



MIAMI-DADE COUNTY
FINAL OFFICIAL
Meeting Minutes

Board of County Commissioners

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

Thursday, February 7, 2008
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division



FINAL OFFICIAL

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

Members Absent: Dennis C. Moss; Katy Sorenson

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MEETING ATTENDED BY:

Report: Mary Smith-York, Commission Reporter

1A MOMENT OF SILENCE

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: The following staff members were present: Assistant County Manager Ysela Llort; County Attorney Robert Cuevas; and Deputy Clerks Kay Sullivan, Diane Collins, and Mary Smith-York.

ORDINANCES SET FOR SECOND READING

7E

073156 Ordinance Sen. Javier D. Souto, Rebeca Sosa

ORDINANCE AMENDING SECTION 28-15 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO REQUIRE THE INSTALLATION OF GUARDRAILS AND OTHER TRAFFIC BARRIERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Adopted Ordinance 08-17 Mover: Sen. Javier D. Souto Seconder: Joe A. Martinez Vote: 10-0 Absent: Barreiro, Sorenson, Moss

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

Hearing no questions or comments, the Board proceeded to vote.

- 11/6/2007 Adopted on first reading by the Board of County Commissioners
11/6/2007 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Transit Committee
12/12/2007 Forwarded to BCC with a favorable recommendation from the Transit Committee
1/10/2008 Deferred by the Board of County Commissioners
2/5/2008 Carried over by the Board of County Commissioners

7E SUPPLEMENT

073595 Supplement

SUPPLEMENTAL INFORMATION RELATING TO
INSTALLATION OF GUARDRAILS AND OTHER TRAFFICE
BARRIERS

Accepted
Mover: Sen. Javier D. Souto
Second: Joe A. Martinez
Vote: 10- 0
Absent: Barreiro, Sorenson, Moss

- 1/10/2008 *Deferred by the Board of County Commissioners*
- 2/5/2008 *Carried over by the Board of County Commissioners*

7F

073352 Ordinance

ORDINANCE RELATING TO FINES IMPOSED FOR MISUSE
OF SPECIALLY MARKED PARKING SPACES; AMENDING
SECTION 30-447 OF THE CODE OF MIAMI-DADE COUNTY,
FLORIDA RELATING TO PROCESS FOR DISTRIBUTING
FINES TO PARTICIPATING CITIES; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE DATE [SEE AGENDA ITEM NO. 9A1A]
(Americans with Disabilities Act Coordination Ofc.)

Adopted
Ordinance 08-18
Mover: Jose "Pepe" Diaz
Second: Sally A. Heyman
Vote: 10- 0
Absent: Barreiro, Sorenson, Moss

Report: *County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.*

Hearing no questions or comments, the Board proceeded to vote.

- 11/27/2007 *Requires Municipal Notification by the Board of County Commissioners to the Governmental Operations and Environment Committee*
- 12/4/2007 *Tentatively scheduled for a public hearing by the Board of County Commissioners to the Governmental Operations and Environment Committee*
- 12/4/2007 *Adopted on first reading by the Board of County Commissioners*
- 12/10/2007 *Municipalities notified of public hearing by the Board of County Commissioners to the Governmental Operations and Environment Committee*
- 1/18/2008 *Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee*
- 2/5/2008 *Carried over by the Board of County Commissioners*

7G

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)

**Adopted
Ordinance 08-19
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 9- 0
Absent: Barreiro, Sorenson,
Moss, Martinez**

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

Hearing no questions or comments, the Board proceeded to vote.

- 11/6/2007 Adopted on first reading by the Board of County Commissioners
- 11/6/2007 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Governmental Operations and Environment Committee
- 12/11/2007 Deferred by the Governmental Operations and Environment Committee
- 1/18/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee
- 2/5/2008 Carried over by the Board of County Commissioners

7H

073427 Ordinance

ORDINANCE AMENDING ARTICLE IV, SECTION 20-43(4) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGARDING THE QUALIFYING PERIOD FOR COMMUNITY COUNCIL CANDIDATES, PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Elections Department)

**Adopted
Ordinance 08-20
Mover: Rebeca Sosa
Seconder: Carlos A. Gimenez
Vote: 9- 0
Absent: Barreiro, Sorenson,
Moss, Martinez**

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

Hearing no questions or comments, the Board proceeded to vote.

- 12/4/2007 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Governmental Operations and Environment Subcomte
- 12/4/2007 Adopted on first reading by the Board of County Commissioners
- 1/18/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee
- 2/5/2008 Carried over by the Board of County Commissioners

7I

073546 Ordinance

ORDINANCE AMENDING SECTION 2-1421 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO MEMBERSHIP OF THE NOMINATING COMMITTEE FOR THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Citizens' Independent Transportation Trust)

*Adopted
Ordinance 08-21
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 10- 0
Absent: Barreiro, Sorenson, Moss*

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

Hearing no questions or comments, the Board proceeded to vote.

- 12/18/2007 Carried over by the Board of County Commissioners
- 12/18/2007 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Transit Committee
- 12/20/2007 Adopted on first reading by the Board of County Commissioners
- 1/16/2008 Forwarded to BCC with a favorable recommendation from the Transit Committee
- 2/5/2008 Carried over by the Board of County Commissioners

7J

073418 Ordinance

ORDINANCE AMENDING CHAPTER 32 OF THE CODE OF MIAMI-DADE COUNTY RELATING TO THE MIAMI-DADE WATER AND SEWER DEPARTMENT; CHANGING IMPOSITION OF INTEREST CHARGES ON SERVICE BILLS FROM SIXTY DAYS AFTER PAST DUE DATE TO SIXTY DAYS AFTER FINAL BILL; CHANGING IMPOSITION OF AUTOMATIC LIEN FROM SIXTY DAYS AFTER PAST DUE DATE TO SIXTY DAYS AFTER FINAL BILL; DELETING TIME PERIOD FOR FILING NOTICE OF LIEN; RAISING THE MINIMUM LIEN AMOUNT FOR WHICH THE COUNTY MUST FILE A NOTICE OF LIEN FROM \$50 TO \$100, PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (Water & Sewer Department)

*Adopted
Ordinance 08-22
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 9- 0
Absent: Barreiro, Sorenson, Moss, Souto*

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

Mr. Joseph Ruiz, Deputy Director, Water and Sewer Department (WASD), explained how the absence of a set time limit to file a notice of lien against a client was less expensive for the County and allowed more time to work with the customer to resolve the issues.

There being no further questions or comments, the Board proceeded to vote.

