



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

Board of County Commissioners

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

December 11, 2007

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Jill Thornton, Commission Reporter
(305) 375-2505





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

FINAL OFFICIAL
Meeting Minutes
Governmental Operations and Environment
Committee

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

Tuesday, December 11, 2007

9:30 AM

COMMISSION CHAMBERS

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

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

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

1A **ROLL CALL**

Report: *The following staff members were present:
Assistant County Manager Susanne Torriente;
Assistant County Attorneys Joni Armstrong-Coffey,
Geri Bonzon-Keenan, Craig Coller, Peter Tell,
Dennis Kerbel and Hugo Benitez; and Deputy
Clerks Jovel Shaw and Jill Thornton.*

*Assistant County Attorney Geri Bonzon-Keenan
advised that in addition to the changes listed in the
County Manager's Memorandum, the County
Manager requested Agenda Item 2G be deferred to
January 15, 2008 and Commissioner Heyman
requested Agenda Item 3D be withdrawn.
Additionally, she noted scrivener's errors existing
in Agenda Item 2D Substitute that needed to be
corrected on the record when the item was
called.*

*It was moved by Commissioner Diaz that the
requested changes in the County Manager's
memorandum entitled "Requested Changes to the
Governmental Operations and Environment
Committee Agenda," dated December 11, 2007 be
approved, along with the additional changes noted
by Assistant County Attorney Bonzon-Keenan.
This motion was seconded by Commissioner
Gimenez, and upon being put to a vote, passed 6-0.*

1B **CHAIRPERSON**

1B1

073501 Report

REMARKS FROM CHAIRPERSON SEIJAS

Presented

Report: *Chairwoman Seijas called the meeting to order at 9:51 a.m. and provided opening remarks. She noted this Committee previously approved a resolution designating the Water and Sewer Department as the lead agency to coordinate the County's support to the "Water for People" program. She advised this was a countywide effort and this Committee would present the results of the County's drive in April 2008 to the American Water Works Association (AWWA), the agency sponsoring this program. She asked Assistant County Manager Susanne Torriente to ensure that the County's contribution to the Water for People program remained in honor and memory of the late Robert A. Cuevas, Sr. Chairwoman Seijas noted every Commissioner appointed a liaison to work with the Water & Sewer Department staff in this effort. She also asked Assistant County Manager Torriente to provide a status report at the February 12, 2008 Committee meeting pertaining to the County's support of the Water for People program.*

Chairwoman Seijas expressed her appreciation to staff of the Agenda Coordinator's Office, the Clerk of the Board, the County Attorney's Office and the County Manager's Office for their efforts this year in coordinating and recording the Committee meetings, and wished everyone a wonderful holiday.

Chairwoman Seijas noted today's agenda was very full, and an open forum would not be allowed on items not designated a Public Hearing item on today's agenda.

1C SPECIAL PRESENTATIONS

1C1

073561 Report

Natacha Seijas

SPECIAL PRESENTATION: CLIMATE CHANGE
ADVISORY TASK FORCE/HONORABLE HARVEY
RUVIN, CLERK OF THE COURTS

Presented

Report: *Chairwoman Seijas noted at the last Committee meeting, she asked Mr. Harvey Ruvin, Clerk of Courts and Chairman of the Climate Change Advisory Task Force (CCATF), to provide this Committee with a report on the CCATF's progress. She expressed confidence that the CCATF would produce excellent recommendations for the County Commission to consider. She noted this month's issue of the Government Magazine featured an article on global warming that quoted Mr. Ruvin. She conveyed her appreciation to Mr. Ruvin for his efforts in leading the CCATF.*

Mr. Harvey Ruvin, CCATF Chairman, appeared before the Committee and expressed appreciation to Committee members for creating the CCATF. He noted the CCATF membership consisted of 25 outstanding individuals from this community with good backgrounds in the environmental field. Mr. Ruvin noted the CCATF issued its initial report last summer, outlining its progress and the breakdown of the CCATF into one Steering Committee and seven Subcommittees chaired by members of the CCATF Steering Committee. He noted all committee members were stakeholders in this community who had worked over the summer to develop recommendations for review by the CCATF Steering Committee and presentation for review by this Committee in March 2008. Mr. Ruvin noted the subcommittees had convened over forty meetings following the Task Force's initial report. He announced that the Science Subcommittee was first to issue a report, which guided the remaining committees' deliberations in developing proactive steps to make this community more resilient to the impact of climate changes, most significantly the rise in the Sea level.

Mr. Ruvin provided a brief overview of several documents submitted to the CCATF pertaining to rises in the Sea level, and noted one document proposed how Miami Dade County would look after a five foot Sea level rise. He noted the Intergovernmental Panel on Climate Change issued assessments and predictions in 1993 on the impact of a rise in sea level to this planet. Mr.

Ruvin advised that this report might have been alarmingly conservative and that they were seeing an accelerated rise in the sea level that was affecting migratory birds, fresh water marshes and agricultural land. He further noted the CCATF was working hard to develop a written report with recommendations for presentation by early March. Mr. Ruvin further noted that Miami-Dade County had been a leader in this field since the 1990s, and the CCATF would provide the model that local governments nationwide could utilize when addressing these issues.

Mr. Ruvin acknowledged County staff for coordinating and recording the CCATF meetings.

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073562 Report **Natacha Seijas**
SPECIAL PRESENTATION: MIAMI-DADE WATER AND SEWER DEPARTMENT CERTIFICATES OF APPRECIATION/20-YEAR CONSUMPTIVE USE PERMIT **Presented**

Report: *Chairwoman Seijas attributed the successful outcome of the South Florida Water Management District (SFWMD) Board meeting held on November 15, 2007 to the support rendered by the Water and Sewer Department (WASD), the Department of Environmental Resource Management (DERM), the County Manager's Office and the County Commission. She noted Miami-Dade County had obtained a 20-year Water Consumption Use Permit from the SFWMD; the first county in the nation to ever acquire a 20-year agreement.*

Chairwoman Seijas presented Certificates of Appreciation to WASD staff members who participated in this effort. She advised the County Commission approved a \$2.7 billion bond issue to meet the SFWMD requirements. She expressed her gratitude to the entire WASD department for their efforts in meeting these requirements and for obtaining the Water Consumption Use Permit.

