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

May 13, 2008

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Jill Thornton, Commission Reporter
(305) 375-2505

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

FINAL OFFICIAL

Meeting Minutes

Governmental Operations and Environment Committee

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

Tuesday, May 13, 2008 | **9:30 AM** | **COMMISSION CHAMBERS**

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

Members Absent: Joe A. Martinez.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

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

1A ROLL CALL

Report: *The following staff members were present: Assistant County Manager Alina Hudak; Assistant County Attorneys Geri Bonzon-Keenan, Craig Coller and Hugo Benitez; and Deputy Clerks Diane Collins and Jill Thornton.*

In addition to the changes listed in the County Manager's memorandum, Assistant County Attorney Geri Bonzon-Keenan read into the record an amendment to Agenda Item 2I.

Chairwoman Seijas inquired whether Agenda Items 7B and 7D were appropriately advertised as a public hearing.

Assistant County Attorney Bonzon-Keenan noted she would verify whether Items 7B and 7D were appropriately advertised prior to consideration of these items.

It was moved by Commissioner Gimenez that the requested changes listed in the County Manager's memorandum entitled "Requested Changes to the Governmental Operations and Environment Committee Agenda," dated May 13, 2008, be approved. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed 5-0. (Commissioner Martinez was absent)

1B REMARKS FROM CHAIRPERSON SEIJAS

Report: *Chairwoman Seijas called the meeting to order at 9:46 a.m. and noted Commissioner Martinez would be absent from today's meeting due to an injury. She advised the State Legislative Session in Tallassee had closed, and the Legislature decided to require the County to find new ways to dispose of treated sewer water by 2025, which would cost local Water and Sewer customers billions of dollars. She noted, in the 1970s, the U.S. Environmental Protection Agency (EPA) certified the County pumping its water through ocean outfall pipes offshore as the best method for returning treated water to the natural environment. However, she noted the County would now be required to pump all treated water out west, to flow back through the canal systems into the ocean, which would result in higher water bills.*

Chairwoman Seijas expressed appreciation to the County Mayor and the Planning and Zoning Department staff for submitting the Urban Development Boundary (UDB) Grant application to the EPA. She noted she looked forward to having an outside evaluation of the County's UDB policies. Chairwoman Seijas asked Assistant County Manager Alina Hudak to contact Mr. Eric Olafson, the County's Federal Coordinator (lobbyist) in Washington D.C., to request he follow up on the UDB Grant application. She noted she was willing to meet with the EPA, if necessary, to stress the importance of this grant.

Chairwoman Seijas noted she sent a memorandum on May 1, 2008 to Ms. Esther Calas, Public Works Department Director, requesting that she follow up on a discussion held at the Metropolitan Planning Organization (MPO) meeting regarding Vehicle Detection Loops at traffic intersections; and she asked Ms. Calas to include in her report, a funding strategy to pay for all repairs needed countywide. Chairwoman Seijas indicated that Ms. Calas was currently researching all possible funding sources, and would provide a report at the June 10th Committee meeting.

Chairwoman Seijas noted she was very pleased with the results of the Communications Plan regarding the Water Consumptive Use Permit (WCUP), administered by the Water and Sewer

Department (WASD). She noted it was extremely important that the public be informed of the WCUP's progress, and announced WASD was featured in three articles published by a Northwest Dade community newspaper. Chairwoman Seijas asked the Water and Sewer Department Director to track all news reports generated by the Water Consumptive Use Permit (WCUP) Communication Plan, and to provide a status report on the WCUP Communication Plan, twice a year to this Committee.

Chairwoman Seijas commended Commissioner Martinez for initiating the Water Conservation Plan, and noted she was sure he would be pleased with the results. She further noted the County exceeded this year's goal to save 963,000 gallons of water per day and saved over 1.1 million gallons per day, according to WASD's Annual Report. Chairwoman Seijas pointed out this effort was made possible because of the participation of several departments, including the Community Action Agency, Consumer Services Agricultural Extension Center, and the Government Information Center's 311 staff.

Chairwoman Seijas noted, besides conserving water, the County was also conserving energy. She noted Ms. Patricia Gomez, Professional Engineer, WASD Planning Division, calculated the energy dollars saved through the Water Conservation Program, and determined the Department saved $13,535 in energy costs by conserving water. Chairwoman Seijas stated this information should be of great interest to Mr. Devesh Nirmul, Director, Office of Sustainability.

Chairwoman Seijas advised she would be presenting a status report on the County's efforts to reduce carbon emissions at the Chicago Climate Exchange Meeting next month. She noted the water and energy savings through the Water Conservation Program demonstrated the countywide commitment to conserve fuel and energy. She also noted awareness of our energy use was the key to the County's success in reducing energy and carbon emissions.

Chairwoman Seijas advised the Commission Auditor's report on the Planning and Zoning Department would be heard at the end of today's meeting.

2 DEPARTMENTS

2A

081276 **Resolution**

RESOLUTION ESTABLISHING IMPLEMENTING ORDER 3-46 OUTLINING PROCEDURES FOR CERTIFICATION OF HOISTING EQUIPMENT INSPECTION COMPANIES, SPECIAL CRANE INSPECTORS AND SPECIAL PERSONNEL/MATERIAL HOIST INSPECTORS (Building Code Compliance Department)

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

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

Commissioner Edmonson expressed appreciation to the Building Code Compliance Department for expediting the Crane Ordinance forward.

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

2B

081314 **Resolution**

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 25.34 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND STANFORD FREEDMAN AS SELLER; AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN (Department of Environmental Resources Management)

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

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

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

2C

081315 **Resolution**

RESOLUTION APPROVING "CONTRACT FOR SALE AND PURCHASE" OF APPROXIMATELY 0.12 ACRES IN THE NAVY WELLS #23 PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH MIAMI-DADE COUNTY AS PURCHASER AND MARILYN S. BARON TRUSTEE UNDER LAND TRUST DATED 7/1/2000, 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: Edmonson
Seconder: Rolle
Vote: 5-0
Absent: Martinez

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

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

2D

081316 **Resolution**

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 1.23 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND RSDP INVESTMENTS AND STEVEN ENGEL AS SELLERS; 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: Gimenez
Seconder: Diaz
Vote: 5-0
Absent: Martinez

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

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

2E

081321 **Resolution**

RESOLUTION APPROVING "CONTRACT FOR SALE AND PURCHASE" OF APPROXIMATELY 0.28 ACRES IN THE NAVY WELLS #23 PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH MIAMI-DADE COUNTY AS PURCHASER AND FLEET FINANCE & MORTGAGE, INC., A FLORIDA CORPORATION, AS TRUSTEE, 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: Gimenez
Seconder: Diaz
Vote: 5-0
Absent: Martinez

