



**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, October 16, 2007  
As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Kay Sullivan, Director  
Clerk of the Board Division

Judy Marsh, Commission Reporter  
(305) 375-1967



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

**Members Absent:** None.

**Members Late:** None.

**Members Excused:** None.

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**Members Absent County Business:** None.

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**1 MINUTES PREPARED BY:**

**Report:** *Judy Marsh, Commission Reporter*  
(305) 375-1967

**1A MOMENT OF SILENCE**

**1B PLEDGE OF ALLEGIANCE**

**1C ROLL CALL**

**1D REPORTS OF OFFICIAL BOARDS**

**1E CITIZEN'S PRESENTATIONS (5 MINUTES MAXIMUM)**

1E1

072903      **Citizen's Presentation**      **Bruno A. Barreiro**

CITIZEN'S PRESENTATION BY THOMAS BLAINE, *Presented*  
PRESIDENT OF GREATER MIAMI CHAPTER OF THE  
NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING

**Report:** *Ms. Miriam Singer, Director, Department of Procurement Management, introduced Miami-Dade County Mayor Carlos Alvarez, whom she noted would provide comments by way of introduction to the presentation being made on behalf of Mr. Thomas Blaine, President, Greater Miami Chapter of the National Institute of Governmental Purchasing (NIGP). She noted Commissioner Rebeca Sosa was selected as the procurement policymaker of the year by the NIGP.*

*Mayor Alvarez presented an award from the Greater Miami Chapter of the NIGP to Commissioner Sosa for being selected Public Official of the Year.*

*Mayor Alvarez, Chairman Barreiro and members of the County Commission expressed appreciation to Commissioner Sosa for her dedication and efforts in the area of procurement reform.*

*Commissioner Sosa expressed appreciation to Mayor Alvarez and to the NIGP for selecting her to receive this award. She also expressed appreciation to County Manager George Burgess, Assistant County Manager Alina Tejeda Hudak, Procurement Director Miriam Singer and her staff; members of her staff and her family members.*

1E2

**072905      Citizen's Presentation                      Katy Sorenson**

CITIZEN'S PRESENTATION BY MR. JOHN CUNNINGHAM                      *Deferred to December 4, 2007*  
REGARDING THE USE OF PESTICIDES TO CONTROL  
ADULT MOSQUITOES

**Report:** *During consideration of changes to today's agenda, the County Commission deferred the foregoing citizen's presentation to to the December 4, 2007, Commission meeting, as requested by the sponsor, Commissioner Sorenson.*

1E3

**073020      Citizen's Presentation                      Dorrin D. Rolle**

CITIZEN'S PRESENTATION BY MS. JULIE CUNNINGHAM                      *Presented*  
REGARDING THE CONFERENCE OF MINORITY  
TRANSPORTATION OFFICIALS (COMTO)

**Report:** *Ms. Julie Cunningham, Conference of Minority Transportation Officials (COMTO), appeared before the County Commission. She expressed appreciation to the Commission members for their support during COMTO's Training Conference, held June 2007. Ms. Cunningham addressed the issue of lack of minorities in leadership roles throughout the nation.*

*Ms. Cunningham expressed appreciation to Miami-Dade County Mayor Carlos Alvarez and Miami-Dade Transit Director Harpal Kapoor for their support. She presented the Board of Directors' Award to Mayor Alvarez and members of the County Commission.*

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

**Report:** County Attorney Robert Cuevas noted in addition to the County Manager's Memorandum entitled "Changes for the October 16, 2007 BCC Meeting," Agenda Item 8A1I contained a scrivener's error and handwritten pages 9 and 10 should be deleted. He also noted Agenda Item 8A1E contained a scrivener's error and the following sentence should be deleted from the justification section on handwritten page 2: "The new estimated time for delivery calls for two passenger loading bridges (PLBs) to be delivered in 2007, one PLB in 2008, and the remaining PLBs delivered in 2010." Mr. Cuevas advised this was incorrect and delivery of the PLBs would be 40 to 60 days in advance of the opening of the new gates in accordance with the North Terminal Development (NTD) Master Schedule.

County Attorney Cuevas noted Agenda Items 14A1 and 14A2 were subject to the 4-day rule; however, no commissioner was listed as pulling Item 14A2.

Chairman Barreiro noted if no one requested Agenda Item 14A2 be placed on the Pull List, the item would be approved with the remaining items on today's (10/16) agenda.

Commissioner Souto requested Agenda Item 16B1 be deferred.

It was moved by Commissioner Diaz that the County Manager's Memorandum entitled "Changes for the October 16, 2007 BCC Meeting," be approved with the additional changes noted by County Attorney Cuevas. This motion was seconded by Commissioner Rolle, and upon being put to a vote, passed by a vote of 9-0, (Commissioners Edmonson, Martinez, Moss and Sosa were absent).

**1G OFFICE OF COMMISSION AUDITOR****1H OFFICE OF INTERGOVERNMENTAL AFFAIRS****1I SPECIAL PRESENTATIONS**

111

072906 Special Presentation Rebeca Sosa

PRESENTATION OF CERTIFICATES OF COMMENDATIONS *Presented*  
 TO LIEUTENANT MAURICIO ARENAS AND CAPTAIN  
 MARTHA SCOTT

**Report:** *Commissioner Sosa commended Captain Martha Scott, Miami-Dade Fire Rescue, for rescuing a victim from a burning vehicle; and Lieutenant Mauricio Arenas, Miami-Dade Fire Rescue, for rescuing a victim from a house fire.*

*Miami-Dade County Mayor Carlos Alvarez and County Commission Chairman Bruno Barreiro presented Certificates of Commendations to Captain Scott and Lieutenant Arenas.*

*Fire Chief Herminio Lorenzo, Miami-Dade Fire Rescue, expressed appreciation to Captain Scott and Lieutenant Arenas for their leadership in rescuing citizens from disastrous life-threatening situations. He presented the Medal of Heroism, awarded by Fire House Magazine, to Captain Scott and Lieutenant Arenas. Chief Lorenzo noted the Miami-Dade Fire Rescue previously awarded these officers the Medal of Valor.*

## 2 MAYORAL ISSUES

### 2A MAYORAL VETOES

### 2B MAYORAL REPORTS

2B1

073061 Report Mayor

APPROVAL OF DEPARTMENTAL AGENDA ITEMS

*Accepted**Mover: Jose "Pepe" Diaz**Seconder: Dorrin D. Rolle**Vote: 9-0**Absent: Edmonson, Sosa, Moss, Martinez*

**Report:** *The County Commission corrected the following scrivener's error noted in County Manager's Memorandum entitled "Changes for the October 16, 2007 BCC Meeting." That 8F3I in the second column of the memorandum, should read 8F3A.*

## 3 CONSENT ITEMS

3J1A

**072808 Resolution**

RESOLUTION RATIFYING THE COUNTY MAYOR OR HIS DESIGNEE'S ACTION IN APPLYING FOR UP TO \$200,000 IN GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM TO FUND RENOVATIONS TO THE GWEN CHERRY PARK AQUATIC CENTER AND FURTHER AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO RECEIVE AND EXPEND FUNDS, AND EXECUTE CONTRACTS AND AMENDMENTS AS REQUIRED (Park & Recreation Department)

*Withdrawn*

**Report:** *During consideration of changes to today's agenda, the foregoing proposed resolution was withdrawn.*

**4 ORDINANCES FOR FIRST READING**

4A

**072924 Ordinance**

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

*Adopted on first reading  
Public Hearing: November 6,  
2007*

*Mover: Joe A. Martinez  
Seconder: Jose "Pepe" Diaz  
Vote: 12- 0  
Absent: Moss*

**Report:** *The foregoing proposed ordinance was adopted on first reading and scheduled for a public hearing before the Board of County Commissioners on November 6, 2007, at 9:30 a.m.*

4B

**072925 Ordinance**

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

*Adopted on first reading  
Public Hearing: November 6,  
2007*

*Mover: Joe A. Martinez  
Seconder: Jose "Pepe" Diaz  
Vote: 12- 0  
Absent: Moss*

**Report:** *The foregoing proposed ordinance was adopted on first reading and scheduled for a public hearing before the Board of County Commissioners on November 6, 2007, at 9:30 a.m.*

4C

**072927 Ordinance**

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

*Adopted on first reading  
Public Hearing: November 6, 2007*

*Mover: Joe A. Martinez  
Seconder: Jose "Pepe" Diaz  
Vote: 12- 0  
Absent: Moss*

**Report:** *The foregoing proposed ordinance was adopted on first reading and scheduled for a public hearing before the Board of County Commissioners on November 6, 2007, at 9:30 a.m.*

4D

**072933 Ordinance**

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

*Adopted on first reading  
Public Hearing: November 6, 2007*

*Mover: Joe A. Martinez  
Seconder: Jose "Pepe" Diaz  
Vote: 12- 0  
Absent: Moss*

**Report:** *The foregoing proposed ordinance was adopted on first reading and scheduled for a public hearing before the Board of County Commissioners on November 6, 2007, at 9:30 a.m.*

4E

**072873 Ordinance**

**Natacha Seijas,  
Jose "Pepe" Diaz,  
Rebeca Sosa**

ORDINANCE WAIVING ALL COUNTY PROCUREMENT POLICIES AND PROCEDURES OTHER THAN LIVING WAGE AND RESPONSIBLE WAGE REQUIREMENTS FOR PLANNING, DESIGN AND CONSTRUCTION OF REVERSE OSMOSIS WATER TREATMENT PLANT JOINTLY OWNED BY COUNTY AND CITY OF HIALEAH AND LOCATED IN CITY OF HIALEAH; AUTHORIZING CITY OF HIALEAH TO USE ITS MUNICIPAL PROCUREMENT POLICIES AND PROCEDURES IN ACCORDANCE WITH JOINT PARTICIPATION AGREEMENT FOR PLANNING, DESIGN AND CONSTRUCTION OF SUCH REVERSE OSMOSIS WATER TREATMENT PLANT; PROVIDING SEVERABILITY; EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

*Adopted on first reading  
Public Hearing: November 13, 2007*

*Mover: Joe A. Martinez  
Seconder: Jose "Pepe" Diaz  
Vote: 12- 0  
Absent: Moss*

**Report:** *The foregoing proposed ordinance was adopted on first reading and scheduled for a public hearing before the Governmental Operations and Environment Committee on November 13, 2007, at 9:30 a.m.*

4F

**072937 Ordinance**

ORDINANCE GRANTING PETITION OF PALM GLADES COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT" OR "PETITIONER") TO EXPAND AND CONTRACT THE BOUNDARIES OF THE DISTRICT ESTABLISHED BY ORDINANCE NO. 05-181; PROVIDING SEVERABILITY, EXCLUSIVE FROM THE CODE AND AN EFFECTIVE DATE (Public Works Department)

*Adopted on first reading  
Public Hearing: November 6, 2007  
Mover: Joe A. Martinez  
Seconder: Jose "Pepe" Diaz  
Vote: 12- 0  
Absent: Moss*

**Report:** *The foregoing proposed ordinance was adopted on first reading and scheduled for a public hearing before the Board of County Commissioners on November 6, 2007, at 9:30 a.m.*

4G

**072938 Ordinance**

ORDINANCE GRANTING PETITION OF ADRIAN DEVELOPMENT AT PEBBLE WALK PARTNERSHIP, LLLP, ("ADRIAN DEVELOPMENT" OR "PETITIONER") FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING PEBBLEWALK VILLAGE COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT"); PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; ACCEPTING PROFFERED DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING SEVERABILITY; EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE (Public Works Department)

*Adopted on first reading  
Public Hearing: November 6, 2007  
Mover: Joe A. Martinez  
Seconder: Jose "Pepe" Diaz  
Vote: 12- 0  
Absent: Moss*

**Report:** *The foregoing proposed ordinance was adopted on first reading and scheduled for a public hearing before the Board of County Commissioners on November 6, 2007, at 9:30 a.m.*

4H

**072939 Ordinance**

ORDINANCE GRANTING PETITION OF TRACT 33, LLC, ("TRACT 33" OR "PETITIONER") FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING PALM ISLE AT DORAL COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT") PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; ACCEPTING PROFFERED DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING SEVERABILITY, EXCLUSIVE FROM THE CODE AND AN EFFECTIVE DATE (Public Works Department)

*Adopted on first reading  
Public Hearing: November 6, 2007  
Mover: Joe A. Martinez  
Seconder: Jose "Pepe" Diaz  
Vote: 12- 0  
Absent: Moss*

**Report:** *The foregoing proposed ordinance was adopted on first reading and scheduled for a public hearing before the Board of County Commissioners on November 6, 2007, at 9:30 a.m.*

4I

**073010 Ordinance**

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO RELIGIOUS FACILITIES AND MISSIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Department of Planning & Zoning)

*Adopted on first reading  
Public Hearing: November 13, 2007  
Mover: Joe A. Martinez  
Seconder: Jose "Pepe" Diaz  
Vote: 12- 0  
Absent: Moss*