2 DEPARTMENTS

Governmental Operations and Environment Committee

FINAL OFFICIAL

Meeting Minutes

Tuesday, December 11, 2007

2A

073393 Resolution

RESOLUTION AUTHORIZING EXECUTION OF JOINT FUNDING AGREEMENT NO. 08E0FL208014 BETWEEN MIAMI-DADE COUNTY AND THE UNITED STATES GEOLOGICAL SURVEY; AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE SAID AGREEMENT AND ANY AMENDMENTS THERETO (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Rolle

Vote: 6-0

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

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

2B

073394 Resolution

RESOLUTION AUTHORIZING EXECUTION OF JOINT FUNDING AGREEMENT NO. 08E0FL208009 BETWEEN MIAMI-DADE COUNTY AND THE U.S. GEOLOGICAL SURVEY; AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE SAID AGREEMENT AND ANY AMENDMENTS THERETO (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Rolle

Vote: 6-0

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

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

2C

073452 Resolution

RESOLUTION AUTHORIZING THE EXCHANGE OF PROPERTY RIGHTS BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND MIAMI-DADE COUNTY AS PART OF THE GOLDEN GLADES CANAL RELOCATION (NW 170 STREET CANAL) AT I-75 (SR 93) AND THE GRANTING UNDER A SPECIAL AGREEMENT BY MIAMI-DADE COUNTY OF A PERMANENT EASEMENT TO THE FDOT IN AND ACROSS PORTION OF SAID CANAL UNDER I-75, IN SECTION 16, TOWNSHIP 52 SOUTH, RANGE 40 EAST (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Rolle

Vote: 6-0

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

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

2D

073274 Resolution

RESOLUTION AUTHORIZING EXECUTION OF THE AMENDED AND RESTATED INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY, CITIES OF MIAMI-DADE COUNTY AND THE SCHOOL BOARD OF MIAMI-DADE COUNTY FOR PUBLIC SCHOOL FACILITY PLANNING (Department of Planning & Zoning)

Withdrawn

Report: *(See Agenda Item 2D Substitute; Legislative File No. 073627)*

2D SUB.

073627 Resolution

RESOLUTION AUTHORIZING EXECUTION OF THE AMENDED AND RESTATED INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY, CITIES OF MIAMI-DADE COUNTY AND THE SCHOOL BOARD OF MIAMI-DADE COUNTY FOR PUBLIC SCHOOL FACILITY PLANNING [SEE ORIGINAL ITEM UNDER FILE NO. 073274] (Department of Planning & Zoning)

Deferred to January 15, 2008

Mover: Diaz

Seconder: Edmonson

Vote: 6-0

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

Commissioner Diaz noted he received new information yesterday pertaining to this resolution, which he could not review until late in the day. He noted he could not support this resolution at this time because of several concerns he had regarding the parameters within this resolution.

Chairwoman Seijas clarified the foregoing proposed Substitute Resolution was delivered to each Committee member by 1:00 pm yesterday and differed from the original resolution presented to this Committee by the School Board last month. She noted the original resolution had not been reviewed by the County Attorney's Office, and the foregoing Substitute Resolution was prepared after staff addressed several issues in the original resolution with the County Attorney's Office.

Commissioner Diaz asked that staff address his concerns pertaining to student attendance; the inclusion of Charter Schools and the three-year timeframe, which he felt should be shortened.

Chairwoman Seijas noted Agenda Item 3F on today's agenda, was a companion resolution requesting additional time for adoption of the interlocal agreement and amendments to the CDMP necessary to establish a concurrency management system for public school facilities. She noted staff felt the January 1st deadline to adopt this agreement did not allow enough time for consideration of this resolution, and after consulting with the County Attorney's Office, staff was advised this Committee could request an additional 90 days. Chairwoman Seijas noted she also spoke with the County Mayor regarding this issue and he advised of his support and willingness to engage in necessary conversations

with the Department of Community Affairs (DCA).

Commissioner Edmonson noted her concerns were similar to those expressed by Commissioner Diaz.

Assistant County Attorney Dennis Kerbel stated most changes in the foregoing resolution involved policy decisions that the County Manager recommended. For the record, he stated the changes in the foregoing Substitute Resolution compared with the original resolution. Mr. Kerbel noted the primary change in the School Board's proposal was a change the Concurrency Service Areas system from one involving attendance boundaries for meeting capacity to one involving a single, district-wide concurrency area that would automatically revert to the original system after three years.

Assistant County Attorney Dennis Kerbel noted the proposed system would not dictate where a student would ultimately attend school, but would theoretically determine the available student stations during the planning stage of development. He further noted the School Board governed where a child attended school and the County Commission was directed by Florida Statutes to adopt a system that had components pertaining to a choice of concurrency service areas for student capacity.

In response to Commissioner Diaz' request for clarification, Assistant County Attorney Joni Armstrong-Coffey added that the foregoing agreement was designed to be a funding mechanism requiring developers to pay the cost of capital facilities for the school system. She advised it was not designed to change where students attended school, which was exclusively controlled by the School Board.

Commissioner Diaz stated he could not support this item until it included language that protected the children.

Assistant County Attorney Armstrong-Coffey advised that unless this agreement was amended, nothing in the School Concurrency Statute or in any agreement proposed, would dictate where a student attended school from a development where the developer had paid a mitigation fee or had met concurrency.

Commissioner Edmonson expressed concern that the proposed new system dealt only with the

Florida Inventory of School House (FISH) numbers for capacity, and not bodies, which would result in overcrowded schools and would not be in the best interest of the children. She stated she was not supportive of the single district-wide concurrency service area, but could support a limited number of contiguous zones surrounding the attendance boundary.

Assistant County Attorney Kerbel noted the original resolution did not specify a number of contiguous boundaries, which could be changed, but staff would need to review what the data supported in terms of limiting those boundaries. Mr. Kerbel also noted the original resolution stated that the developer needed to look at contiguous boundaries surrounding the attendance boundary if capacity could not be met within the attendance boundary where the development was located.

Commissioner Edmonson expressed concern with a greater impact on intercity schools where most of the affordable housing development was occurring, which meant schools in District #3 would be overcrowded.

