



**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

September 09, 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. Rolfe (2)

Tuesday, September 9, 2008

9:30 AM

Commission Chambers

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

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

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

1A **ROLL CALL**

Report: *The following staff members were present:
Assistant County Manager Susanne Torriente;
Assistant County Attorneys Geri Bonzon-Keenan,
Craig Collier and Cynthia Johnson-Stacks; and
Deputy Clerks Doris Dickens and Judy Marsh.
(Minutes prepared by Jill Thornton)*

Assistant County Attorney Geri Bonzon-Keenan requested, in addition to the changes listed in the County's Manager Memorandum of Changes, that Item 2U Supplement be added to the agenda; and that Items 3C, 3C Substitute and 3G be deferred to the October 14 Governmental Operations and Environment Committee meeting, as requested by the City of Miami Shores. She noted scrivener's errors existing in Agenda Items 2P and 2V that needed to be corrected; and that Agenda Item 3A needed to be amended with language to be read into the record during consideration of that item.

It was moved by Commissioner Edmonson that Agenda Items 3C, 3C Substitute and 3G be deferred to the October 14, 2008 Committee meeting, as requested by the City of Miami Shores. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed 6-0.

It was moved by Commissioner Diaz that the requested changes listed in the County Manager's memorandum entitled "Requested Changes to the Governmental Operations and Environment Committee Agenda," dated September 09, 2008, along with the additional changes noted by Assistant County Attorney Geri Bonzon-Keenan, be approved. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed 6-0.

1B **REMARKS FROM CHAIRPERSON SEIJAS**

Report: *Chairwoman Seijas called the meeting to order at 10:00 a.m. and provided opening remarks. She expressed appreciation to Ms. Kathleen Woods-Richardson, Department of Solid Waste Management Director, for keeping the County Commissioners apprised of the status of the new Community Recycling Program during the Commission's recess, and for reaching out to her while she was campaigning for re-election. She noted she heard Ms. Woods-Richardson had to make some important decisions in order to keep this program moving forward.*

Chairwoman Seijas noted this community was very fortunate in that it was not impacted by Hurricane Ike, although the devastation to the Caribbean nations was heartbreaking. She stated she was confident the people of Miami-Dade County would do everything possible to provide humanitarian aid to those areas impacted by the storm. Chairwoman Seijas noted she visited the County's storm shelter at Florida International University's (FIU) campus and commended the Red Cross for running an efficient and clean shelter. She also commended the County's Health Department for doing a magnificent job assisting people with special needs. She stated she was proud that Miami-Dade County was able to extend a hand to the citizens of Monroe County in their time of need.

Chairwoman Seijas asked everyone present to join her in a moment of silent prayer for the son of Sergeant at Arms Pablo Hernandez, who underwent surgery this morning.

Chairwoman Seijas recognized Commissioner Diaz to discuss the flooding status in Miami-Dade County as a result of Hurricane Ike.

Commissioner Diaz stated he was grateful that the County was not impacted by Hurricane Ike, as the Caribbean Islands were. He expressed appreciation to Chairwoman Seijas for her leadership and to his colleagues for working together in preparing for potential flooding issues should the storm come this way. He noted he and County staff worked closely with the South Florida Water Management District (SFWMD) to monitor the water levels as a flood prevention measure.

Commissioner Diaz said those days of waiting to take action until a flood occurred, would no longer be tolerated. He expressed appreciation to Chairwoman Seijas for allowing him to work with the County Mayor and the Manager to ensure past issues regarding flooding were not repeated.

Later in the meeting, Commissioner Diaz requested that everyone keep in prayer the family of Sergeant at Arms Rene Cortinas-Lopez, whose mother was gravely ill.

2 DEPARTMENTS

2A

082280 Resolution

RESOLUTION AUTHORIZING THE DISBURSEMENT OF \$400,000 FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND TO CONDUCT ENVIRONMENTAL ENHANCEMENT THROUGH THE COUNTY'S BISCAYNE BAY RESTORATION AND ENHANCEMENT PROGRAM (Department of Environmental Resources Management)

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

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

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

2B

082281 Resolution

RESOLUTION AUTHORIZING THE DISBURSEMENT OF FUNDS FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND FOR BAYNANZA 2009 AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE FLORIDA INLAND NAVIGATION DISTRICT TO PROVIDE FUNDING TO MIAMI-DADE COUNTY FOR THIS EVENT (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation

Mover: Edmonson

Seconder: Diaz

Vote: 6-0

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

Chairwoman Seijas questioned the funding source for the BAYNANZA event.

