

**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

February 12, 2008

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)

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**Tuesday, February 12, 2008**

**9:30 AM**

**COMMISSION CHAMBERS**

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**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.

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**1 MINUTES PREPARED BY:**

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

**1A**      **ROLL CALL**

**Report:** *The following staff members were present: Assistant County Manager Alina Hudak; Assistant County Attorneys Geri Bonzon-Keenan and John McInnis; and Deputy Clerks Doris Dickens and Jill Thornton.*

*Assistant County Attorney Geri Bonzon-Keenan noted the changes to the agenda listed in the County Manager's Memorandum were as follows: that Agenda Items 2G Substitute and Item 7B Supplement be added; and that Agenda Items 2O, 3B, 3E and 3F be deferred.*

*Commissioner Gimenez requested that Agenda Item 2Q be deferred to the next committee meeting based on an e-mail he received from City Mayor, Commissioner Marc Sarnoff, and the Manager from the City of Miami requesting they be allowed to review this item again.*

*Chairwoman Seijas noted she received a letter stating the City Manager had no further concerns regarding this proposal. She suggested that since this ordinance was before this Committee as a public hearing and persons were present wishing to speak, Committee members proceed with the public hearing and forward this proposal to the County Commission without a recommendation.*

*Commissioner Martinez noted the municipalities were notified of this hearing two months ago, and that this resolution would be considered by the Transit Committee tomorrow (2/13) as well. He asked that this resolution be considered today (2/12), and pointed out that in order for it to be forwarded to the County Commission, both this Committee and the Transit Committee would have to agree to forward it.*

*In response to Commissioner Rolle's request for clarification, Assistant County Attorney Bonzon-Keenan explained that this proposed ordinance was set before two committees with jurisdiction, therefore, both committees must recommend that it be forwarded to the full Board.*

*Concerning Commissioner Martinez' inquiry as to why Water and Sewer Department (WASD) requested Agenda Item 2O be deferred, as noted in the County Manager's memorandum, Mr. John Renfrow, WASD Director, explained that the*

**Governmental Operations and Environment Committee**

**FINAL OFFICIAL**

*Meeting Minutes*

*Tuesday, February 12, 2008*

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*County Attorney's Office advised him that this item involved a legal issue and should be deferred.*

*It was moved by Commissioner Martinez that the requested changes in the County Manager's memorandum, entitled "Requested Changes to the Governmental Operations and Environment Committee Agenda," dated February 12, 2008 be approved. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed 6-0.*

**1B**      **REMARKS FROM CHAIRPERSON SEIJAS**

**Report:** *Chairwoman Seijas called the meeting to order at 9:54 a.m. and provided her opening remarks. She noted that she along with Mayor Carlos Alvarez, County Manager George Burgess, Assistant County Attorney Joni Armstrong-Coffey, and Planning Department Director, Subrata Basu, met with Secretary Pelham, Department of Community Affairs, yesterday (2/11) in Tallahassee, Florida to discuss the Interlocal Agreement between the County and the School System. Secretary Pelham was informed of the County's efforts and intent to adopt this Interlocal agreement to implement a concurrency program in schools. Chairwoman noted she wished to publicly express her appreciation to the Mayor and County staff members who dedicated a full day in Tallahassee to address this important issue.*

*Chairwoman Seijas noted that at the next Committee meeting, she anticipated receiving the first action report from the Climate Change Task Force, chaired by the Clerk of Circuit and County Courts, Harvey Ruvin. She expressed appreciation to all citizens who participated in the Climate Change study and noted she looked forward to hearing the findings/recommendations of the Task Force. She emphasized the importance of this Commission developing adaptation strategies to offset the impacts of climate change.*

*Chairwoman Seijas asked the Water and Sewer Department (WASD) Director to provide a written report at the March 11th Committee meeting, outlining the milestones, obligations and conditions of the 20-year Consumptive Use Permit, in laymen's terms. She also asked the WASD Director to ensure that his staff provides updates to the public to ensure the public was notified when the conditions of the Consumptive Use Permit were met.*

**1C**      **SPECIAL PRESENTATION****2**      **DEPARTMENTS**

2A

**080331 Resolution**

RESOLUTION APPROVING "CONTRACT FOR SALE AND PURCHASE" OF APPROXIMATELY 0.21 ACRES IN THE NAVY WELLS #23 PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH MIAMI-DADE COUNTY AS PURCHASER AND SHAHEED HANIFF AS SELLER; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN (Department of Environmental Resources Management)

*Forwarded to BCC with a favorable recommendation*

*Mover: Rolle*

*Seconder: Diaz*

*Vote: 6-0*

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

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

2B

**080332 Resolution**

RESOLUTION GRANTING A PERPETUAL ACCESS EASEMENT TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT ACROSS APPROXIMATELY 2238 SQUARE FEET OF COUNTY PROPERTY AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SW 112 AVENUE AND THE BLACK CREEK CANAL AND AUTHORIZING THE COUNTY MAYOR TO EXECUTE THE GRANT OF EASEMENT (Department of Environmental Resources Management)

*Forwarded to BCC with a favorable recommendation*

*Mover: Rolle*

*Seconder: Diaz*

*Vote: 6-0*

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

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

2C

**080358 Resolution**

RESOLUTION ADDING METROZOO PINELANDS TO THE ENVIRONMENTALLY ENDANGERED LANDS (EEL) PRIORITY A LIST AND CUTLER WETLANDS NORTH ADDITION HAMMOCK TO THE EEL PRIORITY B LIST (Department of Environmental Resources Management)

*Deferred to no date certain*

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

*Commissioner Diaz asked whether the area described in the Zoo application was part of the EEL program mitigation area.*

*Mr. Carlos Espinosa, DERM Director, explained the intent of this resolution was to transfer properties located in the Parks and Recreation Department to the EEL program so that the EEL could manage and maintain the natural areas. He noted the property described in the Zoo application involved a pineland area located within the Zoo that would be transferred to the EEL program.*

*Commissioner Diaz questioned whether pinelands were included as sensitive areas managed by the EEL program.*

*Mr. Espinosa noted South Florida pinelands were considered endangered areas and as sensitive as wetlands except they were located in the uplands or hammock areas. He noted pinelands have been included in the EEL program, and were not part of any construction mitigation area.*

*Commissioner Martinez questioned the possibility of securing other funding partners to purchase this land if GOB funds were not available.*

*Mr. Espinosa noted in general, if GOB funds were unavailable at the time of purchase, the EEL Trust would purchase the property and would be reimbursed; however, that was not the case in this application. Regarding the Cutler Wetlands application, he noted the EEL Committee rates properties as either A or B, and this property was rated B, a lower priority level, and could only be purchased if matching funds were identified.*

*In response to Commissioner Martinez' question*

*whether the County would be unable to purchase this property if efforts to identify a funding partner was unsuccessful, Mr. Espinosa noted this was correct unless the property was re-evaluated and upgraded to an A category.*

*In response to Commissioner Gimenez' question regarding how the EEL program was funded, Mr. Espinosa explained that \$90 million was generated by a tax millage in 1992 or 1993 that was placed in a Trust Fund and used to purchase endangered/sensitive lands.*

*In response to Commissioner Gimenez' question whether the County was purchasing back land it already owned and how many properties were purchased in this manner, Mr. Espinosa noted the County was not buying back its own land, but rather transferring the management of the properties to the EEL program. He noted 16 properties managed by the Parks and Recreation Department had already been transferred.*

*In response to Commissioner Gimenez' question as to how much the County had expended to maintain its own lands, Cynthia Guerra, Director, EEL Program, noted the annual budget was approximately \$3 million for managing and maintaining all of the parcels, including those natural areas located in the County parks.*

*In response to Chairwoman Seijas' question whether the second parcel was one of those cases that the National Parks Superintendent wanted the County to be responsible for and the County agreed to; Mr. Espinosa affirmed that the Cutler Wetlands was one of the parcels the County agreed to maintain and was within the buffer area.*