Chairwoman Seijas clarified she had not spoken with any School Board member or developer and was neither defending nor attacking the developers, but wanted to discuss any concerns or uncertainty today. She concurred that the children were the County's most valuable asset.

Chairwoman Seijas discussed the following provisions in the foregoing agreement that she supported: the student generation formula; the cost per student stations based on the Florida Department of Education reports; the Statute change requiring a majority vote rather than a unanimous decision; and the procedures for administering the program.

Chairwoman Seijas expressed concern that staff discussed this agreement with the School Board for eighteen months without sharing information with the County Commissioners or the County Attorney's Office. She pointed out that Miami-Dade was the largest county impacted by this agreement, and making a decision by the January 1st deadline was of great concern to her. She also noted the Mayor was uncomfortable with the Memorandum of Understanding (MOU) being developed solely by the School Board.

Commissioner Gimenez expressed concerns

regarding the single district-wide Concurrency Service Area; the three-year timeframe; and the exclusion of charter schools. He asked Assistant County Manager Alex Munoz to provide Committee members with a report on how other counties dealt with charter schools in terms of Concurrency Service Areas.

Assistant County Attorney Kerbel noted Charter Schools were not incorporated into this draft as one of the mitigation options. He further noted that Charter Schools were used as a credit against the amount of students generated by a development, based on a percentage of the school district's total student enrollment.

Commissioner Gimenez asked Assistant County Manager Munoz to provide Committee members with a report on how other School Boards within the State of Florida dealt with charter schools; and whether charter school boundaries were defined. He expressed concern with the language in this agreement that indicated the cost of student stations could be increased by a decision of the School Board.

Mr. Subrata Basu, Director, Department of Planning and Zoning (DP&Z), explained the cost as defined in the State Statutes, included additional costs for subcontractors, architectural fees and furniture. He noted this agreement, as drafted, defined the cost as the actual construction cost and any additional costs would be negotiated between the County, the School Board and the applicant.

In response to Commissioner Gimenez' question regarding the County's involvement in the process for negotiating price, Mr. Basu affirmed that the County was involved in the negotiations for price.

Commissioner Martinez noted his concerns with changes to the original resolution pertaining to the single district-wide Concurrency Service Area (CSA), and the Student Generation Multiplier. He stated he would prefer to see a single CSA.

Mr. Basu noted the Student Generation Multiplier was derived based on demographics, housing types, and number of students expected to be generated from a development.

Assistant County Attorney Kerbel addressed Commissioner Martinez' concerns regarding the Proportionate Share Mitigation Options; the Joint

Meeting of the Staff Working Group and School Site Planning and Construction Committee for projecting the student enrollment; and the approval of a tentative plan by the School Board and its language "which shall be adopted into the County's CDMP," without any input from the County Commissioners.

Assistant County Attorney Joni Armstrong-Coffey noted that ultimately, the evidence provided by the School Board must sufficiently satisfy the Board in supporting its decision on the CDMP. She noted otherwise, the Board need not adopt the five year plan into the CDMP, even though mandated by Statute. Ms. Armstrong-Coffey advised that the way this agreement was drafted, the initial information in the five year plan would come forward through the School Board and the Staff Working Group.

Mr. Basu addressed Commissioner Martinez' concerns regarding the School Impact Fees; DP&Z's Geographic Information Systems (GIS) data base; and the feasibility of applications delivered to a School Board representative within 15 working days in advance of a proposed meeting date.

Commissioner Martinez asked the Department of Planning and Zoning Director to provide this Committee with a cost estimate to upgrade the DP&Z's Geographic Information Systems (GIS) data base so that it accommodates the School Board. He suggested the language in the agreement referring to the delivery of applications to the School Board within 15 days... " be deleted and replaced with the following language: "...to be delivered on the date the agenda is distributed."

Commissioner Edmonson asked that a member from the United Teachers of Dade (UTD) be appointed to the Staff Working Group.

In response to Commissioner Diaz' inquiry regarding a deferral of this item, Assistant County Attorney Kerbel noted a deferral to the next committee meeting would prevent the County from meeting the January 1st deadline set by the Florida Department of Community Affairs for approval of the interlocal agreement; and that two sanctions were involved. He advised the one sanction that would be imposed pertained to the land use element and required any application to increase residential density that was adopted after January 1, 2008, be found non compliant until the

foregoing agreement was approved. He further noted this included applications with developments with regional impact that had a residential component. Mr. Kerbel advised that the second sanction involved the possibility of the Governor penalizing the County and the School Board by 5% of their total revenue sharing funds.

Following further discussion, the Committee deferred the foregoing proposed resolution to the January 15, 2008 Committee meeting.

Commissioner Diaz asked Assistant County Manager Alex Munoz to ensure that School Board representatives schedule a briefing with Chairwoman Seijas and any other Committee members who had not been briefed on this resolution.

Commissioner Rolle asked that School Board representatives brief him on the intent of this proposed resolution before the January 15th Committee meeting. He also asked that Assistant County Manager Munoz prepare a matrix comparing the original resolution with the supplemental resolution, including the developers' position and the cost breakdown.

Mr. Basu noted for the record, that the CDMP element relating to the foregoing resolution was advertised and scheduled for December 20, 2007 and should be deferred as well.

2E

073513 Resolution

RESOLUTION APPROVING AMENDMENTS TO IMPLEMENTING ORDER 4-76 CREATING ADDITIONAL INCENTIVES PROGRAMS TO ATTRACT QUALIFIED POLL WORKERS (Elections Department)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Secunder: Edmonson

Vote: 6-0

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

Commissioner Diaz inquired of the 8,000 poll workers added for general elections.

Mr. Lester Sola, Supervisor of Elections, noted the goal was to engage more students in the electoral process and to provide a scholarship program for their dedication.

Responding to Commissioner Diaz' question regarding an age requirement that required poll workers to be 18 years of age, Mr. Sola advised that the law had changed, allowing 16-year-olds with a valid driver's license and 17-year-olds without a license to register to vote. He noted that non-registered voters could work at the precincts as either Poll Deputies, who maintained outside order of the poll area, or as computer technicians.

Commissioner Diaz suggested for safety purposes, that young students be used for computer work rather than be used as Poll Deputies to secure the outer area of the poll.