**Report:** *The foregoing proposed ordinance was adopted on first reading and scheduled for a public hearing before the Governmental Operations and Environment Committee on November 13, 2007, at 9:30 a.m.*

4J

**073016 Ordinance Natacha Seijas**

ORDINANCE AMENDING SECTION 2-1503 AND 2-1505 OF THE CODE OF MIAMI-DADE COUNTY TO DELETE CERTAIN INSTITUTIONAL MEMBERS OF THE JAY MALINA INTERNATIONAL TRADE CONSORTIUM BOARD ("ITC"); TO CHANGE THE REPORTING REQUIREMENT FROM QUARTERLY TO ANNUALLY AND TO AMEND THE RESPECTIVE POWERS AND DUTIES OF THE ITC BOARD AND ITC EXECUTIVE DIRECTOR REGARDING TRADE MISSION APPROVALS AND REIMBURSEMENTS; PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE

*Withdrawn*

**Report:** *See Agenda Item 4J Substitute; Legislative File No. 073055.*

4J SUBSTITUTE

**073055 Ordinance Natacha Seijas**

ORDINANCE AMENDING SECTION 2-1503 AND 2-1505 OF THE CODE OF MIAMI-DADE COUNTY TO DELETE CERTAIN INSTITUTIONAL MEMBERS OF THE JAY MALINA INTERNATIONAL TRADE CONSORTIUM BOARD ("ITC"); TO CHANGE THE REPORTING REQUIREMENT FROM QUARTERLY TO ANNUALLY AND TO AMEND THE RESPECTIVE POWERS AND DUTIES OF THE ITC BOARD AND ITC EXECUTIVE DIRECTOR REGARDING TRADE MISSION APPROVALS AND REIMBURSEMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 073016]

*Adopted on first reading  
Public Hearing: November 14, 2007  
Mover: Joe A. Martinez  
Seconder: Jose "Pepe" Diaz  
Vote: 12- 0  
Absent: Moss*

**Report:** *The foregoing proposed ordinance was adopted on first reading and scheduled for a public hearing before the Economic Development and Human Services Committee on November 14, 2007, at 9:30 a.m.*

4K

073018

Ordinance

Jose "Pepe" Diaz

ORDINANCE RELATING TO THE NORTH TERMINAL DEVELOPMENT AT MIAMI INTERNATIONAL AIRPORT; AUTHORIZING COUNTY MAYOR OR, IF AUTHORIZED BY THE COUNTY MAYOR THE AIRPORT DIRECTOR TO ADVERTISE, ACCEPT OR REJECT BIDS, AWARD, AMEND OR MODIFY CONTRACTS RELATING TO NORTH TERMINAL DEVELOPMENT PROJECT WITHOUT THE NEED FOR PRIOR COMMISSION APPROVAL; AUTHORIZING WAIVER OF COMPETITIVE BIDS; ESTABLISHING CONDITIONS FOR EXERCISE OF DELEGATED AUTHORITY; AUTHORIZING TIME EXTENSIONS BEFORE AND AFTER EXPIRATION OF CONTRACT TIME; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Adopted on first reading  
Public Hearing: December 13,  
2007*

*Mover: Joe A. Martinez*

*Seconder: Jose "Pepe" Diaz*

*Vote: 11- 1*

*No: Jordan*

*Absent: Moss*

**Report:** *Hearing no objection, the foregoing proposed ordinance was adopted on first reading and scheduled for a public hearing before the Airport and Tourism Committee on December 13, 2007, at 9:30 a.m., as requested by Commissioner Diaz, as Chairman of the Airport and Tourism Committee.*

5

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

5A

**072397 Resolution**

RESOLUTION GRANTING PETITION TO CLOSE THAT PORTION OF THE ALLEY WEST OF SW 87 AVENUE, BEGINNING 135 FEET NORTH OF SW 72 STREET NORTH FOR 150 FEET (ROAD CLOSING PETITION NO. P-838) (Public Works Department)

*Adopted*  
*Resolution R-1151-07*  
*Mover: Carlos A. Gimenez*  
*Seconder: Rebeca Sosa*  
*Vote: 12- 0*  
*Absent: Heyman*

**Report:** *Chairman Barreiro announced the foregoing proposed resolution was open for public participation and the following persons appeared before the County Commission.*

*Mr. William Richardson, 1200 14th Street, Miami Beach, attorney representing Mr. Michael Carricarte and Mr. Frank Perez-Sixim, appeared in opposition to the foregoing proposed resolution. He noted abutting commercial property owners were not notified of the proposed road closing and careful study of the impact of the road closure was not conducted.*

*Ms. Sandra Young, 8523 SW 64 Street, appeared in connection with the foregoing proposed resolution. Ms. Young said she owned property located at 7035 SW 87 Court abutting to the subject alleyway and she was not notified of the proposed road closing. She expressed concern that the proposed road closing would impact current and future businesses.*

*Mr. Ronald Young, 6940 SW 84 Avenue, appeared in connection with the foregoing proposed resolution. Mr. Young said he owned residential property located at 7045 SW 87 Court and commercial property located at 7050 SW 87 Avenue abutting the subject alleyway. He noted he was not notified of the proposed road closing and expressed concern regarding the economic impact to his property. Mr. Young said business owners were concerned that service delivery trucks would be unable to enter and exit the subject alleyway.*

*Mr. Burton B. Loebel, P.O. Box 77, Hollywood, Florida, Trustee for Ms. June Abel appeared in connection with the foregoing proposed resolution. He noted Ms. Abel, an adjoining property owner, was not opposed to the proposed project.*

*Mr. Chad Willard, 999 Ponce de Leon Boulevard, attorney representing Gus Gil and the petitioner Galloway Development, appeared in support of the foregoing proposed resolution. He noted one of the Public Works Department's conditions in approving the zoning application was that the alleyway be closed and this would be accomplished through the proposed road closure petition. Mr. Willard said all abutting property owners were notified of the proposed zoning application which included the road closing petition. He noted the developer was not closing the alleyway and was providing a 22-foot wide public access easement that would run east to west from 87th Avenue to 87th Court. Mr. Willard said the petitioner had provided an easement to the Public Works Department. He noted Mr. Michael Carricarte, who was represented by Mr. William Richardson, resided at 6800 SW 85th Avenue, which was on the east side of Galloway and should not be directly impacted by the subject application.*

*Mr. Gus Gil, 7300 SW 93rd Avenue, appeared in support of the foregoing proposed resolution. He noted he met with several neighbors who expressed support for the application and met with the Planning Department. Mr. Gil said 185 parking spaces would be provided on the subject property and assistance would be provided regarding the traffic flow.*

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

*In response to Commissioner Gimenez, Assistant County Manager Ysela Llord said Mr. Gil's statements were correct. She noted this was more than an*

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*alley closure; it was an alley replacement because it was a different method of providing service access to the properties.*

*Ms. Esther Calas, Director, Public Works Department, noted staff followed the rules regarding the notification process.*

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

5B

**072928 Resolution**

RESOLUTION APPROVING THE WAIVER OF PLAT OF D. MICHAEL BITZ AND THE ESTATE OF JEAN C. SEIPP, D-21722, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 54 SOUTH, RANGE 40 EAST (SW 66 STREET AND SW 83 AVENUE) (Public Works Department)

*Adopted  
Resolution R-1152-07  
Mover: Joe A. Martinez  
Seconder: Rebeca Sosa  
Vote: 12- 0  
Absent: Heyman*

5C

**072930 Resolution**

RESOLUTION APPROVING THE PLAT OF EUREKA ESTATES, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 55 SOUTH, RANGE 39 EAST (SW 184 STREET AND SW 152 AVENUE) (Public Works Department)

*Adopted  
Resolution R-1153-07  
Mover: Joe A. Martinez  
Seconder: Rebeca Sosa  
Vote: 12- 0  
Absent: Heyman*

5D

**072921 Resolution**

RESOLUTION APPROVING THE PLAT OF BEACON LAKES EAST, LOCATED IN THE NORTH 1/2 OF SECTION 36, TOWNSHIP 53 SOUTH, RANGE 39 EAST (NW 25 STREET AND NW 121 COURT) (Public Works Department)

*Adopted  
Resolution R-1154-07  
Mover: Joe A. Martinez  
Seconder: Rebeca Sosa  
Vote: 12- 0  
Absent: Heyman*

5E

**072922 Resolution**

RESOLUTION APPROVING THE PLAT OF BAILES COMMONS FIRST ADDITION, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 56 SOUTH, RANGE 40 EAST (BAILES ROAD AND SW 115 AVENUE) (Public Works Department)

*Adopted  
Resolution R-1155-07  
Mover: Joe A. Martinez  
Seconder: Rebeca Sosa  
Vote: 12- 0  
Absent: Heyman*

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5F

**072923 Resolution**

RESOLUTION APPROVING THE WAIVER OF PLAT OF JOSE VILA, SR., D-22571, LOCATED IN THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 55 SOUTH, RANGE 39 EAST (SW 172 STREET AND SW 137 AVENUE) (Public Works Department)

*Adopted  
Resolution R-1156-07  
Mover: Joe A. Martinez  
Seconder: Rebeca Sosa  
Vote: 12- 0  
Absent: Heyman*

5G

**072929 Resolution**

RESOLUTION APPROVING THE WAIVER OF PLAT OF BANYAN HOMES, LLC, D-22826, LOCATED IN THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 54 SOUTH, RANGE 41 EAST (SW 74 STREET AND MINDELLO STREET) (Public Works Department)

*Adopted  
Resolution R-1157-07  
Mover: Joe A. Martinez  
Seconder: Rebeca Sosa  
Vote: 12- 0  
Absent: Heyman*

5H

**072931 Resolution**

RESOLUTION APPROVING THE PLAT OF BEACON LAKES WEST, LOCATED IN THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 53 SOUTH, RANGE 39 EAST (NW 25 STREET AND NW 127 AVENUE) (Public Works Department)

*Adopted  
Resolution R-1158-07  
Mover: Joe A. Martinez  
Seconder: Rebeca Sosa  
Vote: 12- 0  
Absent: Heyman*

5I

**072934 Resolution**

RESOLUTION APPROVING THE PLAT OF CORAL PARKLAND, LOCATED IN THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 56 SOUTH, RANGE 39 EAST (SW 264 STREET AND US 1) (Public Works Department)

*Adopted  
Resolution R-1159-07  
Mover: Joe A. Martinez  
Seconder: Rebeca Sosa  
Vote: 12- 0  
Absent: Heyman*

5J

**072943 Resolution**

RESOLUTION APPROVING THE PLAT OF IN THE PINES FIRST ADDITION, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 55 SOUTH, RANGE 40 EAST (SW 97 TERRACE AND SW 107 COURT) (Public Works Department)

*Adopted  
Resolution R-1160-07  
Mover: Joe A. Martinez  
Seconder: Rebeca Sosa  
Vote: 12- 0  
Absent: Heyman*

5K

**073017            Resolution**

RESOLUTION ORDERING A BUILDING MORATORIUM FOR PROPERTIES UTILIZED AS MOBILE HOME PARKS IN THE UNINCORPORATED AREA OF MIAMI-DADE COUNTY, DIRECTING THE COUNTY MANAGER TO SUBMIT A REPORT ON THE APPROPRIATENESS OF EXISTING ZONING DISTRICTS AND REGULATIONS APPLICABLE TO SAID PROPERTIES AND TO RECOMMEND STRATEGIES TO MITIGATE THE IMPACTS OF REDEVELOPMENT (Clerk of the Board)

*Amended*

**Report:** *(See Agenda Item 5K Amended, Legislative File No. 073149)*

5K Amended

**073149                      Resolution**

RESOLUTION ORDERING A BUILDING MORATORIUM FOR PROPERTIES UTILIZED AS MOBILE HOME PARKS IN THE UNINCORPORATED AREA OF MIAMI-DADE COUNTY, DIRECTING THE COUNTY MANAGER TO SUBMIT A REPORT ON THE APPROPRIATENESS OF EXISTING ZONING DISTRICTS AND REGULATIONS APPLICABLE TO SAID PROPERTIES AND TO RECOMMEND STRATEGIES TO MITIGATE THE IMPACTS OF REDEVELOPMENT [SEE ORIGINAL ITEM UNDER FILE NO. 073017] (Clerk of the Board)

*Adopted as amended  
Resolution R-1161-07  
Mover: Jose "Pepe" Diaz  
Seconder: Rebeca Sosa  
Vote: 12- 1  
No: Barreiro*

**Report:** *First Assistant County Attorney Abigail Price-Williams read the foregoing proposed resolution into the record.*

*Chairman Barreiro announced the foregoing proposed resolution was open for public hearing and the following persons appeared before the County Commission.*

*Mr. Jeffrey Bercow, Bercow, Radell and Fernandez, 200 S. Biscayne Boulevard, attorney representing mobile home park site nos. 3, 5, 6, 10, 12 17 and 39, appeared before the Board and requested these parks be exempt from the proposed moratorium as each of the parks were in the redevelopment process. Mr. Bercow said State law prohibited the proposed moratorium as applied to property owners who had commenced the redevelopment process.*

