoing resolution was deferred to Tuesday October 2, 2007 on Thursday September 20, 2007.*

5E

072633 **Resolution**

RESOLUTION APPROVING THE PLAT OF FOUNTAINS AT SAN SIMEON PARK, LOCATED IN THE NORTH 1/2 OF SECTION 31, TOWNSHIP 51 SOUTH, RANGE 42 EAST (NE 215 STREET AND SAN SIMEON WAY) (Public Works Department)

Deferred to October 2, 2007

Report: *The foregoing resolution was deferred to Tuesday October 2, 2007 on Thursday September 20, 2007.*

5F

072634 **Resolution**

RESOLUTION APPROVING THE PLAT OF EUREKA POINT GARDENS, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 55 SOUTH, RANGE 40 EAST (SW 184 STREET AND SW 110 AVENUE) (Public Works Department)

Deferred to October 2, 2007

Report: *The foregoing resolution was deferred to Tuesday October 2, 2007 on Thursday September 20, 2007.*

5G

072635 **Resolution**

RESOLUTION APPROVING THE PLAT OF CEDAR WEST ESTATES, LOCATED IN THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 57 SOUTH, RANGE 39 EAST (SW 296 STREET AND SW 165 COURT) (Public Works Department) ***Deferred to October 2, 2007***

Report: *The foregoing resolution was deferred to Tuesday October 2, 2007 on Thursday September 20, 2007.*

5H

072636 **Resolution**

RESOLUTION APPROVING THE PLAT OF FOUNTAINS AT SAN SIMEON, LOCATED IN THE NORTH 1/2 OF SECTION 31, TOWNSHIP 51 SOUTH, RANGE 42 EAST (NE 215 STREET AND SAN SIMEON WAY) (Public Works Department) ***Deferred to October 2, 2007***

Report: *The foregoing resolution was deferred to Tuesday October 2, 2007 on Thursday September 20, 2007.*

5I

072637 **Resolution**

RESOLUTION APPROVING THE PLAT OF OZAMBELA SUBDIVISION, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 54 SOUTH, RANGE 39 EAST (SW 38 STREET AND SW 149 AVENUE) (Public Works Department) ***Deferred to October 2, 2007***

Report: *The foregoing resolution was deferred to Tuesday October 2, 2007 on Thursday September 20, 2007.*

5J

072638 **Resolution**

RESOLUTION APPROVING THE PLAT OF SOFIA ESTATES, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 55 SOUTH, RANGE 39 EAST (SW 184 STREET AND SW 139 PLACE) (Public Works Department) ***Deferred to October 2, 2007***

Report: *The foregoing resolution was deferred to Tuesday October 2, 2007 on Thursday September 20, 2007.*

5K

072639 **Resolution**

RESOLUTION APPROVING THE WAIVER OF PLAT OF SW 157TH AVENUE, LLC, D-22659, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 54 SOUTH, RANGE 39 EAST (SW 8 STREET AND SW 157 AVENUE) (Public Works Department) ***Deferred to October 2, 2007***

Report: *The foregoing resolution was deferred to Tuesday October 2, 2007 on Thursday September 20, 2007.*

5L

072640 **Resolution**

RESOLUTION APPROVING THE WAIVER OF PLAT OF NATURE'S WAY NURSERY, INC., D-22532, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 56 SOUTH, RANGE 38 EAST (SW 208 STREET AND SW 187 AVENUE) (Public Works Department)

Deferred to October 2, 2007

Report: *The foregoing resolution was deferred to Tuesday October 2, 2007 on Thursday September 20, 2007.*

5M

072664 **Resolution**

RESOLUTION RELATING TO AN APPLICATION BY MARILYN PROPERTIES, INC. FOR A CLASS I PERMIT TO EXCAVATE UPLANDS TO RELOCATE TWO HUNDRED FIVE (205) LINEAR FEET OF BULKHEAD LANDWARD OF ITS PRESENT LOCATION AT 745 NW 4 STREET, AND 341 AND 377 NW SOUTH RIVER DRIVE, MIAMI, MIAMI-DADE COUNTY, FLORIDA (Department of Environmental Resources Management)

Adopted
Resolution R-1025-07
Mover: Audrey M. Edmonson
Seconder: Rebeca Sosa
Vote: 12- 0
Excused: Heyman

Report: *The foregoing resolution was adopted on Thursday September 20, 2007.*

5N

072663 **Resolution**

RESOLUTION RELATING TO AN APPLICATION BY ST. TROPEZ II, LLC FOR A CLASS I PERMIT TO CREATE A 0.035 ACRE MANGROVE PLANTER AS MITIGATION FOR IMPACTS AUTHORIZED UNDER CLASS I PERMIT CC05-016 AT 150 SUNNY ISLES BEACH BOULEVARD, SUNNY ISLES BEACH, MIAMI-DADE COUNTY, FLORIDA (Department of Environmental Resources Management)

Adopted
Resolution R-1026-07
Mover: Carlos A. Gimenez
Seconder: Rebeca Sosa
Vote: 12- 0
Excused: Heyman