Mr. Carlos Espinosa, Director, Department of Environmental Resources Management, noted some of the funds used for the BAYNANZA event were taken from the Biscayne Bay Environmental Enhancement Trust Fund; however, DERM seeks sponsors every year to provide food and services to minimize the costs to the County for this event. He further noted the full amount requested was not usually spent, but was requested in advance because of the lengthy approval process.

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

2C

082359 Resolution

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A RESTRICTIVE COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY TO PRESERVE AND ENHANCE A 1.19 ACRE TREE PRESERVE AREA AND BUFFER AREA FOR TREE ISLAND LOCATED IN THE BIRD DRIVE WETLAND BASIN BETWEEN SW 52 STREET AND 54 TERRACE AND BETWEEN SW 157 AVENUE AND 158 COURT IN SECTION 20, TOWNSHIP 54 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA (Department of Environmental Resources Management)

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Seconder: Diaz

Vote: 6-0

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

Hearing no objection, Agenda Items 2C, 2D, 2E and 2F were considered simultaneously.

In response to Commissioner Martinez question regarding what type of structures could be built on lands declared as Environmentally Endangered Lands (EEL), Mr. Carlos Espinosa, Director, Department of Environmental Resources Management, noted, prior to the County purchasing EEL properties, the owners of EEL properties had some building rights depending upon the definition and size of the property. He noted wetlands, if filled, would require some permitting and mitigation; and Pinelands would require some building restrictions.

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

2D

082360 Resolution

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A RESTRICTIVE COVENANT RUNNING WITH THE LAND IN FAVOR OF MIAMI-DADE COUNTY TO PROTECT AND MANAGE 23.67 ACRES OF WETLANDS LOCATED BETWEEN NW 207 AND 210 STREETS AND BETWEEN NW 4 AND 7 AVENUES IN SECTION 36, TOWNSHIP 51 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA (Department of Environmental Resources Management)

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

Report: (See report under Agenda Item 2C; Legislative File No 082359)

2E

082361 Resolution

RESOLUTION APPROVING "CONTRACT FOR SALE AND PURCHASE" OF APPROXIMATELY 10.22 ACRES IN THE WILKINS-PIERSON PINELAND PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH MIAMI-DADE COUNTY AS PURCHASER AND HENRY QUINTANA, AS TRUSTEE OF THE PQWB LAND TRUST DATED APRIL 26, 1996, AS SELLER; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN (Department of Environmental Resources Management)

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

Report: (See report under Agenda Item 2C; Legislative File No 082359)

2F

082362 Resolution

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 10 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 BROWN ET AL C/O PAT TELLIS AS SELLER; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN (Department of Environmental Resources Management)

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

Report: (See report under Agenda Item 2C; Legislative File No 082359)

2G

082380 Resolution

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO 2515 DE SOTO BOULEVARD, CORAL GABLES, FLORIDA PURSUANT TO SECTION 196.1997, AND 196.1998 FLORIDA STATUTE AND SECTION 16A-18, MIAMI-DADE COUNTY CODE (Department of Planning & Zoning)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Edmonson
Vote: 6-0

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

Hearing no objection, Agenda Items 2G, 2H, 2I and 2J were heard simultaneously.

Chairwoman Seijas expressed concern with the different amounts and years listed in the background information of each of these items.

Mr. Mark LaFerrier, Director, Planning and Zoning Department (P&ZD), noted the different years printed on the worksheets represented the year each historical property was substantially completed. He noted each property was restored on certain dates and applications for tax exemptions were filed with the City of Coral Gables and with the County. He also noted each property had its own completion date and effective date for the tax exemption.

Mr. David Rooney, Director, Residential Real Estate, Property Appraisers Office, added that the project's substantial completion date, determined by the property appraiser, was the effective date of the tax exemption. He noted the effective date for Agenda Item 2G was year 2007; for Agenda Item 2H was year 2005; for Agenda Item 2I was year 2004 and for Agenda Item 2J was year 2006.