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

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

2F

081322 **Resolution**

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 19.992 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND ISABEL ANN KIRKLEY AS SELLER; AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN (Department of Environmental Resources Management)

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

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

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

2G

081334 **Resolution**

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 5 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND MIGUEL DOMINGUEZ AND SIU-LING LAY AS SELLERS; AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN (Department of Environmental Resources Management)

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

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

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

2H

081398 **Resolution**

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF FLORIDA CITY AND THE MIAMI-DADE COUNTY STORMWATER UTILITY FOR STORMWATER MANAGEMENT; AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXERCISE THE TERMINATION PROVISIONS THEREIN (Department of Environmental Resources Management)

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

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

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

2I

081400 **Resolution**

RESOLUTION AUTHORIZING THE EXEMPTION OF THE TOWN OF CUTLER BAY FROM THE PROVISIONS OF THE MIAMI-DADE COUNTY STORMWATER UTILITY ORDINANCE; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN [SEE AGENDA ITEM NOS. 2J AND 2V] (Department of Environmental Resources Management)

Amended

Report: *(See Agenda Item 2I Amended, Legislative File No. 081613 for the amended version.)*

2I AMENDED

081613 **Resolution**

RESOLUTION AUTHORIZING THE EXEMPTION OF THE TOWN OF CUTLER BAY FROM THE PROVISIONS OF THE MIAMI-DADE COUNTY STORMWATER UTILITY ORDINANCE; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 081400][SEE AGENDA ITEM NOS. 8D1H AND 8R1A] (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation with committee amendment(s)
Mover: Gimenez
Seconder: Edmonson
Vote: 5-0
Absent: Martinez

Report: *During consideration of changes to the agenda, Assistant County Attorney Geri Bonzon-Keenan read an amendment into the record.*

The Committee forwared the foregoing proposed resolution with a favorable recommendation, with Committee amendment(s) to add the following phrase "and any bonds issued at any time to refund one or both series" to section 3 of this resolution, second line, after the words "Series 2004;" and to add the following phrase "including any bonds issued at any time for refund on such Storm Water Utility Revenue Bonds" to section 3 of this resolution, fourth line, after the word "future."

2J

081409 **Resolution**

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF CUTLER BAY AND THE MIAMI-DADE COUNTY STORMWATER UTILITY FOR STORMWATER MANAGEMENT; AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXERCISE THE TERMINATION PROVISIONS THEREIN [SEE AGENDA ITEM NOS. 8R1A AND 8D1I] (Department of Environmental Resources Management)

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

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

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

2K

081410 **Resolution**

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A RESTRICTIVE COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY FOR THE PROPERTY LOCATED AT 600 NW 7 AVENUE, MIAMI, MIAMI-DADE COUNTY, FLORIDA (Department of Environmental Resources Management)

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

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

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

NOTE: Chairwoman Seijas submitted a memorandum dated May 13, 2008, requesting the Board of County Commissioner (BCC) Chairman Barreiro waive the Committee rules and procedures and allow the foregoing resolution to be forwarded to the May 20th BCC meeting for consideration.

2L

081209 **Resolution**

RESOLUTION APPROVING APPOINTMENT TO THE AGRICULTURAL PRACTICES STUDY ADVISORY BOARD (Department of Planning & Zoning)

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

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

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

2M

081343 **Resolution**

RESOLUTION APPROVING AND ADOPTING NEW VOTING PRECINCTS 295, 296, 387, 388, 389, 390, 461, 462, 782, 784, 792, 797, 798, 854 AND 934 AND REVISED BOUNDARIES FOR VOTING PRECINCTS 222, 235, 322, 349, 352, 365, 402, 452, 703, 733, 739, 764, 776, 824 AND 907 (Elections Department)

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

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

Commissioner Rolle asked how soon before the August Election date would the new identification cards be mailed out. He expressed concern with a situation in District 2 where voters showed up to vote at the old precinct, unaware of the new precinct change.

Ms. Tara Smith, Chief Deputy Supervisor of Elections Department, noted a post card notifying voters of the polling place change and the new voter ID cards would be mailed out shortly after this resolution was passed. She noted signs were posted at the precincts indicating the change, and she would ensure that polling staff was aware of all changes and would advise voters who showed up at the old precinct of the new precinct.

Commissioner Rolle asked the supervisor of Elections to provide a status report on all voting precincts affected by this resolution.

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

NOTE: Chairwoman Seijas submitted a memorandum dated May 13, 2008, requesting the Board of County Commissioner (BCC) Chairman Barreiro waive the Committee rules and procedures and allow the foregoing resolution to be forwarded to the May 20th BCC meeting for consideration.

2N

081237 **Resolution**

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR SALE AND PURCHASE IN THE AMOUNT OF $170,000, BETWEEN SOTERIA WATKINS, AS SELLER, AND MIAMI-DADE COUNTY, AS BUYER OF APPROXIMATELY 5 ACRES OF VACANT LAND LOCATED IN THE VICINITY OF N.W. 137 AVENUE AND N.W. 90 STREET, IN THE MIAMI-DADE COUNTY NORTHWEST WELLFIELD BUFFER AREA PROJECT, FOR THE PURPOSE OF PROTECTING THE PUBLIC WATER SUPPLY; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN (General Services Administration Department)

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

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

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

20

081135 **Resolution**

RESOLUTION AUTHORIZING CREATION OF ENERGY PERFORMANCE CONTRACTING PROGRAM PURSUANT TO STATE OF FLORIDA STATUTE 489.145 IN AMOUNT OF $40,000,000 FOR PERIOD OF FIVE YEARS; WAIVING COMPETITIVE BIDDING FOR SELECTION OF QUALIFIED VENDORS AND AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO ENTER INTO CONTRACTS WITH VENDORS IN STATE OF FLORIDA POOL OF FIRMS PREQUALIFIED TO PERFORM GUARANTEED ENERGY PERFORMANCE CONTRACTING SERVICES; AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO ENTER INTO LEASING OR OTHER FINANCIAL ARRANGEMENTS WITH THIRD PARTIES TO FINANCE SAID PURCHASES; PROVIDING FOR BIANNUAL REPORT TO THE BOARD FOR RATIFICATION OF ALL CONTRACTS APPROVED UNDER PROGRAM; AND AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED
HEREIN

Deferred to June 10, 2008
Mover: Diaz
Seconder: Edmonson
Vote: 5-0
Absent: Martinez

(General Services Administration Department)

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

In response to Commissioner Diaz' request, Mr. Gerry Hall, Facilities Management Director, General Services Administration (GSA), provided an overview of this item. He noted this contract would replace an existing contract that consisted of a pool of ten vendors (energy companies) to do these types of projects. He noted a firm would be selected and assigned a particular project, based on its qualifications, to do an "investment grey" audit of a building. He further noted the firm would provide the County with a financial analysis and recommendations for reducing energy expenses, and the savings generated by making these improvements would pay for the improvements. He noted the results were guaranteed by the firm and the process was monitored annually to see if the County was achieving the goal, and if not, the firm would be required to make up the difference in cost.