Report: *The foregoing resolution was adopted on Thursday September 20, 2007.*

6 CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

7 ORDINANCES SET FOR SECOND READING

7A

071501 **Ordinance**

ORDINANCE RELATING TO VEHICLES FOR HIRE; AMENDING SECTIONS 31-76 AND 31-85 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, WHICH PROHIBIT COMPENSATION FOR THE RIGHT TO PICK UP PASSENGERS; AMENDING SECTION 31-100 (J) TO REQUIRE POSTING OF A NOTICE REGARDING CHAUFFEUR AGREEMENTS AND IMPOSING PENALTIES; INCREASING PENALTIES FOR VIOLATIONS OF SECTIONS 31-76(A), 31-76(B), 31-82(J)(12), 31-85(J)(1), 31-85(J)(2), 31-100(J) AND 31-303(I)(4); AMENDING CHAPTER 8CC-10 RELATING TO CIVIL PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Consumer Services Department)

Deferred to no date certain
Mover: Audrey M. Edmonson
Seconder: Bruno A. Barreiro
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing ordinance was deferred to Tuesday October 2, 2007 on Thursday September 20, 2007.*

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

6/5/2007 *Scheduled for a public hearing by the Board of County Commissioners before the Economic Development and Human Services Committee*

7/18/2007 *Forwarded to BCC with a favorable recommendation from the Economic Development and Human Services Committee*

9/4/2007 *Deferred by the Board of County Commissioners*

8 DEPARTMENTAL ITEMS

8A AVIATION DEPARTMENT

8A1A

072176 **Resolution**

RESOLUTION RELATING TO OPERATION OF PUBLIC PARKING FACILITIES AT MIAMI INTERNATIONAL AIRPORT; AND AUTHORIZING AWARD AND EXECUTION OF NONEXCLUSIVE MANAGEMENT AGREEMENT WITH AIRPORT PARKING ASSOCIATES FOR FIVE YEAR PERIOD (Aviation Department)

Deferred to no date certain
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing resolution was deferred to no date certain on Thursday September 20, 2007.*

7/19/2007 *Forwarded to BCC without a recommendation from the Airport and Tourism Committee*

8B Thru 8E [No items were submitted for these sections.]

8F GENERAL SERVICES ADMINISTRATION

8F1A

071987 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT AND ASSIGNMENT OF LEASE AGREEMENT AT 8600 N.W. 17 STREET, SECOND FLOOR, DORAL, WITH HEADLANDS REALTY CORPORATION, A MARYLAND CORPORATION, FOR PREMISES TO BE UTILIZED BY THE STATE OF FLORIDA, DEPARTMENT OF HEALTH, MIAMI-DADE COUNTY HEALTH UNIT FOR ITS ADMINISTRATIVE OFFICES; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration Department)

Adopted
Resolution R-1027-07
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing resolution was adopted on Thursday September 20, 2007.*

Page 2 of the County Manager's memorandum under Financial Impac should read: "Total Cost to State."

7/11/2007 *Forwarded to BCC with a favorable recommendation from the Budget and Finance Committee*

9/4/2007 *Deferred by the Board of County Commissioners*

8G Thru 8N **[No items were submitted for these sections.]**

8O **PROCUREMENT MANAGEMENT DEPARTMENT**

8O1A

071329 **Resolution**

RESOLUTION WAIVING FORMAL BID PROCEDURES AUTHORIZING AWARD OF A SOLE SOURCE CONTRACT NO. SS1245-3/27 TO SCHINDLER ELEVATOR CORPORATION FOR ELEVATOR AND ESCALATOR MAINTENANCE AND REPAIR SERVICES, AND AUTHORIZING THE COUNTY MAYOR TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER [SEE ORIGINAL ITEM UNDER FILE NO. 071035] (Procurement Management Department)

Amended

Report: *Ms. Wendi Norris, General Services Administration (GSA) Director, noted that Schindler Elevator Corporation (Schindler) representatives were in attendance to address any questions. She noted that negotiations conducted by GSA and Department of Procurement Management staff resulted in an approximate $5 million price reduction and a $13.4 million long-term discount for regular maintenance services to be collected by the County over a 20 year contract, should the County exercise all options-to-renew. She clarified that the contract terms were for five (5) years, with three five-year options-to-renew.*

Commissioner Diaz noted that the Board was locked into this contract for 20 years. He stated that he felt the savings were not adequate to the contributions. Commissioner Diaz questioned the feasibility of making any adjustments to increase the savings.

Mr. George Anthorn, Schindler District Service Manager, 13800 N.W. 2nd Street, differed with Commissioner Diaz's comment that the County was locked into this contract. He stated that the County was required to pay the full premium without the discount if they decided to terminate the contract.

Responding to Commissioner Diaz's question regarding the index within this contract, Mr. Michael Chavez, General Services Administration (GSA) Elevator Engineer, noted that the cap was 6%. He stated that the increase would be less with a lower index ratio.

Mr. Amos Roundtree, a Department of Procurement Management employee, noted the index was based on Consumer Price Index (CPI) or PPI; and averaged between 3 and 3.5 percent.

Based on Mr. Roundtree's comments, Commissioner Diaz concluded that Mr. Anthorns' claims regarding a union increase were invalid.

Mr. Anthorn noted that 85% of the contract was for labor and 15% was for the materials index. He stated that the recently expired contract had a labor portion which increased at least 10% annually over the past 5 years.

Mr. Chavez clarified that the index was split. He stated that the labor index component was tied directly to the published index for labor in this area and the material component was tied to materials Producer Commodity Index from the U.S. Department of Labor. Mr. Chavez noted that the components combined would determine the amount of the contract. He stated that a split index was always used in this industry.