*Mr. Rod Timinsky, mobile home park owner, requested that Royal Duke Mobile Home Park and the mobile home park located at 2260 NW 27 Avenue, be exempt from the proposed moratorium. He noted he had allocated millions of dollars to affordable housing.*

*Mr. Juan Mayol, 701 Brickell Avenue, attorney representing Coral Park Town, LLC, requested that mobile home park site no. 40, located in the Naranja area be exempt from the proposed moratorium. He noted redevelopment on this site had commenced and no units were located on the property.*

*Mr. Scott Rosenbaum, 5921 SW 27 Street, asked that 25% of the properties be set aside for affordable housing.*

*Mr. Matthew Amster, Bercow, Radell and Fernandez, 200 S. Biscayne Boulevard, attorney representing the Cornerstone Group, requested mobile home park site nos. 17 and 39 be exempt from the proposed moratorium. He noted these properties had begun the redevelopment process and had significant financial obligations and bonds.*

*Ms. Truly Burton, representing the Builders Association of South Florida, asked that the County Manager's report be presented to the County Commission within 120 days. She also asked that sites that were in the redevelopment process be exempt from the proposed moratorium.*

*Ms. Alyce Wright, representing Jobs for Justice, appeared in support of the foregoing proposed resolution. She expressed appreciation to Commissioner Diaz for bringing this issue to the County Commission. Ms. Wright noted the proposed moratorium would affect 59,000 to 110,000 low-income residents in Miami-Dade County and the Commission would be facing a larger problem if mobile home parks continued to close. She pointed out the maximum amount of compensation residents could receive if they were forced to leave their homes was \$1,375.00.*

*The following persons appeared in support of the foregoing proposed resolution:*

*Ms. Nurmy Santos, 1200 NE 16 Avenue*

*Mr. Magdaleno Rose-Avila, Executive Director, South Florida Interfaith Worker Justice, 9431 SW 55 Street*

*Ms. Leida Diaz, 11221 NW Flagler Terrace*

*Mr. Euderly Ruiz, 12000 NE 16th Avenue, principal operator, Mobile Home*

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Association,

Ms. Martha Morales, 12000 NE 16th Avenue

Mr. Kenneth Foster, 12000 NE 16th Avenue

Ms. Ana Lucia Morales, 12000 NE 16th Avenue

Ms. Lelia Lopez, 12000 NE 16 Avenue

Ms. Silvana Silla

Mr. Adolfo Prieto

Ms. Mercedes Diaz

Ms. Julia Santiago, 12000 NE 16th Avenue

Ms. Diana Rochette, 12000 NE 16th Avenue

Ms. Linda Gayle, 12000 NE 16th Avenue

Ms. Ines Medero, resident, Lil Abner Mobile Home Park

Ms. Zaida Sandoval

Mr. Michael Larkin, Bercow, Radell and Fernandez, 200 S. Biscayne Boulevard, attorney representing Liberty Investments, Inc., requested Mobile Home Park site no. 12 be exempt from the proposed moratorium. He noted the property was in the redevelopment process.

Mr. Tim Keegan appeared in connection with mobile home park site no. 10. He noted he was a principal in the development group that had been working on the redevelopment project for the past three years and the lender would not provide financing unless the site was exempt from the proposed moratorium. Mr. Keegan said the development group had offered to pay the mobile home park residents more than the amount required by the State and was willing to assist residents in locating replacement affordable housing. He noted the proposed project would provide jobs and provide economic impact.

Mr. John De Leon, attorney representing Blue Lake Trailer Park residents, and Vice-President, Jobs for Justice, appeared in support of the foregoing proposed moratorium. He noted developers should ensure that residents who would be displaced had money to relocate. Mr. De Leon said mobile home park residents would not be compensated through the eminent domain laws and he urged the County Commission to impose a one-year moratorium and to require a comprehensive study be conducted.

Mr. David Brown, 500 S. Dixie Highway, asked that mobile home park site no. 6 be exempt from the proposed moratorium. He noted the zoning had changed and trailers were no longer allowed.

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

Discussion ensued among the County Commission members and staff regarding the foregoing proposed resolution.

Commissioner Diaz explained why he sponsored a resolution to halt the redevelopment of a mobile home park in his district. He noted he withdrew his resolution when Mayor Alvarez asked the County Administration to impose a moratorium throughout Miami-Dade County. Commissioner Diaz asked that representatives of the mobile home park residents be included in any task force created by the Mayor and the County Manager.

Assistant County Manager Alex Munoz advised the County could not control sales of the property and closure of mobile home parks was dictated by the

State.

Commissioner Sosa spoke in support of a one-year moratorium. She asked that the study and report to be provided by the County Manager include input from the departments and staff on the impact of redevelopment of mobile home park properties and strategies for mitigation. Commissioner Sosa also asked that alternatives be presented to the County Commission for residents who invested their life savings in their mobile home.

Commissioner Jordan spoke in support of the foregoing proposed resolution. She noted she felt the proposed moratorium would provide an opportunity to determine whether the County's zoning laws needed to be strengthened.

Following Commissioner Rolle's comments regarding mobile home park site 17 and properties located in District 2, Mr. Subrata Basu, Interim Director, Department of Planning and Zoning, recommended that mobile home park site nos. 5, 6, 17 and 40 which were cleared, be exempt from the proposed moratorium.

Commissioner Sorenson asked the county attorneys to review legal options to change the law so that people would not purchase mobile homes with the expectation that they could remain on the land. She also asked staff to verify that certain mobile home park sites were not inhabited.

In response to Commissioner Heyman, Assistant County Attorney Armstrong-Coffey advised vacant properties should be exempt from the moratorium, particularly those that were approved prior to 1971. She noted properties that currently housed a mobile home park but recently acquired a different zoning or a different master plan designation, had an ability to continue operating those mobile home parks and it would not be an unlawful moratorium. She suggested waiting for the County Manager's report regarding the status of individual properties.

Responding to Commissioner Heyman's concern regarding the County's assistance and protection to mobile home residents facing eviction, County Manager George Burgess said housing programs and funds were available for individual homeownership loans or development of affordable housing. He noted housing funds were not specifically targeted for mobile home parks; however, the proposed moratorium would allow staff to review strategies and alternatives to provide housing as these properties became more attractive for redevelopment.

Assistant County Attorney Armstrong-Coffey advised the proposed moratorium prevented the issuance of building permits; not the eviction of residents or the closure of mobile home parks.

Commissioner Heyman asked Mr. Basu, Interim Planning Director, to ensure that the list of mobile home parks was corrected to reflect those that were not occupied as an operating trailer park.

Commissioner Seijas said she felt the sale of used trailers without disclosing the lack of a land lease and the inability to transport the trailers was unacceptable. She questioned whether inspections were conducted by any agencies before the trailers were sold, and questioned the mortgages on these properties. Commissioner Seijas suggested the American Civil Liberties Union (ACLU) address these issues.

*Mr. John De Leon, attorney, noted he filed a lawsuit alleging conspiracy and fraud regarding the Blue Lake Trailer Park. He noted generally the ACLU did not become involved in actions against private owners because it was not a bill of rights issue.*

*In response to Commissioner Seijas' inquiry, Assistant County Attorney Armstrong-Coffey advised the statute pre-empted to the State control over the landlord and tenant; however, if there was a zoning approval to approve a new mobile home park, the County Commission might be able to accept a covenant, but it was not a matter of adopting an ordinance.*

*Commissioner Edmonson expressed concern regarding the proposed moratorium being imposed on vacant properties. She suggested the County Commission exempt properties that would be redeveloped with public funding.*

*In response to Commissioner Moss, Mr. Matthew Amster, Bercow, Radell and Fernandez, 200 S. Biscayne Boulevard, attorney representing the Cornerstone Group, said the Princetonian Mobile Home Park (No. 39) would be redeveloped with 621 affordable housing units in different phases and residents would be relocated within the property during the construction period.*

*Responding further to Commissioner Moss, Mr. Jeffrey Bercow, attorney representing Princetonian Mobile Home Park, site no. 39, noted that 98% of the units in Princetonian were owned. He said his client had agreed that if the current mobile home residents qualified as low-income residents (less than 60% of the median income of the County), they would be allowed to rent apartments in the project at subsidized rates.*

*Commissioner Moss requested Mr. Bercow provide him with a written commitment from the developer of Princetonian Mobile Home Park, site no. 39.*

*Commissioner Moss asked that the Princetonian Mobile Home Park and properties with no existing trailers be exempt from the proposed moratorium.*

*Commissioner Gimenez asked County Manager Burgess to provide the County Commission with a plan that would utilize County resources to assist mobile home park residents who were affected by relocation.*

*Chairman Barreiro noted he could not support the foregoing proposed resolution. He noted these sites were becoming very precious, especially in the high urban communities, and he was in favor of lobbying the Legislature to stop the proliferation of mobile home parks throughout the State.*

*Commissioner Heyman asked that the foregoing proposed resolution be amended to exempt Biscayne Breeze Park, site no. 10, from the proposed moratorium. She noted a commitment was made that 51 units would be available for workforce housing, and this exceeded the displacement of the people currently living on the property. Commissioner Heyman said the developers had made a commitment not to evict any current residents until it was necessary and was a safety issue; and that they would work to relocate 40 residents until the development was completed.*

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Commissioner Sosa asked that, as part of the study, staff consider creating a zoning designation for trailer parks and the possibility of parceling the trailer park as part of a future rezoning process.

Commissioner Sosa asked Assistant County Attorney Armstrong-Coffey to prepare a resolution urging the State to prohibit evictions from trailer parks during moratoriums from local governments.

Commissioner Diaz asked to be listed as a co-sponsor of the legislation proposed by Commissioner Sosa.

Mr. Basu suggested that he be allowed to come back at the next County Commission meeting with a status report on all the properties.

Commissioner Gimenez suggested the foregoing proposed resolution be amended to provide that the County Administration review all the sites to determine if the additional sites had been cleared, and if the Administration felt it was appropriate to remove a site from the proposed moratorium, based on factors relating to financing or that it would be in the best interest of the County to remove the sites because it would be advancing affordable housing, that the Administration be allowed to do so without having to come back before the County Commission.

Assistant County Attorney Armstrong-Coffey advised only the County Commission had the authority to declare a moratorium and to exempt properties from the moratorium. She noted if the Commission was able to articulate criteria by which the County Manager could make decisions to exempt properties, that would be acceptable.

Responding to Commissioner Diaz' concern regarding the displacement of mobile home park residents, County Manager Burgess confirmed 120 days was sufficient time to provide the County Commission with a report. He said any property that was cleared or was being used for a different purpose, should not be burdened by the proposed moratorium. Mr. Burgess noted at the next Commission meeting, staff would provide a report on the number of mobile home parks that were at the building permit stage.

Commissioner Jordan commended developers who would be developing properties in phases in order to avoid the dislocation of park residents and to provide them with the first opportunity to come in. She asked whether this kind of review could be included in the report that would be coming back to the Commission.

Commissioner Diaz concurred with Commissioner Jordan's request.

In response to Commissioner Sorenson, Mr. Jose Cintron, Director, Office of Community and Economic Development, commented on the federally mandated rent involving tax-exempt bond financing.

Upon conclusion of the foregoing discussion, the County Commission by motion duly made, seconded and carried, adopted the foregoing resolution as amended to approve a building moratorium for 120 days, excluding Biscayne Breeze Park (No. 10) and Princetonian Mobile Home Park (No. 39), subject to verification by the County Manager, as well as any listed mobile home park property verified by the County Manager as vacant or as not being operated as a mobile home park.



7A ALTERNATE

072889 Ordinance

ORDINANCE CODIFYING THE COMMUNITY PERIODICAL ADVERTISING PROGRAM; PROVIDING QUALIFICATIONS, STANDARDS, DEFINITIONS, APPLICATIONS, PENALTIES AND OTHER MATTERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEMS UNDER FILE NOS. 071855, 072710] (Airport and Tourism Committee)

Withdrawn

Report: (See Agenda Item 7A, Legislative File No. 072710)

9/25/2007 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8 DEPARTMENTAL ITEMS

8A AVIATION DEPARTMENT

8A1A

072744 Resolution

RESOLUTION AWARDDING A NON-EXCLUSIVE MANAGEMENT AGREEMENT FOR EMPLOYEE AND PUBLIC REMOTE PARKING LOT SHUTTLE BUS SERVICE AT MIAMI INTERNATIONAL AIRPORT, RFP NO. MDAD 06-06, TO OPERATOR, FIRST TRANSIT, INC.; AUTHORIZING MAYOR OR HIS DESIGNEE TO EXECUTE AGREEMENT AND TO EXERCISE ANY RENEWAL OR TERMINATION PROVISIONS CONTAINED THEREIN (Aviation Department)

Adopted Resolution R-1162-07 Mover: Joe A. Martinez Seconder: Rebeca Sosa Vote: 12-0 Absent: Moss

Report: Commissioner Jordan asked the Miami-Dade Transit Department Director to look at opportunities to participate in other County departments to avoid privatization.