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

2F

073543 Bid Awards

PROJECT AWARD RECOMMENDATION BETWEEN WILLIAMS PAVING COMPANY, INC. AND MIAMI-DADE COUNTY IN THE AMOUNT OF \$7,833,899.52 FOR ROADWAY IMPROVEMENTS ALONG NE 15 AVENUE, FROM NE 159 STREET TO NE 186 STREET (MIAMI GARDENS DRIVE), LOCATED WITHIN COMMISSION DISTRICTS 2 AND 4 - PROJECT NO. 20060217; CONTRACT NO. 20060217 (Public Works Department)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Secunder: Edmonson

Vote: 6-0

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

Commissioner Gimenez asked whether the following language- "...or any other applicable funding sources may be subsidized" was standard language, and whether Peoples Transportation Plan (PTP) funding could be used.

Ms. Ester Calas, Director, Public Works Department (PWD), affirmed this was standard language, but noted that PTP funds could not be used. She explained that PTP funds would have to be included in the plan or allocated from Commissioner's funds for neighborhood improvements.

In response to Commissioner Diaz' questioned whether this project had a specific amount that was locked-in; Ms. Calas noted the total bid amount was \$7.8 million, which included contingency fees and allowances. Regarding whether any change orders were included in that amount, Ms. Calas noted the bid amount was 9% over the original estimate.

Commissioner Diaz noted his concern with change orders and delayed projects. He asked Assistant County Attorney Hugo Benetiz to explore ways to include language in future contracts to preclude or prevent change orders.

Commissioner Martinez questioned the municipal off-duty law enforcement officer used for County projects, and whether any policy or ordinance existed providing that off-duty jobs be offered first to a County-employed officer.

Assistant County Attorney Hugo Benetiz advised that no policy or ordinance existed.

Governmental Operations and Environment Committee

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Commissioner Martinez asked Assistant County Attorney Hugo Benetiz to prepare appropriate legislation giving MDPD officers the first right of refusal to work off-duty jobs on County funded Public Work projects.

In response to Commissioner Rolle's request for clarification concerning change orders, Ms. Calas noted these contracts were closely monitored by staff. Commissioner Rolle said that he would like this project to move forward with the same work ethics as projects in other districts.

Chairwoman Seijas commended the PWD staff for completing a project in District #13 involving a landscaped circle in Palm Springs North, which she noted turned out to be a beautiful addition to the area.

Following further discussion, the Committee proceeded to vote on the foregoing proposed bid award as presented.

2G

073460 Bid Awards

CONTRACT AWARD RECOMMENDATION BETWEEN WESTHORN & ASSOCIATES INC., AND MIAMI-DADE COUNTY FOR DESIGN SERVICES FOR CELL 3 AND CELL 5 - PROJECT NO: E06-SWM-01 GOB 14-70116, CONTRACT NO: E06-SWM-01, PROJECT LOCATION: #70116- 24000 SW 97TH AVE (Solid Waste Management Department)

Deferred to January 15, 2008

Mover: Diaz

Seconder: Gimenez

Vote: 6-0

2H

073494 Resolution

RESOLUTION APPROVING EXECUTION OF AGREEMENT BETWEEN THE COUNTY AND THE UNIVERSITY OF FLORIDA FOR THE PROVISION OF WATER CONSERVATION ANALYSIS BY THE UNIVERSITY OF FLORIDA'S INSTITUTE OF FOOD AND AGRICULTURAL SCIENCE TROPICAL RESEARCH AND EDUCATION CENTER IN THE AMOUNT OF \$385,000 (Water & Sewer Department)

Withdrawn

Report: *(See Agenda Item 2H Substitute; Legislative File No. 073624)*

2H SUB.

073624 Resolution

RESOLUTION APPROVING EXECUTION OF AGREEMENT BETWEEN THE COUNTY AND THE UNIVERSITY OF FLORIDA FOR THE PROVISION OF WATER CONSERVATION ANALYSIS BY THE UNIVERSITY OF FLORIDA'S INSTITUTE OF FOOD AND AGRICULTURAL SCIENCE TROPICAL RESEARCH AND EDUCATION CENTER IN THE AMOUNT OF \$385,000 [SEE ORIGINAL VERSION UNDER FILE NO. 073494] (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Edmonson

Vote: 6-0

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

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

2I

073529 Resolution

RESOLUTION APPROVING CONTRACT NO. W-895 IN THE AMOUNT OF \$2,012,982 TO METRO EQUIPMENT SERVICE, INC. FOR THE INSTALLATION OF A 96-INCH FILTER INTERCONNECTING PIPE AT THE ALEXANDER ORR JR. WATER TREATMENT PLANT (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Seconder: Edmonson

Vote: 6-0

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

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

2J

073522 Resolution

RESOLUTION APPROVING CHANGE ORDER NO. 1 TO CONTRACT BETWEEN CENTRAL FLORIDA EQUIPMENT RENTALS AND MIAMI-DADE COUNTY, FOR CONTRACT NO. W-860, NORTHWEST WELLFIELD CALCIUM CARBONATE DEPOSIT LAGOON EXPANSION; AND INCREASING CONTRACT AMOUNT BY \$1,750,000.00 (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Seconder: Edmonson

Vote: 6-0

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

Commissioner Diaz noted his concerns with this contract were similar to those concerns he had with the previous contract regarding change orders. He noted the amount of concrete listed in this contract appeared less than what was projected. He questioned why this contract involved a 24-hour operation at this construction site, which was adjacent to a residential area.

Mr. George Rodriguez, Department of Water and Sewer, noted staff wanted to ensure this project was completed by June 13, 2008. He also noted the closest residential area to this construction site was across the turnpike, and that major demolition had already occurred. Mr. Rodriguez stated this was just to form the walls, which should not be a problem, but staff would continuously monitor the noise level.

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

Pursuant to Chairwoman Seijas' memorandum dated December 11, 2007, Chairwoman Seijas requested that Chairman Barreiro waive the Committee rules and procedures and allow the foregoing resolution to be forwarded to the December 18th BCC meeting for consideration.