In response to Chairwoman Seijas' question concerning the process, Mr. Mark LaFerrier noted this process was established by the State Legislature and by local laws. He explained the two-step process for renovating an historic property was lengthy, complicated, and was based on the applicant's responses to key questions. He noted, in this case, the applications needed to go through the City of Coral Gables' and the County's processes.

In response to Chairwoman Seijas' question

whether the County had been collecting taxes on these properties since the filing of the applications, Mr. Rooney responded yes, and noted the taxes paid would be refunded.

In response to Chairwoman Seijas' questions as to when the application in Agenda Item 2I was filed and why the process for placing these items on the agenda was delayed, Mr. LaFerrier explained that the initial application was filed in 2004 to the local jurisdiction describing what type of work would be done, and the final application filed, verified the work had been completed and began the tax exemption process.

Chairwoman Seijas commented that items brought before this Committee or the County Commission must be accurate. She asked the Property Appraisers Office - Residential Real Estate Director and the Department of Planning and Zoning Director to provide her with explanations for the difference in the figures and years reflected in the background information on Agenda Items 2G, 2H, 2I and 2J, and the delay in processing these applications, prior to these items going before the Board of County Commissioners in October.

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

2H

082386 Resolution

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO 1233 ANASTASIA AVENUE, CORAL GABLES, FLORIDA PURSUANT TO SECTION 196.1997, AND 196.1998 FLORIDA STATUTE AND SECTION 16A-18, MIAMI-DADE COUNTY CODE (Department of Planning & Zoning)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Edmonson
Vote: 6-0

Report: (See report under Agenda Item 2G; Legislative File No 082380)

2I

082388 Resolution

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO 803 ANASTASIA AVENUE, CORAL GABLES, FLORIDA PURSUANT TO SECTION 196.1997, AND 196.1998 FLORIDA STATUTE AND SECTION 16A-18, MIAMI-DADE COUNTY CODE (Department of Planning & Zoning)

*Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Edmonson
Vote: 6-0*

Report: *(See report under Agenda Item 2G; Legislative File No 082380)*

2J

082402 Resolution

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO 1400 CORAL WAY, CORAL GABLES, FLORIDA PURSUANT TO SECTION 196.1997, AND 196.1998 FLORIDA STATUTE AND SECTION 16A-18, MIAMI-DADE COUNTY CODE (Department of Planning & Zoning)

*Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Edmonson
Vote: 6-0*

Report: *(See report under Agenda Item 2G; Legislative File No 082380)*

2K

082546 Resolution

RESOLUTION PERTAINING TO THE AUTHORIZATION OF AN OCTOBER 2008 AMENDMENT PROCESS FOR FILING APPLICATION REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (Department of Planning & Zoning)

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

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

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

NOTE: Chairwoman Seijas submitted a memorandum dated September 09, 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 September 16 BCC meeting for consideration.

2L

082496 Resolution

RESOLUTION RATIFYING AGREEMENT WITH FLORIDA POWER & LIGHT FOR PROPERTY USE DURING THE 2008 COUNTYWIDE ELECTIONS AND AUTHORIZING SUBSTANTIALLY SIMILAR AGREEMENTS WITH FLORIDA POWER & LIGHT DURING FUTURE ELECTIONS WHERE THE NEED IS REQUIRED (Elections Department)

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

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

As a member of the Canvassing Board, Commissioner Diaz commended Mr. Lester Sola, Supervisor of Elections, and his staff for an excellent job done at running the primary elections.

Mr. Sola noted Miami-Dade County's Election Department spearheaded an agreement with other Florida counties to assist neighboring counties in a time of need. He noted after realizing Broward and Palm Beach Counties were experiencing difficulties, the Elections Department immediately offered assistance, and loaned Broward County four of its six high-speed scanners.

Commissioner Gimenez commended Mr. Sola for a job well done, and asked him how much money the County would save by using the new voting machines.

Mr. Sola noted no savings were forecasted for the first two years because of the significant cost associated with re-educating the voters on the new voting system and creating a support structure. He noted long term savings were forecasted since the Elections Department would print its own ballots and manage the entire operation. Mr. Sola stated he believed that the new equipment would pay for itself in the long run.

Commissioner Gimenez noted the only criticism he heard was that it now took longer to tally the votes, as opposed to the past.