*In response to Commissioner Gimenez question whether the Parks and Recreation Department had maintained these areas in the past in the proper way; Mr. Espinosa noted Parks and Recreation Department maintained these properties properly, but had difficulty in keeping up with some maintenance.*

*Commissioner Gimenez noted his primary concern was that EEL funds would be used to maintain County-owned properties rather than to buy additional properties. He noted he felt this was a bait and switch effort, which he could not support.*

*Chairwoman Seijas concurred that taking funds*

*from the EEL program for managing these properties should be explored further. She suggested this resolution be forwarded to the County Commission without a recommendation.*

*Commissioner Diaz questioned the \$100,000 per year cost for maintenance.*

*Ms. Guerra noted the two applications should probably have been separated, and that she may have erred in packaging them into one agenda package. She explained that the Cutler Wetlands parcel was land within the Biscayne National Park that was being added to the B list for the EEL program to purchase and manage. The other parcel described as the Metro Zoo Pinelands was an endangered, imperiled pineland habit, of which very little existed on the planet. She noted that Parks and Recreation Department began transferring these properties to the EEL program in 2004 because they had trouble keeping up with the maintenance, and the EEL program had an excellent record for maintaining natural areas.*

*Ms. Guerra noted the cost to maintain the Metro Zoo parcel would be approximately \$103,000 for the first year and \$70,000 per year in subsequent years; that this funding would be used primarily to hire crews to do exotic control and remove invasive species unnatural to the area. She noted maintenance was provided annually to control the growth of exotic species.*

*In response to Commissioner Diaz inquiry regarding the number of acres of pinelands that needed to be maintained, Ms. Guerra noted this particular transfer involved 145 additional acres of pinelands, but they were already managing pinelands in that area.*

*Chairwoman Seijas suggested this item be withdrawn by the Department today in order for the two parcels to be separated and prepared as separate applications.*

*Commissioner Martinez noted he concurred with Commissioner Gimenez' comment that "this was a bait and switch effort." He noted, however, that he preferred this money be allocated to the Parks and Recreation Department where it was needed, as opposed to the EEL program, which was funded through other funding mechanisms.*

*In response to Commissioner Gimenez' question regarding the current balance in the EEL Trust*

Governmental Operations and Environment Committee

FINAL OFFICIAL

Meeting Minutes

Tuesday, February 12, 2008

fund, Mr. Espinosa noted the balance was approximately \$62 million.

Commissioner Gimenez asked if the EEL program was spending at an accruing interest rate or whether they were dipping into this fund.

Ms. Guerra noted she could not recall the rate of return, but that a portion of the EEL Trust fund was set aside in a fund strictly for management purposes.

Commissioner Gimenez asked whether the balance of the Trust Fund had increased or decreased, Ms. Guerra noted the balance of the Trust fund was pretty stable because the government was effective in securing funding partners.

Mr. Espinosa noted the EEL program wanted to preserve these funds that allowed for maintenance and utilize the GOB funds for purchasing properties, which they have been successful in matching with State and other funds.

Commissioner Gimenez asked the Department of Environmental Resource Management Director to ensure that his staff meets with all Committee members to brief them on this item before the March 11th Committee Meeting.

Chairwoman Seijas noted she felt these parcels should be separate agenda items, and that this resolution be deferred.

2D

**080360 Resolution**

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO ACCEPT A GRANT AWARD FROM THE NATURE CONSERVANCY FOR ACQUISITION OF WETLANDS BY THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM (Department of Environmental Resources Management)

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

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

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

2E

**080259 Resolution**

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 57- "AVENTURA - PURCHASE LAND FOR PARKS/PUBLIC FACILITIES" IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-913-04 AFTER A PUBLIC HEARING (Office of Capital Improvements)

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

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

*Commissioner Martinez expressed concern that the allocation remained the same since it was now City-owned land. He expressed concern with the County having another Performing Arts Center (PAC) in the north, when the current downtown PAC was not meeting its performance goals and the South Dade PAC was over-budgeted.*

*Mr. Jose Galan, Office of Capital Improvements, explained that the original intent of this project was to purchase land for the City of Aventura; therefore, the land would have been City-owned; however, the City decided to build on existing County-owned land, which currently houses the North East library, and build both the Library and the PAC in the same area. He noted Council for the City of Aventura later voted to change the location of the PAC and build it on City-owned land. Mr. Galan further explained that the County had GOB dollars to repair the library, but the existing structure was damaged beyond repair by Hurricane Wilma; therefore, the existing structure would be demolished and a brand new facility would be constructed with monies partially from the GOB and partially from the Library's Capital Development Funds.*

*Commissioner Martinez expressed concern that it would cost more to build a new library than to renovate it, and question whether the project was done as originally intended. Mr. Galan noted he understood that the Library had the funds to build the Library and dollars for operations, but some of those dollars were used to transfer Library personnel to other facilities until this library was rebuilt.*

*Mr. Raymond Santiago, Libraries Director, clarified the costs to rebuild or renovate the*

Library were about the same. He noted the original intent was to have a combined facility on the same site and the City would construct the PAC above the Library. He noted staff always anticipated renovating the Library, but would now demolish the existing structure and rebuild it using funds from the GOB and the Library's Capital Reserve Fund. Regarding operating dollars, he explained this project has operation funds but the City of Aventura provided some space in their City Hall for the County to operate a small library while the new Library was constructed, and some staff was transferred there in the interim.

In response to Commissioner Martinez' question regarding how the cost to redesign a new facility would be the same as renovating the old library, Mr. Santiago noted that based on the damage to this facility, the cost to renovate was about \$9 million versus the \$12 million cost to rebuild.

Chairwoman Seijas noted that meant a \$3 million difference or about a 33% increase. She asked if any elected officials were present who would like to be recognized.

Mayor Susan Gottlieb, City of Aventura, provided a brief history of this project. She noted the City of Aventura wanted a grander theatre for many years, but after she became Mayor, the City came up with a smaller, 300-seat PAC. She noted the City and the County entered into a joint venture to build the PAC on top of a Library on County-owned property, which was approved by the BCC. When the Library was destroyed by Hurricane Wilma, the Library Committee decided to build a new library facility, rather than renovate the existing structure, but the process was long. She noted as the processes go on, the GOB dollars become less valuable, so the City decided it would be best to build the theatre on another site rather than build it over the Library; that the project was exactly the same, a 300 seat PAC, at a different location. She explained that this facility would not compete with the County's other PAC facilities, and noted she would be meeting with the Director for the "Adrienne Arsht" PAC to see how the City of Aventura could cooperate. She noted the construction of the library was promised some time ago, but was destroyed by Hurricane Wilma, and the City of Aventura has given over its entire second floor of its Government Center and some parking to accommodate the residents with a library facility so that the County would not have to continue paying rent. She urged Committee

**Governmental Operations and Environment Committee**

*Meeting Minutes*

*Tuesday, February 12, 2008*

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**FINAL OFFICIAL**

*members to allow the City of Aventura to proceed with using the 4.7 million GOB funds to build their PAC theatre in a different location, and to move forward with building the Library.*

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

2F

**080262 Resolution**

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 235 - BAL HARBOUR VILLAGE – CONSTRUCT CITY HALL/POLICE BUILDING” IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-917-04 AFTER A PUBLIC HEARING (Office of Capital Improvements)

*Forwarded to BCC with a favorable recommendation*

*Mover: Diaz*

*Secunder: Martinez*

*Vote: 6-0*

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

*In response to Commissioner Martinez' question regarding why renovating this building would cost less than building a new facility and the difference between this and the last item, Mr. Galan noted this project, when originally approved, called for the construction of a new City Hall and Police Building in the Town of Bal Harbour; however, the Town Council voted to renovate the existing facility to accommodate plans to build two additional holding cells with bathrooms. He noted there was currently only one holding cell with no bathroom, and said he felt this was a safety hazard.*