2K

073120 Ordinance

ORDINANCE AMENDING THE MIAMI-DADE COUNTY MAP OF DESIGNATED BROWNFIELD AREAS WITHIN CERTAIN UNINCORPORATED AREAS OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE [SEE AGENDA ITEM NOS. 8D1A AND 8K1C] (Department of Environmental Resources Management)

Deferred to no date certain

Mover: Diaz

Seconder: Martinez

Vote: 6-0

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

Chairwoman Seijas opened the public hearing and there being no one to appear, the public hearing was closed.

Commissioner Gimenez asked Assistant County Manager Susanne Torriente to work with the Agenda Coordinator's Office and all Departmental Directors to ensure that maps contained in agenda kits distributed to the Mayor and County Commission were provided in color.

Mr. Carlos Espinosa, Director, Department of Environmental Resources Management (DERM), addressed Chairwoman Seijas' inquiry regarding the relationship between District boundaries and brownfields. He noted the Statute only pertained to unincorporated areas and the Office of Community and Economic Development (OCED) amended the maps when incorporations were being dissolved. He further noted the brownfields would not be eliminated from the maps, but the municipalities would retain them based on boundaries.

Chairwoman Seijas noted her concerns with brownfields referred to by District. She asked Assistant County Attorney Peter Tell to review the language within the foregoing proposed ordinance to determine if the language could be amended to address brownfields without a focus on District boundaries.

In response to Commissioner Martinez' question as to whether changes in the map were due to enterprise zone and areas eligible for Community Development Block Grants (CDBG), Ms. Tangie White-Jackson, Division Director, Housing and Economic Development, OCED, noted the brownfields map was last updated using 1999

census data, and some areas eligible for CDBG funds in 1999 were ineligible using the 2000 census date, and would not be excluded from the latest map.

In response to Commissioner Martinez' question regarding whether brownfields that were no longer eligible for CDBG funds would cease to be brownfields, Ms. Jackson explained that the Statute allowed designated areas, such as enterprise zones, community and empowerment zones, to also be designated as brownfields areas, which was just an expansion of the brownfields area and the option of that was by municipal government.

Mr. Espinosa described a brownfield as an area with a contamination problem that qualified for a tax benefit or credit. He noted DERM worked with the applicant in the process, but OCED worked to create the map, and there were other subsets such as empowerment zones that also qualified as a brownfield within a general area. He noted not everything in the empowerment zone was necessarily contaminated and that the general geographical area might have areas within it that qualified as a brownfield area.

Ms. Jackson expounded that the State Statute allowed possible expansion of an area to qualify as a brownfield for CDBG funds or other federal funds provided by the State; and including those areas in the brownfields maps would make the owners eligible to receive additional benefits from the State.

In response to Commissioner Diaz' question regarding why an area near State Road 826 and the Dolphin Mall was included in the brownfields map, Ms. Jackson noted this was a newly included area. She also noted the Statute that OCED dealt with defined a brownfield area as a property with contamination or perceived contamination that could inhibit development, and therefore had an economic attachment.

Assistant County Attorney Tell read for the record the definition of brownfield sites, pursuant to Florida Statute 376.79. He noted brownfield Sites meant real property, the expansion, redevelopment or reuse which may be complicated by actual or perceived environmental contamination. A brownfield area, he noted, meant a contiguous area of one or more brownfield Sites, some of which might not be contaminated and which had

been designated by a local government by resolution. Such areas might include all or portions of a CRA, enterprise zone, empowerment zones and/or other designated economically deprived communities or areas, or environmental protection agency designated brownfield pilot projects.

Commissioner Martinez expressed concern with this committee authorizing this map as the official brownfields map and with the Statute being manipulated to expand the zones to be CDBG eligible.

Commissioner Diaz asked OCED's Housing and Economic Development Division Director and DERM's Director to meet with him to discuss this ordinance for clarification on how the brownfields map impacts District #12. He noted areas contaminated within District #12 that were excluded from this map.

Ms. White-Jackson noted that OCED worked with DERM to ensure areas included in the brownfields map were areas eligible for CDBG funding based on the 2000 census, and this map was just a designation to assist in spurring redevelopment in those areas.

Hearing no further comments or discussion, the Committee proceeded to vote on a motion to defer the foregoing proposed resolution.

Commissioner Rolle asked that OCED's Housing and Economic Development Division Director and DERM's Director meet with him also to discuss areas designated in the brownfields map that impact District #2.

Commissioner Gimenez pointed out those District boundaries that consisted mostly of cities contained more brownfields areas than what was designated in this map because this map reflected the unincorporated areas only.

2L

073389 Resolution

RESOLUTION AMENDING THE MIAMI-DADE COUNTY MAP OF DESIGNATED BROWNFIELD AREAS WITHIN CERTAIN UNINCORPORATED AREAS OF MIAMI-DADE COUNTY [SEE AGENDA ITEM NOS. 7G AND 8K1C] (Department of Environmental Resources Management)

Deferred to no date certain
Mover: Diaz
Seconder: Martinez
Vote: 6-0

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

Chairwoman Seijas opened the public hearing and there being no one to appear, the public hearing was closed.

Hearing no comments or discussion, the Committee proceeded to vote on a motion to defer the foregoing proposed resolution.

3 COUNTY COMMISSION

3A

072478 Ordinance

Audrey M. Edmonson

ORDINANCE RELATING TO THE SAFETY OF CRANES AND OTHER HOISTING EQUIPMENT; PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR MANUFACTURE AND INSTALLATION; PROVIDING FOR EDUCATION AND CERTIFICATION OF OPERATORS; ESTABLISHING STANDARDS FOR HURRICANE PREPAREDNESS; PROVIDING FOR ENFORCEMENT; CREATING CHAPTER 8E OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Withdrawn

Report: *(See Agenda Item 3A Substitute; Legislative File No. 073101)*

3A SUPP.

073622 Supplement

SUPPLEMENT TO ORDINANCE RELATING TO THE SAFETY OF CRANES AND OTHER HOISTING EQUIPMENT; FISCAL IMPACT STATEMENT

Accepted
Mover: Edmonson
Seconder: Diaz
Vote: 6-0

3A SUB.