Commissioner Diaz asked if the County had an in-house program or staff that could perform these audits, in light of the current economy; and asked

if funds were set aside in the budget to support this.

Mr. Hall noted County staff would review the engineering aspect of the improvements and the company would identify a financial institution with low interest loans to finance the equipment. He noted the capital costs for these improvements would not be paid upfront out of capital reserves, but the company would pay for the work done, the vendor would pay the financial institution for the loan and the County would repay the vendor with an annual appropriation for ten years.

Commissioner Diaz asked Mr. Gerry Hall, GSA, to provide him with a matrix demonstrating the past performance/track record of similar projects previously implemented.

Chairwoman Seijas noted this program had been around for ten years but not fully utilized. She noted the importance of understanding that this would save energy and reduce carbon emissions.

Commissioner Diaz clarified he was not opposed to energy efficiency, but concerned with paying a consultant to make adjustments, and asked whether the County could save money by using in-house staff to perform the audits.

Ms. Wendy Norris, Director, GSA, noted this program would assist the County with its budget based on the current economy. She pointed out that GSA did not have large capital outlays, and these projects were necessary. She noted the savings generated would be used to repay the loans, and the savings would continue to benefit the County after the loan was paid off in ten years.

Commissioner Diaz explained his concern was that he wanted to understand the funding mechanisms, since the County Commission would be approving these types of contracts and would never see them again once the Administration awarded contracts from the pool. He asked if the full amount of this contract could be spent by Administration as they chose to over the five year period.

Ms. Norris noted staff would work closely with the County Attorney's Office (CAO) since none of the projects could move forward unless the requirements for reimbursement were met. She explained that these audits were complicated and

were evaluated by professional engineering staff and monitored closely by the CAO pursuant to State Statutes. She noted County Administration could move forward with the project only if it paid for itself in the prescribed timeframe.

In response to Commissioner Diaz' question regarding timeframe, Mr. Hall noted a loan could be repaid for a period of up to 20 years, but typically the average repayment period was 7.9 years, since most financial institutions would not lend for a longer period and the repayment must fit within the financial period.

Ms. Norris added the reason a larger pool was needed was to get better participation and more creative solutions, and vendors would be evaluated based on experience.

Concerning questions raised by Commissioner Diaz regarding contracts exceeding $1 million, requiring Board of County Commission approval, Mr. Hall noted the cost of work orders varied based on the size of buildings and energy consumption, but averaged about $15 million.

Assistant County Attorney Hugo Benitez noted, under the subject ordinance referred to by Commissioner Diaz, any project over $1 million required County Commission approval; however, GSA staff felt the interpretation of that ordinance was essentially that none of these projects would cost more than $1 million. He noted the Board would have to determine whether work orders were $1million or less, otherwise they would need to come back before the Board for approval.

Commissioner Diaz said he was uncomfortable with approving this contract without additional information.

Chairwoman Seijas suggested deferring this item for more clarification.

In response to Commissioner Gimenez' concern and request that the attorney provide an interpretation of the ordinance, Assistant County Attorney Benitez explained that the foregoing resolution and program would be permissible under the ordinance because the State Statute allowed the savings as a funding mechanism. He noted during consultation with staff, he reached the interpretation that the revenue stream allocated to a contract would come from the

savings built into the program and therefore the cost to the County would be less than $1 million.

Commissioner Gimenez stated he felt the interpretation of that ordinance was incorrect and asked Assistant County Attorney Hugo Benitez to provide him with a copy of the existing ordinance regarding contract awards more than $1 million that have to be approved by the Board of County Commissioners.

In response to Commissioner Gimenez' questions whether the $40 million was part of the operating budget or a pool of funds set aside, and how the companies earned their fee, Ms. Norris noted the expenditures were already included in the operating budget as a line item rather than a separate fund, and the savings were contractually guaranteed.

Mr. Hall noted the companies' fees were about 10% of the project cost, and the $40 million was estimated by determining a facility's utility costs multiplied by the ten year repayment. In addition, he noted the companies were contractually obligated to ensure the savings or make up the cost difference, pursuant to the State Statute. Mr. Hall further noted that GSA reported, on a quarterly basis, the history of the current program, which he would provide.

Chairwoman Seijas stated she felt the matrix requested by Commissioner Diaz would be helpful. She asked Assistant County Attorney Benitez to provide a legal interpretation of the existing ordinance.

Following discussion, the Committee voted on a motion to defer the foregoing proposed resolution.

2P

081176 **Resolution**

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 196 - "HIALEAH GARDENS - FACILITY IMPROVEMENTS" IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-915-04 AFTER A PUBLIC HEARING (Office of Capital Improvements)

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

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

Commissioner Rolle expressed concern with a significant change in the proposal to renovate the facility at an original $800,000 allocation, and questioned why the City of Hialeah Gardens no longer wanted a building, but now wanted a mobile substation.

Mr. George Navarrete, Office of Capital Improvements (OCI), presented information from the manufacturer of the mobile unit indicating its expected life was 25 years, and noted staff felt this satisfied the Government Obligation Bond (GOB) funding requirements for capital expenditures. He also noted the GOB Citizens Advisory Committee agreed that this item should move forward.

Chairwoman Seijas noted she had similar concerns as Commissioner Rolle, but felt some degree of comfort because Hialeah Gardens was a small, self sufficient town and because the mobile unit had a 25 year life expectancy and the GOB Citizens Advisory group approved it. She stated she hoped the Advisory Group understood that this could establish a precedent.

Commissioner Diaz stated he knew the Mayor and Commissioners of the City of Hialeah Gardens personally, and acknowledged their outstanding work in keeping the City efficient. He felt this resolution was innovative and in this City's best interest.

In response to Commissioner Rolle's question regarding the $800,000 allocation for facility improvement, Mr. Marcos Piloto, Director, Office of Management and Budget, City of Hialeah Gardens, noted the City intended to build a substation when it obtained its capital improvement bond three year ago, however,

construction costs had tripled since then, and the city was now only able to build the police station and the city hall facilities. He noted when considering the GOB allocation within the public safety category, the City determined the scope of improvements could be changed. He noted the original cost to build a facility was estimated at $1.5 million and the $800,000 would supplement that cost. Mr. Piloto pointed out the proposed mobile unit was made of aluminum, the same materials used to build Fire Trucks, rather than the weaker siding normally used to build mobile homes

In response to Commissioner Gimenez' question whether this unit would serve as a mobile command post, Mr. Piloto noted the City had the technology to communicate across other jurisdictions, including the City of Hialeah and Miami-Dade County.