- 12/4/2007 Adopted on first reading by the Board of County Commissioners
- 12/4/2007 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Governmental Operations and Environment Committee
- 1/18/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee
- 2/5/2008 Carried over by the Board of County Commissioners

8 DEPARTMENTAL ITEMS

8A AVIATION DEPARTMENT

8A1F

080281 Resolution

RESOLUTION AWARDING MIA CONTRACT 756A/D NORTH TERMINAL IMPROVEMENTS PACKAGE 1 AND 2; TO MCM-DRAGADOS JV IN THE AMOUNT OF \$125,695,736; APPROVING MODIFICATION OF THE CONTRACT TO SHIFT RISK TO MCM-DRAGADOS JV; AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE THE CONTRACT AND TO EXERCISE TERMINATION, CANCELLATION, OR EXTENSION PROVISIONS CONTAINED THEREIN; WAIVING BID PROTEST PROCEDURES PURSUANT TO SECTION 2-8.4 OF THE CODE OF MIAMI-DADE COUNTY [SEE ORIGINAL ITEM UNDER FILE NO. 080169] (Aviation Department)

Amended

Report: (SEE AGENDA ITEM 8A1F AMENDED; LEGISLATIVE FILE # 081614.)

1/17/2008 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Airport and Tourism Committee

2/5/2008 Carried over by the Board of County Commissioners

8A1F AMENDED

081614 Resolution

RESOLUTION AWARDING MIA CONTRACT 756A/D NORTH TERMINAL IMPROVEMENTS PACKAGE 1 AND 2; TO MCM-DRAGADOS JV IN THE AMOUNT OF \$125,695,736; APPROVING MODIFICATION OF THE CONTRACT TO SHIFT RISK TO MCM-DRAGADOS JV; AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE THE CONTRACT AND TO EXERCISE TERMINATION, CANCELLATION, OR EXTENSION PROVISIONS CONTAINED THEREIN; WAIVING BID PROTEST PROCEDURES PURSUANT TO SECTION 2-8.4 OF THE CODE OF MIAMI-DADE COUNTY [SEE ORIGINAL ITEM UNDER FILE NOS. 080169 AND 080281] (Aviation Department)

*Adopted as amended
Resolution R-148-08
Mover: Joe A. Martinez
Seconder: Rebeca Sosa
Vote: 9- 0
Absent: Barreiro, Gimenez,
Sorenson, Moss*

Report: Commissioner Gimenez was absent during consideration of the foregoing item due to a conflict of interest.

County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

Commissioner Sosa stressed to the Administration her opposition to approving any company that was not operating at expected levels.

Hearing no further discussion concerning this matter, the Board voted to adopt the foregoing proposed resolution as amended to include Supplement #2, as requested by Assistant County Attorney David Murray.

8A1F SUPPLEMENT

080350 Supplement

SUPPLEMENTAL INFORMATION TO NEGOTIATION WITH MCM-DRAGADOS, JV *Accepted*

2/5/2008 Carried over by the Board of County Commissioners

8A1F SUPPLEMENT 2

080359 Supplement

SUPPLEMENTAL INFORMATION RE: EXECUTED COPY OF CONTRACTS AND AMENDMENT FOR TERMINAL WIDE IMPROVEMENTS PROJECT *Accepted*

2/5/2008 Carried over by the Board of County Commissioners

8D ENVIRONMENTAL RESOURCES MANAGEMENT

8D1A

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)

*Adopted
Resolution R-149-08
Mover: Jose "Pepe" Diaz
Seconder: Carlos A. Gimenez
Vote: 9- 0
Absent: Barreiro, Sorenson,
Moss, Martinez*

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

Hearing no questions or comments, the Board proceeded to vote.

12/11/2007 Deferred by the Governmental Operations and Environment Committee

1/18/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

2/5/2008 Carried over by the Board of County Commissioners

8J MIAMI-DADE TRANSIT AGENCY

8J1C

073778 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO PROVIDE STATE FUNDS FROM ITS COMMUTER ASSISTANCE PROGRAM (CAP) IN THE AMOUNT OF \$200,000 FOR THE OPERATION OF THE DADE-MONROE EXPRESS TRANSIT SERVICE; AND AUTHORIZING THE RECEIPT AND EXPENDITURES OF FUNDS AS SPECIFIED IN THE SJPA (Miami-Dade Transit Agency)

Adopted
Resolution R-150-08
Mover: Joe A. Martínez
Seconder: Jose "Pepe" Diaz
Vote: 10- 0
Absent: Barreiro, Sorenson, Moss

Report: *County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.*

Ms. Ruby Adams, Miami-Dade Transit (MDT), appeared in response to Commissioner Gimenez' question of whether the County received subsidies for its transit services into Monroe County. She advised staff approached Monroe County requested it subsidize the cost. Ms. Adams noted MDT complied with Monroe County's request to go through its budget process; however, a letter was received advising of Monroe County's inability to provide any supplement to the Dade-Monroe Express service due to budget restraints. She added staff met with Monroe County business owners regarding this matter and succeeded in getting them to sign onto the MDT Corporate Program; however, the attempt to secure a dedicated source of funding was unsuccessful.

Ms. Myra Bustamante, Miami-Dade Transit (MDT), appeared and advised that the expected operating cost for the Dade-Monroe Express service was approximately \$1.4 million per year. She noted the department would be bringing an item before this Board for approval to increase the fares for this and other routes to address the funding issues. Ms. Bustamante stated a private company was hired to operate this Dade-Monroe Express service based on previous findings that it would be less costly.

There being no further questions or comments, the Board proceeded to vote.

1/16/2008 Forwarded to BCC with a favorable recommendation from the Transit Committee

2/5/2008 Carried over by the Board of County Commissioners

8J1D

080091 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A PRELIMINARY ENGINEERING AGREEMENT IN THE AMOUNT OF \$30,000.00 BETWEEN MIAMI-DADE COUNTY AND CSX TRANSPORTATION, INC., FOR THE REVIEW AND APPROVAL OF PRELIMINARY AND FINAL ENGINEERING PLANS OF A BRIDGE OVER CSXT MILEPOST SX-1029.42, FOR THE METRORAIL ORANGE LINE – PHASE I / NORTH CORRIDOR METRORAIL EXTENSION PROJECT; AND AUTHORIZING THE COUNTY MANAGER TO EXPEND FUNDS PURSUANT TO THE AGREEMENT (Miami-Dade Transit Agency)

Adopted
Resolution R-151-08
Mover: Dorrin D. Rolle
Seconder: Barbara J. Jordan
Vote: 9- 2
No: Martinez, Diaz
Absent: Sorenson, Moss

Report: County Attorney Robert Cuevas read the foregoing proposed resolution into the record and requested a scrivener's error existing in the title be corrected to read "Phase II" rather than "Phase I."