Assistant County Manager Ysela Llort noted that Schindler maintained and serviced the elevators and escalators at the Metrorail stations. She stated that Miami-Dade Transit (MDT) would suffer adverse impacts if the equipment was not restored.

Commissioner Martinez noted that numerous complaints came from the public regarding the elevators and escalators. He questioned why Schindler was recommended as a sole source to restore equipment despite their failure to maintain it. Commissioner Martinez expressed concern regarding the $17.6 million Surtax funds allocated to MDT despite recent cuts to service routes.

Commissioner Gimenez questioned the cost of the onsite personnel required by the Aviation Department (Aviation) and MDT.

Mr. Chavez noted that the onsite personnel would cost the County $750,000 per year. He stated that the departments requested three additional maintenance and repair personnel in order to decrease the outages. Mr. Chavez noted that the $250,000 annual salary per additional personnel was in-line with the industry. He stated that ten (10) full time mechanics were currently employed (7 stationed at MDT and 3 stationed at Aviation).

Mr. Jerry Hall, GSA Facilities Management Director, noted that the 8O1A Supplement provided an accurate breakdown of the cost components for this contract. He stated that $13.4 million provided the same level of maintenances and repairs stated in the final year of the existing contract. Mr. Hall noted that adding three positions to the sum of $3.7 million brought the total cost for maintenance and repair to $17.172 million. He stated that the bottom line for this contract was $34.4 million.

Commissioner Diaz expressed concern regarding a lack of universal competition among companies providing the requested services listed in the contract.

Responding to Commissioner Diaz's concern regarding the allocation of additional funds within this contract, Mr. Hall noted that the contract provided the basic level of services and required the mechanics to meet performance response obligation without additional staff. He stated that additional staff was requested to achieve routine maintenance and increase the reliability of the equipment. Mr. Hall noted that the County paid for faster response and ongoing maintenance.

Mr. Jose Abreu, Aviation Department Director, noted that Schindler currently repaired and maintained elevators and escalators at various airport locations. He stated that Schindler staff responded to the constant service requests calls for maintenance and repairs.

Ms. Norris noted that the Board would be approving a five-year term of the contract with the option to renew. She stated that if any issues surfaced this item would come back to the Board in advance as an attempt to alleviate concerns regarding the binding of the contract.

Mr. Hall noted that a tiered set of discounts was negotiated for this contract. He stated that the County would receive a 20% discount on the pricing throughout the twenty (20) year term of the contract if all three options-to-renew were exercised. Mr. Hall noted that the County would receive a 10% discount if they chose to exercise two options-to-renew. He stated that the County would receive a 6.75% discount if they chose to exercise one option-to-renew.

Commissioner Diaz noted that the County frontloaded this contract. He stated that the County would have to payback the savings difference dependent on the number of years exercised if they decided against the option-to-renew.

Mr. Hall noted that it was impossible to construct a contract to receive 20% throughout its term without frontloading to receive the discount at the outset. He explained that the County would have to refund the difference for those years exercised if the contract was terminated at the end of five years,

Mr. Hall noted that it was logical to enter into a long-term contract that warranted a sole source. He stated that the material index increased by 3% and labor went up by 6.5% from 2003-2004, in 2004-2005 the index increased

21.6% for materials and the labor increased 10.3%, and in 2005-06 the index for materials went up 16.7% and labor 8.7%. Mr. Hall noted that indexes were fickle and companies could use measurable price indexes as leverage in negotiations. He stated that this sole source contract would begin at a lower level with a shallow increase rate throughout the 20 year term.

Chairman Barreiro requested that Assistant County Manager Ysela Llort and the General Services Administration Director negotiate all related contracts simultaneously and to forward them for the County Commission's consideration together.

Chairman Barreiro noted that the industry would expand to allow companies to compete for bids.

Commissioner Sosa questioned whether retrofits and upgrades were being performed in addition to the preventive maintenance and repairs.

Ms. Norris noted that some modernization was required for the elevators and escalators. She explained that Schindler was a sole source because they installed the equipment; therefore any equipment purchased from another vendor would be incompatible.

Commissioner Sosa requested that performance benchmarks be established. She asked that the foregoing proposed resolution be amended to require that the County Commission be reimbursed and that the contract be suspended if the vendor failed to meet the benchmarks and performance standards outlined in the contract.

Assistant County Attorney Hugo Benitez noted performance safeguards were already built into this contract. He suggested this resolution be amended to require that the Administration submit a quarterly status report to the County Commission on the vendor's performance under the terms of the existing contract.

Commissioner Sosa requested that the General Services Administration (GSA) Director provide members of the County Commission with a quarterly status report on the vendor's performance under the terms of the existing contract, as recommended by Assistant County Attorney Benitez. She asked that this report include complaints received from the public and a monitor component.

Commissioner Jordan questioned whether a correlation existed between the equipment's lifespan and the complaints from the public.

Mr. Chavez noted that a full maintenance contract on all equipment was implemented due to a positive correlation. He stated that the contract should minimize the correlation. Mr. Chavez noted that Schindler's performance improved over the past ten (10) years.

Responding to Commissioner Jordan's question regarding the existence of an efficiency rebate component within the contract, Mr. Chavez noted that the contract included performance measure standards and liquidated damages were applicable if Schindler failed to meet those standards. Mr. Chavez explained that a sufficiently low average of all equipment covered in the contract was required to invoke the liquidated damages and other measures would be taken if Schindler failed to respond quickly. Mr. Chavez noted a measure of performance was based on a collective examination of liquidated damages.