9/25/2007 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1A SUPPLEMENT

073023 Supplement

SUPPLEMENT TO RESOLUTION APPROVING AWARD OF FIVE-YEAR \$22,226,945 MANAGEMENT AGREEMENT FOR EMPLOYEE AND PUBLIC REMOTE PARKING LOT SHUTTLE BUS SERVICE AT MIAMI INTERNATIONAL AIRPORT (MIA)

Presented

Report: (See also Agenda Item 8A1A Supplement #2, Legislative File No. 073052)

## 8A1A SUPPLEMENT #2

**073052 Supplement**

SUPPLEMENT TO RESOLUTION APPROVING AWARD OF FIVE-YEAR \$22,226,945 MANAGEMENT AGREEMENT FOR EMPLOYEE AND PUBLIC REMOTE PARKING LOT SHUTTLE BUS SERVICE AT MIAMI INTERNATIONAL AIRPORT (MIA)

**Presented**

**Report:** *The County Commission corrected the following scrivener's error noted in the County Manager's Memorandum entitled "Changes for the October 16, 2007 BCC Meeting." That the second sentence on handwritten page 1, 4th paragraph, "The County Attorney's Office is recommending that we follow County practices by making the Operator responsible for providing the insurance for their operation" should be replaced with the following: "Requiring the Operator to provide the insurance for their operation is consistent with County practices."*

## 8A1B

**072751 Resolution**

RESOLUTION PURSUANT TO SECTION 2-285(6) OF THE CODE RATIFYING THE ACTIONS OF THE COUNTY MANAGER IN ACCEPTING AND EXECUTING THE AMENDMENT TO THE OTHER TRANSACTION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TRANSPORTATION SECURITY ADMINISTRATION EXTENDING THE TERM OF THE AGREEMENT FOR ONE YEAR AND REVISING THE LIST OF TSA AUTHORIZED REPRESENTATIVES; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ANY FURTHER MODIFICATIONS OR AMENDMENTS TO THIS AGREEMENT (Aviation Department)

**Adopted****Resolution R-1163-07****Mover: Jose "Pepe" Diaz****Seconder: Dorrin D. Rolle****Vote: 9- 0****Absent: Edmonson, Sosa, Moss, Martinez**

**9/25/2007** Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

## 8A1C

**072755 Resolution**

RESOLUTION AUTHORIZING EXECUTION OF FIRST AMENDMENT TO THE FOOD AND BEVERAGE DEVELOPMENT LEASE AND CONCESSION AGREEMENT AT MIAMI INTERNATIONAL AIRPORT BETWEEN MIAMI-DADE COUNTY AND HOST INTERNATIONAL, INC. EXTENDING THE AGREEMENT FOR THREE YEARS, REQUIRING INVESTMENT BY HOST INTERNATIONAL, INC. OF \$2,000,000 NOT SUBJECT TO REIMBURSEMENT OR AMORTIZATION, AND PROVIDING OTHER MODIFICATIONS CONSISTENT WITH OTHER CURRENT CONTRACTS; WAIVING COMPETITIVE BID REQUIREMENTS (Aviation Department)

**Adopted****Resolution R-1164-07****Mover: Joe A. Martinez****Seconder: Rebeca Sosa****Vote: 12- 0****Absent: Moss**

**9/25/2007** Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1D

**072761 Resolution**

RESOLUTION RELATING TO THE NORTH TERMINAL DEVELOPMENT CONSOLIDATION PROGRAM AT MIAMI INTERNATIONAL AIRPORT; APPROVING FIRST COUNTY AMENDMENT WITH ROSS & BARUZZINI, INC. FOR PREMISE DISTRIBUTION SYSTEM (PDS) DESIGN, CONTRACT NO. MIA-775A, WHICH INCREASES THE MAXIMUM CONTRACT AMOUNT BY \$676,102 TO \$3,645,974, EXTENDS THE TERM OF THE AGREEMENT BY 5 YEARS, AND CHANGES TERMS AND CONDITIONS OF THE AGREEMENT; AND AUTHORIZING COUNTY MAYOR OR DESIGNEE TO EXECUTE SAME AND TO EXERCISE CANCELLATION AND TERMINATION PROVISIONS THEREOF (Aviation Department)

*Adopted**Resolution R-1165-07**Mover: Jose "Pepe" Diaz**Seconder: Dorrin D. Rolle**Vote: 9- 0**Absent: Edmonson, Sosa, Moss, Martinez*

**9/25/2007** Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1E

**072762 Resolution**

RESOLUTION RELATING TO THE NORTH TERMINAL DEVELOPMENT CONSOLIDATION PROGRAM AT MIAMI INTERNATIONAL AIRPORT; APPROVING CHANGE ORDER NO. 1 WITH THYSSEN KRUPP AIRPORT SYSTEMS, INC. (THYSSEN); INCREASING THE CONTRACT AMOUNT BY \$1,505,524; EXTENDING THE CONTRACT TIME BY 1,461 DAYS; AMENDING CERTAIN TERMS OF THE CONTRACT; AND AUTHORIZING COUNTY MAYOR OR DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY (Aviation Department)

*Adopted**Resolution R-1166-07**Mover: Jose "Pepe" Diaz**Seconder: Carlos A. Gimenez**Vote: 9- 1**No: Martinez**Absent: Sosa, Souto, Seijas*

**Report:** County Attorney Robert Cuevas advised the foregoing proposed resolution contained a scrivener's error and the following sentence should be deleted from the justification section on handwritten page 2: "The new estimated time for delivery calls for two passenger loading bridges (PLBs) to be delivered in 2007, one PLB in 2008, and the remaining PLBs delivered in 2010." Mr. Cuevas advised this was incorrect and delivery of the PLBs would be 40 to 60 days in advance of the opening of the new gates in accordance with the North Terminal Development (NTD) Master Schedule.

*In response to Commissioner Jordan's inquiry regarding the rationale for storing one PLB at Thyssen's manufacturing facility in Ft. Worth, Texas, Mr. Jose Abreu, Director, Miami-Dade Aviation Department, said this loading bridge was ordered when the job was being managed by American Airlines. He noted the bridge was included as part of the County's settlement with American Airlines and would not be utilized until mid April 2008.*

*Responding to Commissioner Martinez' inquiry regarding the retroactive time extension, County Attorney Cuevas noted the time extension should be done timely; however, in this case it was being done retroactively.*

**9/25/2007** Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1F

**072772 Resolution**

RESOLUTION AUTHORIZING THE ISSUANCE AND ADVERTISING OF A REQUEST FOR PROPOSALS (RFP MDAD-05-06) TO SELECT A QUALIFIED FIRM TO DEVELOP AN ADVERTISING DISPLAY PROGRAM AT MIAMI INTERNATIONAL AIRPORT (Aviation Department)

*Amended*

**Report:** *(See Agenda Item 8A1F, Legislative File No. 073108)*

**9/25/2007** Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1F Amended

**073108 Resolution**

RESOLUTION AUTHORIZING THE ISSUANCE AND ADVERTISING OF A REQUEST FOR PROPOSALS (RFP MDAD 05 06) TO SELECT A QUALIFIED FIRM TO DEVELOP AN ADVERTISING DISPLAY PROGRAM AT MIAMI INTERNATIONAL AIRPORT [SEE ORIGINAL FILE UNDER LEGISTAR NO. 072772] (Aviation Department)

*Adopted as amended  
Resolution R-1167-07  
Mover: Carlos A. Gimenez  
Seconder: Jose "Pepe" Diaz  
Vote: 11- 0  
Absent: Souto, Seijas*

**Report:** *It was moved by Commissioner Gimenez that the foregoing proposed resolution be adopted as amended. This motion was seconded by Commissioner Diaz.*

*Commissioner Sorenson offered an amendment to require the companies or related companies to state whether they had been involved in litigation with the County or municipalities regarding County or municipality sign codes. She also suggested the foregoing proposed resolution be amended to increase the Minimum Annual Guarantee (MAG) to \$3.75 million.*

*Discussion ensued regarding the foregoing proposed amendments.*

*In response to Commissioner Diaz's inquiry regarding increasing the MAG, Mr. Miguel Southwell, Assistant Aviation Director for Business Development, Miami-Dade Aviation Department, said the Department did not wish to set the MAG at a level where it would deter potential bidders. He suggested the MAG be set at \$3 million.*

*Commissioner Diaz recommended the MAG be increased to \$3 million. Commissioner Gimenez accepted this amendment.*

*Commissioner Sorenson withdrew her amendment regarding the municipalities and proffered the amendment to require that proposers must disclose any litigation with the County.*

*Following discussion, the County Commission by motion duly made, seconded and carried, adopted the foregoing resolution as amended to include the following language: "The proposer shall disclose whether it has received notices of any violation of the sign code of Miami-Dade County. The County may consider any such violation when determining the responsibility of the bidder." The resolution was also amended to increase the Minimum Annual Guarantee to \$3 million and that proposers must disclose any litigation with the County.*

8A1G

**072833 Resolution**

RESOLUTION APPROVING AWARD OF THE CONTRACT FOR CONSTRUCTION OF THE MIA SOUTH TERMINAL DUAL TAXIWAY PROJECT NO. MDAD K-150-A, TO MARKS BROTHERS, INC., IN AN AMOUNT NOT TO EXCEED \$11,060,426.63, INCLUDING AN INSPECTOR GENERAL AUDIT ACCOUNT FOR \$25,080.33, AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME, AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS THEREOF [SEE ORIGINAL ITEM UNDER FILE NO. 072763] (Aviation Department)

*Adopted  
Resolution R-1168-07  
Mover: Joe A. Martinez  
Seconder: Rebeca Sosa  
Vote: 12- 0  
Absent: Moss*

**Report:** *The County Commission corrected the following scrivener's error noted in the County Manager's Memorandum entitled "Changes for the October 16, 2007 BCC Meeting." That the 2nd sentence in the 2nd paragraph under "Background" on handwritten page 1 should be deleted: "The Aviation Department's Minority Affairs Division performed a compliance review of the bid submittals and determined that Kiewit Southern Co. did not submit the required DBE utilization form, the Schedule of Participation forms or the DBE Letters of Intent (LOI) and therefore was not in compliance with the contract requirements and as a result were subsequently found non-responsive by the County Attorney's Office."*

**9/25/2007** Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1H

**073019 Resolution**

RESOLUTION AWARDED THE PROFESSIONAL CONSTRUCTION COST ESTIMATING SERVICES CONSULTANT AGREEMENT FOR THE AVIATION DEPARTMENT TO US COST, INC.; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND ANY TERMINATION OR EXTENSION PROVISIONS CONTAINED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 072774] (Aviation Department)

*Deferred as recommended by the County Manager  
Mover: Jose "Pepe" Diaz  
Seconder: Dorrin D. Rolle  
Vote: 9- 0  
Absent: Edmonson, Sosa, Moss, Martinez*

**Report:** *During consideration of changes to today's agenda, the County Commission deferred the foregoing proposed resolution to the November 6, 2007, Commission meeting, as recommended by the County Manager.*

**9/25/2007** Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Airport and Tourism Committee

8A11

**073021 Resolution**

RESOLUTION AWARDING THE PROFESSIONAL CONSTRUCTION SCHEDULING SERVICES CONSULTANT AGREEMENT FOR THE AVIATION DEPARTMENT TO PACO GROUP, INC.; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND ANY TERMINATION OR EXTENSION PROVISIONS CONTAINED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 072776] (Aviation Department)

*Adopted**Resolution R-1169-07**Mover: Dennis C. Moss**Seconder: Jose "Pepe" Diaz**Vote: 10- 0**Absent: Sorenson, Souto, Seijas*

**Report:** *In response to Commissioner Moss' inquiry whether the services in the proposed contract could be used for any services/activities at the Airport, Mr. Jose Abreu, Director, Miami-Dade Aviation Department, noted he did not expect the services to be used for the MIA Mover.*

*County Attorney Robert Cuevas advised that the foregoing proposed resolution contained a scrivener's error and handwritten Pages 9 and 10 should be deleted.*

**9/25/2007** Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Airport and Tourism Committee

**8B [No items were submitted for these sections.]**Thru  
8E**8F GENERAL SERVICES ADMINISTRATION**

8F3A

**072766 Change Orders**

CHANGE ORDER FOR KENDALE LAKES PROTOTYPE BRANCH LIBRARY - PROJECT NO: W60170; CONTRACT NO: W60170; PROJECT LOCATION: KENDALE DRIVE BETWEEN SW 152ND AVENUE AND SW 153RD AVENUE (General Services Administration Department)

*Approved**Mover: Barbara J. Jordan**Seconder: Joe A. Martinez**Vote: 10- 0**Absent: Sorenson, Souto, Seijas*

**Report:** *In response to Commissioner Gimenez' inquiry regarding the additional increase to the contract amount, Ms. Wendi Norris, Director, General Services Administration, stated the current contingency balance was \$65,000. She noted funds were used from the original contingency amount for unanticipated smaller items on this project.*

*Responding to Commissioner Jordan's inquiry regarding the recommended firm's goal deficit of approximately \$72,000, Ms. Alice Hidalgo-Gato, Director, Contract Review and Compliance Division, Small Business Affairs, noted the contractor had awarded an additional \$67,000 to Community Small Business Enterprise (CSBE) firms and felt confident he would meet the goal by completion of the project.*

