MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Governmental Operations and Environment Committee (GOEC)

Board of County Commissioners
Stephen P. Clark Government Center
Commission Chambers
111 N.W. First Street
Miami, Florida 33128

October 12, 2007
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Jill Thornton, Commission Reporter
(305) 375-2505

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

FINAL OFFICIAL

Meeting Minutes

Governmental Operations and Environment Committee

Natacha Seijas (13) Chair; Jose "Pepe" Diaz (12) Vice Chair; Commissioners Audrey M. Edmonson (3), Carlos A. Gimenez (7), Joe A. Martinez (11), and Dorrin D. Rolle (2)

Friday, October 12, 2007 | **9:30 AM** | **COMMISSION CHAMBERS**

Members Present: Jose "Pepe" Diaz, Audrey M. Edmonson; Carlos A. Gimenez, Joe A. Martinez, Dorrin Rolle, Natacha Seijas.

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

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

1A ROLL CALL

Report: *The following staff members were present: Assistant County Manager Susanne Torriente; Assistant County Attorneys Geri Bonzon-Keenan, Thomas Robertson, and Cynthia Johnson-Stacks; and Deputy Clerks Jovel Shaw and Jill Thornton.*

Assistant County Attorney Geri Bonzon-Keenan requested the changes listed in the County Manager's Memorandum entitled "Requested Changes to the Governmental Operations and Environment Committee Agenda," dated October 12, 2007, be approved with today's agenda.

It was moved by Commissioner Martinez that the agenda be approved with the requested changes listed in the County Manager's memorandum. This motion was seconded by Commissioner Rolle, and upon being put to a vote, passed by a vote of 5-0. (Commissioners Diaz and Gimenez were absent)

1B CHAIRPERSON

1B1

072860 **Discussion Item**

REMARKS FROM CHAIRPERSON SEIJAS ***Presented***

Report: *Commissioner Seijas asked the County Manager to ensure that the Office of Strategic Business Management Director and all Department Directors under the jurisdiction of this Committee provide monthly written status reports for Committee review in the form of brief, written summaries identifying key indicators and basic budget information. She asked that the first report be submitted at the November 13th GOEC meeting, and that the Proprietary Departments include in this report, whether the actual revenues per fees were on target with the revenue forecast used to build the budget. She also asked that the General Fund Departments include in the report whether service delivery was maintained with the reduce appropriations; and that all departments include in the report whether they had received the intergovernmental grants/loans anticipated in the budget; whether expenditures were higher than anticipated; and whether the projected savings were realized.*

Commissioner Seijas asked the County Manager to provide this Committee with a status report on the Chicago Climate Exchange at the November 13th meeting. She also asked that the Chicago Climate Exchange Task Force Chair submit the quarterly report of recommendations to this Committee at the December 11th meeting.

1C PRESENTATION(S)

1C1

072998 **Special Presentation**

PRESENTATION BY MARK LEWIS REGARDING BISCAYNE NATIONAL PARK — ***Presented***

Report: *Chairwoman Seijas noted the County partnered with Biscayne National Park for years, to ensure that the waters and habitats of the Park were properly protected. She noted she learned earlier this year, that the National Park published a "wish" list of lands to be held in public trust. She also noted the County had its own list of lands for acquisition, which was developed by the Environmentally Endangered Lands (EEL) Program advisory group. Chairwoman Seijas said she invited Mr. Mark Lewis, Biscayne National Park Superintendent, to make a presentation today to see where the National Park interests might overlap the County's parks land acquisition priorities.*

Mr. Mark Lewis, Biscayne National Park Superintendent, presented and reviewed a chart and GIS map, identifying areas of land critical to the health of Biscayne National Park. He noted, in 2004, the National Park Service began looking at the environmental impacts of County development on Biscayne National Park and how they could partner with the County and other entities to protect those resources. He noted they contracted with the Trust for Public Lands, worked with them to develop a map, and reviewed much data in an effort to identify the characteristics of the lands that supported the Park.