073101 Ordinance **Audrey M. Edmonson**
ORDINANCE RELATING TO THE SAFETY OF CRANES AND OTHER HOISTING EQUIPMENT; PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR MANUFACTURE AND INSTALLATION; PROVIDING FOR EDUCATION AND CERTIFICATION OF OPERATORS; ESTABLISHING STANDARDS FOR HURRICANE PREPAREDNESS; PROVIDING FOR ENFORCEMENT; CREATING CHAPTER 8E OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 072478] [SEE AGENDA ITEM NO. 3A SUPPLEMENT] *Withdrawn*

Report: *(See Agenda Item 3A Substitute No.2; Legislative File No. 073574)*

3A SUB. NO. 2

073574 Ordinance **Audrey M. Edmonson**
ORDINANCE RELATING TO THE SAFETY OF CRANES AND OTHER HOISTING EQUIPMENT; PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR MANUFACTURE AND INSTALLATION; PROVIDING FOR EDUCATION AND CERTIFICATION OF OPERATORS; ESTABLISHING STANDARDS FOR HURRICANE PREPAREDNESS; PROVIDING FOR ENFORCEMENT; CREATING CHAPTER 8E OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NOS. 072478 AND 073101] *Amended*

Report: *(See Agenda Item 3A Substitute No.2 Amended; Legislative File No. 080152 for the amended version)*

3A SUB NO 2 AMENDED

080152 Ordinance

Audrey M. Edmonson

ORDINANCE RELATING TO THE SAFETY OF CRANES AND OTHER HOISTING EQUIPMENT; PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR MANUFACTURE AND INSTALLATION; PROVIDING FOR EDUCATION AND CERTIFICATION OF OPERATORS; ESTABLISHING STANDARDS FOR HURRICANE PREPAREDNESS; PROVIDING FOR ENFORCEMENT; CREATING CHAPTER 8E OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NOS. 072478, 073101 AND 073274]

Forwarded to BCC without recommendation with committee amendments

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

Chairwoman Seijas opened the public hearing and the following persons appeared in connection with the foregoing ordinance:

1. Mr. Richard Horton, Chair of Crane and Heavy Equipment Advisory Work Group, 9155 S. Dadeland Boulevard, Miami, Florida, appeared before the Committee and noted the Advisory Work Group met last week to clean up language in the foregoing ordinance, which contained scrivener's errors that needed to be corrected.

Chairwoman Seijas asked Assistant County Attorney Benitez to read into the record the scribes' errors that needed to be corrected.

Assistant County Attorney Hugo Benitez noted the requested changes were as follows: that the language "swing radius of the crane" in the last sentence of Section 8E-6(d) should be deleted; that the language "Special Crane Inspector" in Section 8E-8(b) should be substituted with the language "Special Hoisting Equipment Inspector;" and that the language "of tower cranes and personnel material hoist" should be added to the last sentence in Section 8CC-10, Section 5 so that it reads "Existing installations of tower cranes and personnel/material hoists shall be governed...."

2. Ms. Janet Carter, Vice President, DC Crane Service, Palm Beach County, appeared before the Committee and outlined major concerns regarding small business owners.

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Chairwoman Seijas questioned whether any small business representatives had participated in any of the Advisory Work Group meetings.

3. Mr. Jesus Souto, 15049 Montesino Drive, Orlando, Florida, representing SIMS Crane Equipment Company, spoke in support of this proposal except the portion pertaining to crane inspections. He stated he was present for most of the Advisory Work Group meetings.

4. Mr. Jose Lopez, 300 NW 65 Avenue, Miami, Florida, representing George's Crane Service, expressed concern with the National Commission for the Certification of Crane Operators (NCCCO) test being administered only in the English language without provisions made for Hispanics; and concurred with the concerns of Mr. Souto regarding inspections.

5. Mr. Jorge Morejon, 10840 SW 122nd Street, Miami, Florida, representing Southern Crane Services, concurred with Mr. Lopez' concerns regarding the NCCCO test limited to the English language and that it would only be administered by one agency. He also expressed concern with the inspection provision. He noted he attended most of the Advisory Work Group meetings.

6. Mr. David Weston, 137 Golden Isles Drive, Hallandale Beach, Florida, Safety Committee Chair for South Florida Chapter of the Associated General Contractors of America, Corporate Safety Director for Coscan Construction, and member of the Crane and Heavy Equipment Advisory Work Group, appeared before the Committee and applauded Commissioner Edmonson for taking on this initiative. He spoke in support of having an ordinance that provided a strong crane operator training and certification program but spoke in opposition to the proposed ordinance as drafted. He asked that this ordinance be deferred for a better draft.

7. Ms. Richard Stroney, owner of a crane inspection company and training facility, spoke in opposition to the National Commission for Certifying Agencies (NCCA) for accreditation, and the provision requiring crane companies to be incorporated in Florida only.

8. Mr. Gary Waters, 1425 NW 36th Street, representing several heavy equipment/crane operators in South Florida, expressed appreciation to Commissioner Edmonson for her

insight in creating the Crane and Heavy Equipment Advisory Work Group, and to the Advisory Work Group Chair for his perseverance in developing this ordinance. He spoke in support of the foregoing proposed ordinance.

In response to Chairwoman Seijas' question whether the certification test could be administered in the Spanish language as well, Mr. Waters noted the NCCCO had not acquiesced to administering this test in the Spanish language, although he had advocated for that change. Additionally, he noted that nothing prevented any other certifying agency from participating, as long as they could prove to the National Commission for Certifying Agencies (NCCA) that their test met the NCCA's standards.

Mr. Richard Horton re-appeared and noted many of the issues mentioned today were voiced at the Advisory Work Group meetings and debated thoroughly. He noted one reason for implementing the certification deadline in January 2009 was to give the industry a chance to work out these issues. He spoke in support of the foregoing proposed ordinance.

There being no other persons to appear in connection with this item, the public hearing was closed.

Commissioner Edmonson clarified this ordinance included a "grandfathering" clause that allowed the current Hispanic and Creole speaking Crane operators to remain if they could pass the hands-on test; and prevented them from being excluded because they could not comprehend the written test.

Chairwoman Seijas suggested this be amended to have the test administered in the tri-lingual format for future crane operators. She noted this ordinance would not go before the full Commission until January 2008, and she would have difficulty supporting it without this amendment.

Commissioner Gimenez noted the difficulty of getting a national accreditation company to administer the test in Spanish, rather than a local company.