It was moved by Commissioner Diaz and seconded by Commissioner Heyman, that the foregoing proposed resolution be adopted, for discussion.

Mr. Albert Hernandez, Deputy Director-Engineering, Miami-Dade Transit (MDT), explained that CSX Transportation (CSXT) required review of all plans for accessing or impacting any of its crossings. He stated the requested funds would pay for CSXT staff's review of the County's plans.

Commissioner Diaz expressed his opposition to paying CSXT \$30,000 for a study of the County's plans and questions why CSXT couldn't use the studies already done by County engineers.

Assistant County Manager Ysela Llorc explained the County was requesting CSXT review the plans to be granted right-of-passage through a CSXT right-of-way, in compliance with their requirements.

In response to Commissioner Martinez' question of whether the requirement to pay CSXT for a study was a state or federal law, County Attorney Cuevas noted he was unaware of any existing state statutes specifically for aerial crossings by a transit system over existing rail right-of-ways.

In response to Commissioner Sosa's inquiry regarding whether this project was part of the original People's Transportation Plan (PTP) as voted by the public, Assistant County Manager Ysela Llorc advised this was an expense of the North Corridor, included in Exhibit 1 of the PTP. She recommended the foregoing resolution be approved by the Board.

Following discussion, the Board by motion duly made, seconded, and carried by unanimous vote adopted the foregoing resolution with the corrected scrivener's error as noted by the County Attorney.

1/16/2008 Forwarded to BCC with a favorable recommendation from the Transit Committee

2/5/2008 Carried over by the Board of County Commissioners

8K

OFFICE OF COMMUNITY & ECONOMIC DEVELOPMENT

8K1C

073567 Resolution

RESOLUTION SUPPORTING CONFIDENTIAL PROJECT #07-00135 FOR A STATE OF FLORIDA BROWNFIELD REDEVELOPMENT BONUS REFUND WHILE OPTING OUT OF THE LOCAL MATCH [SEE AGENDA ITEM NOS. 7G AND 8D1A] (Office of Community and Economic Development)

Adopted**Resolution R-152-08****Mover: Jose "Pepe" Diaz****Seconder: Carlos A. Gimenez****Vote: 9- 0****Absent: Barreiro, Sorenson,
Moss, Martinez**

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

Hearing no questions or comments, the Board proceeded to vote.

12/12/2007 Deferred by the Economic Development and Human Services Committee

1/16/2008 Forwarded to BCC with a favorable recommendation from the Economic Development and Human Services Committee

2/5/2008 Carried over by the Board of County Commissioners

80**PROCUREMENT MANAGEMENT DEPARTMENT**

801A

080252 Resolution

RESOLUTION AUTHORIZING THE MAYOR TO EXERCISE
OPTION-TO-RENEW PERIODS FOR A COMPETITIVELY BID
CONTRACT AWARDED UNDER THE COUNTY MAYOR'S
OR HIS DESIGNEE'S DELEGATED AUTHORITY FOR THE
PURCHASE OF SYSTEMS FURNITURE SERVICES BID NO.
2044-4/12 (Procurement Management Department)

Amended

Report: County Attorney Robert Cuevas read the foregoing proposed resolution into the record.

Ms. Alice Hidalgo-Gato, Office of Small Business Development, informed Commission members that all violations against Puryear, Inc. were resolved in an audit performed on all of their contracts, and expressed hope that there would be no future violations.

Discussion ensued among Commission members regarding the excessive number of violations committed by Puryear, Inc. and whether the County should award this company another contract.

Mr. Amos Roundtree, Procurement Competition Advocate, Department of Procurement Management (DPM), pointed out this item was for approval of an Option to Renew (OTR) and noted the company in question was a secondary, rather than the primary vendor.

County Attorney Cuevas advised that the Commission could elect to exercise the OTR to the primary vendor only; not to the secondary vendor.

Ms. Wendi Norris, Director, General Services Administration, stated there would be no impact to the County if the OTR to the secondary vendor was rejected. She explained that this contract had never used the secondary vendor since its inception.

Commissioner Sosa recommended the Commission send a strong message to vendors in violation of their contract by exercising the OTR for the primary vendor and initiating a new competitive process for the secondary vendor.

Commissioner Rolle asked the County Manager to ensure a uniformed policy was implemented governing contract compliance among companies doing business with the County.

County Attorney Cuevas advised that this resolution authorized staff to execute four (1) one-year options.

Commissioner Jordan asked the County Manager to provide her with a report identifying all incumbent County vendors in violation of the living wage ordinance; to include the nature of the violation, what action had been taken, and the current status of the violation.

It was moved by Commissioner Diaz that the foregoing proposed resolution be adopted as amended to require that this contract be remanded for County Commission review at the end of a one-year period. This motion was seconded by Commissioner Jordan and upon being put to a vote, passed by a vote of 9-2. (Commissioners Martinez and Sosa voted No), (Commissioners Moss and Sorenson were absent)

There being no further questions or comments, the Board proceeded to vote.

The amended resolution will be assigned Resolution No. R-153-08.

2/5/2008 Carried over by the Board of County Commissioners

9A1A

073748 Resolution

RESOLUTION AUTHORIZING THE AMENDMENT OF AN INTERLOCAL AGREEMENT (IA) BETWEEN MUNICIPALITIES IN MIAMI-DADE COUNTY (MUNICIPALITIES) AND MIAMI-DADE COUNTY TO DISTRIBUTE PARKING FINES COLLECTED UNDER SECTION 316.008 FLORIDA STATUTES AND SECTION 30-447, CODE OF MIAMI-DADE COUNTY, TO BE USED FOR PROGRAMS FOR PERSONS WITH DISABILITIES AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS ON BEHALF OF THE COUNTY [SEE AGENDA ITEM NO. 7F] (Americans with Disabilities Act Coordination Ofc.)

*Adopted
Resolution R-154-08
Mover: Sally A. Heyman
Seconder: Carlos A. Gimenez
Vote: 10- 0
Absent: Barreiro, Sorenson, Moss*

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

Hearing no questions or comments, the Board proceeded to vote.