Mr. Sola noted part of the conversion plan was to ensure the numbers tallied and made available to the public were correct. He noted the Elections Department decided to audit the incoming and outgoing ballot batches three times to ensure the

accuracy of the counts before releasing them, which took time to validate. He noted the Elections Department finished tabulating the votes about a half hour later in this last election, than it did in the 2004 election.

In response to Commissioner Gimenez' question of whether this process and timeframe would be consistent for future elections, Mr. Sola noted the November Election process would continue as in historical elections, with absentee ballot results released no later than 7:20 pm; early voting results released no later than 7:45 pm and the remaining voting results released every half hour thereafter. He noted the Elections Department finished tallying the 2004 Election by 1:00 am, and he envisioned a similar timeframe for the November Election as well.

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

2M

082269 Resolution

RESOLUTION WAIVING FORMAL BID PROCEDURES PURSUANT TO SECTION 4.03(D) OF THE HOME RULE CHARTER AND NON-COMPETITIVE BID WAIVER PROVISIONS OF SECTION 2-8.1(B) OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS (2/3) VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING EXECUTION OF A TURNKEY RELOCATION AGREEMENT FOR POINT TO POINT FIXED SERVICE BETWEEN T-MOBILE USA INC. (T-MOBILE) AND MIAMI-DADE COUNTY TO RELOCATE CERTAIN MICROWAVE FREQUENCIES OPERATED BY THE COUNTY TO NEW FREQUENCIES PURSUANT TO FEDERAL COMMUNICATION COMMISSION (FCC) ORDERS AND TO EXPEND \$30,716 TO UPGRADE ANTENNAS; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (Enterprise Technology Services Department)

Forwarded to BCC with a favorable recommendation

Mover: Edmonson

Seconder: Rolle

Vote: 6-0

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

Commissioner Rolle questioned how this item would improve public safety.

Mr. Angel Petisco, Interim Director, Enterprise Technology Services Department (ETSD), explained that the Federal Communication Commission (FCC) mandated certain frequencies be auctioned, and T-mobile won the rights to the frequencies. He further explained that by FCC's rules, the successor of the frequencies was required to rectify an incumbent by sharing that frequency or move them to a separate frequency. He noted T-mobile agreed to move Miami-Dade County to a separate frequency and to erect for Miami-Dade County, a brand new tower, along with new equipment to operate the new frequency. Mr. Petisco noted the Turnkey Relocation Agreement would improve public safety because Miami-Dade County would benefit from approximately \$850,000 in new equipment and backup generators to support the new tower.

In response to Commissioner Rolle's questions whether the length of the warranty was twelve (12) months, and if County staff could maintain the new equipment once the warranty expired, Mr. Angel Petisco responded yes to both questions.

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

2N

082240 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE LEASE AGREEMENT AT 1094 N.W. NORTH RIVER DRIVE, MIAMI WITH SPRING GARDEN CIVIC ASSOCIATION, INC., A FLORIDA NON PROFIT CORPORATION, FOR PREMISES TO BE UTILIZED AS A PASSIVE PARK; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration Department)

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

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

In response to Commissioner Edmonson's question whether staff was aware that Spring Gardens Civic Association was in District 3, Ms. Wendy Norris apologized for the scrivener's error and noted it would be corrected before this item went before the Board of County Commissioners.

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

2O

082337 Resolution

RESOLUTION GRANTING THE CLOSURE OF A RIGHT-OF-WAY LOCATED IN THE CITY OF HIALEAH AND EXTENDING FROM NW 107 AVENUE EAST FOR APPROXIMATELY 1,320 FEET (RIGHT-OF-WAY CLOSING P-864) (Public Works Department)

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

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

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

2P

082339 Resolution

RESOLUTION ACCEPTING A QUIT CLAIM DEED FROM FDG BEACON COUNTYLINE, LLC, A FLORIDA CORPORATION, FOR A PORTION OF TRACT 29 OF THE PLAT OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY IN SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST (Public Works Department)

Forwarded to BCC with a favorable recommendation

Mover: Rolle

Seconder: Edmonson

Vote: 6-0

Report: *During consideration of the changes to today's agenda, Assistant County Attorney Geri Bonzon-Keenan noted a scrivener's error existing in the subject line of the Manager's memorandum pertaining to this resolution, handwritten page 1, that should be corrected to read: Resolution Accepting a Quit Claim Deed from FDG Beacon Countyline, LLC for a Portion of Tract 29 of the Plat of Florida Fruit Lands, as recorded in Plat Book 2, Page 17, in Miami-Dade County, 17-52-40 Commissioner District: 12 .*

Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.