*Commissioner Martinez expressed concern with the difference in cost to renovate and the cost to build.*

*Mr. Galan noted the dollars were intended to compliment other funding, so the total allocation was \$963K and \$205K of that amount would be spent to build the new cells, leaving a balance of about \$760 K.*

*Commissioner Rolle noted he had same concerns as Commissioner Martinez, as well as concern with informing the public that a new building would be constructed and changing plans to now perform renovation on the existing building; and that he was unsure whether the community would have a problem with that.*

*Mr. Mitchell Bierman, attorney representing the Town Bal Harbor, noted a resident committee in the Town of Bal Harbor decided the immediate need for public safety was the pressing matter and this project should be implemented first. Given the huge costs beyond the substantial GOB allocation by the County, he stated the consensus of the*

*elected officials was that the monies could be stretched further with a renovation rather than build the new hall and police station.*

2G

**073721 Resolution**

RESOLUTION APPROVING SIGNIFICANT  
MODIFICATION TO BUILDING BETTER COMMUNITIES  
GENERAL OBLIGATION BOND PROGRAM PROJECT  
NO. 130 "BEAR CUT FISHING CATWALK REPAIR"  
IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-  
914-04 AND APPROVING ADDITION OF NEW PROJECT  
NO. 130A – "REPAIR OF FISHING PIERS AT OLD  
WILLIAM POWELL BRIDGE AT KEY BISCA YNE" TO  
APPENDIX A TO RESOLUTION NO. R-914-04 AFTER A  
PUBLIC HEARING (Public Works Department)

*Withdrawn*

**Report:** *(See Agenda Item 2G Substitute; Legislative File  
No. 080435.)*

2G SUB.

**080435 Resolution**

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 130 – "BEAR CUT FISHING CATWALK REPAIR" IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-914-04 AND APPROVING ADDITION OF NEW PROJECT NO. 130A – "REPAIR OR REPLACE THE FISHING PIERS AT OLD WILLIAM POWELL BRIDGE AT KEY BISCAYNE" TO APPENDIX A TO RESOLUTION NO. R-914-04 AFTER A PUBLIC HEARING [SEE ORIGINAL ITEM UNDER FILE NO. 073721] (Public Works Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Diaz*

*Seconder: Martinez*

*Vote: 6-0*

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

*Ms. Esther Calas, Director, Public Works Department, responded to Commissioner Gimenez' question regarding the cost to renovate the Old William Powell Bridge located on Key Biscayne. She noted staff estimated the cost to be approximately \$6 million, and included the demolition costs for one side.*

*In response to Commissioner Gimenez' question regarding whether the Bear Cut Catwalk was used for a bike path, Ms. Calas noted that catwalk had been closed since 2003, and they were discussing repair work underneath the Catwalk. Regarding Commissioner Gimenez' question regarding when the repairs would be completed, Ms. Calas noted they were working hard to begin the renovations soon.*

2H

**073611 Bid Awards**

PROJECT AWARD RECOMMENDATION BETWEEN APAC-SOUTHEAST, INC. AND MIAMI-DADE COUNTY IN THE AMOUNT OF \$6,093,924.19 FOR ROADWAY IMPROVEMENTS ALONG NW 72 AVENUE, FROM NW 74 STREET TO OKEECHOBEE ROAD, LOCATED WITHIN COMMISSION DISTRICT 12 - PROJECT NO. 20060425 (FORMERLY 20060109); CONTRACT NO: 20060425 (Public Works Department)

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

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

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

2I

**073673 Resolution**

RESOLUTION GRANTING PETITION TO CLOSE SW 199 AVENUE, FROM SW 244 STREET, SOUTH FOR APPROXIMATELY 639 FEET (ROAD CLOSING PETITION NO. P-849) (Public Works Department)

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

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

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

2J

**073715 Bid Rejection**

REQUEST TO REJECT ALL BIDS FOR THE SW 157 AVENUE DRAINAGE IMPROVEMENT PROJECT, LOCATED WITHIN COMMISSION DISTRICT 11 - PROJECT NO: 1-70094GOB; CONTRACT NO: GOB05050; PROJECT LOCATION: SW 157 AVENUE BETWEEN SW 42 STREET AND SW 56 STREET (Public Works Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Diaz*

*Seconder: Martinez*

*Vote: 6-0*

**Report:** *The foregoing request to reject all bids was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

*In response to Commissioner Gimenez' inquiry as to whether the language on handwritten page 2, providing that other applicable funding sources could subsidize this program, was standard language, Ms. Esther Calas, Director, Public Works Department, answered yes.*

*Ms. Calas responded to Commissioner Gimenez' question regarding other available funding sources.*

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

2K

**073736 Resolution**

RESOLUTION APPROVING DELETION OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 131 – "PORTABLE EMERGENCY BRIDGES (TEMPORARY)" AND APPROVING SIGNIFICANT MODIFICATION TO PROJECT NO. 132 – "SONOVOID BRIDGE IMPROVEMENT PROGRAM – 95 BRIDGES TO BE CONSIDERED", EACH IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-914-04 AFTER A PUBLIC HEARING (Public Works Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Diaz*

*Seconder: Martinez*

*Vote: 6-0*

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

*Commissioner Rolle asked that the Public Works Department Director provide him with a listing of all the names/locations of the 95 "Sonovoid" bridges and bridge decks proposed for structural upgrades.*

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

2L

**080251 Resolution**

RESOLUTION GRANTING PETITION TO CLOSE SW 176 STREET, FROM SW 149 AVENUE TO SW 152 AVENUE (ROAD CLOSING PETITION NO. P-835) (Public Works Department)

*Amended*

**Report:** *(See Agenda Item 2L Amended; Legislative File No. 080517 for the amended version.)*

2L AMENDED

**080517 Resolution**

RESOLUTION GRANTING PETITION TO CLOSE SW 176 STREET, FROM SW 149 AVENUE TO SW 152 AVENUE (ROAD CLOSING PETITION NO. P-835) [SEE ORIGINAL ITEM UNDER FILE NO. 080251] (Public Works Department)

*Forwarded to BCC with a favorable recommendation with committee amendment(s)*

*Mover: Martínez*

*Seconder: Edmonson*

*Vote: 6-0*

**Report:** *Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record, and noted the following amendments:*

*That the entire sentence in Section (1) of the body of the resolution should be deleted and replaced with the following language: "that the closing of the aforementioned road is contingent on the platting of the property substantially in accordance with the approved site plan pursuant to Resolution No. CZAB11-15-07, that in the event the property is not platted, the granting of this petition shall become null and void."*

*Hearing no further comments or questions, the foregoing proposed resolution was forwarded to the County Commission with a favorable recommendation with committee amendments, as stated by Assistant County Attorney Bonzon-Keenan.*

2M

**080304 Resolution**

RESOLUTION AUTHORIZING THE PUBLIC WORKS DEPARTMENT (PWD) TO TERMINATE FOR CONVENIENCE A CONTRACT WITH THE REDLAND COMPANY, INC., TITLED SW 104 STREET ROADWAY IMPROVEMENTS FROM SW 147 AVENUE TO SW 137 AVENUE (PWD PROJECT NO. 20040603), AND AUTHORIZING PWD TO NEGOTIATE AND SETTLE ANY CLAIMS RESULTING FROM THIS ACTION (Public Works Department)

*Forwarded to BCC with a favorable recommendation*

*Mover: Rolle*

*Seconder: Diaz*

*Vote: 6-0*

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

*Commissioner Martinez asked the Public Works Department Director to meet with him before the next County Commission meeting to discuss the issues involved with this contract.*

*Responding to Commissioner Gimenez' inquiry regarding whether the wage investigation had been resolved, Ms. Penny Townsley, Small Business Affairs (SBA), noted H&R Paving company was working with the SBA Department very cooperatively; and while the wage investigation was ongoing, H&R Paving had provided documentation that reduced the amount of wages owed. She further noted the SBA had secured those wages through stopped payments, pending completion of the audit.*