- 1/18/2008** Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee
- 2/5/2008** Carried over by the Board of County Commissioners

9A30A

080063 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN AMERICAN RED CROSS OF GREATER MIAMI AND THE KEYS AND MIAMI-DADE COUNTY TO PROVIDE ASSISTANCE IN ORGANIZING AND STAGING THE 2008 HURRICANE PREPAREDNESS EXPO AND EXPOS IN SUCCEEDING YEARS IN AN AMOUNT NOT TO EXCEED \$45,000 AND AUTHORIZING THE COUNTY MAYOR TO EXERCISE ANY NEEDED AMENDMENTS OR EXTENSIONS PROVIDED IN THE AGREEMENT (Dept. of Emergency Management & Homeland Security)

*Adopted
Resolution R-155-08
Mover: Joe A. Martinez
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Sorenson, Moss*

- 1/17/2008** Forwarded with a favorable recommendation from the Health and Public Safety Committee
- 2/5/2008** Carried over by the Board of County Commissioners

11

COUNTY COMMISSION

FINAL OFFICIAL

11A4

080186 Resolution Sen. Javier D. Souto, Barbara J. Jordan, Rebeca Sosa

RESOLUTION URGING RETAILERS OF TELEVISION SETS TO ACCEPT THE FEDERAL GOVERNMENT COUPONS OF \$40 AS FULL PAYMENT BY CONSUMERS FOR THE DIGITAL-TO-ANALOG CONVERTER BOXES THAT WILL BE REQUIRED AFTER FEBRUARY 17, 2009 TO RECEIVE OVER-THE-AIR TELEVISION SIGNALS [SEE ORIGINAL ITEM UNDER FILE NO. 073791]

Adopted Resolution R-156-08 Mover: Joe A. Martinez Seconder: Jose "Pepe" Diaz Vote: 11-0 Absent: Sorenson, Moss

Report: Commissioner Rolle asked the County Manager to ensure the Consumer Services Department and Team Metro's 311 Information System were involved in the advertising of the Commission's initiative urging retailers of television sets to accept the federal government's \$40 coupons as full payment for the converter boxes required, after February 17, 2009, to receive over-the-air television signals.

There being no further questions or comments, the Board proceeded to vote.

- 1/16/2008 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Economic Development and Human Services Committee
2/5/2008 Carried over by the Board of County Commissioners

11A15

080194 Resolution Joe A. Martinez

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

Amended

Report: (SEE AGENDA ITEM 11A15 AMENDED; LEGISLATIVE FILE NO. 080465.)

- 2/5/2008 Carried over by the Board of County Commissioners

11A15 Amended

080465 Resolution Joe A. Martinez

RESOLUTION APPROVING THE ALLOCATION OF FY 2007-2008 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 11 [SEE ORIGINAL ITEM UNDER FILE NO. 080194]

Adopted as amended Resolution R-157-08 Mover: Joe A. Martinez Seconder: Jose "Pepe" Diaz Vote: 11-0 Absent: Sorenson, Moss

Report: The Board adopted the foregoing resolution as amended to delete the amount of "up to \$350" allocated to "Graffiti Paint-out," and replace it with "up to \$850;" and to include language providing for an allocation to "West Wind Lakes Park Valentines Party up to \$250."

FINAL OFFICIAL

11A17

080245 **Resolution** **Natacha Seijas,**
Joe A. Martinez,
Sen. Javier D. Souto,
Rebeca Sosa,
Jose "Pepe" Diaz

RESOLUTION DECLARING MAY AS MONTH OF
COMMEMORATION OF CUBA AND THE CUBAN-
AMERICAN EXPERIENCE IN MIAMI-DADE COUNTY

Adopted
Resolution R-158-08
Mover: Joe A. Martinez
Second: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Sorenson, Moss

2/5/2008 *Carried over by the Board of County Commissioners*

11A26

073732 **Resolution** **Sen. Javier D. Souto,**
Dennis C. Moss

RESOLUTION URGING THE FLORIDA LEGISLATURE,
GOVERNOR, AND COMMISSIONER OF AGRICULTURE AND
CONSUMER SERVICES TO SUPPORT THE 2008 MIAMI
INTERNATIONAL AGRICULTURE & CATTLE SHOW

Adopted
Resolution R-159-08
Mover: Joe A. Martinez
Second: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Sorenson, Moss

1/28/2008 *Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the*
Budget and Finance Committee

2/5/2008 *Carried over by the Board of County Commissioners*

11A30

080158 **Resolution** **Natacha Seijas,**
Bruno A. Barreiro,
Jose "Pepe" Diaz

RESOLUTION AUTHORIZING IN-KIND SERVICES FROM
MIAMI-DADE TRANSIT AND THE MIAMI-DADE POLICE
DEPARTMENT FOR THE APRIL 4-8, 2008 INTER-AMERICAN
DEVELOPMENT BANK (IDB) ANNUAL MEETING TO BE
HELD IN MIAMI-DADE COUNTY SPONSORED BY IDB-
MIAMI 2008 HOST COMMITTEE, INC., A NOT-FOR-PROFIT
ORGANIZATION, IN AN AMOUNT NOT TO EXCEED
\$75,368.32 TO BE FUNDED FROM THE COUNTYWIDE IN-
KIND RESERVE FUND [SEE ORIGINAL ITEM UNDER FILE
NO. 080075]

Amended

Report: (SEE AGENDA ITEM 11A30 AMENDED; LEGISLATIVE FILE NO.
080546.)

1/28/2008 *Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the*
Budget and Finance Committee

2/5/2008 *Carried over by the Board of County Commissioners*

11A30 Amended

080546

Resolution

Natacha Seijas,
 Bruno A. Barreiro,
 Jose "Pepe" Diaz

RESOLUTION AUTHORIZING IN-KIND SERVICES FROM MIAMI-DADE TRANSIT AND THE MIAMI-DADE POLICE DEPARTMENT FOR THE APRIL 4-8, 2008 INTER-AMERICAN DEVELOPMENT BANK (IDB) ANNUAL MEETING TO BE HELD IN MIAMI-DADE COUNTY SPONSORED BY IDB-MIAMI 2008 HOST COMMITTEE, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$75,368.32 TO BE FUNDED FROM THE COUNTYWIDE IN-KIND RESERVE FUND [SEE ORIGINAL ITEM UNDER FILE NOS. 080075, 080091, 080158 & 080281]

*Adopted as amended
 Resolution R-160-08
 Mover: Joe A. Martinez
 Seconder: Jose "Pepe" Diaz
 Vote: 11- 0
 Absent: Sorenson, Moss*

Report: *Chairman Barreiro asked staff to meet with representatives of the IDB-Miami 2008 Host Committee, Inc. organization and provide them with support for the Inter-American Development Bank Annual meeting.*

Commissioner Seijas expressed concern with the direction to staff to assist with this event when a member of her staff from District 13, was currently assisting the IDB Group as a contribution from the County Commission to staff.

There being no further discussion regarding this matter, the Board proceeded to vote.