Hearing no comments or questions, the Committee proceeded to vote on the foregoing proposed resolution, with a correction of the scrivener's error, as noted.

2Q

082366 Resolution

RESOLUTION GRANTING PETITION TO CLOSE THE ALLEY FROM NW 25 AVENUE TO NW 111 STREET (ROAD CLOSING PETITION NO. P-862) (Public Works Department)

Forwarded to BCC with a favorable recommendation

Mover: Rolle

Seconded: Edmonson

Vote: 6-0

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

In response to Commissioner Rolle's question of whether the road closing fee was paid by the owner of the property or could the fee be divided and paid by those listed on the petition, Ms. Esther Calas, Director, Public Works Department, noted the road closing fees were usually paid by the applicant, but a joint application could be filed.

Commissioner Edmonson questioned whether the proper name for the alley way was 25th Avenue or 18th Avenue, as indicated on page 2 of the County Manager's cover memorandum.

Ms. Calas noted 25th Avenue was the correct name, and the scrivener's error in the County Manager's Memorandum would be corrected before this item was presented before the Board of County Commissioners.

Hearing no further comments or questions, the Committee proceeded to vote on the foregoing proposed resolution with a correction of the scrivener's error, as noted.

2R

082367 Resolution

RESOLUTION GRANTING PETITION TO CLOSE SW 75 STREET, FROM SW 74 AVENUE EAST FOR APPROXIMATELY 153 FEET (ROAD CLOSING PETITION NO. P-851) (Public Works Department)

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Seconded: Edmonson

Vote: 6-0

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

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

2S

082400 Resolution

RESOLUTION DECLARING THE ACQUISITION OF PROPERTY LOCATED AT 8580 NE 2 AVENUE NEEDED FOR THE RELOCATION OF A WATER MAIN TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE, BY DONATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR BY EMINENT DOMAIN COURT PROCEEDINGS INCLUDING DECLARATIONS OF TAKING, AS NECESSARY (Public Works Department)

*Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Edmonson
Vote: 6-0*

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

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

2T

082403 Resolution

RESOLUTION DECLARING THE ACQUISITION OF PROPERTY LOCATED AT 8484 NE 2 AVENUE NEEDED FOR THE RELOCATION OF A WATER MAIN TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE, BY DONATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR BY EMINENT DOMAIN COURT PROCEEDINGS INCLUDING DECLARATIONS OF TAKING, AS NECESSARY (Public Works Department)

*Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Edmonson
Vote: 6-0*

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

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

2U

082408 Resolution

RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF SWEETWATER FOR THE PURCHASE AND DELIVERY OF TREES (NOT TO EXCEED \$20,000 FROM THE COMMUNITY IMAGE ADVISORY BOARD), TREE PLANTING WITHIN THE CITY LIMITS AND TRAINING OF CITY TREE CARE SPECIALISTS (Public Works Department)

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Edmonson

Vote: 6-0

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

Commissioner Rolle asked if the County currently had trees available to replenish the trees lost in other districts. He noted he had requested, for years, that District 2 be furnished with trees.

Ms. Christina Casado, Interim Community Image Manager, Public Works Department (PWD), responded, noting the City of Sweetwater approached the Community Image Advisory Board (CIAB) for assistance in its efforts to replace tree canopy, and the CIAB decided to provide them with assistance. She explained that part of the Street Tree Master Plan implementation strategy was to encourage partnerships between the municipalities and the CIAB to further the goals of improving the tree canopy.

In response to Commissioner Rolle's question regarding how Districts in Unincorporated Miami-Dade County could acquire trees, Ms. Casado noted projects were presented to the CIAB for consideration in areas that had low density tree canopy, and if approved, the CIAB would mandate the PWD to develop and initiate a process.

Commissioner Rolle asked if there were other departments that dealt with allocating trees to Unincorporated Miami-Dade County, Assistant County Manager Susanne Torriente noted there were other departments that could address this issue, and staff could meet with him to review the corridors and areas, and discuss the issue of trees within District 2.

Commissioner Rolle clarified his question was, which department would be appropriate to request trees for NW 27th, 22nd and 17th Avenues.