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

2Q

081397 **Resolution**

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF CUTLER BAY TO TRANSFER THE JURISDICTION, OWNERSHIP AND CONTROL OF PUBLIC ROADS WITHIN THE CORPORATE LIMITS OF THE TOWN OF CUTLER BAY; AUTHORIZING THE COUNTY MAYOR TO EXECUTE THE AGREEMENT IN SUBSTANTIALLY THE FORM ATTACHED AND TAKE ANY ACTION REQUIRED BY THE COUNTY HEREIN (Office of Strategic Business Management)

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

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

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

2R

080642 **Bid Awards**

CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF $2,640,263.23 BETWEEN HORSEPOWER ELECTRIC, INC. AND MIAMI-DADE COUNTY FOR STREET LIGHTING REPAIR AND MAINTENANCE CONTRACT - COUNTYWIDE - (PROJECT NO: 20070656; CONTRACT NO: 20070656) (Public Works Department)

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

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

Commissioner Gimenez questioned whether the Administration could later use Government Obligation Bond (GOB) and Peoples Transportation Plan (PTP) funds based on the language in page 2 that states any other applicable funding sources may subsidize this contract, even though a check mark exists, indicating that GOB and PTP funds would not be used.

Assistant county Attorney Bonzon-Keenan noted the Mayor had been delegated the authority to allocate GOB funds, but she would need to look at other applicable resolutions to see if that could happen.

Commissioner Gimenez asked Assistant County Attorney Bonzon-Keenan to prepare a legal opinion determining whether inclusion of the language "any other applicable funding sources" in this contract award would allow the usage of GOB and PTP funds at a later date, even though the contract indicated GOB and PTP funds would not be used, and to provide that opinion before this item was presented before the County Commission.

Ms. Esther Calas, PWD Director, noted Florida Department of Transportation (FDOT) or secondary funds would be used for this particular maintenance contract.

Commissioner Rolle asked if any services would be provided to District 2, especially between NW 62nd street and 135th Street in this countywide contract.

Ms. Calas noted this contract was for maintenance only; however, the Public Works Department (PWD) was in the process of

preparing a contract to repair the entire 22nd Avenue Corridor street lighting, which was the oldest system in the County. She noted a contract would probably be brought before this Committee within the next three months.

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

2S

081412 **Bid Awards**

CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF $1,068,517.10 BETWEEN H & R PAVING, INC. AND MIAMI-DADE COUNTY FOR THE WATER & SEWER DEPARTMENT (WASD) UTILITY ROADWAY REHABILITATION CONTRACT - COUNTYWIDE - PROJECT NO: 20070593; CONTRACT NO: 20070593 (Public Works Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Diaz
Vote: 4-1
No: Edmonson
Absent: Martinez

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

Responding to Commissioner Edmonson's question whether the April 30, 2008 audit was still pending, Ms. Penny Townsley, Director, Department of Small Business Development (DSBD), noted staff was still working with the contractor, and the audit would be closed this week.

In response to Commissioner Edmonson' question why H&R Paving continued to be awarded contracts with a pending audit and multiple violations, Ms. Townsley, noted staff worked closely with H&R's contractor to close out all outstanding issues, and this company provided documentation validating payments made in response to the wage violation analysis.

Commissioner Edmonson stated she could not support awarding this contract until the audit was finalized.

Ms. Townsley noted DSBD had secured $84,000 for back wages owed to employees; however, that amount was reduced to $21,000 by identified payments, and staff felt the amount could be reduced further based on the documentation provided.

In response to Chairwoman Seijas' question whether H&R Paving had made additional payments, and when the Commission would see the final analysis showing they had paid, Ms. Townsley noted that no payments had been made, but once the audit was finalized, a report would be prepared and presented to this Committee, hopefully next month.

Commissioner Seijas asked Assistant County Attorney Bonzon-Keenan whether this resolution

could be forwarded without a recommendation to the second BCC meeting in June, with a direction that the debt be satisfied by that time, or the resolution dies.

Assistant County Attorney Bonzon-Keenan advised she believed that motion was not an option since it would take the action of the full Board to remove a resolution, once it was placed on the agenda. She noted, however, she believed the appropriate action would be to forward it without a recommendation, to the second meeting in June, with committee amendment that the contract award be subject to satisfying the audit.

Commissioner Rolle noted he respectfully disagreed with his colleague because staff showed the company had provided documents to refute the violation allegations, and that some infractions, as far back as 2005, had been closed. He noted larger contacts had been awarded to vendors in worse situations; and unless additional monies were owed, he did not want to set a precedent that vendors could not be awarded contracts if being audited, especially if they were working with staff to clear the violations.

Commissioner Diaz noted his office called DSBD to clarify whether staff's recommendations were accurate. He concurred with Commissioner Rolle's comments that one company was being singled out, when other companies with worse issues were awarded contracts; emphasizing that penalties should apply to all companies across the board. Commissioner Diaz noted these projects needed to be completed and that he supported moving this item forward.

Commissioner Gimenez concurred with the comments of Commissioner Diaz. He noted according to handwritten page 4, the Community Small Business Enterprise (CSBE) issue had been resolved, and this company provided quality work and was less than the lowest bidder. He stated he supported forwarding this resolution as presented, with a favorable recommendation. Commissioner Gimenez questioned why this resolution did not include language indicating the $84,000 in violations had been reduced to $21,000, and expressed the importance of providing accurate information.

Commissioner Edmonson noted she reviewed the Commission Auditor's analysis that revealed

eighteen violations, of which eight remained opened. She noted if this was not the correct information, she needed to know. She concurred that if one was penalized than all should be penalized.

Ms. Townsley noted five of the eight open violations were for wage issues, and of the five projects audited, staff found this company's record-keeping poorly done in its approach to payroll submittal. She noted based on the documents provided by H&R Paving, staff identified payments made to employees that reduced the amount of back wages owed to $21,000.

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

Chairwoman Seijas requested the foregoing proposed resolution be forwarded to the June 17 BCC meeting for consideration, and that the Small Business Development Director provide a report at that meeting indicating the violations listed in the audit of H&R Paving had been resolved.