Mr. Chavez noted that the preventive maintenance and repairs expanded the equipment's lifespan on a smaller scale versus a complete overhaul.

Commissioner Jordan asked that the foregoing resolution be amended to include an examination clause for liquidated damages selectively rather than collectively to measure the performance of the equipment.

Mr. Hall noted that Commissioner Jordan's suggestion required Schindler's agreement and ability to proceed.

Mr. Bill Welge (phonetic), Schindler District Manager, noted his office would explore the feasibility of examining liquidated damages selectively, but explained the difficulty in selectively monitoring each unit. Mr. Welge noted that majority of incoming complaints regarding equipment shut downs often resulted from misuse by the public. He stated that the industry standards were based on the number of calls a unit received overtime, referred to as "main-time between callbacks." Mr. Welge noted that as the equipment aged, it became increasingly difficult to reach a high standard.

Responding to Commissioner Gimenez's question regarding Schindler being the only company able to perform the preventive maintenance and repairs, Ms. Norris noted that the contract before the Board contained proprietary components and electronics that Schindler-certified staff was capable of performing.

Commissioner Gimenez questioned the County's liability whether a non Schindler-certified staff performed on the equipment.

Mr. Chavez noted that this issue was covered through an indemnity and liability clause. He stated that GSA would were indemnified if a performance-related accident occurred.

In response to Commissioner Gimenez question as to whether a pool of vendor's would present itself to the Board in the near future, Mr. Chavez noted that it seemed unlikely that diversity would present itself.

Concerning Commissioner Gimenez question regarding what the County would owe to Schindler if the contract was terminated, Mr. Hall noted the County would owe Schindler $3 million based on the $17 million allocated for preventive maintenance and repairs.

Responding to Commissioner Gimenez question regarding whether the 20% discount could be re-negotiated after five years, Mr. Welge noted that the 20% discount resulted in the cost being averaged out over a twenty (20) year period rather than five (5) years.

It was moved by Commissioner Sorenson that the foregoing proposed resolution be adopted as amended. This motion was seconded by Chairman Barreiro, and upon being put to a vote, passed by a vote of 9-3 (Commissioners Diaz, Gimenez, and Martinez voted No); (Commissioner Heyman was excused).

Ms. Norris clarified that the Board approved an allocation for $34,422,500 contract over a five year period.

The foregoing resolution was adopted as amended on Thursday September 20,

2007.

The amended version has been assigned Resolution No. R-1028-07.

4/10/2007 *Forwarded to BCC without a recommendation from the Budget and Finance Committee*

5/8/2007 *Deferred by the Board of County Commissioners*

5/22/2007 *Deferred by the Board of County Commissioners*

8O1A SUPPLEMENT

072735 **Supplement**

INFORMATION REGARDING WAIVER OF FORMAL BID PROCEDURES AND AUTHORIZING AWARD OF SOLE SOURCE CONTRACT NO. S1245-3/27 TO SCHINDLER ELEVATOR CORPORATION FOR MAINTENANCE, REPAIR, AND MODERNIZATION SERVICES TO COUNTY ELEVATOR, ESCALATOR AND RELATED EQUIPMENT

Presented

8O1B

072474 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS WITH BECK DISASTER RECOVERY, INC., SOLID RESOURCES, INC. AND METRIC ENGINEERING, INC. TO OBTAIN DISASTER DEBRIS REMOVAL MONITORING, AUTHORIZING THE COUNTY MAYOR OR 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. RFQ99A, RFQ99B AND RFQ99C (Procurement Management Department)

Adopted
Resolution R-1029-07
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing resolution was adopted on Thursday September 20, 2007.*

9/11/2007 *Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee*

8P and 8Q [No items were submitted for these sections.]

8R WATER AND SEWER DEPARTMENT

8R3A

072661 **Bid Awards**

CONTRACT AWARD RECOMMENDATION FOR SOUTH DISTRICT WASTEWATER TREATMENT PLANT, HLD UPGRADE TO 285 MGD, SITE PREPARATION - PROJECT NO: N/A; CONTRACT NO: S-828 (A) (Water & Sewer Department)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing bid award was approved on Thursday September 20, 2007.*

8R3B

072660 **Bid Awards**

CONTRACT AWARD FOR CONTRACT NO. S-813(A) SOUTH DISTRICT WASTEWATER TREATMENT PLANT, HIGH LEVEL DISINFECTION UPGRADE TO 285 MGD, YARD PIPING (Water & Sewer Department)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing bid award was approved on Thursday September 20, 2007.*

9 ADDITIONAL DEPARTMENTAL ITEMS [No items were submitted for this section.]

10 AUTHORITIES, BOARDS, COUNCILS AND TRUSTS [No items were submitted for this section.]

11 COUNTY COMMISSION

11A RESOLUTIONS

11A1

072645 **Resolution** **Rebeca Sosa**

RESOLUTION APPROVING THE ALLOCATION OF FY 2006-2007 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 6

Withdrawn
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing resolution was withdrawn on Thursday September 20, 2007. See 11A1 Substitute Legislative No. 072778.*

11A1 SUBSTITUTE

072778 **Resolution** **Rebeca Sosa**

RESOLUTION APPROVING THE ALLOCATION OF FY 2006-2007 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 6 [SEE ORIGINAL ITEM UNDER FILE NO. 072645]