Assistant County Manager Susanne Torriente noted staff would work with Ms. Calas and Ms. Casado to address his concerns.

Chairwoman Seijas stated she felt there should be some balance between municipalities and Unincorporated Miami-Dade. She suggested Commissioner Rolle provide a report on the outcome of his meeting with staff at the next committee meeting.

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

2V

082482 Resolution

RESOLUTION WAIVING FORMAL BID PROCEDURES RATIFYING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE AWARD OF THREE EMERGENCY CONTRACTS: CONTRACT NO. E8805-0/09 IN THE AMOUNT OF \$5,153,374 WITH CASCADE ENGINEERING, INC. FOR RECYCLING CONTAINERS, CONTRACT NO. E8806-0/09 WITH BARKER ENVIRONMENTAL COMPANY LLC IN THE AMOUNT OF \$609,000 FOR ASSEMBLY AND DELIVERY OF RECYCLING CONTAINERS AND CONTRACT NO. E8807-0/09 IN THE AMOUNT OF \$3,847,214 WITH OTTO ENVIRONMENTAL SYSTEMS FOR RECYCLING CONTAINERS (Procurement Management Department)

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

Report: *During consideration of the changes to today's agenda, Assistant County Attorney Geri Bonzon-Keenan noted a scrivener's error existing on handwritten page 1, Item No. 2 of this resolution that should be corrected to read: Barker Environmental Co. LLC – Assembly and Delivery Services for 210,000 carts at \$2.90 per cart for a total fiscal impact of \$609,000.*

Assistant County Attorney Geri Bonzon-Keenan read the foregoing proposed resolution into the record.

Commissioner Gimenez questioned which vendor submitted the lowest bid for the recycling carts contract.

Assistant County Manager Susanne Torriente noted Puryear was recognized as the lowest bidder when the Small Business Development (SBD) measures were factored in.

Ms. Kathleen Woods-Richardson, Director, Solid Waste Management (SWM), added that Auto submitted the lowest original bid on the prices.

In response to Commissioner Gimenez' question regarding why Auto's current price was higher than its original bid, Ms. Woods-Richardson noted in the negotiations for the emergency contract, Cascade offered the lower price, but during the negotiation process, vendors were unwilling to hold their original prices and the prices increased.

Commissioner Gimenez asked if Puryear was subcontracting to Cascade, Ms. Woods replied

yes. She noted Puryear purchased its carts from the same company that the County now purchased its carts from.

Responding to Commissioner Gimenez' question regarding what the original prices were without a subcontractor, Ms. Miriam Singer, Department of Procurement Management (DPM), noted Auto's price per cart was \$40.87; Puryear's price per cart was \$41.08; Cascade's price per cart was \$43.15 and Toter's price per cart was \$41.63.

In response to Commissioner Gimenez' question why Puryear could not keep their original price, if the vendor providing them with carts was the same vendor providing the County with carts, Ms. Woods-Richardson noted it appeared that a breakdown in the relationship between Puryear and its vendors had occurred due to overpayments and delayed receipt of materials. She noted Puryear was unable to resolve those issues.

In response to Commissioner Rolle's question regarding the timeline that Puryear was given to rectify its problems, Ms. Woods-Richardson noted Puryear did well at delivering carts to households in the first four weeks of service, but by the fifth week, Puryear's services had decreased in the quantity of carts delivered. She noted the department began meeting with Puryear and communicated constantly with them in an effort to resolve these issues. She stated she felt Puryear was given sufficient time to address these problems.

In response to Chairwoman Seijas' question regarding the number of carts already delivered to households, Ms. Woods-Richardson noted approximately 160,000 carts had been delivered to households to date. She noted Puryear delivered the first 140,000 carts; the County staff delivered about 3,000 carts within the last two weeks and, as of yesterday, the new vendor began delivering. She stated she anticipated a total of approximately 340,000 carts would be delivered to households.

In response to Commissioner Rolle's question whether this issue would affect the new Recycling Services contract, Ms. Woods-Richardson noted the recycling services continued throughout the County; however, the full implementation of the new Recycling Program would be delayed by about ten (10) weeks.