*Commissioner Gimenez noted he felt it would be prudent for the County to delay moving forward on this change order until the investigation was closed.*

*Ms. Townsley noted SBA staff felt very comfortable with moving forward on this change order since the wages owed to the employees had been secured. She noted staff was confident the estimated amount of back wages owed (approximately \$85,000) would be substantially reduced based on documentation provided by H&R Paving. She noted she did not know what that reduction would be, but they were holding the entire \$85,000 until the audit was completed.*

*In response to Chairwoman Seijas' question regarding when the employees would be paid, Ms. Townsley noted checks would be issued immediately following the finalizing of the audit.*

*Responding to Chairwoman Seijas' inquiry as to whether the County had engaged in any new contracts with H&R Paving since May 2007, Ms. Townsley noted the company had not been awarded any new contracts since its violation; however, some awards were being held in abeyance until these issues were resolved.*

*Chairwoman Seijas asked the Department of Business Development Director to provide her with a report identifying any contract awards being held from H&R Paving.*

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

2N

**080305 Resolution**

RESOLUTION APPROVING RETROACTIVE CHANGE ORDER NO. ONE & FINAL TO THE CONTRACT WITH H & R PAVING, INC., RATIFYING THE PRODUCTION INCENTIVE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CONTRACTOR AND REALLOCATING TO THE CONTINGENCY ALLOWANCE \$102,277.01 IN CONTRACT FUNDS FOR RESURFACING PROJECT (MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT PROJECT NO. 20040450) (Public Works Department)

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

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

*Commissioner Edmonson expressed concern that H&R Paving had a similar problem with another contract, and she wanted to ensure this contract was being monitored the same as the other contract.*

*Ms. Esther Calas, Public Works Department Director, noted the monies were being held back until those issues were resolved.*

*In response to Commissioner Gimenez' question regarding the extent of the County's liability, Ms. Calas noted the County just settled for \$16,000 on NW 87th Avenue from 167th to 170th Streets; and the foregoing dealt with a Department of Environmental Resources Management (DERM) permit for \$28,000, for which the County's liability was approximately \$15,000, however that had not yet been settled. She noted H&R Paving agreed to a mitigation plan with DERM and was in compliance.*

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

2O

**080258 Resolution**

RESOLUTION APPROVING CONTRACT NO. W-836 IN THE AMOUNT OF \$5,553,893.42 TO ATLANTIC CIVIL, INC. FOR THE REMOVAL OF CALCIUM CARBONATE DEPOSIT AT THE ALEXANDER ORR JR. WATER TREATMENT PLANT (Water & Sewer Department)

*Deferred to next committee meeting*  
*Mover: Martinez*  
*Seconder: Diaz*  
*Vote: 5-0*  
*Absent: Edmonson*

2P

**073742 Ordinance**

ORDINANCE AMENDING CHAPTER 10 OF THE MIAMI-DADE COUNTY CODE; ELIMINATING THE GENERAL BUILDING, SUB-GENERAL BUILDING AND SUB-BUILDING CONTRACTOR CATEGORIES, ADDING GENERAL CONTRACTOR, BUILDING CONTRACTOR AND RESIDENTIAL CONTRACTOR CATEGORIES TO COMPLY WITH STATE STATUTES REGARDING REGISTRATION; AND AMENDING THE GENERAL ENGINEERING CONTRACTOR CLASSIFICATION TO MAINTAIN CONSISTENCY WITH THE GENERAL CONTRACTOR CATEGORY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (Building Code Compliance Department)

*Forwarded to BCC with a favorable recommendation*  
*Mover: Martinez*  
*Seconder: Diaz*  
*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.*

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

2Q

**073616 Ordinance**

ORDINANCE PERTAINING TO FIXED-GUIDEWAY RAPID TRANSIT SYSTEM DEVELOPMENT ZONE; AMENDING SECTION 33C-2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO RAPID TRANSIT ZONE PERMITTED USES; AMENDING SECTION 33C-4 PERTAINING TO RAPID TRANSIT DEVELOPMENTAL IMPACT ZONE; CREATING SECTION 33C-8 PERTAINING TO RAPID TRANSIT ZONE DISTRICT REGULATIONS FOR NON-METRORAIL DEVELOPMENT WITHIN THE CITY OF MIAMI; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Department of Planning & Zoning)

*Amended*

**Report:** *(See Agenda Item 2Q Amended; Legislative File No. 080511 for the amended version.)*

2Q AMENDED

**080511 Ordinance**

ORDINANCE PERTAINING TO FIXED-GUIDEWAY RAPID TRANSIT SYSTEM DEVELOPMENT ZONE; AMENDING SECTION 33C-2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO RAPID TRANSIT ZONE PERMITTED USES; AMENDING SECTION 33C-4 PERTAINING TO RAPID TRANSIT DEVELOPMENTAL IMPACT ZONE; CREATING SECTION 33C-8 PERTAINING TO RAPID TRANSIT ZONE DISTRICT REGULATIONS FOR NON-METRORAIL DEVELOPMENT WITHIN THE CITY OF MIAMI; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 073616] (Department of Planning & Zoning)

*Forwarded to BCC with a favorable recommendation with committee amendment(s)*  
**Mover: Gimenez**  
**Seconder: Diaz**  
**Vote: 6-0**

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

*Mr. Subrata Basu, Planning and Zoning Department Director, noted a number of changes had occurred as the result of negotiations with staff and potential developers along the corridor and with concerns raised in the community, that he would like to state for the record.*

*Chairwoman Seijas asked that any proposed changes to this ordinance be read into the record before the public hearing was opened.*

*Mr. Basu noted the following changes:*

*-That the following language be underlined under Section 33C-4, 1st paragraph: "...for those stations not subject to Section 33C-2(D)(9)(e)," and that the following language be added to the same paragraph following "adoption by the Board of County Commissioners:"*

*"...if located in incorporated Miami-Dade County or the appropriate municipality if located in incorporated Miami-Dade County."*

*-That a paragraph clarifying the public hearing process be added after the first paragraph under Section 33C-4 that states as follows:  
 Notwithstanding anything to the contrary herein, mailed notice of hearings before the Rapid Transit Developmental Impact Committee pursuant to Section 33-2(D)(9)(e) shall be provided in the same manner as hearings on applications filed*

*before the Community Zoning Appeals Board pursuant to Section 33-310(d)(3) for the special exceptions expressly enumerated in that subsection. Mailed notice of hearings shall also be provided simultaneously to the municipality in which the application site is located. Applications shall comply with the procedural requirements of Section 33-304."*

*-That a paragraph be added under Section 33C-8(C)(2)(a) Development Parameters, which states as follows: "when non residential uses are located across the street from a single-family zoned property, the build-to-line shall be 30 feet for the pedestal, except 20 feet if colonnade is provided, a minimum of 40 feet for the tower and a minimum of 50 feet for the penthouse.*

*-That the language "...zoned districts" be added in both Sections 33C-8(C)(2)(b) and 33C-8(C)(2)(c) following the language "...single family residential."*

*-That in Section 33C-8(C)(5) Building Heights, include a breakdown of the stories as follows: for (a) Metropolitan Urban Centers-25 stories (maximum- 7 stories for pedestal, 13 stories for the tower and 5 stories for the penthouse); For (b) Community Urban Centers-15 stories (maximum- 5 stories for pedestal, 8 stories for tower and 2 stories for penthouse); For development designed and registered for LEED certification for: (a) Metropolitan Urban Centers-30 stories with Silver Certification-(maximum 8 stories for pedestal, 16 stories for the tower and 6 stories for the penthouse); for 40 stories with Gold certification (maximum 12 stories pedestal, 20 stories for tower, and 8 stories for penthouse); for (b) Community Urban Centers-20 stories with Silver Certification (maximum 6 stories for pedestal, 11 stories for tower and 3 stories for penthouse); and with Gold Certification-25 stories (maximum 7 stories for pedestal, 13 stories for tower and 5 stories for penthouse).*