2T

081413 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF A FEDERALLY FUNDED SUBGRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY (MDC), AND THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT (DEM) TO WIND RETROFIT THE MDC, PUBLIC WORKS DEPARTMENT, RICKENBACKER CAUSEWAY MAINTENANCE OPERATIONS BUILDING IN THE AMOUNT OF $3,286.00 FOR THE COST OF PURCHASING AND INSTALLING STORM PANELS (Public Works Department)

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

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

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

2U

081414 **Change Orders**

CHANGE ORDER NO. 1 AND FINAL FOR DRAINAGE IMPROVEMENT CONTRACT - ZONE 2 - PROJECT NO. 20050096; CONTRACT NO. 20050096; PROJECT LOCATION: COUNTYWIDE (Public Works Department)

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

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

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

2V

081320 **Resolution**

RESOLUTION APPROVING EXECUTION OF STORMWATER BILLING AGREEMENT WITH THE TOWN OF CUTLER BAY FOR THE BILLING OF STORMWATER UTILITY CHARGES BY THE MIAMI-DADE WATER AND SEWER DEPARTMENT [SEE AGENDA ITEM NOS. 8D1H AND 8D1I] (Water & Sewer Department)

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

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

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

2W

081325 **Resolution**

RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE CONTRACT BETWEEN METRO EQUIPMENT SERVICE, INC. AND MIAMI-DADE COUNTY, FOR CONTRACT NO. S-742, INSTALLATION OF 16-INCH H.D.P.E. AND 12-INCH D.I. FORCE MAIN AT BEAR CUT CHANNEL BETWEEN KEY BISCAYNE AND VIRGINIA KEY; INCREASING CONTRACT AMOUNT BY $302,472.31 AND GRANTING A TIME EXTENSION OF 253 DAYS (Water & Sewer Department)

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

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

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

2X

081390 **Resolution**

RESOLUTION APPROVING CONTRACT NO. W-897 IN THE AMOUNT OF $1,360,800 TO H & R PAVING, INC. TO ADJUST THE ELEVATIONS OF WATER MAIN AND FIRE HYDRANT VALVE BOXES AND SANITARY SEWER AND WATER VALVE MANHOLES THROUGHOUT MIAMI-DADE COUNTY; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE SAME AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS CONTAINED THEREIN [SEE AGENDA ITEM NO. 8P3A SUPPLEMENT] (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Seijas
Vote: 4-1
No: Edmonson
Absent: Martinez

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

Chairwoman Seijas requested the foregoing proposed resolution be forwarded to the June 17 BCC meeting for consideration, and that the Small Business Development Director provide a report at that meeting indicating the violations listed in the audit of H&R Paving had been resolved.

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

2Y

081418 **Resolution**

RESOLUTION RATIFYING ACTIONS OF COUNTY MAYOR OR HIS DESIGNEE PURSUANT TO PROVISIONS OF ORDINANCE 07-108 IN EXECUTING CHANGE ORDER NO. 1 TO CONTRACT NO. S-828 (A) FOR THE SOUTH DISTRICT WASTEWATER TREATMENT PLANT HLD UPGRADE TO 285 MGD, SITE PREPARATION, WITH LANZO CONSTRUCTION CO., FLORIDA, TO EXTEND MILESTONE 1C WITHOUT INCREASING THE CONTRACT AMOUNT OR EXTENDING THE CONTRACT TIME AND WAIVING LIQUIDATED DAMAGES (Water & Sewer Department)

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

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

In response to Commissioner Gimenez question regarding the delays caused by Hazen and Sawyer, Mr. Renfrow noted the delays had to do with handicap ramps on construction trailers, and noted staff had aggressively tried to get permits but it took more than thirty days.

Commissioner Gimenez asked Water and Sewer Department Director to provide this Committee with a report on what the County's recourse was for project delays caused by Hazen and Sawyer, before this resolution was presented before the County Commission.

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

2Z

081445 **Resolution**

RESOLUTION APPROVING CONTRACT NO. S-827 IN THE AMOUNT OF $880,297.80 TO METRO EQUIPMENT SERVICES, INC. TO INSTALL APPROXIMATELY 4,600 LINEAR FEET OF 10-INCH AND 12-INCH FORCE MAIN FROM PUMP STATION NO. 427 TO THE 16-INCH FORCE MAIN AT THE INTERSECTION OF N.W. 191ST STREET AND N.W. 37TH AVENUE; AUTHORIZING THE MAYOR TO EXECUTE SAME AND TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN (Water & Sewer Department)

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

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

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

2AA

081341 **Resolution**

RESOLUTION RELATING TO COMMUNITY COUNCILS; MODIFYING COMMUNITY COUNCIL BOUNDARIES RESULTING FROM REPRECINCTING AND APPROVAL OF CITY OF HOMESTEAD ANNEXATION (Team Metro)

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

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

Chairwoman Seijas opened the public hearing on the foregoing resolution. Seeing no one wishing to speak in connection with this resolution, the public hearing was closed, and the Committee proceeded to vote on the foregoing proposed resolution as presented.

3 COUNTY COMMISSION

3A

080604 **Ordinance** **County Commission**

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF NORTH MIAMI, 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. 11A8]

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

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

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

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

Mayor Kevin Burns, City of North Miami, appeared in support of the annexation. He noted this property was located in both the City of North Miami and Unincorporated Miami-Dade County's jurisdictions, and would be used for affordable housing development. He expressed concern that the residents living in this development would have two providers (the City and the County) for garbage service, and recommended they have only one.

Seeing no other person to appear, Chairwoman Seijas closed the public hearing.

Commissioner Gimenez questioned whether the language in this ordinance providing for retention of garbage/refuse collection and disposal meant the County would retain the garbage collection service.

Mr. Vicente Castro, Deputy Director, Solid Waste Management (SWM), noted an Interlocal Agreement between the County and the City of North Miami (City) would determine the provider;

however, SWM had no problem with the City continuing to collect the garbage since it disposed of its garbage at the County's disposable facilities anyway.

In response to Commissioner Diaz' inquiry whether the provision stated in this ordinance posed any legal issues, Assistant County Attorney Craig Coller noted pursuant to County Code 20-8.4 regarding annexations, the County was required to retain the garbage collection services. He noted this ordinance did not provide an exception in its title; therefore, it could not be modified. He suggested the garbage collection issue be resolved through a subsequent interlocal agreement.

Commissioner Rolle expressed concern that exhibits/maps provided in agenda packages were often illegible and asked in which district was this property located.

Chairwoman Seijas suggested whoever prepared the agenda kits be more conscientious in providing legible copies of maps/exhibits.

Mr. George Fernandez, Office of Strategic Business Management, apologized for the obscure maps, and noted he would correct this in future agendas. He noted the property was located in District 2, in response to Commissioner Rolle's question.

Assistant County Attorney Coller noted he reviewed the Code again, and found it expressly provided that collection services could be worked out through an interlocal agreement, and should not be an issue with this ordinance.

In response to Commissioner Diaz' question regarding differences in the City's costs per residence versus the County's cost to provide this service, Mr. Fernandez noted the properties were currently vacant, hence, no cost.

Chairwoman Seijas asked Mr. Jorge Fernandez, OSBM, for future references, to provide a report on the measurement (in tons) of garbage collected by municipalities and disposed of in County facilities. She also asked that this information, as it pertained to the City of North Miami, be provided to the District Commissioner, as well as the City Administration, before this item was presented before the County Commission.