Mr. Carlos Espinosa, Director, Department of Environment Resource Management (DERM), explained the process of overlaying computer data. He noted staff used the maps provided by Mr. Lewis to superimpose the areas where the EEL program was authorized to purchase lands, and removed other lands already publicly owned and protected by environmental covenants. He noted the areas remaining in the orange colored area that coincided with the map provided by Biscayne National Park, were some of the remaining lands that were within the EEL program footprint. Mr. Espinosa noted they received an approval this week from the Office of Capital Improvements (OCI) to advance an additional $50 million to continue purchasing EEL properties, which would benefit the EEL

program given the status of the real estate market.

Responding to Commissioner Seijas' request for affirmation by the County Manager's Office regarding whether the GOB funds were available and could be accelerated, Assistant County Manager Ian Yorty advised that this funding was available and could be accelerated to start the process.

Commissioner Seijas commended all entities/groups involved for their level of cooperation demonstrated in efforts to purchase the lands. She expressed her appreciation to all the entities involved.

Dr. Michael Rosenberg, Chairman, Land Acquisition Selection Committee, appeared before the Committee and noted the Selection Committee reviewed and discussed the information presented by Mr. Espinosa, and recommended land acquisition priorities. He noted those priorities included parcels within the South Dade Wetlands adjacent to publicly held lands, and other parcels vulnerable to disturbance or development. Additionally, Mr. Rosenberg noted the South Florida Water Management District was buying land in the South Dade Wetlands in relation to the Comprehensive Everglades Restoration Plan (CERP), and was working closely with the EEL program to purchase other lands in the Cutler Wetlands and the Biscayne Wetlands. He noted the Selection Committee would continue monitoring those acquisitions. He further noted the Selection Committee was pleased that the County was aligning its land acquisition priorities with Biscayne National Parks' interests, as described by the Superintendent.

Chairwoman Seijas commended the EEL Selection Committee for their efforts and noted the progress of the EEL program was quite impressive. She noted the world needed to know about the magnificent job Miami-Dade County was doing with conservation. She expressed appreciation to both Mr. Lewis and Mr. Rosenberg for their efforts.

Commissioner Diaz expressed appreciation to DERM, the EEL Selection Committee and Biscayne National Park for their efforts in acquiring environmentally endangered lands. He noted the County had led this effort for some time, but unfortunately, it was not publicized that way.

2 DEPARTMENTS

2A

072810 **Resolution**

RESOLUTION AUTHORIZING THE EXECUTION OF A COUNTY DISCLAIMER FOR THE RELEASE OF THE EAST 50 FEET OF CANAL RESERVATION WITHIN SECTION 29, TOWNSHIP 54 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, WHICH LIES WITHIN TRACT 64, MIAMI EVERGLADE LAND CO., LIMITED, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 3 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Edmonson
Vote: 6-0

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2B

072832 **Resolution**

RESOLUTION AUTHORIZING THE EXECUTION OF A COUNTY DISCLAIMER FOR THE RELEASE OF A PORTION OF A CANAL RESERVATION NO LONGER NEEDED BY MIAMI-DADE COUNTY IN THE NORTHEAST ONE QUARTER (NE ¼) OF SECTION 18, TOWNSHIP 53 SOUTH, RANGE 40 EAST (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Edmonson
Vote: 6-0

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2C

072831 **Resolution**

RESOLUTION AUTHORIZING THE DISBURSEMENT OF FUNDS FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND TO STABILIZE ERODING SHORELINES ALONG FOUR BAY ISLANDS IN CONNECTION WITH THE COUNTY'S ONGOING BISCAYNE BAY RESTORATION AND ENHANCEMENT PROGRAM (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Edmonson
Vote: 6-0

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2D

072827 **Resolution**

RESOLUTION AUTHORIZING THE DISBURSEMENT OF FUNDS FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND FOR BAYNANZA 2008 AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE FLORIDA INLAND NAVIGATION DISTRICT TO PROVIDE FUNDING TO MIAMI-DADE COUNTY FOR THIS EVENT (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Martinez
Vote: 6-0

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

In response to Commissioner Edmonson's questions regarding where the Cleanup Day VIP site for the special celebration would be located, and whether the distributed public education materials were recyclable, Mr. Carlos Espinosa, Director, DERM, noted it would be held in a park within District (#3), and affirmed that the materials were recyclable.