The Board adopted the foregoing resolution as amended to authorize the County Mayor or his designee to provide County personnel to support hosting of the annual meeting of the Inter-American Development Bank (IDB) to be held in Miami-Dade County April 4-8, 2008, in any manner that the Mayor or his designee deemed appropriate, as requested by Chairman Barreiro.

11B ADDITIONAL BUDGET ALLOCATIONS

11B1

080419 Report

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

*Approved**Mover: Dorrin D. Rolle**Seconder: Barbara J. Jordan**Vote: 7- 0**Absent: Sosa, Sorenson, Moss,
Souto, Martinez, Seijas*

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

\$500 to National Kidney Foundation of Florida (2008 kidney walk in support of Mailyn Sola-Castellanos)

\$1,275 to George Lane and the Miami House Rockers (District 1 Valentine Senior Hop)

\$2,385 to Phillips Fine Dining (District 1 Valentine Senior Hop)

\$500 to Mt. Zion AME Church (In support of the Dr. Robert B. Ingram Memorial Statute)

\$5,000 to Sant La Haitian Neighborhood Center

\$2,500 to Hispanic Coalition

\$2,000 to United for Family Values (to take District 1 students to see "The Great Debators")

For the record, Vice-Chairwoman Jordan rescinded \$1,000.00 allocation to Delta Education, Health and Cultural Initiative

11B2

080420 Report

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

*Approved**Mover: Dorrin D. Rolle**Seconder: Barbara J. Jordan**Vote: 7- 0**Absent: Sosa, Sorenson, Moss,
Souto, Martinez, Seijas*

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

\$3,000 to Distinguished People for Christ, Inc.

\$3,000 to Community Smiles

\$2,700 to The Cushman School

\$1,500 to Miami Bethany Community Services

\$1,000 to Family Corners, Inc.

\$1,000 to Episcopal Charities of Southeast Florida

\$1,000 to Fann Ayisyen Nan Miyami, Inc. (FANM)

\$1,000 to Advantage Charters & Tours

\$1,000 to Haitian Heritage Museum

\$1,000 to Team Metro for the Cuban Mosaic month of May events

\$900 to Josie's Passover and Good Friday Service

\$570 to Delta Education, Health and Cultural Initiative

\$500 to New Mount Moriah Missionary Baptist Church

11B3

080421 Report

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

Approved
Mover: Dorrin D. Rolle
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Sosa, Sorenson, Moss, Souto, Martinez, Seijas

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

- \$2,500 to Hispanic Coalition*
- \$500 to Team Metro for the Cuban Mosaic month of May events*
- \$2,500 to The Johan de Vries Dialysis Food Foundation of South Florida*
- \$5,000 to New World School of the Arts*
- \$2,500 to Planned Parenthood of Greater Miami, Palm Beach & Treasure Coast, Inc.*
- \$2,000 to Florida Immigrant Advocacy Center*

11B4

080422 Report

REIMBURSEMENT FROM (FY) 2007/08 COMMUNITY-BASED ORGANIZATION FUNDS (DISTRICT 4)

Approved
Mover: Dorrin D. Rolle
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Sosa, Sorenson, Moss, Souto, Martinez, Seijas

Report: *The following funding allocations were reimbursed from District 4 Community Based Organization Funds for expenses associated with various District 4 Events as requested by Commissioner Heyman.*

- \$33.20 from JMH Rehabilitation Center Donation*
- \$192.65 from Insurance Information Workshop*
- \$225.66 from District 4 Holiday Book Drive*
- \$267.84 from District 4 Special Olympics Sponsorship*
- \$23.15 from District 4 Veterans Day Event*
- \$60.60 from District 4 Holiday Events*
- \$85.97 from District 4 Fire Boart Christening*
- \$10.21 from District 4 Ocean Rescue Event*
- \$102.91 from District 4 Bike Drive (Explorers)*
- \$48.10 from District 4 Bike Drive*
- \$44.00 from District 4 Holiday Event*
- \$41.19 from District 4 Event Meeting Event*
- TOTAL \$1,135.48*

11B5

080423 Report

REIMBURSEMENT FROM (FY) 2007/08 COMMUNITY-BASED ORGANIZATION- OFFICE FUNDS (DISTRICT 4)

Approved
Mover: Dorrin D. Rolle
Second: Barbara J. Jordan
Vote: 7- 0
Absent: Sosa, Sorenson, Moss, Souto, Martinez, Seijas

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

- \$1,000 from Fairchild Tropical Botanic Gardens*
- \$2,000 from Miami Beach Jewish Community Center*
- \$250 from League of Women Voters*
- \$560 from Women's History Coalition*
- \$250 from Humane Society of Greater Miami – Adopt A Pet*
- \$360 from Beth Torah*
- \$300 from Rams Baseball Booster Club*
- \$10,000 from Dade Chiefs Police POAT Fund*
- \$1,250 from Law Enforcement Officers Fund*

11B6

080424 Report

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

Approved
Mover: Dorrin D. Rolle
Second: Barbara J. Jordan
Vote: 7- 0
Absent: Sosa, Sorenson, Moss, Souto, Martinez, Seijas

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

- \$1,000 to Zeta Community Center*
- \$1,500 to the YMCA of Greater Miami Dade County for the 11th Annual Day to eliminate racism*
- \$5,000 to Overtown Youth Center, Inc.*
- \$500 to the Miami Beach Society*
- \$5,126 to Miami Dade Transit for bus transportation for Senior Centers to attend Holiday Party*
- \$1,000 to Community Health of South Florida for the Celebrity Fundraising Golf Tournament*
- \$5,000 to Team Metro for the Cuban Mosaic month of May events*
- \$1,000 to Experience Aviation, Inc., to sponsor students with educational materials and transportation*

11B7

080425 Report

ALLOCATION OF (FY) 2007/08 OFFICE FUNDS (DISTRICT 6)

Approved
Mover: Dorrin D. Rolle
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Sosa, Sorenson, Moss,
Souto, Martinez, Seijas

Report: *The following funding allocations were made from fiscal year (FY) 2007/08 District 7 Office Funds as requested by Commissioner Sosa.*

- \$1,250 to Hialeah Low-Income Housing Projects for a holiday centerpiece*
- \$610.09 Albums from HB Rita, Inc., given to seniors at various senior centers*
- \$1,800 to Carle Production for music entertainment for the City of West Miami Senior Center holiday party*
- \$1,555 to Mora Arriaga Group for music entertainment for the Armando Badias Senior Center holiday parties*
- \$300 to Jorge Arronte for music entertainment for the St. Dominic Senior Center holiday party*

11B8

080426 Report

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

Approved
Mover: Dorrin D. Rolle
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Sosa, Sorenson, Moss,
Souto, Martinez, Seijas