**10/5/2007** Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Recreation & Cultural Affairs Committee

8F3B

**073003 Change Orders**

CHANGE ORDER FOR CONSTRUCTION OF THE NEW PROTOTYPE BRANCH LIBRARY (INTERNATIONAL MALL) - PROJECT NO: W50197; CONTRACT NO: W50197; PROJECT LOCATION: 1275 NW 107TH AVENUE, MIAMI, FL 33172 (General Services Administration Department)

*Approved*  
*Mover: Jose "Pepe" Diaz*  
*Seconder: Dorrin D. Rolle*  
*Vote: 9- 0*  
*Absent: Edmonson, Sosa, Moss, Martinez*

10/5/2007 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Recreation & Cultural Affairs Committee

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

**Thru  
8L**

**8M PARK AND RECREATION DEPARTMENT**

8M1A

**072553 Resolution**

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

RESOLUTION AUTHORIZING THE WAIVER OF FORMAL COMPETITIVE BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1(B) OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE A GRANT AGREEMENT WITH MEMORIAL CUBANO, INC., IN AN AMOUNT NOT TO EXCEED \$200,000 FOR THE DESIGN AND CONSTRUCTION OF A CUBAN MEMORIAL MONUMENT AT TAMIAMI PARK FOR AND ON BEHALF OF MIAMI-DADE COUNTY, AND TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (Park & Recreation Department)

*Amended*

**Report:** (See Agenda Item 8M1A, Legislative File No. 073137)

9/10/2007 Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee

10/2/2007 Deferred by the Board of County Commissioners

**FINAL OFFICIAL**

8M1A Amended

**073137**

**Resolution**

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

RESOLUTION AUTHORIZING THE WAIVER OF FORMAL COMPETITIVE BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1(B) OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE A GRANT AGREEMENT WITH MEMORIAL CUBANO, INC., IN AN AMOUNT NOT TO EXCEED \$200,000 FOR THE DESIGN AND CONSTRUCTION OF A CUBAN MEMORIAL MONUMENT AT TAMiami PARK FOR AND ON BEHALF OF MIAMI-DADE COUNTY, AND TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 072553] (Park & Recreation Department)

*Adopted as amended  
Resolution R-1170-07  
Mover: Rebeca Sosa  
Seconder: Joe A. Martinez  
Vote: 13- 0*

**Report:** *Commissioner Martinez recognized representatives from Memorial Cubano, Inc. and Florida International University who were working together on the proposed Cuban Memorial Monument at Tamiami Park.*

*Assistant County Attorney Diamela Del Castillo read the following amendment(s) to the foregoing proposed resolution:*

*-Page 1 of the item under the paragraph entitled "Fiscal Impact/Funding Source" in the first line, the phrase "Capital Outlay Reserve Funds (CORF)" would be stricken and replaced with the phrase "Financing Proceeds;"*

*-Page 5, fifth line, the phrase "Capital Outlay Reserve Funds (CORF)" would be stricken and replaced with the phrase "Financing Proceeds;"*

*-Page 5, third line from the bottom, "CORF Funds" would be stricken and replaced with "Financing Proceeds;"*

*-Page 18, fifth paragraph, the phrase "County Capital Outlay reserve Funds (CORF)" would be stricken and replaced with "Financing Proceeds;"*

*-Page 18, sixth paragraph, "CORF monies" would be stricken and replaced with "Financing Proceeds;"*

*-Page 19, Article 2, paragraph 2.5 would be inserted under paragraph 2.4, and would read as follows: "The MEMORIAL CUBANO agrees to procure construction services in accordance with Section 255.20, Florida Statutes."*

*-Page 20, under Article 4, entitled "Amount Payable" in paragraph 4.1, line 2, the phrase "CORF" would be replaced with the word "Financing" and in paragraph 4.2, line 2, the phrase "CORF monies" would be replaced with "Financing Proceeds;"*

*-Page 23, Article 8, entitled "Payment and Performance Bond," the word "through" in line 1 would be stricken and replaced with "and;" a new phrase "or such other alternate form of security" would be added after the phrase "separate performance bond" in line 2. The paragraph would read: "The MEMORIAL CUBABNO, and its contractor, shall obtain and deliver to the COUNTY a payment bond and separate performance bond or such other alternate form of security, each which meet the requirements ..."*

*Commissioner Sosa expressed appreciation to Commissioner Martinez for sponsoring the foregoing proposed resolution.*

*The County Commission by motion duly made, seconded and carried, voted to adopt the foregoing proposed resolution with the amendments noted by Assistant County Attorney Del Castillo.*

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

**8O**      **PROCUREMENT MANAGEMENT DEPARTMENT**

801A

**073049 Resolution**

*Amended*

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS WITH WASTE PRO OF FLORIDA, INC, WASTE MANAGEMENT INC OF FLORIDA, AND TOTER, INC. TO OBTAIN CURBSIDE COLLECTION AND PROCESSING SERVICES, AND ROLLING CARTS RESPECTIVELY; WAIVING THE REQUIREMENTS OF SECTIONS 2-8.3 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE PERTAINING TO BID PROTESTS BY A TWO-THIRD VOTE OF THE BOARD MEMBERS PRESENT, AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE ALL NECESSARY AGREEMENTS FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS AND ALL OTHER RIGHTS CONTAINED THEREIN; CONTRACTS NO. 545A, 545B, AND ITB-8513-0/08 (Procurement Management Department)

**Report:** *The County Commission corrected the following scrivener's error noted in the County Manager's Memorandum entitled "Changes for the October 16, 2007 BCC Meeting." That handwritten page 48, Article 1 d) "Waste Services of Florida, Inc." should be deleted and replaced with "Waste Management Inc. of Florida."*

*County Manager Burgess provided an overview of the proposed Curbside Recycling Program. He said pursuant to a request from the Governmental Operations and Environment (GOE) Committee on September 11, 2007, staff from the Solid Waste Management Department and the Procurement Management Department met with the proposers to the original Request for Proposals (RFP) which resulted in a change of vendor and a lower price for the collection of recyclable materials. Mr. Burgess noted staff's objective was to provide consistent service to all residents of the waste service area at the best possible value.*

*Ms. Kathy Woods-Richardson, Director, Department of Solid Waste Management (DSWM), summarized the scope of the pricing for the proposed recycling program. She stated the penalties for missed pickups would be increased from the current \$25 per household to \$100 per household. Ms. Woods-Richardson noted Waste Management, Inc. agreed to provide monies to DSWM for the recycling educational campaign and would assume the potential risk in the event of weak markets. She stated DSWM would be saving approximately two million dollars annually. Ms. Woods-Richardson noted that as part of the collection and processing agreements, language was included in the agreements that required the contractor to use all reasonable best efforts to provide job opportunities for any displaced staff of the third party contractor, and current employees of Waste Services would not lose their jobs. She stated staff requested bar codes be placed on the carts to maintain inventory control.*

*Addressing the GOE Committee's concerns regarding zones and local preference of the contractors, Ms. Woods-Richardson said the prices and aggregate submitted by the companies for zones were greater than the prices for the entire County. She noted Waste Pro, the selected contractor for the collection of recyclable materials, operated in Longwood, Florida; however, the company had over \$100 million in credit availability and greater experience in providing services to municipalities similar to those in Miami-Dade County or greater. Ms. Woods-Richardson said Waste Pro addressed staff's concerns regarding rear loaded trucks by indicating they were able to provide side loaded trucks.*

*Ms. Miriam Singer, Director, Procurement Management Department, provided an overview of the procurement process which she noted was competitive and transparent. She stated secret negotiations were not held as was alleged in complaints.*

*Following discussion among members of the County Commission and staff, it was moved by Commissioner Sorenson that the Board approve the County Manager's recommendation. This motion was seconded by Commissioner Sosa.*

*Commissioner Gimenez recapped the discussion at the GOE Committee regarding the contract award for the recycling program and noted staff was directed to negotiate the best price. He expressed concern regarding the logic used in the selection of the firm that would be processing the recyclable*

materials. Commissioner Gimenez said he did not believe staff received the best price and noted he felt Ms. Singer needed to re-evaluate the criteria used by staff in arriving at its conclusion.

Commissioner Sosa stated she would not support any amendment to the original recommendation because she was assured by the County Administration that the procurement process was followed. She noted local preference was not applied in some cases, and stated a level playing field was provided, this was the best deal for Miami-Dade County and the contractor(s) agreed to provide job opportunities for any displaced workers.

In response to Commissioner Moss' inquiry, County Attorney Cuevas noted the County Commission could reject the County Manager's recommendation and establish the criteria it wished the Manager to follow in selecting the contractor for award.

Commissioner Diaz noted he felt the County Commission should look at whether zones should be included, and whether the bids should be rejected and a process established.

It was moved by Commissioner Jordan that the Board accept the County Manager's recommendation on the processing component; reject the collection component of the recommendation; accept the recommendation on the carts; and request that the County Manager come back with a recommendation that includes three zones with local consideration and price being at least \$1.97 or below. This motion was seconded by Commissioner Seijas.

County Attorney Cuevas advised that this proposed resolution required a 2/3 majority vote.

The foregoing motion, upon being put to a vote, failed to obtain the necessary two-thirds vote for approval after the following "no" votes were recorded: (Commissioners Diaz, Edmonson, Gimenez, Heyman, and Martinez voted "no").

After discussion, it was moved by Commissioner Jordan that the Board approve the County Manager's recommendations for award of the contract for processing of recyclable materials to Waste Management, Inc. The motion provided that the award of the processing contract be subject to the subsequent award of the collection contract. This motion was seconded by Commissioner Seijas, and upon being put to a roll call vote, passed by a vote of 8-4, (Commissioners Edmonson, Heyman, Martinez, Moss, Seijas, Sosa, Jordan and Chairman Barreiro voted "yes") (Commissioners Gimenez, Rolle, Sorenson, and Diaz voted "no") (Commissioner Souto was absent).

It was moved by Commissioner Jordan that the Board approve the County Manager's recommendations for award of the contract for purchase of rolling carts to Toter, Inc., subject to subsequent award of the collection contract. This motion was seconded by Chairman Barreiro, and upon being put to a vote, failed to obtain the necessary two-thirds vote for approval after the following votes were recorded: (Commissioners Moss, Seijas, and Sosa voted "yes;" Commissioners Gimenez, Heyman, Martinez, Rolle and Sorenson voted "no").

It was moved by Commissioner Martinez that the County Manager, the

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County Attorney, the Procurement Management Department Director (PMD), and industry representatives meet and decide on a process that the PMD Director could submit to the County Commission before the end of this week. This motion was seconded by Commissioner Diaz.

The Board took no action on the foregoing motion.

It was moved by Commissioner Martinez that the Procurement Management Department negotiate with Cascade Engineering, Inc. under the Houston Galveston Cooperative Area (HGCA) contract, to hold its price for carts at \$41.85; and that the Procurement Management Department conduct competitive negotiations with all firms for \$41.85 per cart, if Cascade would not hold its price. This motion was seconded by Commissioner Gimenez.

Following discussion, Commissioner Martinez withdrew this motion.

It was moved by Commissioner Jordan that the County Manager's recommendation to award the collection service contract to Waste Pro, Inc. be rejected; that the County Manager be instructed to negotiate with the five qualified firms; that three service zones be created; that no firm be awarded service in more than one zone; that no local preference be applied; and that the maximum price per house be \$1.97. This motion was seconded by Chairman Barreiro.

The foregoing motion, upon being put to a vote, failed to obtain the necessary two-thirds vote after the following votes were recorded: (Commissioners Moss, Seijas, Edmonson, and Martinez voted "yes;" Commissioners Rolle, Sorenson, Sosa, Diaz and Gimenez voted "no").

It was moved by Commissioner Sosa that the Board instruct the County Manager to provide a report at the October 18, 2007, meeting explaining why his original recommendation was withdrawn, along with alternative recommendations incorporating the comments/concerns voiced by all commissioners today. This motion died for lack of a second.

It was moved by Commissioner Diaz that the County Manager be instructed to negotiate with the five qualified firms for award of the collection contract; that three equal service zones be bid out based on price; that no firm be awarded service in more than one zone; that local preference be applied; and that the maximum price per house be \$1.97. This motion was seconded by Commissioner Martinez.

The foregoing motion, upon being put to a vote, failed to obtain the necessary two-thirds vote after the following votes were recorded: (Commissioners Rolle, Diaz, and Edmonson voted "yes;" Commissioners Seijas, Sorenson, Sosa, Gimenez, and Martinez voted "no").

It was moved by Commissioner Gimenez that the Board direct the County Manager to negotiate with all five qualified firms simultaneously and award the collection service contract to the firm with the lowest price. This motion died for lack of a second.

It was moved by Commissioner Gimenez that the Board waive the bid protest process for the recycling bins. This motion was seconded by Commissioner Martinez. The Chair declined to call a vote on this motion.