*-That the following sentence: "multi-story parking garage structures shall be screened along all frontages (streets and common open spaces) except along a service road or a pedestrian passage, by a liner building containing a minimum depth of 20 feet of habitable space," Should be added in the paragraph under Section 33C-8(C),(7),(h).*

*Chairwoman Seijas opened the public hearing and*

Governmental Operations and Environment Committee

FINAL OFFICIAL

Meeting Minutes

Tuesday, February 12, 2008

---

*the following individual(s) appeared in connection with the foregoing ordinance.*

*Mr. Gus Gil, President, Gil Development, Inc., 7300 SW 93rd Avenue, appeared and noted Coconut Grove Station, LLC (CGS), was the only lease holder of the seven-year old lease. He noted CGS worked with Mr. Basu, Planning Department staff and the County Manager's office to develop a resolution that incorporated everyone's interest. He respectfully requested the Committee reduce the 25% workforce housing requirement in the report and consider the involuntary code of 12.5% workforce housing.*

*Hearing no other person wishing to speak in connection with the foregoing ordinance, the public hearing was closed.*

*Commissioner Gimenez questioned the 25% requirement for workforce housing.*

*Mr. Basu noted a study was done for the inclusionary zoning ordinance based on single-family development that showed 12.5% was reasonable, and staff felt this site was the perfect site for workforce housing. He noted a commercial component added to the project should offset some of the cost. He also noted the parking had been reduced for workforce housing units because it was a transit-oriented property.*

*In response to Commissioner Gimenez' question whether a credit would be given if zero workforce housing occurred, Mr. Basu noted a reduction in parking that reduced the cost of the workforce housing units. He also noted he did not have a specific study to explain the 25% workforce requirement, but everyone was interested in maximizing the potential for workforce housing.*

*Following discussion among Committee members regarding the workforce housing requirement, Commissioner Gimenez questioned whether the lease had a zero workforce housing requirement, and whether this ordinance superseded the original lease.*

*Assistant County Attorney John McInnis noted the original lease predates the workforce housing ordinance. He noted approval of this ordinance would not change the conditions in the lease, but the developer would have to comply with the amended code in order to develop the project.*

Governmental Operations and Environment Committee

FINAL OFFICIAL

Meeting Minutes

Tuesday, February 12, 2008

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*In response to Commissioner Gimenez' question whether this issue could be debated in court, Assistant County Attorney McInnis noted the issue was the requirements in the lease for an approval of a site plan and approval of the development standards, which he believed was part of the process.*

*In response to Commissioner Gimenez' question whether the developer would commit on the record today, to build 12.5% workforce housing, Mr. Gil affirmed that they would.*

*Ms. Lourdes Laysack, City of Miami Zoning Administrator, noted the City's Planning Department staff reviewed this and had no concerns; and they accepted the amendments as read into the record by the Department Director today, which she noted, were more consistent with the City of Miami's zoning.*

*Commissioner Diaz noted he wanted to move forward with this ordinance, but requested more information later regarding where the 25% figure originated from.*

*Commissioner Martinez pointed out that currently, the affordable housing threshold was \$225,000 according to the U.S. Department of Housing and Urban Development (HUD), and the market would dictate the selling price.*

*Commissioner Gimenez noted he concurred with Commissioner Martinez' comments that the market would eventually correct itself, even at zero units, but 12.5% was the only number backed by a study, and he expressed confidence in the developer to comply with this percentage. Commissioner Gimenez noted, for the record, that he previously requested a deferral of this item because of an e-mail he received from the City of Miami officials; however, since a representative from the City's Planning Department was present, a deferral was no longer needed. He advised he would continue working with City officials on further issues.*

*Commissioner Rolle noted the letter from City Manager Hernandez was dated January 30, 2008, prior to amendments being made, and stated he would like the City Manager to be apprised of the amendments.*

*Chairwoman Seijas pointed out that the amendments would be read into the record again before the Transit Committee tomorrow (2/12),*

*and the City of Miami representatives could attend that meeting.*

*Hearing no further questions or comments, the foregoing proposed ordinance was forwarded to the County Commissioners, with a favorable recommendation with committee amendment(s) as noted by the P&ZD Director, Mr. Basu.*

**3 COUNTY COMMISSION**

3A

**073596 Ordinance County Commission**

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF FLORIDA CITY, FLORIDA, AND AMENDING THE CHARTER OF SUCH MUNICIPALITY BY PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS, UNDER AND PURSUANT TO PROCEEDINGS PRESCRIBED BY SECTION 6.04(B) OF THE HOME RULE CHARTER; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE, UTILITY TAX AND CIGARETTE TAX REVENUES; PROVIDING RETENTION OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL; PROVIDING THAT THE ORDINANCE WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE AGENDA ITEM NO. 11A1]

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

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

*Hearing no objection, Agenda Item 3A was heard simultaneously with Agenda Item 3D*

*Vice Chairman Diaz opened the public hearing and there being no one to appear, the public hearing was closed.*

*Commissioner Martinez asked whether a scrivener's error existed on handwritten page 5, second line from the bottom, regarding the word "retail" that should be "retain."*

*Assistant County Attorney Collier noted he would correct that error.*

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

3B

073597 Ordinance

County Commission

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AND AMENDING THE CHARTER OF SUCH MUNICIPALITY BY PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS, UNDER AND PURSUANT TO PROCEEDINGS PRESCRIBED BY SECTION 6.04(B) OF THE HOME RULE CHARTER; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE, UTILITY TAX AND CIGARETTE TAX REVENUES; PROVIDING RETENTION OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL; PROVIDING THAT THE ORDINANCE WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE AGENDA ITEM NOS. 3E AND 3F]

*Deferred to no date certain*

*Mover: Martinez*

*Seconder: Diaz*

*Vote: 6-0*

3C

073594 Ordinance

Rebeca Sosa,

Jose "Pepe" Diaz

ORDINANCE RELATING TO COUNTY BOARDS;  
AMENDING SECTION 2-11.38 TO PROVIDE THAT ANY  
PERSON WHO HAS A PENDING LAWSUIT AGAINST  
THE COUNTY SHALL NOT BE ELIGIBLE TO SERVE ON  
A COUNTY BOARD UNLESS THIS REQUIREMENT IS  
WAIVED BY TWO-THIRDS VOTE OF THE MEMBERS  
OF THE BOARD OF COUNTY COMMISSIONERS;  
PROVIDING SEVERABILITY, INCLUSION IN THE  
CODE, AND AN EFFECTIVE

*Forwarded to BCC without a  
recommendation*

*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.*

*In response to Commissioner Gimenez' request for  
clarification, Commissioner Diaz explained the  
intent of this ordinance was to prevent anyone  
with a pending lawsuit against the County from  
serving on a County Board while the lawsuit was  
pending unless the requirement was waived by two-  
thirds vote of the County Commission members.*

*Commissioner Gimenez pointed out that the  
individual appointed could be removed from that  
appointment if the lawsuit was egregious, but he  
preferred to support the rights of people to sue and  
could not support this ordinance.*

*Chairwoman Seijas stated she concurred with this  
ordinance as intended if the lawsuit was offensive  
to the County; however, her concern was  
disrespecting the rights of people in pending  
lawsuits that have merit. She suggested  
forwarding this ordinance without a  
recommendation, to allow the sponsor to clarify  
the language by possibly classifying the lawsuits.*

*Commissioner Martinez suggested the language in  
this ordinance be applicable only to lawsuits that  
would contradict a policy adopted by the Board.*

*Assistant County Attorney Bonzon-Keenan  
responded to Commissioner Gimenez' question  
regarding whether the Board, as a whole, could  
remove appointed individuals. She noted she  
believed the specific legislation creating the board*