Adopted
Resolution R-1030-07
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing resolution was adopted on Thursday September 20, 2007.*

11A2

072649 **Resolution** **Dennis C. Moss**

RESOLUTION AUTHORIZING THE COUNTY MAYOR TO ALLOW COUNTY EMPLOYEES TO CONTRIBUTE THE VALUE OF ACCRUED ANNUAL AND HOLIDAY LEAVE TIME TO THE FLORIDA ORGANIZATION OF JAMAICANS HURRICANE DEAN RELIEF EFFORTS; SETTING THE CAP OF SUCH CONTRIBUTIONS AT $250,000; AUTHORIZING THE COUNTY MAYOR TO ARRANGE FOR THE ALLOCATION OF FUNDS FROM THE VARIOUS DEPARTMENTS TO THE FLORIDA ORGANIZATION OF JAMAICANS; AND AUTHORIZING THE COUNTY MAYOR TO MAKE THE CONTRIBUTION ON BEHALF OF THE EMPLOYEES OF MIAMI-DADE COUNTY

Adopted
Resolution R-1031-07
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing resolution was adopted on Thursday September 20, 2007.*

11A3

072568 **Resolution** **Dennis C. Moss**

RESOLUTION APPOINTING VOTING TRUSTEES TO THE PUBLIC HEALTH TRUST BOARD OF TRUSTEES FOR THE 2007-2010 TERM

Adopted
Resolution R-1032-07
Mover: Dennis C. Moss
Seconder: Rebeca Sosa
Vote: 12- 0
Excused: Heyman

Report: *Commissioner Moss gave an overview of the application and selection process executed by the Public Health Trust (PHT) Nominating Council for potential nominees for the 2007 appointments. He stated that the incumbents were not interviewed based on their attendance and participation records. Commissioner Moss noted that the Council recommended that the three (3) incumbents be reappointed for a new term; and that Mr. Saif Yamani Ishoof be appointed to the fourth available seat for the 2007 term.*

It was moved by Commissioner Moss that the foregoing proposed resolution be adopted. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 12-0 (Commissioner Heyman was excused).

The following persons were appointed for the 2007 PHT Board of Trustees:

Rosy Cancela—Incumbent
Walter James Harvey—Incumbent
Angel Medina, Jr.—Incumbent
Saif Yamani Ishoof

The foregoing resolution was adopted on Thursday September 20, 2007.

11A4

072571 **Resolution** **Dennis C. Moss**

RESOLUTION APPOINTING A VOTING TRUSTEE TO THE PUBLIC HEALTH TRUST BOARD OF TRUSTEES FOR THE REMAINDER OF THE TERM OF RAUL P. MASVIDAL EXPIRING OCTOBER 15, 2008

Amended

Report: *See Agenda Item 11A4 Amended, Legislative File No. 073063 for the amended version.*

11A4 AMENDED

073063 **Resolution** **Dennis C. Moss**

RESOLUTION APPOINTING A VOTING TRUSTEE TO THE PUBLIC HEALTH TRUST BOARD OF TRUSTEES FOR THE REMAINDER OF THE TERM OF RAUL P. MASVIDAL EXPIRING OCTOBER 15, 2008 [SEE ORIGINAL ITEM UNDER FILE NO. 072571]

Adopted as amended
Resolution R-1033-07
Mover: Natacha Seijas
Seconder: Bruno A. Barreiro
Vote: 12- 0
Excused: Heyman

Report: *Commissioner Moss noted that Mr. Raul P. Masvidal was suspended from the Public Health Trust (PHT) Board of Trustees due to legal issues. He stated that the PHT Nominating Council recommended that the two remaining priority ranked applicants be considered to fill his seat for the time being.*

Commissioner Seijas questioned whether the PHT Nominating Council was required to make the recommendation for an individual to fill-in a seat for the remainder of a term.

Assistant County Attorney Eugene Shy Jr. noted that the BCC were not required to appoint an individual based on the recommendation of the PHT Nominating Council. He stated that the BCC could submit a nominee.

Commissioner Seijas noted that she submitted a memorandum nominating Mr. Joaquin del Cueto.

Commissioner Moss noted that he had no issues with the Board presenting a nominee.

It was moved by Commissioner Seijas that the foregoing resolution be adopted as amended to reflect Lieutenant Joaquin del Cueto as the appointee to the Public Health Trust Board of Trustees for the remainder of the term of Raul P. Masvidal. This motion was seconded by Chairman Barreiro, and upon being put to a vote, passed by a vote of 12-0 (Commissioner Heyman was excused).

The foregoing resolution was adopted as amended on Thursday September 20, 2007.

11A5

072684 **Resolution** **Joe A. Martinez**

RESOLUTION APPROVING THE ALLOCATION OF FY 2006-2007 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 11

Amended

Report: *See Agenda Item 11A5 Amended, Legislative File No. 073065 for the amended version.*

11A5 AMENDED

073065 **Resolution** **Joe A. Martinez**

RESOLUTION APPROVING THE ALLOCATION OF FY 2006-2007 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 11 [SEE ORIGINAL ITEM UNDER FILE NO. 072684]

Adopted as amended
Resolution R-1034-07
Mover: Joe A. Martinez
Seconder: Rebeca Sosa
Vote: 12- 0
Excused: Heyman

Report: *It was moved by Commissioner Martinez that the foregoing proposed resolution be adopted as amended to reflect the following additions:*
$1,000 Community Soccer Outreach Program
$10,000 Police Officers Assistance Trust ($5,000 for Officer Somohano Fund & $5,000 for the Injured Officers Trust Fund)

This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 12-0 (Commissioner Heyman was excused).