*Following Commissioner Diaz' comments that the County Manager be allowed to come back with a comprehensive process, Chairman Barreiro remanded the matter back to the County Manager for the Manager to meet with the affected proposers and develop a recommended process by which selection of firm(s) for award of the collection contract(s) can be made that includes consideration of: zones, local preference and best price. The Manager was directed to report back to the Board at its next meeting as to how to proceed.*

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

**8R**      **WATER AND SEWER DEPARTMENT**

8R1A

**072401                      Resolution**

RESOLUTION APPROVING EXECUTION OF AGREEMENT BETWEEN THE COUNTY AND FLORIDA INTERNATIONAL UNIVERSITY FOR THE PROVISION OF RESEARCH AND ANALYSIS SERVICES BY THE COLLEGE OF ENGINEERING (Water & Sewer Department)

*Adopted  
Resolution R-1172-07  
Mover: Jose "Pepe" Diaz  
Seconder: Dorrin D. Rolle  
Vote: 9- 0  
Absent: Edmonson, Sosa, Moss,  
Martinez*

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

8R3A

**072983                      Bid Awards**

CONTRACT AWARD RECOMMENDATION FOR SOUTH DISTRICT WASTEWATER TREATMENT PLANT, HLD UPGRADE TO 285 MGD, TEMPORARY OFFICE FACILITIES IN THE AMOUNT OF \$11,110,940.05. CONTRACT NO. S-825(A) (Water & Sewer Department)

*Withdrawn as recommended by  
the County Manager  
Mover: Jose "Pepe" Diaz  
Seconder: Dorrin D. Rolle  
Vote: 9- 0  
Absent: Edmonson, Sosa, Moss,  
Martinez*

**Report:** *During consideration of changes to today's agenda, the Board withdrew the foregoing proposed bid award as recommended by the County Manager.*

**9**      **ADDITIONAL DEPARTMENTAL ITEMS**

9A21A

**072159 Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS WITH WASTE SERVICES OF FLORIDA, INC; WASTE MANAGEMENT INC OF FLORIDA; AND CASCADE ENGINEERING, INC. TO OBTAIN CURBSIDE COLLECTION AND HAULING; RECYCLING SERVICES, AND TO PURCHASE 64-GALLON ROLLING CARTS RESPECTIVELY, WAIVING THE REQUIREMENTS OF SECTIONS 2-8.3 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE, PERTAINING TO BID PROTESTS, BY A TWO-THIRD VOTE OF THE BOARD MEMBERS PRESENT, AUTHORIZING THE COUNTY MAYOR OR DESIGNEE AND AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE ALL NECESSARY 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 CONTRACTS NO. 545A, 545B, AND CG-01-07 (Solid Waste Management Department)

*Withdrawn*

*Mover: Jose "Pepe" Diaz*

*Seconder: Dorrin D. Rolle*

*Vote: 9- 0*

*Absent: Edmonson, Sosa, Moss, Martinez*

**Report:** *During consideration of changes to today's agenda, the Board withdrew the foregoing proposed resolution.*

**7/11/2007** *Deferred by the Governmental Operations and Environment Committee*

**9/11/2007** *Forwarded to BCC without a recommendation from the Governmental Operations and Environment Committee*

9A21A SUPPLEMENT

**072626 Supplement**

SUPPLEMENTAL INFORMATION RE: APPROVAL TO AWARD CONTRACTS NOS. 545A AND 545B AND CG-01-07 FOR THE CURBSIDE RECYCLING PROGRAM

*Withdrawn*

*Mover: Jose "Pepe" Diaz*

*Seconder: Dorrin D. Rolle*

*Vote: 9- 0*

*Absent: Edmonson, Sosa, Moss, Martinez*

**Report:** *During consideration of changes to today's agenda, the Board withdrew the foregoing item.*

**9/11/2007** *Forwarded to BCC without a recommendation from the Governmental Operations and Environment Committee*

9A21A SUPPLEMENT 2

**072682 Supplement**

SUPPLEMENT NO. 2 TO THE RECOMMENDATION FOR APPROVAL TO AWARD CONTRACTS NO. 545A AND 545B AND CG-01-07 FOR THE CURBSIDE RECYCLING PROGRAM

*Withdrawn*

*Mover: Jose "Pepe" Diaz*

*Seconder: Dorrin D. Rolle*

*Vote: 9- 0*

*Absent: Edmonson, Sosa, Moss, Martinez*

**Report:** *During consideration of changes to today's agenda, the Board withdrew the foregoing item.*

**9/11/2007** *Forwarded to BCC without a recommendation from the Governmental Operations and Environment Committee*

10 **AUTHORITIES, BOARDS, COUNCILS AND TRUSTS**

11 **COUNTY COMMISSION**

11A **RESOLUTIONS**

11A1

072692

Resolution

Bruno A. Barreiro,  
Rebeca Sosa

RESOLUTION DIRECTING MAYOR OR HIS DESIGNEE TO IDENTIFY SOURCES OF LEGALLY AVAILABLE FUNDS TO FUND COUNTY'S CONTRIBUTION TOWARDS DEVELOPMENT OF NEW BALLPARK FOR FLORIDA MARLINS AT ORANGE BOWL LOCATION AND AUTHORIZING MAYOR OR HIS DESIGNEE TO NEGOTIATE BASEBALL STADIUM AGREEMENT AND ANY OTHER RELATED AGREEMENTS BY AND AMONG COUNTY, CITY OF MIAMI, FLORIDA MARLINS, LP, AND ANY OTHER NECESSARY PARTIES, SUBJECT TO FINAL BOARD APPROVAL

*Adopted*

*Resolution R-1173-07*

*Mover: Bruno A. Barreiro*

*Seconder: Barbara J. Jordan*

*Vote: 10- 1*

*No: Sorenson*

*Absent: Heyman, Souto*

**Report:** *At the request of Commissioner Jordan, Assistant County Manager Ian Yorty provided an overview of the \$50 million for renovation of the Orange Bowl. He noted yesterday (10/15), the Citizens Advisory Committee by a vote of 11-2, approved an item which proposed deleting the \$50 million project that was specifically included within the Building Better Communities General Obligation Bond (GOB) Program for renovation of the Orange Bowl, and adding a new project which would be \$50 million for the Marlins' proposed Baseball Stadium at the Orange Bowl site. Mr. Yorty said this item would be forwarded to Committee and the County Commission. He noted the Orange Bowl Stadium would be demolished as the University of Miami Hurricanes would no longer be playing at that facility.*

*In response to Commissioner Diaz' inquiry, County Manager Burgess stated the cost of the proposed Stadium would increase due to the compressed construction schedule and accelerated completion schedule of 29 months versus 36 months. He noted staff was still in negotiations with the team and Major League Baseball and was in the process of refining the cost, what the ceiling would be on the public sector and the team's obligations.*

*Commissioner Diaz said in view of the construction slow down, he believed the County could come in within the same price and expedite this project. He noted the deal could be hindered if the County started looking for more financing, and he felt it should be completed as quickly as possible.*

*County Manager Burgess noted any proposed Baseball Stadium Agreement would be presented to the County Commission for review and approval. He noted an Agreement would be executed between the team, the City and the County and time was of the essence. Mr. Burgess noted staff would try to control cost, risk, ensure that public funds were protected and at the same time, try to obtain a responsible deal between the three parties. He noted staff was focused exclusively on the Orange Bowl site in light of the decision by the Hurricanes to play their football games at Dolphin Stadium. Mr. Burgess said once the Orange Bowl was demolished, it would provide a clean 45-acre site which was more than adequate for the ball park and the requisite on-site parking.*

*Commissioner Martinez noted he had not been briefed about the \$50 million. He expressed concern regarding the City's contribution and noted he was hesitant to proceed with anything, unless there was a firm commitment.*

*County Manager Burgess stated the County's contribution to the proposed Baseball Stadium comprised Convention Development Tax (CDT) and Professional Sports Franchise Facilities Tax. He noted the County was also securing approximately \$162 million of team debt through rent payments to the County, having to essentially pledge non ad-valorem revenue as a security. Mr. Burgess said the rent would be obligated to pay the debt and that was a significant commitment on the County's part to make a deal happen. He noted any proposed Baseball Stadium agreement that came before the Board would have to be agreed to by all three parties. Mr. Burgess said the foregoing proposed resolution was intended to apprise the Board of other alternative revenue sources in light of the fact that the Orange Bowl would no longer be renovated.*

*Commissioner Martinez suggested that rent payments to the County be tied to something such as television revenues, versus being tied to team attendance, sales, concessions or parking, and be placed into a lock box.*

Commissioner Moss referred to a resolution that was adopted by the Board to look at the Homestead Baseball Complex as an alternative for the Florida Marlins' spring training. He noted if this community would be responsible for providing the resources for the Baseball Stadium, then some consideration should be given to having spring training in Homestead. Commissioner Moss noted he expected the negotiations to proceed in good faith.

Commissioner Moss noted if the City no longer had to commit resources to renovation of the Orange Bowl, perhaps it could identify resources that could be used for the Port Tunnel project, and if not, the City needed to provide some resources for the proposed Baseball Stadium. He noted he wanted this to be an ironclad proposal.

Commissioner Sorenson indicated she would not be supportive of the foregoing proposed resolution. She noted the County did not have the good faith of the City's participation and the County wanted to subsidize a private corporation.

Commissioner Sosa noted she would be supportive of the foregoing proposed resolution; however, she questioned whether the intent of the ballot question that was put to the voters regarding the \$50 million for renovation of the Orange Bowl was clear.

In response to Commissioner Sosa's inquiry, County Manager Burgess noted the CDT funds had a set of allowable uses and did not include education or social services. He clarified the Professional Sports Franchise Facilities Tax pursuant to State law could only be used to pay the debt service on bonds that were issued to build professional, sports franchise facilities.

In response to Commissioner Seijas' inquiry regarding the County's role in eminent domain, County Manager Burgess noted assuming an agreement was reached there would be no need to acquire land to site the ball park.

Chairman Barreiro noted the proposed resolution instructed the County Manager to negotiate and to come back to the Board with a proposal.

Chairman Barreiro relinquished the Chair to Vice-Chairwoman Jordan, prior to making a motion on the foregoing item.

9/25/2007 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Airport and Tourism Committee



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11A4

**072346 Resolution Joe A. Martinez**

RESOLUTION OPPOSING FEDERAL OR STATE LEGISLATION THAT WOULD PREEMPT LOCAL GOVERNMENTS FROM SUING FIRMS THAT RENT HOTEL ROOMS OVER THE INTERNET TO RECOVER UNPAID BED TAXES; URGING THE U.S. CONGRESS AND THE FLORIDA LEGISLATURE NOT TO PASS SUCH LEGISLATION

*Adopted  
Resolution R-1175-07  
Mover: Jose "Pepe" Diaz  
Seconder: Dorrin D. Rolle  
Vote: 9- 0  
Absent: Edmonson, Sosa, Moss,  
Martinez*

9/11/2007 Forwarded to BCC with a favorable recommendation from the Budget and Finance Committee

9/25/2007 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

11A5

**072310 Resolution Sen. Javier D. Souto**

RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE INTERNATIONAL SISTER AIRPORTS AGREEMENT BETWEEN MIAMI INTERNATIONAL AIRPORT AND JORGE CHAVEZ INTERNATIONAL AIRPORT

*Adopted  
Resolution R-1176-07  
Mover: Jose "Pepe" Diaz  
Seconder: Dorrin D. Rolle  
Vote: 9- 0  
Absent: Edmonson, Sosa, Moss,  
Martinez*

9/25/2007 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

11A6

**073001 Resolution Natacha Seijas**

RESOLUTION APPROVING THE ALLOCATION OF FY 2007-2008 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 13

*Adopted  
Resolution R-1177-07  
Mover: Jose "Pepe" Diaz  
Seconder: Dorrin D. Rolle  
Vote: 9- 0  
Absent: Edmonson, Sosa, Moss,  
Martinez*

11A7

**072993 Resolution Joe A. Martinez**

RESOLUTION APPROVING THE ALLOCATION OF FY 2007-2008 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 11

*Amended*

**Report:** (See Agenda Item 11A7 Amended, Legislative File No. 073136)

11A7 Amended

<b>073136</b>	<b>Resolution</b>	<b>Joe A. Martinez</b>
<p>RESOLUTION APPROVING THE ALLOCATION OF FY 2007-2008 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 11 [SEE ORIGINAL ITEM UNDER FILE NO. 072993]</p>		
		<p><i>Adopted as amended Resolution R-1178-07 Mover: Joe A. Martinez Seconder: Rebeca Sosa Vote: 11- 0 Absent: Heyman, Souto</i></p>

**Report:** Pursuant to Commissioner Martinez' request, the Board by motion duly made, seconded and carried, adopted the foregoing proposed resolution as amended to provide for the following allocations:

*Joe A. Martinez Christmas Event - \$12,000  
Halloween Reading Event – up to \$1,000.*

**11B      ADDITIONAL BUDGET ALLOCATIONS**

11B1

<b>073077</b>	<b>Report</b>	
<p>ALLOCATION OF (FY) 2007/08 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 1)</p>		
		<p><i>Approved Mover: Joe A. Martinez Seconder: Dennis C. Moss Vote: 7- 0 Absent: Rolle, Heyman, Sosa, Sorenson, Souto, Diaz</i></p>

**Report:** The following funding allocations were made from fiscal year (FY) 2007/08 District 1 Discretionary Reserve funds as requested by Vice-Chairwoman Jordan.