Commissioner Diaz commended the Advisory Work Group for an outstanding job done on this ordinance, but expressed concern with the penalty

provision. He noted he felt that \$500 per day penalty was too low and would not be effective.

Commissioner Edmonson said she would accept an amendment to increase the fine to \$5,000 per day, and to add language that addressed the Spanish and Creole languages.

Assistant County Attorney Hugo Benitez suggested adding the following language "provided that by that date, test attended to the certification program are offered in the Spanish and Creole languages" to Section 5 of this ordinance.

Following further discussion, it was moved by Commissioner Edmonson that the foregoing proposed ordinance be forwarded to the BCC without a recommendation for further review. This motion was seconded by Commissioner Diaz.

Commissioner Martinez requested the issues regarding inspections provisions and companies required to be incorporated in Florida be considered when sent back to Committee for further review.

Hearing no further discussion, the foregoing proposed ordinance was forwarded to the County Commission without a recommendation, with Committee amendment(s) as follows: that the language "swing radius of the crane" in Section 8E-6(d) be deleted; that the language "Special Crane Inspector" in Section 8E-8(b) be substituted with the language "Special Hoisting Equipment Inspector;" and that the language "of tower cranes/personnel material hoists" be added in the last sentence of Section 8CC-10, Section 5, so that it reads: "Existing installations of tower cranes and personnel/material hoists shall be governed by the standards in Section IV of ASME B30.3."

3B

073192 Resolution Dennis C. Moss

RESOLUTION RESCINDING ADMINISTRATIVE ORDER 4-41, SCHEDULE OF FEES FOR PERMITS FOR PUBLIC WORKS CONSTRUCTION AND OTHER PUBLIC WORKS RELATED ITEMS, AND APPROVING IMPLEMENTING ORDER _____ TO SET A SCHEDULE OF FEES FOR PERMITS FOR PUBLIC WORKS CONSTRUCTION AND OTHER PUBLIC WORK RELATED ITEMS AND EXEMPTING MIAMI METROZOO FROM CERTAIN FEES

Withdrawn
Mover: Martinez
Seconder: Seijas
Vote: 4-0
Absent: Edmonson, Diaz

Report: *Commissioner Moss, sponsor of the foregoing resolution, commended the Committee and the community for their hard work on these matters; and requested this items be withdrawn.*

Hearing no objection, the foregoing proposed resolution was withdrawn, as requested by Commissioner Moss.

3B SUPP.

073590 Supplement

SUPPLEMENT: RESOLUTION RESCINDING A.O. 4-41, AND AUTHORIZING I.O. 4-41 TO SET FEES FOR PERMITS FOR PUBLIC WORKS PROJECTS

Withdrawn
Mover: Martinez
Seconder: Seijas
Vote: 4-0
Absent: Edmonson, Diaz

Report: *Commissioner Moss, sponsor of the foregoing resolution, commended the Committee and the community for their hard work on these matters; and requested this items be withdrawn.*

Hearing no objection, the foregoing proposed resolution was withdrawn, as requested by Commissioner Moss.

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3C

073536 Resolution Dennis C. Moss

RESOLUTION DIRECTING THE MAYOR OR HIS
DESIGNEE TO ORGANIZE A CHARRETTE AND
FACILITATE THE PREPARATION OF A CHARRETTE
REPORT FOR THE RICHMOND HEIGHTS DOWNTOWN
CORE

*Forwarded to BCC with a favorable
recommendation
Mover: Martinez
Seconder: Gimenez
Vote: 4-0
Absent: Edmonson, Diaz*

Report: *Commissioner Moss noted the Board held many
discussions regarding issues with the Richmond
Heights Downtown Core area. He asked Assistant
County Manager Susanne Torriente to identify
resources for establishing a Charrette in the
Richmond Heights Downtown Core area.*

3D

073526 Resolution Sally A. Heyman

RESOLUTION APPROVING SIGNIFICANT
MODIFICATION TO BUILDING BETTER COMMUNITIES
GENERAL OBLIGATION BOND PROGRAM PROJECT
NO. 212-UNIVERSITY OF MIAMI (UM)/JACKSON
MEMORIAL HOSPITAL (JMH) CENTER OF
EXCELLENCE FOR HEARING AND COMMUNICATION
DISORDERS AS IDENTIFIED IN APPENDIX A TO
RESOLUTION NO. R-916-04 AFTER A PUBLIC HEARING

*Withdrawn
Mover: Diaz
Seconder: Gimenez
Vote: 6-0*

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

3E

073544 Resolution Joe A. Martinez

RESOLUTION DIRECTING THE MAYOR OR HIS
DESIGNEE TO PREPARE A REPORT RECOMMENDING
A PROCESS TO ALLOCATE PREMIUM RECEIVED
FROM SALE OF BUILDING BETTER COMMUNITIES
GENERAL OBLIGATION BONDS AND INTEREST
EARNED ON SUCH BOND PROCEEDS

Withdrawn

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

Chairwoman Seijas suggested that Commissioner Martinez withdraw Item 3E and that he be added as a co-sponsor to Item 3E Alternate.

Hearing no objection, the foregoing proposed resolution was withdrawn as requested by Commissioner Martinez, and the committee proceeded to consider Agenda Item 3E Alternate.

(See Agenda Item 3E Alternative; Legislative File No. 073586)

3E ALT.

073586 Resolution Dorrin D. Rolle,

Carlos A. Gimenez, Joe A. Martinez, Jose "Pepe" Diaz
RESOLUTION DIRECTING THE MAYOR OR HIS
DESIGNEE TO SUBMIT A REPORT TO THE BOARD
RECOMMENDING A PROCESS TO ALLOCATE
PREMIUM RECEIVED FROM SALE OF BUILDING
BETTER COMMUNITIES GENERAL OBLIGATION
BONDS, INTEREST EARNED ON SUCH BOND
PROCEEDS AND ANY OTHER SURPLUS BOND FUNDS;
AND DIRECTING THE MAYOR OR HIS DESIGNEE TO
SUBMIT QUARTERLY REPORTS TO THE BOARD
REGARDING SUCH PREMIUM, INTEREST EARNINGS
AND SURPLUS BOND FUNDS

Forwarded to BCC with a favorable recommendation

Mover: Martinez

Second: Rolle

Vote: 4-0

Absent: Edmonson, Diaz

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

Commissioners Martinez and Gimenez asked to be added as co-sponsors to this item.