*dictated the terms in which the individual could be removed.*

*Commissioner Gimenez noted he would support this ordinance being forward today without a recommendation, but would not support it before the full Board of County Commissioners.*

*Chairwoman Seijas noted she concurred with Commissioner Gimenez' concern regarding individual rights, but suggested that in respect of the sponsors, this ordinance be forwarded without a recommendation so that frivolous lawsuits could be identified.*

*Hearing no further comments or questions, the Committee proceeded to forward the forgoing proposed ordinance to the County Commission without a recommendation.*

*Chairwoman Seijas asked that this ordinance be forwarded to the March 18th BCC meeting.*

3D

**080208 Resolution County Commission**

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF FLORIDA CITY IN CONNECTION WITH THE PROPOSED ANNEXATION BY THE CITY OF FLORIDA CITY; AUTHORIZING THE COUNTY MAYOR TO EXECUTE THE AGREEMENT IN SUBSTANTIALLY THE FORM ATTACHED AND TAKE ANY ACTION REQUIRED BY THE COUNTY HEREIN [SEE AGENDA ITEM NO. 7C]

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

**Report:** *(See Agenda Item 3A; Legislative File No. 073596 for the report.)*

3E

**080217 Resolution County Commission**

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF NORTH MIAMI BEACH IN CONNECTION WITH THE PROPOSED ANNEXATION BY THE CITY OF NORTH MIAMI BEACH; AUTHORIZING THE COUNTY MAYOR TO EXECUTE THE AGREEMENT IN SUBSTANTIALLY THE FORM ATTACHED AND TAKE ANY ACTION REQUIRED BY THE COUNTY HEREIN [SEE AGENDA ITEM NOS. 3B AND 3F]

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

3F

**080218 Resolution**

**County Commission**

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-  
DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY,  
\_\_\_\_\_, FOR THE PURPOSE OF  
SUBMITTING TO QUALIFIED ELECTORS RESIDING  
WITHIN THE BOUNDARIES AS SET FORTH HEREIN  
THE QUESTION OF WHETHER THE DESCRIBED AREA  
SHOULD BE ANNEXED TO THE CITY OF NORTH  
MIAMI BEACH [SEE AGENDA ITEM NOS. 3B AND 3E]

*Deferred to no date certain*

*Mover: Martinez*

*Seconder: Diaz*

*Vote: 6-0*

3G

## 080346 Resolution

Joe A. Martinez

*Withdrawn*

RESOLUTION REQUESTING CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO SCHEDULE COUNTY MANAGER'S AGENDA BRIEFINGS FOR COUNTY COMMISSIONERS AND THEIR STAFF NO LATER THAN TWO BUSINESS DAYS PRIOR TO COMMISSION MEETINGS

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

*Commissioner Martinez explained the intent of this resolution was to have the Board of County Commission (BCC) Chair schedule the BCC briefing, since it was the Commission's staff that needed to be briefed. He suggested the scheduled briefings be more than two business days prior to the BCC meeting in order to obtain the answers to questions.*

*Commissioner Edmonson concurred with Commissioner Martinez; that she thought the BCC briefings were for the benefit of the Commission staff, not the Administration.*

*Commissioner Gimenez asked if the County Manager was required to attend the briefings if scheduled by the BCC. He noted he supported this resolution because it was the BCC's agenda, and he believed the briefings should be scheduled sooner. He offered a friendly amendment to schedule the briefings no later than three business days prior to Commission meetings.*

*Chairwoman Seijas suggested that if the Charter Review Task Force (CRTF) had taken the time to consider the powers of the Mayor and the Commission, this could be included in the Charter questions.*

*Commissioner Diaz noted the issue was the 4-day rule, and the printing of agendas on Tuesdays. He noted he believed the entire process needed to be restructured to take into consider the scheduling of Committee meetings.*

*Commissioner Martinez suggested proceeding with forwarding this resolution, and he would work out the 4-day rule and agenda printing issues with County Administration. He noted if the issues could not be resolved, he would withdraw this*

resolution at the BCC meeting.

*Commissioner Diaz expressed concern that if the changes exceeded the boundaries of the ordinance title, it would require rejecting the ordinance and starting the process over again, which he wanted to avoid.*

*In response to Commissioner Martinez' question whether printing the agendas in advance of the 4-day rule would be an issue, Assistant County Attorney Bonzon-Keenan noted, as a matter of practice, the agenda was printed four business days prior to a meeting to insure compliance with the 4-day rule, but would not require a change of the 4-day rule ordinance if printed earlier.*

*Commissioner Gimenez suggested a preliminary agenda be printed on Monday and a final agenda be printed later.*

*Commissioner Diaz noted his concern was that some Committee meetings were scheduled on Thursdays, and staff could not attend both the agenda briefing and committee meetings.*

*Chairwoman Seijas noted she supported the agenda briefings and the printing of agendas sooner, but could not support having the BBC Chair schedule the agenda briefings. She noted the BCC Chair changes every two years, and each had his/her own style, and she would like to see consistency in the requirements.*

*Following discussion, the foregoing proposed resolution was withdrawn by Commissioner Martinez.*

**4 COUNTY MANAGER**

**5 COUNTY ATTORNEY**

**6 CLERK OF THE BOARD**

6A

**080328 Report**

APPROVAL OF COMMISSION COMMITTEE MINUTES  
FOR THE JANUARY 18, 2008 GOVERNMENTAL  
OPERATIONS AND ENVIRONMENT COMMITTEE  
MEETING (Clerk of the Board)

*No Action Taken*

**7 REPORTS**

7A

**080322 Report**

2007 REPORT ON COMMUNITY IMAGE ADVISORY  
BOARD

*No Action Taken*

7B

**080362 Report**

DEPARTMENTAL BUDGET REPORTS (County Manager)

*Report Received*

**Report:** *Chairwoman stated the County was now in its second quarter of the FY 2007/08 budget, and asked each Department Director under the jurisdiction of this Committee to advise whether they were meeting the goals and priorities established in this year's budget process. She also asked that they demonstrate a clear connection between the Strategic Plan and the Budget in order to evaluate whether the goals in the strategic plan or the Budget needed to be revisited. She noted the Committee was opened for any suggestions.*

**ADA COORDINATION**

*Ms. Heidi Johnson-Wright, Americans with Disabilities Act (ADA) Coordination, noted the ADA Department was on track in meeting its goals this year.*

*Responding to Chairwoman Seijas question regarding any concerns with meeting the goals, Ms. Johnson-Wright noted the goal for the number of ADA barrier removal projects would be approximately seven (7) rather than ten (10) because of unforeseen issues with construction and staffing. She noted the vacant Construction Manager position should be filled soon.*

**BUILDING DEPARTMENT**

*Mr. Charles Danger, Building Department Director, advised the Building Department projected Revenues had decreased by 39%, which resulted in the lay off of 39 positions last year, and the elimination of all vacancies. He noted positions had been reduced from 344 to 242, and more layoffs were forthcoming. Mr. Danger also noted the Building Department operates from the monies it generates and would need to adjust its fees to maintain a reserve. He noted a five-year plan would be implemented for raising fees in order to have monies in reserve. He noted revenues would continue to decrease if no improvements in the construction trade.*

*Chairwoman Seijas questioned the numbers provided in this report under the Information and Permit Support Division.*

*Mr. Danger noted a technical unit in that division was eliminated and employees were combined to do the work. He noted he was trying to retain well-trained individuals in the County by transferring them to other departments, such as Water and Sewer and DERM.*

*In response to Chairwoman Seijas' question regarding the 15-day goal for demolition of unsafe structures, Mr. Danger noted demolition was funded by the General fund and was not a function of the Building Department's permitting revenues. He noted funds existed in this year's budget for demolition, but meeting the established goal was difficult due to the time involve for resolving legal issues, and an adjustment might be needed to provide a more realistic goal.*