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

Commissioner Gimenez asked that staff provide maps and graphic attachments in color, to the agenda coordinator's office for inclusion in the Committee and Board of County Commissioner agenda packages.

3B

081152 **Ordinance** **Dennis C. Moss**

ORDINANCE RELATING TO RULES OF PROCEDURE OF BOARD OF COUNTY COMMISSIONERS; AMENDING RULES OF PROCEDURE TO PROVIDE FOR PRIME SPONSORSHIP AND CO-SPONSORSHIP OF RESOLUTIONS AND ORDINANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

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

Chairwoman Seijas opened the public hearing on the foregoing ordinance. Seeing no one wishing to speak in connection with this ordinance, the public hearing was closed, and the Committee proceeded to vote on the foregoing proposed ordinance as presented.

3C

081142 **Ordinance** **Sen. Javier D. Souto**

ORDINANCE PERTAINING TO ZONING; CREATING SECTION 33-124.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO AUTOMOBILE AND TRUCK PARKING IN CERTAIN RESIDENTIAL AREAS; AMENDING SECTION 8CC-10 PERTAINING TO CIVIL PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Tabled

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

Assistant County Attorney Craig Coller noted this ordinance needed to be amended to strike the following language: "in community urban centers, whereas otherwise provided" from Section 1, fourth line of this ordinance, following the word "provided."

Chairwoman Seijas opened the public hearing on the foregoing ordinance; and seeing no one wishing to speak in connection with this ordinance, the public hearing was closed.

In response to Chairwoman Seijas' question whether this ordinance applied countywide, Assistant County Attorney Coller noted this ordinance applied to unincorporated areas. Chairwoman Seijas expressed concern with the language in the supplement that stated this ordinance would have a positive fiscal impact. She noted she could not support this because it addressed a specific commission district, and not countywide.

Chairwoman Seijas relinquished the chair to Vice Chairman Diaz, and moved a motion to deny this ordinance. This motion was seconded by Commissioner Edmonson, and upon being put to a vote, passed 5-0. (Commissioner Martinez was absent)

3C SUPP.

081508 **Report**

FISCAL IMPACT STATEMENT TO ORDINANCE PERTAINING TO ZONING; CREATING SECTION 33-124.2 OF THE CODE OF MIAMI-DADE COUNTY PERTAINING TO AUTOMOBILE AND TRUCK PARKING IN RESIDENTIAL AREAS

Tabled

3D

081377 **Resolution** **County Commission**

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF NORTH MIAMI IN CONNECTION WITH THE PROPOSED ANNEXATION BY THE CITY OF NORTH MIAMI; 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. 7D]

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

Report: *(See Agenda Item 3A; Legislative File No. 080604 for the report)*

3E

081368 **Resolution** **Katy Sorenson**

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 104 - "UNINCORPORATED MUNICIPAL SERVICE AREA - CONTINENTAL PARK" AND TO PROJECT NO. 102 - "UNINCORPORATED MUNICIPAL SERVICE AREA- LEISURE LAKES PARK," AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. 913-04 AFTER A PUBLIC HEARING

Deferred to July 8, 2008
Mover: Diaz
Seconder: Gimenez
Vote: 5-0
Absent: Martinez

Report: *Assistant County Attorney Geri Bonzon-Keenan noted the sponsor, Commissioner Sorenson, requested this resolution be deferred to the July 8th Committee meeting.*

Hearing no objection, the Committee proceeded to vote on a motion to defer this item.

3F

081453 **Resolution** **Dorrin D. Rolle, Natacha Seijas, Barbara J. Jordan**

RESOLUTION DIRECTING THE COUNTY MAYOR OR HIS DESIGNEE TO INVESTIGATE THE FEASIBILITY OF PROVIDING WATER TO THE CITY OF NORTH MIAMI ON A WHOLESALE BASIS

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

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

Mayor Kevin Burns, City of North Miami (City), noted the City had no objection to the County performing a feasibility study; however, he noted the City currently purchased water from the County at a wholesale rate of $1.14 per 1000 gallons; produced water at a cost of .52 cents per 1000 gallons; and charged its residents a rate of $10.33 per 5000 gallons (or $1.02 per 1000 gallon). He stated the City actually paid more to purchase water than it cost the City to produce it, or what the City charged its customers. Additionally, he noted, the City was in the process of retrofitting its existing water plant and building a new one, and that a $14 capital improvement fee had been added to all customer (resident and non-resident) water bills across the board, to repay the bonds. The issue, he noted, was that some customers were concerned with having to pay an additional $14 fee for the capital improvements.

Commissioner Rolle noted he received many complaints from non-resident customers, serviced by the City of North Miami, regarding the amount of money they had to pay for water. He noted he supported this item, but wanted to find ways to reduce the costs to those customers not residing in this City. He asked Mr. John Renfrow, Director, Water and Sewer Department, to carefully review the situation of non-resident customers being required to pay a surcharge, per State Statute, to purchase water from municipalities, and to offer some alternatives.

In response to Commissioner Gimenez' question regarding the current wholesale rate charged to this City by the County, Mayor Burns noted the County's current wholesale rate charged to the City was $1.14 per 1000 gallons. Regarding Commissioner Gimenez' question of whether the

City blended its water produced with water purchased from the County, and whether the City's water rate charged to resident and non-resident customers was the same, Mayor Burns confirmed the water was blended and the water rate charged was the same for all City customers (1.02 per 1000 gallons). However, he noted a 25% surcharge was included in non-resident customer's bill, which averaged $12.83 per 5000 gallons. Mayor Burns pointed out this rate was less than the rate the City paid to purchase water and still one of the cheapest rates for customers countywide. He reiterated the primary concern of customers was the added capital improvement fee.

Commissioner Rolle noted he had been receiving complaints since 1998 when he came to office, long before the capital improvement fee was imposed. He reiterated his interest in finding some relief for the non-resident customers.

In response to Commissioner Gimenez' inquiry regarding how long the 25% surcharge had been charged, Mayor Burns noted this fee has been charged for over 30 years. Responding to Commissioner Gimenez' question whether the City's current rate for water charged to non-resident customers was cheaper than the County's current rate, Mayor Burns affirmed the City's rate was cheaper than the County's.

Commissioner Gimenez asked whether the City had calculated the average rate, including the imposed capital improvement fee, to see whether it would be cheaper to purchase water from the County in the long run, rather than retrofit the existing water plant and build a new one.

Mayor Burns noted the City's existing water plant needed to be upgraded regardless, and the City was facing a reduction in its water draw from the County. He noted if the County had 100% control of the City's water supply, the City could not move forward with its redevelopment plans. He noted even with the capital improvement fee, he believed the City's rates would be consistently stable and cheaper over the long run.