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

2E

072914 **Resolution**

RESOLUTION RATIFYING THE EXECUTION OF THE PROJECT COOPERATION AGREEMENT AMENDMENT NUMBER 1 BETWEEN THE DEPARTMENT OF THE ARMY AND MIAMI-DADE COUNTY, FLORIDA, FOR CONSTRUCTION AND OPERATION OF A DREDGED MATERIAL MANAGEMENT FACILITY AT THE MIAMI RIVER, FLORIDA FEDERAL NAVIGATION PROJECT (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Martinez
Vote: 6-0

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2F

072902 **Resolution**

RESOLUTION CALLING A SPECIAL ELECTION IN CONJUNCTION WITH A COUNTYWIDE ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, JANUARY 29, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO MOVE THE CANDIDATE QUALIFYING PERIOD FOR CERTAIN COUNTY ELECTED OFFICES THREE WEEKS EARLIER (Elections Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Martinez
Vote: 6-0

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Commissioner Diaz requested a brief explanation of this resolution.

Mr. Sola noted that with the passage of House Bill 537, the Legislature changed the qualifying periods for all County offices not charter driven to allow for more time to prepare for an election. He noted all Florida counties had changed their election dates, except Miami-Dade County, who was required to submit a request to the elector. He noted a document was before this Committee today to request that the dates be changes to make this consistent with all Florida counties. Mr. Sola noted that if this was approved, the qualifying period for the County would remain the same, but the dates would shift to begin three weeks earlier. He advised that the Elections Department would provide the information to all candidates interested in seeking a County office.

In response to Commissioner Diaz' question as to whether they had time to approve recommendations by the Charter Review Task Force and add them to the January election ballot, Assistant County Manager Susanne Torriente noted the deadline for the findings/recommendations of the Charter Review Task Force to be submitted to the County Commission for review was October 31, 2007.

Assistant County Attorney Cynthia Johnson-Stacks advised that the last date to submit questions for the ballot would be November 30th, 2007; that they must be submitted to the County Commission no later than November 6, 2007. She noted a special Committee meeting might be necessary for

those items not forwarded that needed Committee review.

In response to Commissioner Diaz' inquiry of whether a Charter Review question would fall under the jurisdiction of this Committee, Ms. Johnson-Stacks affirmed that it would.

Commissioner Martinez questioned whether the Commission could call a Committee of the Whole to question Charter Review recommendations. Ms. Johnson- Stacks noted she believed that Chairman Barreiro had the discretion to call a Committee of the Whole pursuant to the Board's rules and procedures.

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

2G

072765 **Resolution**

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR SALE AND PURCHASE, IN THE AMOUNT OF $52,360, BETWEEN MARVIN TOMLAN, AS SELLER, AND MIAMI-DADE COUNTY, AS BUYER OF APPROXIMATELY 1.54-ACRES LOCATED IN THE VICINITY OF N.W. 127TH AVENUE AND N.W. 74TH STREET, IN THE MIAMI-DADE COUNTY NORTHWEST WELLFIELD BUFFER AREA PROJECT, FOR THE PURPOSE OF PROTECTING THE PUBLIC WATER SUPPLY; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN (General Services Administration Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Martinez
Vote: 6-0

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2H

072785 **Resolution**

RESOLUTION GRANTING PETITION TO CLOSE SW 109 AVENUE, FROM SW 248 STREET SOUTH FOR APPROXIMATELY 473 FEET; AND SW 108 COURT, FROM SW 248 STREET SOUTH FOR APPROXIMATELY 115 FEET (ROAD CLOSING PETITION NO. P-843) (Public Works Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Martinez
Vote: 6-0

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2I

072788 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF A TRI-PARTY AGREEMENT AMONG MIAMI-DADE COUNTY, FLORIDA ROCK INDUSTRIES, INC., AND BEACON LAKES COMMUNITY DEVELOPMENT DISTRICT FOR THE CONSTRUCTION AND MAINTENANCE OF THE RAILROAD CROSSING AT NW 17 STREET AND NW 127 AVENUE (Public Works Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Martinez
Vote: 6-0