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

3F

073625 Resolution

Natacha Seijas,

Audrey M. Edmonson

RESOLUTION REQUESTING ADDITIONAL TIME TO ADOPT INTERLOCAL AGREEMENT AND AMENDMENTS TO COMPREHENSIVE DEVELOPMENT MASTER PLAN NECESSARY TO ESTABLISH CONCURRENCY MANAGEMENT SYSTEM FOR PUBLIC SCHOOL FACILITIES AND AUTHORIZING COUNTY MAYOR TO COMMUNICATE REQUEST TO APPROPRIATE OFFICIALS OF THE STATE OF FLORIDA

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Martinez

Vote: 6-0

Report: The foregoing proposed resolution was read into the record by Assistant County Attorney Dennis Kerbel.

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

Pursuant to Chairwoman Seijas' memorandum dated December 11, 2007, Chairwoman Seijas requested that Chairman Barreiro waive the Committee rules and procedures and allow the foregoing resolution to be forwarded to the December 18th BCC meeting for consideration.

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

073505 Report

APPROVAL OF COMMISSION COMMITTEE MINUTES FOR THE NOVEMBER 13, 2007 GOVERNMENTAL OPERATIONS AND ENVIRONMENT COMMITTEE MEETING (Clerk of the Board)

Approved

Mover: Martinez

Seconder: Gimenez

Vote: 5-0

Absent: Diaz

7 REPORTS

7A

073556 Report

CITY OF NORTH MIAMI ANNEXATION APPLICATION
(County Manager)

Deferred to no date certain
Mover: Rolle
Seconder: Martinez
Vote: 4-0
Absent: Edmonson, Diaz

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

Chairwoman Seijas opened the public hearing and the following person(s) appeared in connection with the annexation application within the foregoing report:

Mr. Jerry Proctor, 200 S. Biscayne Blvd, attorney representing the property owner, appeared in support of the foregoing annexation application.

In response to Chairwoman Seijas' question regarding why the Planning Advisory Board (PAB) denied this application, Mr. Proctor noted he was not present at the PAB meeting, but understood that concerns were raised regarding uneven boundaries. He noted however, that the property in question was contiguous to the City.

Commissioner Rolle questioned whether this was a must-pass item, and whether this application was related to the annexations and incorporations discussed at the last committee meeting, where some District #2 residents stated they were completely satisfied with the County's services.

Ms. Jennifer Glazer-Moon noted this was not a time sensitive item; and that it involved an unpopulated and undeveloped area. She noted there were no residents in the area requested to be annexed, and this would just allow development of some parcels in the unincorporated area to be developed by the City of North Miami for workforce housing.

Commissioner Rolle noted the map provided to him showed the areas west of NW 7th and 119th Street to be populated.

Chairwoman Seijas noted more time was needed for Committee members to be briefed on this application.

Mr. Jerry Proctor pointed out that the property

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was already developed with workforce housing units that would soon be occupied.

Hearing no further comments or discussion, the Committee proceeded to vote on a motion to defer the foregoing report to no date certain.

7B

073557 Report

CITY OF HOMESTEAD ANNEXATION APPLICATION OF
AREA NW 2 (County Manager)

*Forwarded to BCC without a
recommendation
Mover: Gimenez
Seconder: Martinez
Vote: 5-0
Absent: Diaz*

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

*Chairwoman Seijas opened the public hearing and
the following person(s) appeared in connection
with the annexation application within the
foregoing report:*

*1. Mr. Mitchell Bierman, City Attorney for the City
of Homestead, appeared in support of the
foregoing annexation application.*

*Commissioner Gimenez questioned the portion of
the report referring to Fiscal Impact/Funding
Sources that indicated the annexation of this area
did not result in a net revenue loss to the UMSA
budget, but actually resulted in a net annual
budget savings of approximately \$27,000. He also
questioned the portion that recommended the
County retain an estimated \$2,700 in franchise
fees and \$3,800 in utility taxes, which he noted he
opposed. Commissioner Gimenez questioned why
the County would retain these two funding sources
when this was a net revenue budget savings.*

*Mr. Bierman noted the County had the ordinance
in place now and the City of Homestead did not
object to the County keeping a portion of those
fees.*

*In response to Chairwoman Seijas' question
whether the annexation ordinance had ever been
amended, Ms. Jennifer Glazer-Moon noted these
revenues were used to pledge against the bonds.*

*Commissioner Gimenez questioned the length of
the bonds. He noted he could support the two
funding sources pledged to the County against the
bonds for as long as the bonds were in place, and
then returned to the City when the bonds were
paid off.*

*Ms. Glazer-Moon noted that language could be
included in the interlocal agreement.*

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Assistant County Attorney Craig Collier advised that since the retention of the franchise fees was accomplished by a separate County ordinance, they could not amend an interlocal agreement with something that was inconsistent with an existing ordinance. He noted, however, that the existing annexation ordinance could be amended.

Commissioner Gimenez noted he felt the County needed to develop a comprehensive policy for dealing with the retention of utility taxes and franchise fees that was consistent for all cities.

Assistant County Attorney Collier clarified that since annexations were accomplished by ordinance, an exception could be made in that ordinance to an existing ordinance assuming it did not violate the bonding covenant.

Following further discussion, the Committee forwarded the foregoing report to the County Commission without a recommendation.

7C

073450 Report

BUILDING BETTER COMMUNITIES GENERAL
OBLIGATION BOND (BBC-GOB) PROGRAM
QUARTERLY STATUS REPORT - FOURTH QUARTER
FY-07 (JULY 1 - SEPTEMBER 30, 2007) (County Manager)

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

7D

073462 Report

STORM DRAIN CLEANING REPORT NO. 7 (County
Manager)

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

7E

073498 Report

REPORT IN RESPONSE TO ORDINANCE 07-120-
MUNICIPAL ANNEXATION INTEREST IN MAC AREAS
(County Manager)

*Deferred to no date certain
Mover: Rolle
Seconder: Edmonson
Vote: 5-0
Absent: Diaz*

8 ADJOURNMENT



Natacha Seijas, Chair