*Mr. Danger addressed Commissioner Gimenez' question regarding a downturn in issued permits for large buildings or large condos. He noted a bigger decrease in residential single-family permits than commercial permits; and that very little permits were being issued for large condominiums. Mr. Danger stated renovation permits remained steady and probably would increase since smaller projects were moving faster in the department.*

*In response to Commissioner Gimenez' question whether any data existed pertaining to the current number of unemployed construction workers, Mr. Danger noted he did not have that information but could obtain it from the legal department; and that he was aware many individuals were out of work.*

*Commissioner Gimenez suggested this would be a good time to expedite some of the Capital Improvement projects in order to provide employment for some these people.*

#### **BUILDING CODE COMPLIANCE**

*Mr. Herminio Gonzalez, Building Code Compliance (BCC) Director, noted the BCC department differed from the Building Department in that the BCC collects fees countywide, and from other municipalities for a worldwide product approval system, even when construction work decreases in Miami-Dade County. He noted the "Code Plus" law was passed by the State Legislature last year that involved mandating a building code similar to the County's Building Code to the entire State of Florida's coastline. He*

*noted this meant that the County's product approval system would need to be used, and the BCC department would see an increase in fees for product approval.*

*In response to Chairwoman Seijas' question as to why only 50% of unlicensed contractors were becoming licensed, Mr. Gonzalez noted some contractors were having difficulty passing the test and some preferred to take a chance at being caught rather than pay the licensing fees.*

*Chairwoman Seijas expressed concern that some contractors who ignored the County's process could still obtain a State license and never be punished. She noted Mr. Gonzalez needed to meet with her to discuss this issue.*

*Mr. Gonzalez noted a Legislative Bill was forthcoming that would allow the County to fine State contractors not in compliance with the County's process.*

*Chairwoman Seijas asked the Building Code Compliance Director to advise the appropriate Senator that the County Commission supported this Bill.*

#### *ENTERPRISE TECHNOLOGY SERVICES*

*Mr. Angel Petisco, Director, Enterprise Technology Services Department (ETSD), noted the ETSD was on target for meeting all of its objectives, and had reached 77% of the 80% goal for problems resolved at first contact, at the end of YR 2007. He noted that as an internal service department, ETSD was at risk for unplanned activities from other departments, which usually involved associated revenues as well. Mr. Petisco advised the since ETSD was a service department, it was possible that ETSD might need to make an adjustment if some expected contracts from other departments did not transpire.*

*Chairwoman Seijas asked that this Committee be informed at the time an adjustment was needed.*

#### *DERM*

*Mr. Carlos Espinosa, Director, Department of Environmental Resource Management (DERM), noted DERM was essentially meeting all of its projected goals and objectives this year and was in line with what was anticipated. He noted some reduction in plan reviews was anticipated, which*

was reflected in the budget; however, the impact to DERM was less than to the Building Department since DERM was a countywide department and had other operating divisions.

#### CAPITAL IMPROVEMENTS

Mr. Johnny Martinez, Jr., Office of Capital Improvements (OCI) Director, advised, as a follow up to Commissioner Gimenez' comments on the downturn in housing construction, that the County Manager issued a memorandum to all department directors asking them to identify capital projects set out in the future that could be expedited. He noted this list of projects was due in his office by February 15, 2008.

Mr. Martinez noted the General Obligation Bond (GOB) program was tracking very well; that \$172 million of \$266 million GOB proceeds from the first sale was spent and staff was in the process of developing the second GOB bond issue. He noted the goal for professional services for issuing the Request for Advertisement to the conclusion of negotiations had tracked from 161 days down to 110 days, which he was trying to lower to 100 days. Mr. Martinez also noted 265 contracts were projected for the Equitable Distribution Program, and staff was working on increasing the statutory limits for the amount of work orders since those limits had not kept pace with rising construction costs

Chairwoman Seijas suggested Mr. Martinez meet with each Commissioner to explain the need to increase the work orders.

Mr. Martinez noted the Department overall was tracking well with goals and budgeted projects. He noted he was new to the department and was trying to learn the different programs and performance measures, and to meet with the industry customers for input to further the goals.

Commissioner Gimenez directed a question to Ms. Jennifer Glazer-Moon, OSBM Director, regarding the current amount available to spend on Capital Projects, to which she replied she would need to provide that information later.

#### ELECTIONS DEPARTMENT

Mr. Lester Sola, Supervisor of Elections, noted the Elections Department was about one third through its fiscal year and had spent less than one fourth of

its budget. He noted the Elections Department budget was cyclical in nature, based on the amount of elections, and was expected to be fully budgeted this year. Mr. Sola noted two more elections were scheduled this year, one in August and one in November that was outside the fiscal year, but portions of the costs would fall in this year's budget.

Mr. Sola noted 2008 was an election year full of changes; that the department was in the process of changing its voting system to a paper-based system at the direction of the Legislature. He noted the equipment had been purchased and staff was working with the State to get approval of the software. In addition, the equipment and registration system used at the early voting sites was enhanced in preparation of the 2008 elections, Mr. Sola noted.

In response to Chairwoman Seijas' question whether the voters would have the opportunity to test the new equipment at various voting sites, Mr. Sola noted the Department's biggest challenge was voter re-education, and plans have been developed to conduct mock elections throughout the community as a hands-on training.

Commissioner Martinez recommended the old equipment not be returned to the State as he felt the County would be using that voting system again. He questioned whether the voters would have the choice to use either the touch screen or the new equipment.

Mr. Sola noted the County already agreed to turn that equipment over to the State, but the State was in no hurry to collect it. He noted the County would retain over 2,000 of those voting machines to be used by voters with disabilities, and would be a blended system at the precincts. Mr. Sola stated, however, that no official would be allowed to question a voter's choice for using the touch screen equipment, but the law required they be made available for ADA purposes. He also noted the onus would be on the voter to request to use the touch screen equipment.

Commissioner Gimenez note because the new voting system would save the County money over the long run and would provide a paper trail, he supported returning the old equipment to the State and receiving the \$5 million.

Mr. Sola noted the Elections Department's

**Governmental Operations and Environment Committee**

**FINAL OFFICIAL**

**Meeting Minutes**

**Tuesday, February 12, 2008**

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*analysis showed that elections costs would decrease in the long run with the new equipment.*

*Chairwoman Seijas expressed concern that the Federal Government was still holding \$68 million funds. She noted the County needed to explore how to access these funds.*

*Mr. Sola advised that was the number one priority in the Legislative package.*

**GOVERNMENTAL INFORMATION CENTER**

*Ms. Judith Zito, Director, Governmental Information Center, noted the Department completed a significant upgrade to the 311 system that provided great capability; and successfully implemented call recording at the Call Centers for quality assurance purposes. She noted the integrating of former Transit Call Center employees with 311 personnel has resulted in a significant improvement in service level, and the cross-training was nearly completed. She further noted the department was on target for handling the projected 2.6 million calls and has exceeded the 80% goal for customer satisfaction, at 83%. Ms. Zito noted a few challenges with increased call volume and in service levels, especially when the trim notices were generated this year. Ms. Zito noted the Countywide Secret Shopper program would move into phase two this year. She further noted visits to the County's web portal continue to grow; and a new version of miamidade.gov website was introduced as well as an upgrade to the On Demand videos and redesign of the employee news letter "Employee Source." Ms. Zito noted the Department was able to stay within the budget for publishing the quarterly employee news letter by offering sponsorship opportunities to participants in the Employee Discount Program to offset some of the costs. The only bump in the Department, she noted, was the increased volume in 311 calls. She advised that she would bring an item forward in the future to address this issue.*

**DEPARTMENT OF PLANNING AND ZONING**

*Mr. Subrata Basu, Director, Department of Planning and Zoning (DP&Z), noted the DP&Z has been able to maintain much reserves over the past years, however, a decrease in revenues in the last two years, while an increase in expenses has made it necessary to use some of those reserves. Mr. Basu noted the Zoning Department was able to carry over \$2.5 million in reserves last year, but*

revenues were way below projected, and he would need to consider some reorganization, conservation and service reduction. Mr. Basu noted the fact that 30 plus positions were frozen, and that expenditures were below projected helped some, but a review of service reductions and fee schedules was needed.