The foregoing resolution was adopted as amended on Thursday September 20, 2007.

11A6

072798 **Resolution** **Joe A. Martinez**

RESOLUTION URGING THE GOVERNOR AND THE FLORIDA LEGISLATURE NOT TO ELIMINATE $10.2 MILLION FROM THE STATE FISCAL YEAR 2007-08 BUDGET TO ESTABLISH MEDICAL SCHOOLS AT FLORIDA INTERNATIONAL UNIVERSITY AND THE UNIVERSITY OF CENTRAL FLORIDA DURING THE UPCOMING SPECIAL SESSION

Adopted
Resolution R-1035-07
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing resolution was adopted on Thursday September 20, 2007.*

11B ADDITIONAL BUDGET ALLOCATIONS

11B1

072812 **Report**

ALLOCATION OF (FY) 2007/08 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 1)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 12- 0
Excused: Heyman

Report: *At the conclusion of the Budget Hearing held on September 20, 2007, the following allocation was made from (FY) 2007/08 District 1 Discretionary Reserve Funds as requested by Vice-Chairwoman Jordan.*

$5,000 to the Police Officers Assistance Trust – Re: Police Officer Somohano Trust

For the record, Vice-Chairwoman Jordan asked to be reimbursed for a P-Card expense in the amount of $3,614.00 from her (FY) 2006/07 Discretionary Reserve Funds for the sponsorship of hotel rooms for H.O.A. and Crime Watch members in District 1 to attend the Florida Neighborhoods Conference in Sarasota.

11B2

072813 **Report**

ALLOCATION OF (FY) 2007/08 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 3)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 12- 0
Excused: Heyman

Report: *At the conclusion of the Budget Hearing held on September 20, 2007, the following allocation was made from (FY) 2007/08 District 3 Discretionary Reserve Funds as requested by Commissioner Edmonson.*

$5,000 to the Police Officers Assistance Trust – Re: Police Officer Somohano Trust

11B3

072814 **Report**

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

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 12- 0
Excused: Heyman

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

$5,000 to American Cancer Society
$2,500 to Educate Tomorrow

11B4

072815 **Report**

ALLOCATION OF (FY) 2006/07 COMMUNITY-BASED ORGANIZATION FUNDS (DISTRICT 4)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 12- 0
Excused: Heyman

Report: *The following funding allocation was made from fiscal year (FY) 2006/07 District 4 Community Based Organization funds as requested by Commissioner Heyman.*

$500 to David Lawrence, Jr., K-8 Center PTSA for the 2007-2008 Adopt-A-Class

11B5

072816 **Report**

REIMBURSEMENT FROM COMMUNITY-BASED ORGANIZATION FUNDS (DISTRICT 4)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 12- 0
Excused: Heyman

Report: *The following funding allocations were reimbursed from District 4 Community Based Organization – Office Funds as requested by Commissioner Heyman.*

$100 from North Miami Mayor's Economic Task Force
$500 from City of North Bay Village
$40 from North Miami Beach Police PEA
$1,000 from National Council Jewish Women
$500 from Romero Britto Foundation

11B6

072817 **Report**

ALLOCATION OF (FY) 2006/07 COMMUNITY-BASED ORGANIZATION OFFICE BUDGET FUNDS (DISTRICT 4)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 12- 0
Excused: Heyman

Report: *The following funding allocation was made from fiscal year (FY) 2006/07 District 4 Community Based Organization funds as requested by Commissioner Heyman.*

$11,845 to the Advanced Therapy Products, Inc., vendor and donate the equipment purchased to the Jackson Memorial Hospital Rehabilitation Center

11B7

072818 **Report**

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

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 12- 0
Excused: Heyman

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

$1,000 to Amigos for Kids
$5,000 to the Police Officers Assistance Trust for the Somohano Trust Fund

11B8

072819 **Report**

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

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 12- 0
Excused: Heyman

Report: *The following funding allocations were made from fiscal year (FY) 2006/07 District 6 Discretionary Reserve Funds as requested by Commissioner Sosa.*

$5,000 to Police Officer's Trust – Officer Somohano's Funds

For the record, Commissioner Sosa rescinded the May 8, 2007, allocation of $500 (from office fund) to the Seminole Elementary School PTA

11B9

072820 **Report**

ALLOCATION OF (FY) 2006/07 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 6)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 12- 0
Excused: Heyman

Report: *For the record, Commissioner Sosa made the following clarification: The allocation made at the January 25, 2007, Board of County Commissioners Meeting of $3,800 for the Waterway Neighborhood sign should be directed to the Parks & Recreation Department's Sign Shop in order for them to start the installation of the sign.*

11B10

072821 **Report**

ALLOCATION OF (FY) 2007/08 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 7)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 12- 0
Excused: Heyman

Report: *At the conclusion of the Budget Hearing held on September 20, 2007, the following allocation was made from (FY) 2007/08 District 7 Discretionary Reserve Funds as requested by Commissioner Gimenez.*

$5,000 to the Police Officers Assistance Trust – Re: Police Officer Somohano Trust

11B11

072822 **Report**

ALLOCATION OF (FY) 2007/08 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 9)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 12- 0
Excused: Heyman

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

$5,000 to Police Officer Assistance Trust for the Children of Officer Jose Lazaro Somohano
$10,000 to Greater Goulds Optimist Club for Operational Costs

At the conclusion of the Budget Hearing held on September 20, 2007, Commissioner Moss clarified that the foregoing allocations should be made from (FY) 2007/08 funds.