Commissioner Gimenez questioned how many gallons of water the City of North Miami was permitted to draw with its consumptive use permit.

Mr. Mark Collins, Director, Public Works

Department, City of North Miami, noted the City was currently permitted to draw 9.3 million gallons per day from the Biscayne Aquifer, and was in the process of renewing its consumptive use permit. He also noted the City applied for a permit to draw additional water out of the Florida Aquifer, but had not received that permit yet. He added that the South Florida Water Management District was reducing all of the City's draws; and based on the City's comprehensive plan and change in density, the City projected growth and would need to find the water somewhere.

Responding to Commissioner Gimenez' question regarding a Reverse Osmosis (RO) plan, Mr. Collins noted the City was exploring an RO or alternative membrane treatments, but would let the new consultant determine the type. He noted an RFQ was advertised to bring a new consultant on board. Mr. Collins further noted the City was aggressively exploring ways to reuse water, and was working with the County s Water and Sewer Department to explore alternatives.

Chairwoman Seijas commented that the WTP was in better shape than what the Miami Herald had reported. She also noted the County Commission had heard constant complaints since 1993 regarding the 25% surcharge fee, and customers were reaching their limit regarding the added $14 capital improvement fee. She pointed out the County would be raising rates for capital improvement projects in the future, but was now doing two RO plans using bonds to avoid raising the rates.

Mayor Burns noted the City was conducting a new study on rates, and one goal was to eliminate the 25 % surcharge and have consistent rates for all customers. He noted once a rate was determined, it would need to be worked through the State legislative process; however, cheaper water did not negate the City's need to build a new water plant and retrofit its existing plant to ensure a sound facility.

Responding to Commissioner Diaz' question whether the feasibility study would include businesses; Mr. Renfrow replied that the study applied to all customers.

Mayor Burns added that the capital improvement fee imposed on commercial businesses varied based on the meter size, but the water rate was the

same for every customer. In response to Chairwoman Seijas' inquiry regarding justification for the 25% surcharge, Mayor Burns noted the 25% surcharge made up some of the difference in costs for the City purchasing water at a higher rate than that charged to its customers, and it helped with consumptive use and plant maintenance; but it had nothing to do with capital improvements.

Mr. Renfrow clarified, for the record, that the current wholesale rate charged by Miami-Dade County's WASD to this City for water was $1.10 per 1000 gallons, rather than $1.14.

In response to Chairwoman Seijas' inquiry of what rate the County would charge if it served the non-resident customers now served by the City, Mr. Peter Velar, Advisor to the Director- Budget & Finance, WASD, noted the County's average retail rate for customers purchasing 6.750 gallons of water was $13.52.

Commissioner Rolle noted customers had concerns with paying more when billed quarterly, after adding the 25% surcharge and now the $14 capital improvement fee. Commissioner Rolle recognized Mr. Leroy Jones, a resident of District 2, to speak.

Mr. Leroy Jones, 1892 NW 112 Street, President, Little River Homeowners Association, appeared before the Committee and noted residents had been meeting for some time in reference to their increased water bills. He noted businesses paid an additional $300 per payment period, and mom and pop businesses could be forced to close as a result. He stated he felt the timing was bad to impose an additional fee given the economic situation, and many seniors living in this area were on fixed incomes. He pointed out that changes to the water bill were listed on the back page, and many customers were unaware of them. Mr. Jones expressed concern that non-resident customers were not able to voice their opinion or vote in the City of North Miami, and asked the Committee to consider their situation.

Chairwoman Seijas asked that this report be completed before the July 8 Committee meeting and that it be provided to Mayor Burns, City of North Miami, and Mr. Jones, President of the Little River Home Owners Association once received by the Committee.

Mayor Burns indicated the City's water bill was really a combined utility bill that included charges for solid waste and bulky trash collection, recycling, WASD's water treatment, storm water charge and other services that had increased, and when added up, the bill could get hefty. He noted he had been an advocate to separate the water bill and noted the City still provided the cheapest water countywide.

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

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

081344 **Report**

APPROVAL OF COMMISSION COMMITTEE MINUTES FOR THE APRIL 15, 2008 GOVERNMENTAL OPERATIONS AND ENVIRONMENT COMMITTEE MEETING (Clerk of the Board) — ***Approved***

7 REPORTS

7A

081208 **Report**

SUNSET REVIEW OF COUNTY BOARD FOR 2008 - UNSAFE STRUCTURES BOARD — ***Report Received***

7B

081219 **Report**

CITY OF FLORIDA CITY G1, G2 AND G3 ANNEXATION (County Manager)

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

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

Chairwoman Seijas opened the public hearing, and the following individual(s) appeared in connection with the City of Florida City Annexation:

Mr. Miguel DeGrandy, Attorney representing the landowner, appeared before the Committee in support of the annexation.

Hearing no further comments or questions, the Committee proceeded to vote to receive the foregoing report.

7C

081323 **Report**

ANNUAL REPORT 2007 ON THE MIAMI-DADE WATER AND SEWER DEPARTMENT'S 20-YEAR WATER CONSERVATION PLAN (County Manager)

Report Received

7D

081339 **Report**

MIAMI SHORES VILLAGE ANNEXATION (County Manager)

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

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

Chairwoman Seijas opened the public hearing, and the following individual(s) appeared in connection with the Miami Shores Village Annexation:

Mr. Tom Benton, Village Manager, Miami Shores Village, appeared before the Committee in support of the foregoing annexation.

Hearing no further comments or questions, the Committee proceeded to vote to receive the foregoing report.

7E

081389 **Report**

MIAMI-DADE WATER AND SEWER DEPARTMENT'S 20-YEAR WATER USE PERMIT COMMUNICATIONS PLAN (County Manager)

Report Received

7F

081434 **Report**

BUDGET PRESENTATION - OFFICE OF SUSTAINABILITY (County Manager)

Report Received

Report: *Mr. Devesh Nirmul, Program Manager, Office of Sustainability, provided an overview of the proposed FY2008-09 budget for the Office of Sustainability, and highlighted performance measures of activities/functions charged to this office that focus on climate change, the sustainable ordinance, and achieving sustainability and best practices across County departments. He noted staff was looking at ways to integrate efforts countywide.*

Chairwoman Seijas acknowledged the Office of Sustainability was a newly established office and new process. She expressed appreciation to Mr. Nirmul for providing this information. She noted when this office was established a year ago with the County Manager, the Commission agreed the Executive Office would require two staff people in the beginning, with funds for office space, furniture, computers and enough cooperating dollars to coordinate management information from all County departments. She noted the adopted budget had three prime performance measures for this office: 1) staffing the Climate Change Advisory Board 2) coordinating the County's response to the Chicago Climate Exchange, and 3) monitoring General Services Administration's (GSA) Sustainable Building Program. She noted the Commission wanted to ensure the obligations of the Chicago Climate Exchange Contract were met, and support was provided to the Climate Change Advisory Task Force.