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2J

072945 **Bid Awards**

PROJECT AWARD RECOMMENDATION BETWEEN ACOSTA TRACTORS, INC. IN THE AMOUNT OF $1,249,109.93 FOR ROADWAY IMPROVEMENTS ALONG SW 42 STREET, FROM SW 147 AVENUE TO SW 152 AVENUE, LOCATED WITHIN COMMISSION DISTRICT 11 - PROJECT NO: 20060382; CONTRACT NO: 20060382 (Public Works Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Martinez
Vote: 6-0

Report: *The foregoing proposed bid award was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2K

072824 **Resolution**

RESOLUTION AMENDING ADMINISTRATIVE ORDER 10-8 RELATING TO THE RULES AND REGULATIONS OF THE MIAMI-DADE WATER AND SEWER DEPARTMENT (Water & Sewer Department)

Withdrawn
Mover: Martinez
Seconder: Rolle
Vote: 4-0
Absent: Gimenez, Diaz

2L

072834 **Bid Awards**

CONTRACT AWARD RECOMMENDATION BETWEEN CAROLLO ENGINEERS, P.C. FOR HIALEAH/PRESTON WATER TREATMENT PLANT IN THE AMOUNT OF $13,420,000.00 - PROJECT NO. E06-WASD-10; CONTRACT NO: E06-WASD-10 (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation
Mover: Diaz
Seconder: Martinez
Vote: 6-0

Report: *The foregoing proposed bid award was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

2M

072399 **Ordinance**

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE LEISURE CITY COMMUNITY URBAN CENTER DISTRICT; CREATING SECTIONS 33-284.99.32 THROUGH 33-284.99.38 OF THE CODE OF MIAMI-DADE COUNTY (CODE); AMENDING SECTIONS 33-284.85 AND 33-284.86 OF THE CODE, THE STANDARD URBAN CENTER DISTRICT REGULATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (Department of Planning & Zoning)

Forwarded to BCC with a favorable recommendation
Mover: Edmonson
Seconder: Martinez
Vote: 6-0

Report: *The foregoing proposed ordinance was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Vice Chairman Diaz opened the public hearing on the foregoing proposed ordinance. Hearing no one wishing to speak on this matter, the public hearing was closed.

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

3 COUNTY COMMISSION

3A

072849 **Resolution** **Bruno A. Barreiro**

RESOLUTION AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT FOR THE NOVEMBER 4-11, 2007 ANNUAL LITERARY FESTIVAL SPONSORED BY THE MIAMI BOOK FAIR INTERNATIONAL, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $6,000.00 TO BE FUNDED FROM THE COUNTYWIDE IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Rolle
Vote: 6-0

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

3B

072593 **Resolution** **Audrey M. Edmonson**

RESOLUTION AMENDING RESOLUTION NO. R-462-07 TO EXPAND THE SIZE OF THE CHARTER REVIEW TASK FORCE TO 22 MEMBERS AND TO ADD KAREN ANDRE AS A REPRESENTATIVE OF MIAMI-DADE COUNTY'S HAITIAN-AMERICAN COMMUNITY ON THE CHARTER REVIEW TASK FORCE

The motion that this matter be Forwarded to BCC with a favorable recommendation failed.
Mover: Edmonson
Seconder: Rolle
Vote: 2-4
No: Gimenez, Seijas, Martinez, Diaz

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Commissioner Edmonson noted this proposed resolution was prepared in response to numerous calls she received from the members of the Haitian Community requesting that a Haitian representative be added to the Charter Review Task Force.

Chairwoman Seijas noted that since the Task Force's preliminary recommendations were due on October 31st, and the extension was only for 90 days, the individual appointed would only have an opportunity to participate in two meetings. She also noted, with all respect to the Haitian Community, that she could not support this resolution due to its timing and its negative impact on the process. She further noted this would not preclude the Haitian Community from attending the meetings, which were all open to the public.

Commissioner Martinez noted this proposed resolution must be considered by the County Commission first, which would exceed the October deadline. He stated he understood and respected the Haitian Community's request, but he could not support this resolution at this late date.

Commissioner Diaz concurred with his colleagues that approving this resolution at this late date would cause problems in the process.

Hearing no further discussion, the Committee proceeded to vote on the foregoing proposed resolution, which failed to carry.