11B12

072823 **Report**

ALLOCATION OF (FY) 2007/08 OFFICE FUNDS (DISTRICT 10)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 12- 0
Excused: Heyman

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

$5,000 to Police Officer's Trust – Officer Somohano's Funds

At the conclusion of the Budget Hearing held on September 20, 2007, Commissioner Souto clarified that the foregoing allocation should be made from (FY) 2007/08 funds.

11B13

072828 **Report**

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

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 12- 0
Excused: Heyman

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

$500 to American Society for Public Administration
$9,000 to Sweetwater Elementary
$750 to Columbus Day & Day of the Race - Construction Catering

11B14

072829 **Report**

ALLOCATION OF (FY) 2006/07 DISTRICT OFFICE OPERATING ACCOUNT (DISTRICT 12)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 12- 0
Excused: Heyman

Report: *The following funding allocation was made from fiscal year (FY) 2006/07 District 12 Office Operating Account as requested by Commissioner Diaz.*

$5,000 to Police Officer Assistance Trust

11B15

072830 **Report**

ALLOCATION OF (FY) 2006/07 OFFICE FUNDS (DISTRICT 13)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 12- 0
Excused: Heyman

Report: *The following funding allocation was made from fiscal year (FY) 2006/07 District 13 Office Funds as requested by Commissioner Seijas.*

$5,000 to Police Officers Assistance Trust, c/o Somohano Trust Fund

11C REPORTS

12 COUNTY MANAGER

12A1

072085 **Resolution**

RESOLUTION ESTABLISHING THE MIAMI-DADE COUNTY PURCHASE OF DEVELOPMENT RIGHTS PROGRAM (County Manager)

Adopted
Resolution R-1036-07
Mover: Katy Sorenson
Seconder: Bruno A. Barreiro
Vote: 11- 0
Absent: Martinez
Excused: Heyman

Report: *Commissioner Gimenez noted that the program would only purchase lands with available density outside the Urban Development Boundary (UDB), designated as agriculture or open lands by the Comprehensive Development Master Plan (CDMP) map; however, when the resolution passed the General Obligation Bond (GOB) program, the intent was to purchase green space, including development rights to maintain agricultural lands and protect well fields.*

Assistant County Manager Alex Munoz noted that the program was intended to purchase development rights, for agricultural land primarily and protecting the environment.

Commissioner Gimenez noted that agricultural lands inside the UDB could be used in addition to lands outside the UDB.

Assistant County Manager Munoz noted the insufficiency in viable land within the UDB.

Commissioner Gimenez noted that the program was not restricted to land outside the UDB when the resolution was passed.

Commissioner Sorenson noted that this program intended to preserve agriculture. She stated that it was illogical to preserve land within the UDB because it was worthless. Commissioner Sorenson noted that she hoped Administration would take direction and focus on agricultural land outside of the UDB.

Chairman Barreiro asked if this item needed to go before the GOB Committee for approval.

Assistant County Manager Munoz noted this resolution was presented before the Citizen's Advisory Committee (CAC) before it was brought before the Board.

Responding to Commissioner Jordan question as to whether any standards were established in the selection of parcels outside of the UDB, Mr. Charles LaPradd (phonetic), Agricultural Manager, noted that a selection criteria has been established. He stated that the parcel size was optimal if the owner was willing to donate a portion of the cost. Mr. LaPradd noted that a solicitation would be made in order to determine the largest areas with people who were willing to donate.

It was moved by Commissioner Sorenson that the foregoing proposed resolution be adopted. This motion was seconded by Chairman Barreiro, and upon being put to a vote, passed by a vote of 11-0 (Commissioner Martinez was absent); (Commissioner Heyman was excused).

The foregoing resolution was adopted on Thursday September 20, 2007.

7/18/2007	*Forwarded to BCC with a favorable recommendation from the Economic Development and Human Services Committee*
9/4/2007	*Deferred by the Board of County Commissioners*

13 COUNTY ATTORNEY

13A1

072651 **Resolution**

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND NEEDED FOR THE NORTH/SOUTH ROADWAY CONNECTOR, N.W. 79 AVENUE/N.W. 79 PLACE BETWEEN N.W. 74 STREET AND OKEECHOBEE ROAD AS PART OF THE METRORAIL EXTENSION TO THE PALMETTO EXPRESSWAY AND MULTI-MODAL FACILITY PROJECT IN MIAMI-DADE COUNTY, FLORIDA (County Attorney)

Adopted
Resolution R-1037-07
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing resolution was adopted on Thursday September 20, 2007.*

13A2

072648 **Resolution**

RESOLUTION AUTHORIZING CERTAIN BUSINESS DAMAGE SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO THE NW 72ND AVENUE FROM NW 74TH STREET TO OKEECHOBEE ROAD, STATE ROAD NO. 25 IN MIAMI COUNTY, FLORIDA (County Attorney)

Adopted
Resolution R-1038-07
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing resolution was adopted on Thursday September 20, 2007.*