- \$5,000 to The Historic Hampton House Community Trust, Inc.*
- \$5,000 to Fanm Ayisyen Nan Miyami, Inc. (FANM) – Haitian Women of Miami*
- \$5,000 to Contractors Resource Center, Inc.*
- \$1,000 to University of Miami – United Black Students*
- \$1,000 to Belafonte TACOLCY Center, Inc. (40th Anniversary Gala)*
- \$5,000 to Alternative Directions Music Industry Training (ADMIT) Program*
- \$600 to Wish Foundation, Inc. (4th Annual Emerald Gala)*

*For the record, Vice-Chairwoman Jordan rescinded \$10,000 allocation for Concerned African Women from her FY 2006/07 discretionary budget and re-allocated the \$10,000 from her FY 2007/08 discretionary funds.*

11B2

**073078 Report**

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

*Approved**Mover: Joe A. Martinez**Seconder: Dennis C. Moss**Vote: 7- 0**Absent: Rolle, Heyman, Sosa,  
Sorenson, Souto, Diaz*

**Report:** *The following funding allocations were made from fiscal year (FY)  
2007/08 District 3 Community Services Reserve Funds as requested by  
Commissioner Edmonson.*

*\$30,000 to Haitian American Citizens & Voters Education Center  
\$10,000 to Curley's House of Style, Inc.*

11B3

**073079 Report**

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

*Approved**Mover: Joe A. Martinez**Seconder: Dennis C. Moss**Vote: 7- 0**Absent: Rolle, Heyman, Sosa,  
Sorenson, Souto, Diaz*

**Report:** *The following funding allocations were made from fiscal year (FY)  
2007/08 District 3 Discretionary Reserve Funds as requested by  
Commissioner Edmonson.*

*\$10,000 to Puerto Rican Chamber of Commerce of South Florida  
\$4,000 to Cafronia Haynes Thomas for Everybody Loves Skeeter Books  
\$3,135 to MACtown, Inc.  
\$2,500 to Women in Transition of South Florida, Inc.  
\$2,500 to Greek Orthodox Church of the Annunciation  
\$2,000 to Kristi House  
\$2,000 to Virginia Key Beach Park Trust Fund  
\$1,200 to Corporate Academy North Senior High School  
\$1,000 to Alternative Directions Music Industry Training (ADMIT) Program*

11B4

**073080 Report**

ALLOCATION OF (FY) 2007/08 DISTRICT DISCRETIONARY  
RESERVE FUNDS (DISTRICT 4)

*Approved**Mover: Joe A. Martinez**Seconder: Dennis C. Moss**Vote: 7- 0**Absent: Rolle, Heyman, Sosa,  
Sorenson, Souto, Diaz*

**Report:** *The following funding allocations were made from fiscal year (FY)  
2007/08 District 4 Discretionary Reserve Funds as requested by  
Commissioner Heyman.*

*\$1,500 to Special Olympics Miami-Dade County  
\$5,000 to Police Officers Assistance Trust -- c/o Somohano Trust Fund*

11B5

**073081 Report**

REIMBURSEMENT FROM COMMUNITY-BASED  
ORGANIZATION OFFICE FUNDS (DISTRICT 4)

*Approved**Mover: Joe A. Martinez**Seconder: Dennis C. Moss**Vote: 7- 0**Absent: Rolle, Heyman, Sosa,  
Sorenson, Souto, Diaz*

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

*\$1,000 from Women's Fund  
\$250 from Police Officers Assistant Fund  
\$100 from North Beach Development Corp.  
\$50 from Jewish War Vets  
\$1,500 from Voices for Children  
\$1,000 from AIPAC*

*For the record, Commissioner Heyman rescinded the following allocations:  
\$129.38 – City of North Miami  
\$1,000 - AIPAC*

11B6

**073082 Report**

ALLOCATION OF (FY) 2007/08 COUNTY SERVICES  
RESERVES FUNDS (DISTRICT 5)

*Approved**Mover: Joe A. Martinez**Seconder: Dennis C. Moss**Vote: 7- 0**Absent: Rolle, Heyman, Sosa,  
Sorenson, Souto, Diaz*

**Report:** *The following funding allocations were made from fiscal year (FY)  
2007/08 District 5 County Services Reserves Funds as requested by  
Chairman Barreiro.*

*\$3,000 to Kensington Elementary  
\$1,000 to Prime Time Seniors  
\$3,580 to Elderly Housing Development & Operations Corporation*

11B7

**073083 Report**

ALLOCATION OF (FY) 2007/08 DISTRICT DISCRETIONARY  
RESERVE FUNDS (DISTRICT 6)

*Approved*

*Mover: Joe A. Martinez*

*Seconder: Dennis C. Moss*

*Vote: 7- 0*

*Absent: Rolle, Heyman, Sosa,  
Sorenson, Souto, Diaz*

**Report:** *The following funding allocation was made from fiscal year (FY)  
2007/08 District 6 Discretionary Reserve Funds as requested by  
Commissioner Sosa.*

*\$10,000 to La Alianza Latina Contra La Violencia Domestica*

11B8

**073084 Report**

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

*Approved*

*Mover: Joe A. Martinez*

*Seconder: Dennis C. Moss*

*Vote: 7- 0*

*Absent: Rolle, Heyman, Sosa,  
Sorenson, Souto, Diaz*

**Report:** *The following funding allocation was made from fiscal year (FY)  
2007/08 District 7 Discretionary Reserve Funds as requested by  
Commissioner Gimenez.*

*\$500 to The Close Up Foundation for Washington DC trip for Nicole Font*

11B9

**073085 Report**

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

*Approved*  
*Mover: Joe A. Martinez*  
*Seconder: Dennis C. Moss*  
*Vote: 7- 0*  
*Absent: Rolle, Heyman, Sosa, Sorenson, Souto, Diaz*

**Report:** *The following funding allocations were made from fiscal year (FY) 2007/08 District 9 Discretionary Reserve Funds as requested by Commissioner Moss.*

- \$500 to Run For the Stars Non Profit Corp. for the First Annual Greater Miami Small Schools Cross Country Championships*
- \$5,000 to The South Miami-Dade Weed and Seed Coalition for Community Policing Initiative*
- \$15,000 to Goulds Coalition of Ministers & Lay People, Inc., for Goulds Family Resource Center*
- \$4,000 to Richmond Heights Neighborhood Crime Watch, Inc., for the Annual Awards Dinner*
- \$15,000 to Leisure City/Modello Optimist Club to support youth program*
- \$500 to Mt. Calvary National Church of God, Inc., for the Community Development Center*
- \$5,000 to 5000 Role Models of Excellence Project for Fifteenth Annual Dr. Martin Luther King, Jr., Unity Scholarship Breakfast*
- \$2,000 to Tremendous Miami for Reading Room in West Perrine*
- \$2,000 to Water and Sewer Department for Kingdom Covenant 2007 Youth Explosion Event on 7/27/07 (invoice No. M000000603)*

11B10

**073086 Report**

ALLOCATION OF (FY) 2007/08 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 10)

*Approved*  
*Mover: Joe A. Martinez*  
*Seconder: Dennis C. Moss*  
*Vote: 7- 0*  
*Absent: Rolle, Heyman, Sosa, Sorenson, Souto, Diaz*

**Report:** *The following funding allocations were made from fiscal year (FY) 2007/08 District 10 Discretionary Reserve Funds as requested by Commissioner Souto.*

- \$20,000 to St. Brendan Elementary School*
- \$2,000 to The Miami-Dade County Commission for Women*
- \$1,000 to The Keep SOBER Fund to Aid Victims of Drunk Driving*

11B11

**073087 Report**

ALLOCATION OF (FY) 2007/08 OFFICE BUDGET FUNDS  
(DISTRICT 12)

*Approved**Mover: Joe A. Martinez**Seconder: Dennis C. Moss**Vote: 7- 0**Absent: Rolle, Heyman, Sosa,  
Sorenson, Souto, Diaz*

**Report:** *The following funding allocation was made from fiscal year (FY) 2007/08 District 12 Office Budget Funds as requested by Commissioner Diaz.*

*\$5,000 to March of Dimes Signature Chefs & Wine Extravaganza*

*On December 6, 2007, Commissioner Diaz made a correction to the foregoing allocation to the March of Dimes. The funding for this allocation should derive from his Discretionary Reserve, not the District 12 Office Budget Funds.*

**12 COUNTY MANAGER**

12A1

**073013 Resolution**

RESOLUTION APPROVING SETTLEMENT OF LAWSUIT  
RELATING TO THE CORRECTION OF VOTER  
REGISTRATION APPLICATIONS; AUTHORIZING THE  
COUNTY MAYOR OR HIS DESIGNEE TO TAKE ALL  
NECESSARY STEPS TO EFFECTUATE THE SETTLEMENT  
AGREEMENT (County Manager, County Attorney)

*Adopted**Resolution R-1179-07**Mover: Dennis C. Moss**Seconder: Joe A. Martinez**Vote: 7- 0**Absent: Rolle, Heyman, Sosa,  
Sorenson, Souto, Diaz*

**Report:** *In response to Commissioner Moss' inquiry regarding the recent mistake in absentee ballots, Mr. Lester Sola, Supervisor of Elections, Elections Department, explained that a human error caused some of the absentee ballots for Districts 1 and 2 to be delivered to the wrong districts. He noted once this was discovered, staff took immediate action and by this morning (10/16), arrangements were made to have all the ballots for Districts 1 and 2 to be delivered and each erroneously mailed ballot was cancelled. Mr. Sola said a letter accompanied the ballots that were sent out explaining the circumstances and the new ballots were highlighted indicating that these were the corrected ballots that voters must use to cast their votes. He noted each ballot and envelope from the Elections Department was bar coded and if an incorrect ballot was returned, staff would ensure the proper ballot was cast by the voter. Mr. Sola said staff would be removing the manual involvement in that process to ensure that the file transfer was fully automated to prevent similar errors from occurring. He noted staff was able to reduce the error rate of absentee ballots to zero by automating the process.*

*Commissioner Moss said he was hopeful that the process would be reviewed by the Committee of jurisdiction.*

*Responding to Commissioner Gimenez, Mr. Sola said staff would review each ballot that was returned for Districts 1 and 2 to determine whether it was the correct or incorrect ballot, and the ballots would be manually sorted by hand.*

12B1

**072758 Report**

REPORT RECOMMENDING HOW THE MIAMI-DADE AVIATION DEPARTMENT WILL REDUCE COSTS TO AIRLINES OPERATING AT MIAMI INTERNATIONAL AIRPORT (MIA) AND IMPROVE MIA'S COMPETITIVENESS (County Manager)

*Accepted*  
*Mover: Dennis C. Moss*  
*Seconder: Rebeca Sosa*  
*Vote: 11- 0*  
*Absent: Heyman, Souto*

**Report:** *Commissioner Moss asked the Miami-Dade Aviation Director to provide additional recommendations that would further reduce costs to airlines operating at Miami International Airport (MIA) and improve MIA's competitiveness.*

*Commissioner Sosa noted she would follow up with a resolution regarding the foregoing report.*

*9/25/2007 Report Received by the Airport and Tourism Committee*

**13 COUNTY ATTORNEY**

**14 ITEMS SUBJECT TO 4-DAY RULE**

14A1

**073028 Resolution**

RESOLUTION APPROVING AGREEMENT AMONG MIAMI-DADE COUNTY AND THE GREATER MIAMI CONVENTION AND VISITORS BUREAU (GMCVB), ROMERO BRITTO AND BRITTO FOUNDATION, INC. FOR PURCHASE OF AN ARTWORK TO BE DISPLAYED AT MIAMI INTERNATIONAL AIRPORT AND TO BE USED IN MDAD UNIFORMS, IN THE AMOUNT OF \$15,000 TO BE PAID BY GMCVB PLUS \$150,000 OF ADVERTISING AND PROMOTIONAL DISPLAY VALUE AT MIAMI INTERNATIONAL AIRPORT; WAIVING SECTION 5.03(D), MIAMI-DADE COUNTY CHARTER; AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME AND TO EXERCISE TERMINATION PROVISIONS CONTAINED THEREIN (Aviation Department)

*Adopted  
Resolution R-1180-07  
Mover: Joe A. Martinez  
Seconder: Barbara J. Jordan  
Vote: 7- 0  
Absent: Rolle, Heyman, Sosa,  
Sorenson, Souto, Diaz*

**Report:** *Commissioner Edmonson noted she felt the proposed artwork on uniforms of Miami International Airport (MIA) employees was too colorful, and would prefer the MIA logo as a patchwork on the shirt. She noted she did not believe the shirts were representative of MIA.*