3C

072867 **Resolution** **Barbara J. Jordan**

RESOLUTION DIRECTING THE COUNTY MANAGER TO FILE THE NECESSARY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) AMENDMENTS PERTAINING TO THE LANDMARK PROPERTY IN THE OCTOBER 2007 CYCLE AND TO PRESENT A PLAN OF ACTION TO IMPLEMENT THE LANDMARK MASTER PLAN AS ACCEPTED BY THE COMMUNITY

Forwarded to BCC without a recommendation
Mover: Diaz
Seconder: Seijas
Vote: 6-0

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Commissioner Jordan explained the intent of this proposed resolution, which she noted was to come up with a redevelopment plan of the Landmark facility by incorporating the vision and input of the community. She noted over 300 people from the community attended sessions and provided input into this process. She also noted she asked staff to present this Committee with a summary of the community's proposal before forwarding the plan through the Comprehensive Development Master Plan (CDMP) process.

Commissioner Jordan explained that the State of Florida once owned the Landmark Facility, but closed this center and reverted the property back to the County. She noted this property, located at NW 42nd Avenue and 199th Street, just outside the City of Miami Gardens; consisted of 185 acres, including the old Landmark site. She further noted the County was operating several programs at this site, including "His House," which was one of the most popular and beneficial programs for children.

Ms. Wendy Norris, Director, General Services Administration (GSA), provided a presentation of the proposed community development plan. She noted the State closed down the Landmark facility due to fiscal constraints, and the County was able to negotiate an agreement to purchase this property at no cost. Ms. Norris noted the residents expressed an interest in having a community center with mixed housing development, including a park-n-ride facility, various retail spaces, and a school. She noted the Dade County Public Schools was reviewing the proposal for the school.

At the request of Commissioner Jordan, Ms.

Wendy Norris read into the record, a list of items included in this proposed resolution that were requested by the residents from the community.

Chairwoman Seijas noted Committee members had many questions concerning this resolution. She recommended it be forwarded to the BCC without a recommendation and placed on the agenda of the first Commission meeting in December.

In response to Commissioner Martinez' question regarding which portions of this land belonged to the County versus municipalities, Commissioner Jordan noted all of the land belonged to the County.

Commissioner Martinez noted he could support forwarding this resolution to the County Commission without a recommendation, but would like to see an overview of the surrounding areas bordering this property first. He noted he did not want the County to pay for a facility that could be annexed into an adjacent municipality.

Commissioner Jordan noted this was just a concept to initiate the CDMP amendment process that begins in October 2007 in order to make zoning changes.

In response to Chairwoman Seijas' question regarding the CDMP cycle and dates, Mr. Patrick Moore, Supervisor, CDMP Administration, Planning and Zoning Department (P&Z), noted the CDMP hearings were held in October and April each year.

Commissioner Diaz noted this resolution requests the County Manager to file necessary amendments to the CDMP and present a plan of action to the BCC for implementation. He commended Jordan on this proposal, but noted he had several questions and felt that many issues involving annexation and funding needed to be addressed.

Commissioner Jordan noted this land was valuable and could pay for itself in terms of development and impact fees. She stated she would like to start the CDMP process now and not wait six months. She further noted the proposal would still need to be approved by the Commission and a determination would have to be made on whether or not to issue an RFQ.

Chairwoman Seijas noted she was supportive of

the concept, but expressed concern that this property was adjacent to District #13, and the residents from District 13 did not participate in the public input process. She noted she believed that both Districts #1 and #13 would be impacted by the development and the communities should have come together on this.

Commissioner Diaz questioned why the P&Z staff did not provide this proposal to Committee members at an adequate time, if professional staff had the design on July17, 2007.

Assistant County Manager Susanne Torriente noted this was an ongoing process, but the material brought forth today was in support of Commissioner Jordan's resolution.

Commissioner Jordan noted she needed clarification on the process as to whether all district commissioners needed to be briefed on projects that were not neighboring their respective districts.

Chairwoman Seijas notes she had not knowledge of this resolution before today.

Commissioner Diaz stated he needed more information and clarification on this project.

Commissioner Gimenez noted his concern was whether the Committee would get another opportunity to review it. He questioned the process.