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

- \$1,000 to Christina's Kidz, the South Beach Chapter of the Brain Tumor Foundation for children*

11B9

080427 Report

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

Approved
Mover: Dorrin D. Rolle
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Sosa, Sorenson, Moss, Souto, Martinez, Seijas

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

- \$330 to Spring Break Camp 2008*
- \$1,000 to Presidio Politico Cubano*
- \$2,500 to University Florida Foundation, earmarked for Latin American Studies Conference*
- \$1,500 to Florida Commission on the Status of Women, earmarked for Florida Women of Achievement exhibit*

11B10

080428 Report

REIMBURSEMENT FROM (FY) 2007/08 COUNTY PURCHASING CARD (DISTRICT 8)

Approved
Mover: Dorrin D. Rolle
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Sosa, Sorenson, Moss, Souto, Martinez, Seijas

Report: *The following funding allocation is reimbursed from District 8 County Purchasing Card as requested by Commissioner Sorenson.*

- \$1,506.78 from We Care, Inc. – Books for Children from Books & Books*

11B11

080429 Report

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

Approved
Mover: Dorrin D. Rolle
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Sosa, Sorenson, Moss, Souto, Martinez, Seijas

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

- \$3,000 to Coral Estates Soccer Club*
- \$5,400 to Miami Dade Parks Department for Rental of Blue Lakes Park by the Yayabo Organization*
- \$5,040 to Miami Dade Parks Department for District 10 Park Signs*
- \$3,000 to Church in Dade County, Inc., for the Spring Break Camp*
- \$2,500 to Rockway Middle School Band*

11B12

080430 Report

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

Approved
Mover: Dorrin D. Rolle
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Sosa, Sorenson, Moss,
Souto, Martinez, Seijas

Report: *The following funding allocation was made from fiscal year (FY) 2007/08 District 10 Office Funds as requested by Commissioner Souto.*

\$1,750 to purchase Thanksgiving meals for the poor from Publix Supermarket

11B13

080431 Report

ALLOCATION OF (FY) 2007/08 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 12)

Approved
Mover: Dorrin D. Rolle
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Sosa, Sorenson, Moss,
Souto, Martinez, Seijas

Report: *The following funding allocations were made from fiscal year (FY) 2007/08 District 12 Discretionary Reserve Funds as requested by Commissioner Diaz.*

- \$1,000 to Brain Tumor Foundation for Children, Inc.*
- \$300 to Rams Baseball Booster Club*
- \$1,900 to John I. Smith Elementary*
- \$3,000 to Unity International Foundation, Inc.*
- \$5,000 to ENLACE*
- \$3,500 to Here's Help, Inc.*
- \$2,700 to Town of Medley – c/o Adventure Group of Hialeah*

11B14

080432 Report

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

Approved
Mover: Dorrin D. Rolle
Seconder: Barbara J. Jordan
Vote: 7- 0
Absent: Sosa, Sorenson, Moss,
Souto, Martinez, Seijas

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

- \$250 to South Florida AFL-CIO*
- \$250 to District 12 Valentine's Day Event*

12

COUNTY MANAGER

12A4

080280 Resolution

RESOLUTION APPROVING THE SETTLEMENT AGREEMENT OF THE LAWSUIT BETWEEN SOLO CONSTRUCTION CORPORATION AND MIAMI-DADE COUNTY, CIRCUIT COURT CASE NO. 06-00825 CA 02, IN THE AMOUNT OF \$2,250,000, RELATING TO CONSTRUCTION OF THE MIDFIELD EXPANSION PHASE III, PROJECT NO. 95-087M-11, AT MIAMI INTERNATIONAL AIRPORT; AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY TO IMPLEMENT THE AGREEMENT, SUBJECT TO APPROVAL OF THE COUNTY ATTORNEY AS TO LEGAL SUFFICIENCY (County Manager, County Attorney)

Deferred to February 14, 2008

Mover: Jose "Pepe" Diaz

Seconder: Joe A. Martinez

Vote: 8- 0

*Absent: Sosa, Sorenson, Moss,
Souto, Seijas*

Report: County Attorney Robert Cuevas read the foregoing proposed resolution into the record.

In response to Commissioner Diaz' inquiry about the number of violations filed against Solo Construction Corporation (Solo), Ms. Alice Hidalgo-Gato, Office of Small Business Development, advised there were four (4) violations in Solo's history: two (2) for failure to meet goals for minority and women-owned businesses, one (1) for failure to post wages on jobsite pursuant to the Responsible Wage Ordinance, and one (1) for noncompliance with CSBE requirements related to the foregoing referenced project.

Commissioner Martinez expressed concern with the County Administration's failure to include information in the agenda package regarding the violations against Solo.

Ms. Hidalgo-Gato confirmed that Commissioner Gimenez' clarification that the company's last violation was attempting to comply with the CSBE requirements through fraud and/or misrepresentation, was correct.

Discussion ensued among Commission members and staff regarding the lack of proper communication on procurement issues and the failure to monitor the performance of County contractors.

Mr. John Cospes, Deputy Aviation Director for CIP, Miami-Dade Aviation Department, noted the one remaining unpaid subcontracting firm would be paid by Solo from the proceeds from this settlement agreement.

Mr. Randy Pearson, President, Solo Construction Corporation, 9156 Bay Drive, Miami Beach, appeared and advised efforts were underway to ascertain the exact amount due to the referenced subcontractor. He noted the notice of violation was received by Solo only two days ago, and pointed out two of the violations noted by staff occurred in the early 1990s. Mr. Pearson provided background information regarding violation of the CSBE requirements and explained that justification had been provided with reference to the alleged fraud and misrepresentation.

Commissioner Diaz asked the County Attorney to provide the Airport and Tourism Committee members with a report to include copies of the transcripts from mediations held between Solo Construction Corporation and the County regarding the Midfield Expansion Phase III Construction Contract Settlement; and a detailed account of every activity taking place in this contract, including a listing of all costs.

It was moved by Commissioner Diaz that the foregoing proposed resolution be deferred and referred to the Airport and Tourism Committee. This motion was seconded by Commissioner Edmonson, followed by discussion.

Commissioner Rolle asked that this report also include a list of the violations filed against Solo Construction Corporation mentioned in today's discussion, detailing the resolution for each violation.

There being no further questions or comments, the Board voted to defer the foregoing resolution and refer it to the February 14th Airport and Tourism Committee meeting.