Mr. Nirmul noted a baseline report on Greenhouse Gas Emissions was submitted in November 2007 before he came on board, and the auditing process began in February 2008. He noted he was working on the 2007 Final Report, which was not due until after he received the audit results on the baseline report.

In response to Chairwoman Seijas' question whether this Office was coordinating with the County's departmental operations to promote sustainability initiatives, Mr. Nirmul noted his office was focusing on central departments, and had met with the Office of Capital Improvements

(OCI), the Planning and Zoning Department, and the Department of Environmental Resources Management (DERM). Additional, he noted staff worked with the Water and Sewer Department (WASD) to explore opportunities to implement some innovative best practices as seen in other communities. He noted the primary focus was on the Office of Strategic Business Management because of the five-year strategic plan and he wanted to be able to build in a score card into the five year plan to track and report on every department's efforts/use of sustainability.

Chairwoman Seijas noted this office needed to expand its efforts by including the participation of other departmental directors. She noted this Committee needed to know the progress of coordinating County departmental operations, and would have another report at the June 2008 Committee meeting. She asked about the status of proposed strategies to reduce green house gas emission as a result of analyzing the County's fuel consumption.

Mr. Nirmul noted he had not met directly with the appropriate parties concerning this matter. However, he noted, indicators had been built into the performance system to track every meeting convened with a department to see how it leads to actual policy and procedures.

Commissioner Gimenez commented that he believed the Office of Sustainability should be funded from the savings it generates.

Chairwoman Seijas noted this Office was being promoted in its beginning with the understanding that it would be self-supporting. She noted one reason for providing funds to this office was because Miami-Dade had joined with other counties around the country that lead the way in local climate change, and Commission members needed information on the impact of climate change to other urban areas to report to the National Association of Counties (NACo). She noted based on the Task Force's annual report, it was clear that Miami-Dade County was one of the most impacted urban areas around the country. Chairwoman Seijas asked the Program Manager of Office of Sustainability to prepare a report, for review at the June 10th committee meeting, on those issues she and other County NACo members would be presenting at the July NACo meeting. She suggested Mr. Nirmul research Climate

Communities within the NACo system for more information. She also suggested he check to ensure the County was current in its commitment to pay the membership fee to the Chicago Climate Exchange. She noted the County was the second largest county in NACo and should be a part of the local government efforts to influence Federal legislation relating to Climate Exchange.

Chairwoman Seijas questioned the $54,000 capital expenses in next year's proposed budget and whether this office was fully operated. She also questioned the $240,000 salaries for two people.

Mr. Nirmul noted the Office of Sustainability was still being organized, and needed some equipment and ITD software. He noted the $240,000 salary expense covered the salary and fringe benefits of two people.

Chairwoman Seijas asked The General Services Administration Director to provide the Committee with a breakdown on the salaries of the Office of Sustainability Project Manager and his Assistant, including executive benefits. Chairwoman Seijas questioned the $241,000 that would come out of operating expenses for Information Technology and Web site expenses.

Mr. Nirmul noted that amount included information technology, Web Site expenses, the initial capital to build up the office, and some temporary staff to assist each project. He noted they were exploring the possibility of using some free interns, which would be critical to the Urban Fellow Program.

Chairwoman Seijas asked Mr. Nirmul to consult with the County Attorney's Office prior to initiating the Urban Fellow Program, to get advice on the County's level of expectations.

Chairwoman Seijas questioned whether the $240,000 allocated was the current or projected budget salary, and whether there were any executive benefits. She also asked if any cutbacks were projected in next year's budget.

Ms. Wendy Norris, Director, General Services Administration, noted that was the amount of the current budgeted salary for two employees, including fringe benefits, and that only the director received executive benefits. She noted

there were no cutbacks in next year's budget.

7G

081080 **Report**

REPORT REGARDING THE PLANNING AND ZONING DEPARTMENT - CHARLES ANDERSON, COMMISSION AUDITOR

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

Report: *Mr. Charles Anderson, Commission Auditor, presented his report on the Planning and Zoning Department (P&ZD). He expressed appreciation to the P&ZD Director and the Budget Office staff for their joint efforts in completing this report. He noted his survey revealed many local governments were suffering from revenue shortfalls due to the downturn in the construction industry, and some jurisdictions were experiencing budget decreases. He also noted some jurisdictions were eliminating or consolidating services in the planning and zoning areas; reducing staff or not filling vacant positions; and were considering automation/online application services, cross training and a number of ways to deal with this crisis. Mr. Anderson noted that after reviewing the Administration area in the P&ZD's budget, and ways to modify its functions, he discovered the Administrative functions were covered by zoning fees, and that the Administration workload had declined over the years, but he did not find a commensurate reduction in the Administrative staff. Mr. Anderson noted the P&ZD Director was looking into this matter.*

Mr. Anderson noted he also reviewed the technical functions of P&ZD's Administrative areas, particularly the Graphical Information Systems (GIS), and explored linking zoning fees with the Consumer Price Index (CPI), as other departments were doing. He noted the $3.3 million number indicated in his report if fees were linked to the CPI was adjusted downward to a more conservative number of $2.9 million by removing some items. Mr. Anderson further noted he also reviewed the Historical Preservation unit, and the Agricultural Manager Position. He noted P&ZD was exploring the possibility of establishing a fee structure to fund the activities of the Historical Preservation Unit, and he felt the Agricultural Manager Position could be included under Consumer Services. Mr. Anderson concluded by noting that the P&ZD had a tremendous opportunity to market some of its services, such as mapping and GIS, to other

County departments, and that he developed a matrix for P&ZD to use as a tool for developing some marketing strategies.

In response to Commissioner Gimenez' question whether some of P&ZD's services, such as maps, could be sold on the market to the general public, Mr. Anderson noted he felt the P&ZD, with its tremendous expertise and services, could also market itself to other smaller cities.

Mr. Subrata Basu, Director, P&ZD, noted the Department already sold maps to the public upon request based on a fee schedule, but pointed out that the P&ZD had specialized skills, such as planning neighborhood Charrettes that could also be marketed. He noted P&ZD, however, would need a sustainable level of staffing to produce and meet the demands.

Chairwoman Seijas stated these were excellent ideas, and expressed her appreciation to Mr. Anderson and his staff who participated in the preparation of this report. She noted, for the record, that all remaining reports on today's agenda would be received.

8 ADJOURNMENT

Report: *There being no further business to come before this Board, the Governmental Operations and Environment Committee meeting was adjourned at 12:28 p.m.*

Natacha Seijas, Chair