A Planning & Zoning staff member noted the application needed to be filed by October 31st to make the April CDMP meeting. He also noted it would be finalized in October 2008, if approved today; otherwise, it would not be finalized until 2009. He further noted this process would require a zoning change hearing to follow.

Following further discussion, the Committee voted to forward the foregoing resolution to the December 4th BCC meeting without a recommendation.

Commissioner Diaz asked that Assistant County Manager Torriente and the Miami-Dade Transit Agency Director meet with him to discuss a Transit project within his district.

Chairwoman Seijas asked Assistant County Manager Torriente to ask the County Manager to

assign a representative to speak to each district commissioner on this issue.

Commissioner Jordan expressed appreciation to Committee members for moving forward with this item.

3D

072880 **Resolution** **Joe A. Martinez**

RESOLUTION AUTHORIZING A LOAN TO THE BIRD LAKES HOMEOWNERS ASSOCIATION TO PAY FOR COSTS ASSOCIATED WITH THE APPOINTMENT OF A RECEIVER FOR THE BIRD LAKES ESTATES AND ALLOWING FOR THE WAIVER OF THE REPAYMENT OF THAT LOAN UNDER CERTAIN CIRCUMSTANCES

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Edmonson
Vote: 5-0
Absent: Diaz

Report: *The foregoing proposed ordinance was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Commissioner Martinez explained the intent of the foregoing resolution. He noted Team Metro filed a lawsuit against this Homeowner Association (HOA) for numerous code violations, but the HOA was not notified of the lawsuit. He noted the appointed receiver was notified to cease the lawsuit, but increased his fees in the process. Commissioner Martinez stated the County Attorney was negotiating with other attorneys to reduce that fee.

Chairwoman Seijas asked the Assistant County Attorney to provide an explanation.

Assistant County Attorney Thomas Robertson explained that this area generated numerous code violations, of which many were on common properties owned by the HOA, and the County was required to file a lawsuit against the HOA directly. He noted the County Attorney asked the Courts to appoint a receiver in order to reconstitute the HOA, but the receiver made some mistakes. He also noted the HOA was informed that a receiver was appointed and the case could be settled if costs could be determined. Mr. Robertson further noted there was a small litigation risk, and these funds would help offset the costs of the HOA and settle the lawsuit, which would alleviate numerous code violations in that area.

In response to Commissioner Edmonson's question regarding the mistakes made by the receiver, Mr. Robertson noted he preferred not to discuss this subject since the court proceedings were ongoing. He noted, however, that anything the County Attorney believed was an error by the receiver would be presented to the Court to have the receivers fees adjusted accordingly.

In response to Commissioner Gimenez' question regarding whether this HOA was dissolved, Mr. Robertson noted the County Attorney requested the Courts appoint a receiver in order to reconstitute the HOA and to take control of the property owned by the association in order to bring them into compliance. The receiver, he noted, tried to reconstitute the HOA, but amassed several bills for payment by the County. He noted the County Attorney was considering paying those bills, which was the purpose of today's meeting, but with the understanding that the County Attorney had the right to challenge them for the correct amounts. Mr. Robertson also noted the other option was to litigate the receivers fees, however, those fees are set by the Courts but could be appealed.

Commissioner Gimenez questioned whether this was structured as a loan or a grant.

Mr. Robertson noted this was structured as a loan to ensure the HOA organized and complied with the code violations within a six month period, but would be waived if they complied, otherwise, they would be required to repay the loan. He noted if this was structured as a grant, the monies could not be legally recovered.

Commissioner Martinez noted Team Metro initiated the lawsuit, which he and the County Manager were unaware of until they heard it on the news. He further noted that when this resolution was drafted, the funding was to come from Team Metro.

In response to Commissioner Gimenez' questioned as to whether this would set a precedent for other cases, Mr. Robertson noted it could be questioned in the future; however, it would not bind the County Commission to take actions with respect to future cases. Concerning Commissioner Gimenez' question whether the County would receive any releases or waivers or whether the HOA could file a lawsuit against the County, Mr. Robertson noted the County would include releases as part of its settlement; and that once the receiver was paid, he would issue releases. He also noted the County Attorney would take measures to ensure that the HOA could not seek litigation against the County.

Commissioner Rolle spoke in support of this resolution.