2/5/2008 Carried over by the Board of County Commissioners

12B4

073548 Report

GENERAL AVIATION AIRPORTS DEVELOPMENT STATUS
(County Manager)

Accepted
Mover: Joe A. Martinez
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Sorenson, Moss

1/17/2008 Report Received by the Airport and Tourism Committee

2/5/2008 Carried over by the Board of County Commissioners

14 ITEMS SUBJECT TO 4-DAY RULE

14A1

080338 Resolution Dorrin D. Rolle

RESOLUTION APPROVING THE ALLOCATION OF FY 2007-2008 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 2

Adopted
Resolution R-161-08
Mover: Joe A. Martinez
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Sorenson, Moss

2/5/2008 Carried over by the Board of County Commissioners

14A2

080363 Resolution
Joe A. Martinez,
Bruno A. Barreiro,
Jose "Pepe" Diaz,
Audrey M. Edmonson,
Carlos A. Gimenez,
Sally A. Heyman,
Barbara J. Jordan,
Dorrin D. Rolle,
Natacha Seijas,
Rebeca Sosa,
Sen. Javier D. Souto,
Dennis C. Moss,
Katy Sorenson

RESOLUTION CONGRATULATING THE NEW YORK GIANTS FOR THEIR VICTORY OVER THE NEW ENGLAND PATRIOTS IN SUPER BOWL XLII WHICH PRESERVED THE 1972 DOLPHINS STILL-UNMATCHED ACHIEVEMENT; AND TAKING THIS OCCASION TO HONOR THE 1972 MIAMI DOLPHINS FOR THEIR PERFECT SEASON

Adopted
Resolution R-162-08
Mover: Joe A. Martinez
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Sorenson, Moss

2/5/2008 Carried over by the Board of County Commissioners

15C COUNTY ADVISORY BOARD APPOINTMENTS

15C1

081668 Report

APPOINTMENT OF MICHAEL B. SMITH TO THE BUILDING
A BETTER COMMUNITY CITIZENS ADVISORY COMMITTEE

*Appointed**Mover: Dorrin D. Rolle**Seconder: Barbara J. Jordan**Vote: 7- 0**Absent: Sosa, Sorenson, Moss,
Souto, Martinez, Seijas*

Report: *The Board of County Commissioners accepted and the Clerk of the Board of County Commissioners received the appropriate forms and memorandums for the appointment of Michael B. Smith, to the Building a Better Community Citizens Advisory Committee (G.O.B.), by Commissioner Gimenez.*

15C2

081669 Report

APPOINTMENT OF WILLIAM BRYSON TO THE FIRE
PREVENTION & SAFETY APPEALS BOARD

*Appointed**Mover: Dorrin D. Rolle**Seconder: Barbara J. Jordan**Vote: 7- 0**Absent: Sosa, Sorenson, Moss,
Souto, Martinez, Seijas*

Report: *The Board of County Commissioners accepted and the Clerk of the Board of County Commissioners received the appropriate forms and memorandums for the appointment of William Bryson, to the Fire Prevention & Safety Appeals Board, by Commissioner Gimenez.*

15C3

081670 Report

REAPPOINTMENT OF LT. COL. ANTONIO COMARALES TO
THE CITIZENS INDEPENDENT TRANSPORTATION TRUST
(CITT)

*Appointed**Mover: Dorrin D. Rolle**Seconder: Barbara J. Jordan**Vote: 7- 0**Absent: Sosa, Sorenson, Moss,
Souto, Martinez, Seijas*

Report: *The Board of County Commissioners accepted and the Clerk of the Board of County Commissioners received the appropriate forms and memorandums for the re-appointment of Lt. Col. Tony Morales, to the Citizens Independent Transportation Trust (CITT), by Commissioner Diaz.*

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

16A1

080226

Service Awards

Bruno A. Barreiro

PRESENTATION OF SERVICE AWARDS:

Presented

SHIRLEY M. REYNOLDS - DHS - 30 YEARS

MICHAEL C. LARMOND - GSA - 30 YEARS

CALVIN L. CLARK - MDT- 35 YEARS

WILLIE G. SMALL - MDT - 35 YEARS

EUGENE BUCHANAN - SWMD - 30 YEARS

GWENDOLYN S. ROLLINS - SWMD - 30 YEARS

MARIDSA PADILLA - WASD - 30 YEARS

POLICY MATTERS FOR DISCUSSION BY THE BOARD

16B1

080398

Discussion Item

Barbara J. Jordan,
Dorrin D. Rolle

ORANGE LINE/TRANSIT ISSUES

Presented

Report: Commissioner Jordan provided a brief overview of the purpose of the foregoing discussion item.

Commissioner Rolle asked the County Manager to schedule a public meeting similar to the one held in October 2007 at Miami-Dade Community College, to discuss the Orange Line/transit issues. He also asked that the Transit Department Director provide a monthly report at each Transit Committee meeting, regarding the status of the North Corridor Project.

Commissioner Edmonson asked the Transit Department Director to expand the North Corridor's status report to include the status of the East West Corridor and the Earlington Heights Corridor.

Assistant County Manager Ysela Llort noted she would provide a brief historical overview of the comparison of the two (2) new starts reports, for which discussion began on Tuesday (2/5/2008). She noted the Orange Line Phase Two Project, the North Corridor, was expected to be funded by federal, local, and state partners. Ms. Llort advised that of the \$1.6 billion project costs, the assumptions were that federal sources would cover \$700 million, and State and local participation would be at approximately \$415 million each. She emphasized that without the state and federal funding participation, it would be extremely difficult to fund the North and East/West Corridors. Ms. Llort advised that the FTA had ranked the North Corridor as a medium/low rating, which meant the FTA would not recommend that Congress expend federal dollars on this project. She noted this would also prohibit moving forward on this project, into final design, until the issues cited the County's submittal had been revised. Ms. Llort noted the FTA gave the North Corridor Project a medium rating with associated caveats last year, which were addressed in this year's submittal. She noted the requests made by the FTA included the following:

- decreasing and capping the specific participation of federal funding to \$700 million and capping the amount of annual federal allocations to the North Corridor project at \$100 million;
- include an elasticity analysis with any fare increase plan as a funding mechanism; and
- ensuring the ability to maintain modernization and rehabilitation of the existing transit system.

Assistant County Manager Llort noted she was not in agreement with the FTA's concern with the County's history of fare increases being too conservative and should not be counted on at the rate the financial plan reflected through its future. She advised other FTA concerns included the operating deficits previously experienced by MDT. Assistant County Manager Llort advised that staff would continue to implement operational efficiencies, to develop fair and reasonable fare policies for implementation, and to look at other ways of closing the financial gap for this project.

Discussion ensued among Commission members and staff regarding funding resources for the Orange Line Transit Expansion project.