13A3

072662 **Resolution**

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO THE NW 72ND AVENUE FROM NW 74TH STREET TO OKEECHOBEE ROAD, STATE ROAD NO. 25 IN MIAMI COUNTY, FLORIDA (County Attorney)

Adopted
Resolution R-1039-07
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing resolution was adopted on Thursday September 20, 2007.*

14 ITEMS SUBJECT TO 4-DAY RULE

14A1

072799 **Resolution**

RESOLUTION AUTHORIZING THIRD AMENDMENT TO NONEXCLUSIVE MANAGEMENT AGREEMENT FOR OPERATION OF THE PUBLIC PARKING FACILITIES AT MIAMI INTERNATIONAL AIRPORT; AUTHORIZING MAYOR TO EXECUTE THIRD AMENDMENT; AUTHORIZING COUNTY MANAGER TO EXERCISE ALL OTHER RIGHTS INCLUDING CANCELLATION PROVISIONS CONTAINED THEREIN; AND WAIVING COMPETITIVE BID PROCEDURES AND PROVISIONS (Aviation Department)

Adopted
Resolution R-1040-07
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing resolution was adopted on Thursday September 20, 2007.*

14A2

072773 **Resolution** **Katy Sorenson**

RESOLUTION APPROVING THE ALLOCATION OF FY 2006-2007 DISTRICT 8 OFFICE BUDGET FUNDS

Adopted
Resolution R-1041-07
Mover: Katy Sorenson
Seconder: Rebeca Sosa
Vote: 11- 0
Absent: Martinez
Excused: Heyman

Report: *The foregoing resolution was adopted on Thursday September 20, 2007.*

14B1

072742 **Nomination**

NOMINATION FOR APPOINTMENT TO THE CHILDREN'S TRUST BY THE GOVERNOR (Clerk of the Board)

Accepted
Mover: Natacha Seijas
Seconder: Rebeca Sosa
Vote: 11- 0
Absent: Martinez
Excused: Heyman

Report: *On Thursday, September 20, 2007, by motion duly made, seconded, and carried, the Board approved the recommendation of the following persons interested in serving as the Governor's appointees to the Children's Trust:*

Pamela Godwin Lillard
Joan G. Robbings
Johnathan W. Rodse, PhD

15 CLERK OF THE BOARD

15A RESOLUTIONS

15B REPORTS

15B1

072673 **Report**

PROPOSED PUBLIC HEARING DATES FOR ORDINANCES SUBMITTED FOR FIRST READING ON SEPTEMBER 18, 2007 (Clerk of the Board)

Accepted
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing report was accepted on Thursday September 20, 2007.*

15C COUNTY ADVISORY BOARD APPOINTMENTS

15C1

072674 **Nomination**

RE-APPOINTMENTS OF ANA RITA GONZALEZ AND JOSE PERDOMO TO THE HEALTH COUNCIL OF SOUTH FLORIDA, INC. (Clerk of the Board)

Appointed
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 8- 0
Absent: Sosa, Moss, Souto, Martinez
Excused: Heyman

Report: *The foregoing nomination was appointed on Thursday September 20, 2007.*

15D COUNTY ADVISORY BOARD APPOINTMENTS BY BALLOT

15E MAYOR'S REQUEST FOR ALLOCATIONS FROM DISCRETIONARY RESERVE FUNDS

16 ITEMS SCHEDULED FOR THURSDAY

16A SPECIAL PRESENTATIONS (Scheduled for 8:00 a.m.)

16A1

072630 **Service Awards** **Bruno A. Barreiro**

SERVICE AWARDS CEREMONY FOR THE FOLLOWING EMPLOYEES:
RONALD D. KOVACS - C&R- 30 YEARS
ANA M. MOLINA - GIC - 35 YEARS
QUILLY MC HARDY - MDTA - 30 YEARS
JOSE R. BRAVO - OCED - 30 YEARS
MICHAEL V. DMYTRIW - P&R - 30 YEARS
GERARDO DEL AMO - WASD - 30 YEARS
LINDA J. KENT WASD - 30 YEARS

Presented

16A2

072694 **Special Presentation** **Sen. Javier D. Souto, Dennis C. Moss, Jose "Pepe" Diaz**

SPECIAL PRESENTATION TO PAUL SOLANO FOR A HEROIC RESCUE ***Presented***

16B POLICY MATTERS FOR DISCUSSION BY THE BOARD

16B1

072686 **Discussion Item** **Dennis C. Moss**

BUDGET PRIORITIES ***Presented***

Report: *Commissioner Moss noted that he submitted a Memorandum regarding budget policy issues and budget priorities as determined by the Budget Conference Committee. He stated that the budget policy issues could be discussed at this time.*

It was moved by Commissioner Diaz that the Board recess until 4:30 p.m. to discuss the budget policy issues. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 11-0 (Commissioner Martinez was absent); (Commissioner Heyman was excused).

A motion was duly made, seconded, and carried that the Board would proceed with discussion at the Second Budget Hearing.

The Board discussed its budget priorities during its Budget Hearing scheduled for 5:01 p.m., Thursday, September 20, 2007.

SPECIAL NOTE: See the Thursday, September 20, 2007, Second Budget Hearing meeting minutes, Legistar Meeting Key No. 2372; and the Non-Agenda Report Item under Legislative File No. 081228.

ADJOURNMENT

Bruno A. Barreiro, Chairman

ATTEST: HARVEY RUVIN, CLERK

By: Kay Sullivan, Deputy Clerk