*Mr. Jose Abreu, Director, Miami-Dade Aviation Department, noted the item before the Board was to accept the artwork. He noted the idea was to have uniforms that would be representative of Miami and to enhance customer service at the Airport. Mr. Abreu said it was not yet decided who would be wearing the shirts. He urged the County Commission to approve the foregoing proposed resolution.*

*Commissioner Seijas spoke in support of Romero Britto's artwork being displayed at MIA, but indicated she was not supportive of the shirts.*

**10/11/2007** *Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Airport and Tourism Committee*

14A2

**072865 Resolution**

**Rebeca Sosa,  
Jose "Pepe" Diaz,  
Carlos A. Gimenez,  
Sally A. Heyman,  
Dennis C. Moss**

RESOLUTION DECLARING THE MONTH OF OCTOBER BEGINNING IN OCTOBER 2007 AND EACH YEAR THEREAFTER AS BREAST CANCER AWARENESS MONTH

*Adopted  
Resolution R-1181-07  
Mover: Jose "Pepe" Diaz  
Seconder: Dorrin D. Rolle  
Vote: 10- 0  
Absent: Edmonson, Moss,  
Martinez*

**10/11/2007** *Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Health and Public Safety Committee*

15

**CLERK OF THE BOARD**

**15B      REPORTS**

15B1

**072991              Report**

PROPOSED PUBLIC HEARING DATES FOR ORDINANCES  
SUBMITTED FOR FIRST READING ON OCTOBER 16, 2007  
(Clerk of the Board)

*Accepted as amended*  
*Mover: Jose "Pepe" Diaz*  
*Seconder: Dorrin D. Rolle*  
*Vote: 9- 0*  
*Absent: Edmonson, Sosa, Moss,*  
*Martinez*

**Report:** *The foregoing report was accepted as amended to schedule the public hearing date for Agenda Item 4K to December 13, 2007 at 9:30 a.m. before the Airport and Tourism Committee.*

15B2

**072992              Report**

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

*Accepted*  
*Mover: Jose "Pepe" Diaz*  
*Seconder: Dorrin D. Rolle*  
*Vote: 12- 0*  
*Absent: Heyman*

**15C      COUNTY ADVISORY BOARD APPOINTMENTS**

15C1

**073095              Nomination**

REAPPOINTMENT OF MEMBER TO THE BUILDING  
BETTER COMMUNITIES CITIZENS ADVISORY COMMITTEE

*Appointed*  
*Mover: Joe A. Martinez*  
*Seconder: Dennis C. Moss*  
*Vote: 7- 0*  
*Absent: Rolle, Heyman, Sosa,*  
*Sorenson, Souto, Diaz*

**Report:** *DR. JAMES WISE*

*The Board of County Commissioners accepted and the Clerk of the Board of County Commissioners received the appropriate forms and memorandums for the foregoing reappointment made by Commissioner Moss.*

15C2

**073096                    Nomination**

APPOINTMENT OF MEMBER TO THE DOMESTIC  
VIOLENCE OVERSIGHT COMMITTEE

*Appointed*  
*Mover: Joe A. Martinez*  
*Seconder: Dennis C. Moss*  
*Vote: 7- 0*  
*Absent: Rolle, Heyman, Sosa,*  
*Sorenson, Souto, Diaz*

**Report: CYNTHIA SINCLAIR**

*The Board of County Commissioners accepted and the Clerk of the Board of  
County Commissioners received the appropriate forms and memorandums for  
the foregoing appointment made by Commissioner Moss.*

15C3

**073097                    Nomination**

SAFE NEIGHBORHOOD PARKS OVERSIGHT COMMITTEE

*Appointed*  
*Mover: Joe A. Martinez*  
*Seconder: Dennis C. Moss*  
*Vote: 7- 0*  
*Absent: Rolle, Heyman, Sosa,*  
*Sorenson, Souto, Diaz*

**Report: DR. EVANS BRANCH III**

*The Board of County Commissioners accepted and the Clerk of the Board of  
County Commissioners received the appropriate forms and memorandums for  
the foregoing appointment made by Commissioner Moss.*

15E1

**073006                    Report**

MAYOR'S ALLOCATION FROM (FY) 2007/08  
DISCRETIONARY RESERVE FUNDS (Clerk of the Board)

*Approved*  
*Mover: Jose "Pepe" Diaz*  
*Seconder: Dorrin D. Rolle*  
*Vote: 9- 0*  
*Absent: Edmonson, Sosa, Moss,*  
*Martinez*

**Report:** *The Board by motion duly made, seconded and carried, approved  
the following Mayoral Discretionary Funds to the following organizations:*

- \$5,000.00      Learning Links Foundation, Inc.*
- \$5,000.00      Hands on Miami, Inc.*
- \$5,000.00      Exponica Internacional, Inc.*

**16                    ITEMS SCHEDULED FOR THURSDAY**

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

16A1

**073007 Service Awards Bruno A. Barreiro**

SERVICE AWARDS CEREMONY FOR THE FOLLOWING  
EMPLOYEES:

MONICA A. DAWKINS - CSD - 30 YEARS

VERA LEE - FINANCE - 35 YEARS

ELINOR M. LIEBERMAN - MEDICAL EXAMINER - 30 YEARS

OSCAR LLARENA - PWD - 30 YEARS

CLINTON C. STEWART - PWD - 30 YEARS

ALBERTO TELLECHEA JR. - PWD - 30 YEARS

LORETTA MCMILLAN - SOLID WASTE- 35 YEARS

VINCENT J. FLICK - WASD - 30 YEARS

ALBERT D. GALAMBOS JR. WASD - 35 YEARS

DANIEL T. MATHEWS - WASD - 30 YEARS

AMARYLLIS E. PERA - WASD - 30 YEARS

## **16B POLICY MATTERS FOR DISCUSSION BY THE BOARD**

16B1

**072911 Discussion Item Sen. Javier D. Souto**

CARNIVAL CENTER'S CEO'S FORTY-TWO (42)% PERCENT  
SALARY INCREASE

*Deferred to no date certain*

*Mover: Jose "Pepe" Diaz*

*Seconder: Dorrin D. Rolle*

*Vote: 9-0*

*Absent: Edmonson, Sosa, Moss,  
Martinez*

**Report:** *The foregoing item was deferred at the request of Commissioner Souto.*

**10/5/2007** *Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Recreation & Cultural Affairs Committee*

16B2

073053

Discussion Item

Bruno A. Barreiro

STATE SPECIAL SESSION "D" PROPOSED PROPERTY TAX  
PLAN

*Presented*

**Report:** Pursuant to Chairman Barreiro's request, Ms. Jennifer Glazer-Moon, Director, Office of Strategic Business Management, summarized the impact of the property tax relief proposals currently being considered by the State Legislature. She noted assuming the proposed exemptions were applied to the 2007 property tax roll and using the 2007 adopted millage rates, the total fiscal impact to the County's four taxing jurisdictions was estimated to be \$122 million.

County Manager George Burgess said the fiscal impact of the proposed exemptions could be higher. He noted proposed changes included doubling the homestead property tax exemption, total exemption from property taxes for low-income seniors, portability of the Save-Our-Homes differential, partial exemptions for first-time homestead property owners, a \$25,000 Tangible Personal Property exemption, changes to the presumption of correctness governing assessments, creating affordable and workforce housing assessment incentives, and creating tax protection for working waterfronts. Mr. Burgess said these proposals affected the tax roll. He noted the proposed legislation exempted school districts from these impacts, requiring a separate property tax roll to be maintained for applying assessments for school taxes. Mr. Burgess indicated discussions were also ongoing in Tallahassee regarding the possibility of treating independent and dependent fire districts similarly. He noted the proposed tax proposals required constitutional amendments which would have to be approved by voters in January or November 2008.

Commissioner Sosa announced actions being considered by the Legislature and read a provision of the tax proposal that would allow the Legislature to limit the taxing authority of local governments. She noted the County's legislative representatives needed guidance from the County Commission. Commissioner Sosa expressed concern regarding funding cuts without creating a mechanism for local governments to recover, and shifting the burden from one sector of the community to the other. She further expressed concern that working class residents would leave Miami-Dade County.

Later in the meeting, Commissioner Sosa noted the Florida House of Representatives' Policy and Budget Council voted to add a one cent sales tax increase into the implementing Bill for the proposed tax amendment that would replace a portion of local property tax that was applied to local school districts. She stated that this would result in a reduction of 40 percent in property taxes and the school districts would be funded through the sales tax.

Commissioner Martinez noted the Senate had rejected the proposal.

Commissioner Heyman expressed concern regarding the consequences to schools and to Jackson Memorial Hospital. She noted she was hopeful that the Legislature would realize the hardships of reducing essential services and would consider the \$6 billion reserve and trust funds.

Commissioner Sorenson suggested the County Commission urge the State Legislature to consider the results of the Taxation and Budget Reform Commission and come back with proposals. She noted the proposed property tax relief should not help some groups at the expense of others. Commissioner Sorenson suggested the Legislature look at service tax exemptions as a form of revenue. She expressed concern that the proposed property tax relief regarding the elderly could have the unintended consequence of numerous elderly people moving to Florida because it would

*be the cheapest place to live, thereby overloading the County's public health care system and other services.*

*County Manager Burgess noted Assistant County Attorney Jess McCarty felt it was not necessary for commissioners to travel to Tallahassee as the public input was held yesterday (10/15).*

*In response to Commissioner Sorenson, County Manager Burgess addressed the presumption of correctness governing assessments. He noted without the presumption of correctness it would be more difficult to defend valuations and this could result in a significant lowering of property value because the burden would be on the appraiser rather than the appellee. Mr. Burgess said the statewide impacts of the presumption of correctness amendments were not known.*

*Commissioner Diaz said he felt the portability of the Save-Our-Homes differential should have been addressed as this would facilitate the creation of jobs in the community. He noted the property tax relief proposals would not apply to commercial property or renters, and expressed concern that the poor and elderly would receive no benefits.*

*In response to Commissioner Moss' inquiry regarding the State's Constitutional latitude to limit the County's ability to generate resources needed to provide services, County Attorney Robert Cuevas advised the Constitution provides for county government to levy taxes, and for the County Commission to be the governing body of the County. He noted it was a question of degree as to the amount of restrictions the State placed on the Commission's ability to levy sufficient taxes to perform County operations to where they impose upon the effectiveness and the power of the Commission to be the governing board. Mr. Cuevas referenced the lawsuit filed by the Mayor of Weston against the State challenging this process.*

*Commissioner Moss noted he felt the County Commission should have supported the Mayor of Weston's position.*

*In response to Commissioner Martinez' inquiry, Ms. Glazer-Moon noted staff was not certain how the portability issue would be applied.*

*It was moved by Commissioner Sosa that the County Commission urge the State Legislature to meet with local governments to discuss possible tax reforms that would benefit the public. This motion was seconded by Commissioner Jordan.*

*Commissioner Souto noted the County Commission had previously adopted legislation requiring commissioners to meet with State legislators. He noted the property tax issue was complex and commissioners should meet with legislators.*

*Upon being put to a vote, the foregoing motion passed by a vote of 10-3, (Commissioners Gimenez, Heyman and Seijas were absent).*

*It was moved by Commissioner Sorenson that the County Commission urge the Sate Legislature to consider the results of the Taxation and Budget Reform Commission before making any further funding/tax adjustments. This motion was seconded by Commissioner Moss, and upon being put to a vote, passed by a vote of 12-0, (Commissioner Heyman was absent).*

16B3

073057 Discussion Item Dennis C. Moss

POLICE OFFICERS ASSISTANCE TRUST FOR OFFICER *Presented*  
SOMOHANO'S FAMILY

**Report:** Commissioner Moss noted he would like to see the Board raise \$100,000 for Officer Somohano's Trust Fund. He urged that each member of the Board and the Mayor allocate approximately \$7,100 from their Discretionary Reserve Funds in an effort to reach this goal.

**16C ZONING AGENDA (Scheduled for 9:30 a. m.)****16D METROPOLITAN PLANNING ORGANIZATION AGENDA (No items were submitted for this section.)**

073091 Report

NON-AGENDA ITEM RE: HIALEAH RACE TRACK

**Report:** 1. Chairman Barreiro designated Commissioner Javier Souto to serve as the liaison on behalf of the Board of County Commissioners to the Miami International Agriculture & Cattle Show.

2. It was moved by Commissioner Seijas that the County Commission support the efforts of City of Hialeah Mayor Julio Robaina and the Hialeah Council members to save Hialeah Race Track. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 9-0, (Commissioners Edmonson, Moss, Martinez and Heyman were absent).

Mayor Julio Robaina, City of Hialeah, expressed support to Commissioner Seijas, and to the members of the County Commission for their support. He noted this was one of many items that would be submitted to the State Legislature to achieve racing at Hialeah Park.

Upon being put to a vote, the foregoing motion passed by a vote of 9-0, (Commissioners Edmonson, Moss, Martinez and Heyman were absent).

**ADJOURNMENT**



\_\_\_\_\_  
Bruno A. Barreiro, Chairman

ATTEST: HARVEY RUVIN, CLERK



By: \_\_\_\_\_  
Kay Sullivan, Deputy Clerk