Commissioner Jordan asked the County Manager to ensure the County Commissioners be immediately informed regarding incidents/events occurring that seriously impact the communities/districts.

Commissioner Jordan asked the County Manager to prepare a report for presentation at the next Transit Committee meeting identifying every issue cited by the Federal Transit Administration (FTA) that required corrective

measures, and listing the specific language that would be submitted to correct the problem.

In response to Chairman Barreiro's inquiry regarding the status of the fare box collection system, Mr. Harpal Kapoor, Director, Miami-Dade Transit (MDT) advised that negotiations were in progress and contract award was anticipated in April 2008. He added the installation of new fare boxes should begin 70 days after contract award and would transpire for a total of 302 days.

Mr. Albert Hernandez, Deputy Director-Engineering, MDT, responded to Chairman Barreiro's question of whether federal or state standards were being applied to this project, advising that the state and federal designs, from a technical perspective, were basically the same. He noted the reason for the high cost of federalizing a project was the extended duration required to go through the new starts and the inflationary effects of delaying milestones.

Commissioners Edmonson and Rolle expressed concern regarding staff's failure to inform Transit Committee and Commission members of the FTA's low rating for the County's application for funding.

Discussion ensued among Commissioners and staff regarding the importance of Commission members receiving information on significant issues at their onset and the need to identify funds to complete the North Corridor Project.

Commissioner Jordan asked the County Attorney to place the ordinance, previously requested by her, concerning the North Corridor Expansion Project, on the agenda for the next County Commission meeting, as a first reading item.

County Manager George Burgess noted the People's Transportation Plan (PTP) priorities would be revisited and analyzed to facilitate decisions on priorities and resources to close the funding gap. He pointed out that the PTP promised more than it could deliver and noted the current challenge to ensure the Orange Line moved forward. To address this issue regarding PTP funding, Mr. Burgess stated staff would make adjustments on the expenditure side, pursue efficiencies, and layout revenue side alternatives.

Mr. Marc A. Buoniconti, Chairman, Financial Review Committee, Citizens' Independent Transportation Trust (CITT), appeared and noted, for more than a year, the CITT had adamantly regarded the assumptions in the pro forma (PTP) as unrealistic and unreasonable. He stated CITT representatives had met and thoroughly discussed the projects in the pro forma, the deficits, and their effects on the Orange Line, with independent financial consultants, the County Manager, and MDT representatives. Referencing comments he made in the newspaper, Mr. Buoniconti noted the CITT's disappointment and surprise to learn that the exact same pro forma the CITT perceived as optimistically skewed and unreasonable in several areas, was what staff submitted to the FTA for approval. He stated the concern was that the majority of the projects in the PTP would not be accomplished; however, the Orange Line and the capital projects in the PTP would be accomplished. Funding sources needed to be identified for those projects, as well as other Public Works and municipal project obligations, he noted. Mr. Buoniconti pointed out that the financial foundation of the PTP was completely flawed from the beginning. He noted soon after its creation, the CITT was asked to include in the PTP, the rehabilitation of the existing Metrorail system and to fund all existing transit services with a loan to MDT of over \$150 million. He

emphasized the point that these expenditures combined with the Public Works and miscellaneous projects' budgets tripling, and operations and maintenance costs skyrocketing, jeopardized long-term capital projects, in the long run. Mr. Buoniconti commented that he called on the County Commission Chairman Barreiro to place on the agenda a resolution prioritizing the Orange Line as the number one project for Surtax funding. He pointed out that this resolution was passed unanimously by the CITT and FTA. Mr. Buoniconti advised that the CITT had provided the County Manager and MDT a solution to protect funds for the Orange Line, without jeopardizing them on other projects. He noted the aforementioned resolution would be presented to the Transportation Committee, followed by the full Commission. He further noted the CITT would stand by the Commission, the North and East/West Corridors, and the entire Orange Line as its number one priority.

Commissioner Jordan commended Mr. Buoniconti on his commitment, dedication, and determination over the years and asked to be added as a co-sponsor of the CITT's resolution.

Regarding the New Starts issue, Assistant County Manager Llort pointed out that the issues regarding funding sources for the total transit investment, including the expansion, rehabilitation, and maintenance and operations projects, were County concerns. She noted comments, by the FTA, on the County's financial plan, were designed to ensure the County's transit system was healthy, able to expand financially, and able to maintain, rehabilitate, and modernize that expanded system.

Chairman Barreiro opened the floor for public input, and the following individuals appeared:

1) Mr. Wessel Clarke, President, Transport Workers' Union Local 291, 18250 NW 2nd Avenue, appeared before the Board and spoke on the news article regarding the North Corridor. He asked that the Commission honor its promises to the community regarding the transit system expansion.

2) Mr. Sherman Cargill, 675 NW 56 Street, appeared before the Board and expressed concern with information regarding changes to the initial transit plans.

There being no other persons to appear, Chairman Barreiro closed the floor.

Commissioner Seijas stressed the importance of the Commission, County staff, and the community to work together on this effort in Washington, D.C.

There being no further questions or comments regarding this matter, the Board concluded its Orange Line/Transit Issues discussion.

ZONING AGENDA (Scheduled for 9:30 a.m.)

16C1 NON-AGENDA ITEMS REPORT**Report: 1) Art in Public Places Report**

Commissioner Heyman asked the County Manager to place a discussion item on the agenda for the next County Commission meeting (2/19) regarding the County Manager's Report on Art in Public Places.

2) Baseball Stadium Negotiations

Hearing no objections, the Board supported Commissioner Diaz' motion that the County's negotiations, pertaining to the Marlins Baseball Stadium, be brought to an end by February 2008.

3) Elected Property Appraisal

Commissioner Seijas stated for the record, that in light of the passage of the elected Property Appraiser Charter Amendment, she would meet with the County Attorney and the County Manager to develop a proposed ordinance, for the Board's consideration, implementing this change. She noted the ordinance would address the issues attendant to such changes as: qualifying fees, timeframes, salary, and the use of County and other personnel, to perform the functions and duties of the office and any impact that such decision might have on current County employees, office space, use of counsel, utilization of general County services such as purchasing, centralized computer services, personnel services, and other issues. Commissioner Seijas further noted she planned to place this ordinance for first reading on the agenda of the first Board meeting in March 2008. She welcomed her colleagues' participation in the development of this ordinance.

19 ADJOURNMENT

Report: There being no further business to come before the Board, the meeting was adjourned at 3:14 p.m.



Bruno A. Barreiro, Chairman

ATTEST: HARVEY RUVIN, CLERK



By:

Kay Sullivan, Deputy Clerk