Following Chairwoman Seijas' question whether Mr. Basu could come back within 60 days with some recommendations for solutions, Mr. Basu agreed to come back in 60 days with some recommendations. He noted the challenges were maintaining and supporting the infrastructure with no revenues coming in.

Commissioner Martinez questioned the \$349 million revenues listed on handwritten page 152.

Ms. Jennifer Glazer-Moon, OSBM Director, explained that amount did not represent the entire department, but was broken down by the activities associated within the table of organization (TO), and this report did not reflect revenues balanced against the expenditures. She noted she could provide a summary page, but this was a breakdown of the narratives that were in the budget book.

In response to Commissioner Gimenez' request to be provided with updated information at the next Committee meeting, Ms. Glazer-Moon noted Chairman Seijas had requested for this meeting, particular information for FY2007-08 but she would present all of the historical information and budget submissions at the March 11th Committee meeting.

Chairwoman Seijas noted she wanted to know whether all of the proprietary departments were meeting their goals in order to make needed adjustments.

#### PUBLIC WORKS DEPARTMENT

Ms. Esther Calas, Director, Public Works Department (PWD), noted she was confident that the department would meet the \$36 million allocation from the General Fund and the \$14 million proprietary funding amount as well. She noted permitting fee revenues had decreased somewhat, but the increase in fees last year helped to offset that. She noted the integration of the 35 employees and activities from Department of Environmental Resource Management with the

**Governmental Operations and Environment Committee**

FINAL OFFICIAL

Meeting Minutes

Tuesday, February 12, 2008

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*PWD Design and Construction Group was working well. Ms. Calas noted the Causeway Division fees were raised to 12% at Rickenbacker Causeway and 24% at Venetian Causeway. She advised that two Neighborhood Enhancement Action Teams (NEAT) were added this year to do grinding work, which was being tested and monitored, and that the NEAT teams have been successful. Ms. Calas noted monthly requests for grinding; pothole repairs, sidewalk repairs and tree trimming had increased, requiring the use of overtime to meet those goals. Ms. Calas noted 545 of approximately 1,100 illuminated signs were programmed to be installed this year using seven contracts, and the remaining would be done by Municipality, State and other funding sources within the next two years. Ms. Calas noted the PWD was meeting its goals and strategies, but a concern existed for the need to use overtime to maintain the service requests for the NEAT teams.*

*In response to Chairwoman Seijas' request that the Committee be provided with the amount of the overtime costs, Ms. Calas noted she was currently evaluating that information and would provide it at the March 11th Committee meeting.*

*Ms. Calas noted the PWD would install the State approved solar flashers at 30 of the remaining 60 middle schools this year. She advised the pedestrian flashers did not work well with high volume traffic, but worked well at the schools. Ms. Calas noted that the intersection improvements using the People Transportation Plan (PTP) funds would be completed this year; that the Advanced Traffic Management System (ATMS) was tracking well, with over 30% integrated and scheduled to be completed by 2009; and that the conversion of traffic signals to Light Emitting Diode (LED) was 30% completed. Ms. Calas further noted PWD staff was working closely with the Office of Strategic Business Management (OSBM) concerning next year's budget.*

**SOLID WASTE MANAGEMENT**

*Ms. Kathleen Woods-Richardson, Director, Solid Waste Management (SWMD), noted the department performed well overall in this reporting period, and the revenues and expenditures were within budget. She noted about 90 of the total 1,000 positions were currently vacant, with no issues concerning the vacant positions. Ms. Wood-Richardson noted the goals for garbage tons collected and housing starts were*

lower than anticipated, but should not be a problem since SWMD was not yet in the peak season for trash collection. She noted a 3% increase in households was anticipated and she would report if any problems developed in this area. Ms. Wood-Richardson noted that major programs scheduled in this year's budget were the Curbside Recycling and Commercial Recycling programs, and vacancies were being filled to enhance the Commercial Recycling Program. She also noted staff was working on developing the specifications for SWM's Master Plan, and anticipated coming before this Committee in April 2008 with a solicitation. Additionally, the Response time for bulky waste was less than budgeted, and the Household chemical center had been constructed and was now operating. Ms. Wood-Richardson noted.

#### TEAM METRO

Mr. Sam Walthour, Team Metro (TM) Director, noted TM was on target in reaching its goals for all programs from outreach to code compliance. He noted Revenues and Lien Collections were less than anticipated as a result of the current housing market, which created some challenges in this department.

Responding to Chairwoman Seijas' question regarding liens collected for foreclosures, Mr. Walthour noted some dollars would be generated from foreclosures but those transactions were slow. He further noted requests to board up abandoned properties had increases as a result of foreclosures, and would require more funds. In order to mitigate this cost, Mr. Walthour stated that strategies were being developed for property owners to be more aggressive with the banks and mortgage companies in securing homes at their expense. Additionally, he noted attempts were being made to recover some of the costs to board up properties by placing liens on those homes.

Chairwoman Seijas expressed concern with a breakdown in communication with Team Metro's staff and the Community Councils regarding the merging of zoning and non-zoning hearings.

Mr. Walthour noted he had not received formal notice, but would be meeting with the County Manager to discuss this issue.

Chairwoman Seijas suggested reaching out to the group of council chairs—a quarterly meeting—to

Governmental Operations and Environment Committee

FINAL OFFICIAL

Meeting Minutes

Tuesday, February 12, 2008

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hear what they had to say on this issue. She noted the Community Councils needed to cooperate in reducing their non-zoning concerns.

WATER AND SEWER DEPARTMENT

Mr. John Renfrow, Water and Sewer Department (WASD) Director, noted WASD was meeting all of its performance goals and was on target with its capital projects relating to the 20-Year Consumptive Use Permit. He noted that due to the good efforts in water conservation, WASD's revenues had decreased, but its expenditures had decreased as well.

Chairwoman Seijas commended WASD staff for their efforts over the past two years in obtaining the 20-Year Consumptive Use Permit. She also commended Mayor Alvarez and Office of Strategic Business Management (OSBM) staff for attending the necessary meetings and working together with WASD and this Committee to obtain this permit.

7B SUPP.

**080438 Report**

SUPPLEMENTAL INFORMATION RE: DEPARTMENTAL  
BUDGET PRESENTATIONS

**Presented**

7C

080384 Report Carlos A. Gimenez  
STATUS REPORT ON THE RECYCLING PROCUREMENT Report Received

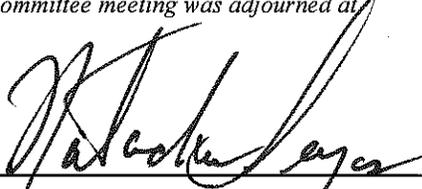
**Report:** *The foregoing report title was read into the record by Assistant County Attorney Geri Bonzon-Keenan.*

*Ms. Miriam Singer, Director, Department of Procurement Management (DPM), provided the current status of the recycling program award. She noted the foregoing report was scheduled to go before the February 19th BCC meeting for consideration, including the outcome of the Board Director process and the recommendation signed by the County Manager.*

*Responding to Commissioner Gimenez' question regarding why it took three months for staff to respond with a recommendation, Ms. Singer noted staff followed the Board directed process for both the Carts bid and the Collection Services. She noted staff posted the competition for the Collection Services among the five firms identified by the Board, without incident, but the solicitation for the Carts bid involved two firms that required a review because of an issue with a presumption of collusion, and that delayed the process.*

## 8 ADJOURNMENT

**Report:** *There being no further business to come before this Board, the Governmental Operations and Environment Committee meeting was adjourned at 2:59 p.m.*



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Natacha Seijas, Chair