Hearing no further discussion, the Committee

proceeded to vote on the foregoing proposed ordinance as presented.

3D SUPPL.

073005 **Supplement**

MAYOR'S MEMORANDUM OF SUPPORT FOR ITEM 3D

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Edmonson
Vote: 5-0
Absent: Diaz

3E

073012 **Resolution** **Natacha Seijas, Rebeca Sosa, Sen. Javier D. Souto**

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATEWIDE ELECTION, TO BE HELD ON JANUARY 29, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE MIAMI-DADE COUNTY HOME RULE CHARTER SHALL BE AMENDED TO PROVIDE FOR TRANSFER OF THE DUTIES OF THE COUNTY PROPERTY APPRAISER FROM A PERSON APPOINTED AND SUPERVISED BY THE MAYOR TO A PERSON ELECTED AND SUBJECT TO RECALL BY THE VOTERS

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Gimenez
Vote: 5-0
Absent: Diaz

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

4 COUNTY MANAGER

4A

072805 **Resolution**

RESOLUTION RATIFYING THE COUNTY MANAGER'S ACTIONS, AS AUTHORIZED BY SECTION 2-10.4 OF THE CODE OF MIAMI-DADE COUNTY IN APPROVING AGREEMENTS FOR CONTINUING SERVICES UNDER THE COUNTY'S EQUITABLE DISTRIBUTION PROGRAM (County Manager)

Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconder: Edmonson
Vote: 5-0
Absent: Diaz

Report: *The foregoing proposed resolution was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

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

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

072863 **Report**

CLERK'S SUMMARY OF MINUTES FOR THE GOVERNMENTAL OPERATIONS AND ENVIRONMENT COMMITTEE MEETING RE: SEPTEMBER 11, 2007 (Clerk of the Board)

Approved
Mover: Gimenez
Seconder: Edmonson
Vote: 5-0
Absent: Diaz

7 REPORTS

7A

072862 **Report**

REPORT RE: FLORIDA CITY ANNEXATION

(County Manager)

Report Received
Mover: Martinez
Seconder: Rolle
Vote: 5-0
Absent: Diaz

Report: *The foregoing report was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Chairwoman Seijas opened the public hearing, and the following individual(s) appeared in connection with the foregoing report:

Mr. Henry Iler, City Planner, Florida City, noted the foregoing proposed annexation request involved a 60-acre parcel on the southern boundary of Florida City, east of US 1. He noted staff recommended approval of this annexation with certain conditions, all of which were acceptable to the City of Florida City. Mr. Iler also noted Florida City was the third poorest city in the State of Florida, with a poverty level almost three times the countywide average; and that Florida City had the second highest millage rates. He noted the proposed area had no residents and was made up of three property owners who supported this proposed annexation, which could be approved by direct vote of the County Commission. Mr. Iler further noted the City had worked with staff to resolve the issues, and had agreed to remove from the application, a small parcel of land extending into the Urban Development Boundary (UDB), and to include a small enclave into the annexation. Additionally, Mr. Iler noted they agreed to require that all lake excavations in the area be approved by DERM.

Hearing no other individuals wishing to speak on this matter, the public hearing was closed and the report was received by the Committee.

Chairwoman Seijas noted she would ask the BCC Chair to allow those who spoke under the report to speak again under the ordinance at the BCC hearing.

7A SUPPLEMENT

073046 **Supplement**

SUPPLEMENTAL INFORMATION RE: FLORIDA CITY ANNEXATION

Report Received
Mover: Martinez
Seconder: Rolle
Vote: 5-0
Absent: Diaz

7B

072780 **Report**

CITY OF NORTH MIAMI BEACH ANNEXATION

Report Received
Mover: Edmonson
Seconder: Martinez
Vote: 4-0
Absent: Gimenez, Diaz

(County Manager)

Report: *The foregoing report was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

Chairwoman Seijas opened the public hearing, and the following individual(s) appeared in opposition to the proposed annexation listed in the foregoing report:

1. *Ms. Linda McFadden, 701 NE 180th Street, appeared and filed a petition of 215 signatures opposed to this annexation with the Clerk of Board.*
2. *Ms. Judith Alvarado Bradley, 870 NE 172nd Terrace*
3. *Mr. Alan Hack, 769 NE 177th Street*
4. *Ms. Gregoria Martinez, 17401 NE 12th Avenue*
5. *Mr. Jay Homnick, (no address provided)*
6. *Mr. Theodore Kendrick, 670 NE 180th Street*
7. *Ms. Janet Kendrick, 670 NE 180th Street*

The following individuals appeared in support of the foregoing annexation:

1. *Mr. Leo Schwartzberg, 990 NE 175th Street*
2. *Ms. Judy Goldman, 1101 NE 169th Terrace*
3. *Ms. Sharon Yudewitz, 990 NE 174th Street.*
4. *Ms. Rhea Schwartzberg, 990 NE 175th Street*
5. *Mr. Joseph Marmor, 970 NE 175th Street*

Chairperson Seijas clarified that the Committee would only receive the report today and would not establish the election on the annexation. She reiterated that she would ask the BCC Chair for some latitude regarding future public hearings.

Mr. Miguel DeGrandy, 800 Douglas Road, attorney representing the City of Miami Beach, appeared in support of the foregoing proposed annexation and noted this was initiated by a citizens' petition that exceeded the signature requirement. He also noted this was an enclave that was strongly supported in the County code for annexation, and was an area subsidized by other areas for its full cost of services. He noted the

City of Miami Beach would welcome this area into its city and the citizens should have the right to provide input and to vote on it.

Councilman Rothman, City of Miami Beach, appeared in support of the foregoing annexation, and noted the City Commission voted unanimously to move forward with the annexation of this area into the City of Miami Beach.

Hearing no other persons wishing to speak on this matter, the public hearing was closed and the report was received by the Committee.

7B SUPPLEMENT

073047 **Supplement**

SUPPLEMENTAL INFORMATION RE: CITY OF NORTH MIAMI BEACH ANNEXATION

Report Received
Mover: Edmonson
Seconder: Martinez
Vote: 4-0
Absent: Gimenez, Diaz

7C

072319 **Report**

REPORT RE: CITY OF HOMESTEAD ANNEXATION APPLICATION OF AREA NW 1 (County Manager)

Report Received
Mover: Martinez
Seconder: Edmonson
Vote: 4-0
Absent: Gimenez, Diaz

Report: *The foregoing report was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

In response to Chairwoman Seijas question regarding why this was before the Committee again, Assistant County Attorney Robertson explained that the Board of County Commissioners approved a request to refer this back to committee for further review. He noted the public hearing was officially held at Committee, however, the Chair of this Committee was requesting the Commission Chair allow for more public input at the BCC meeting.

Chairwoman Seijas opened the public hearing, and the following individual(s) appeared in connection with the foregoing report:

1. *Ms. Pamela Grey, 19110 SW 304th Street, spoke in opposition to the annexation.*
2. *Mr. Larry Dunagan, 14975 SW 232nd Street, spoke in support of the annexation.*

Chairwoman Seijas again announced that she would request the Commission Chair to allow those who spoke today to speak again at the BCC meeting, and invited them back at that meeting.

Hearing no other persons wishing to speak on this matter, the public hearing was closed and the report was received by the Committee.

7C SUPPLEMENT

073048 **Supplement**

SUPPLEMENTAL INFORMATION RE: CITY OF HOMESTEAD ANNEXATION

Report Received
Mover: Martinez
Seconder: Edmonson
Vote: 4-0
Absent: Gimenez, Diaz

7D

072866 **Report**

REPORT ON THE IMPACT OF UNITED HAULERS ASSOCIATION, INC. V. ONEIDA-HERKIMER SOLID WASTE MANAGEMENT AUTHORITY (County Manager)

Report Received
Mover: Martinez
Seconder: Edmonson
Vote: 5-0
Absent: Diaz

7E

073000 **Report**

ORAL REPORT REGARDING UPDATE ON THE 20 YEAR CONSUMPTIVE USE PERMIT (County Manager)

Report Received
Mover: Martinez
Seconder: Edmonson
Vote: 5-0
Absent: Diaz

ADJOURNMENT

Report: *There being no further business to come before this Board, the Governmental Operations and Environment Committee meeting was adjourned at 12:01 p.m.*

Natacha Seijas, Chair