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

2W

082343 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR A PAD MOUNTED TRANSFORMER AND UNDERGROUND SERVICE AT WASTEWATER PUMP STATION NUMBER 641, LOCATED AT 19010 SW 119 COURT (Water & Sewer Department)

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

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

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

2X

082344 Resolution

RESOLUTION AUTHORIZING MIAMI-DADE COUNTY TO CONVEY COUNTY-OWNED PROPERTY CONSISTING OF APPROXIMATELY 245 SQUARE FEET OF LAND TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO CORRECT AN ENCROACHMENT OF APPROXIMATELY THREE FEET INTO THE RIGHT-OF-WAY OF THE PROPOSED PLAT FOR THE MIAMI INTERMODAL CENTER AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Edmonson
Vote: 6-0

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

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

2Y

082345 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF ELECTRICAL SERVICE FOR THE HIGH LEVEL DISINFECTION FACILITY AT THE SOUTH DISTRICT WASTEWATER TREATMENT PLANT (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Edmonson
Vote: 6-0

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

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

2Z

082351 Resolution

RESOLUTION APPROVING A JOINT FUNDING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND U.S. GEOLOGICAL SURVEY ("USGS") TO STUDY ORGANIC WASTEWATER COMPOUNDS, ANTIBIOTICS, HORMONES AND PHARMACEUTICALS IN WASTEWATER, DRINKING WATER, CANALS, AND GROUNDWATER IN MIAMI-DADE COUNTY IN AMOUNT NOT TO EXCEED \$750,000 (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Edmonson
Vote: 6-0

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

In response to Chairwoman Seijas' question regarding when staff would expect the results of the study, Mr. John Renfrow, Water and Sewer Department Director, said he could not provide an exact date at this time, but he was sure it would take more than a year, and that he could provide an exact date at a later time.

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

2AA

082385 Resolution

RESOLUTION APPROVING EXECUTION OF AGREEMENT WITH THE CITY OF CORAL GABLES PROVIDING FOR THE RESTORATION OF A PORTION OF THE CORAL GABLES WATERWAY IN AN AMOUNT NOT TO EXCEED \$100,000 (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Edmonson
Vote: 6-0

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

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

2BB

082429 Resolution

RESOLUTION RATIFYING THE COUNTY MAYOR'S ACTION OF THE EXECUTION BY THE MAYOR OR HIS DESIGNEE OF A NATURAL GAS TRANSPORTATION SERVICE AGREEMENT BETWEEN FLORIDA CITY GAS AND MIAMI-DADE COUNTY AND TO EXERCISE THE CANCELLATION AND RENEWAL PROVISIONS CONTAINED THEREIN (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Edmonson
Vote: 6-0

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

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

2CC

082430 Resolution

RESOLUTION RATIFYING THE COUNTY MAYOR'S ACTION OF THE EXECUTION BY THE MAYOR OR HIS DESIGNEE OF THE FIRST AMENDMENT TO A NATURAL GAS TRANSPORTATION SERVICE AGREEMENT BETWEEN FLORIDA CITY GAS AND MIAMI-DADE COUNTY AND TO EXERCISE THE CANCELLATION AND RENEWAL PROVISIONS CONTAINED THEREIN (Water & Sewer Department)

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Seconder: Edmonson

Vote: 6-0

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

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

2DD

082049 Ordinance

ORDINANCE PERTAINING TO ROAD IMPACT FEES; AMENDING SECTIONS 33E-2, 33E-5, 33E-7 THROUGH 33E-11 AND 33E-13 THROUGH 33E-15 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); CREATING SECTIONS 33E-6.1, 33E-11.1 AND 33E-17 OF THE CODE; UPDATING THE ROAD IMPACT FEE FORMULA AND FEE SCHEDULE; PROVIDING FOR AUTOMATIC ADJUSTMENT OF FEE SCHEDULE BASED ON FLORIDA DEPARTMENT OF TRANSPORTATION INFLATION FACTOR; PROVIDING APPLICABILITY; REPEALING THE ROAD IMPACT FEE MANUAL (MANUAL) IN ITS ENTIRETY AND ADOPTION OF MANUAL BY RESOLUTION; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE AGENDA ITEM NO. 3(C) SUBSTITUTE AND 3(C) ALTERNATE] (Public Works Department)

*Deferred to October 14, 2008**Mover: Edmonson**Seconder: Diaz**Vote: 6-0*

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

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

1. Ms. Truly Burton, representing the Builders Association of South Florida (BASF), noted BASF members met with Ms. Esther Calas, Public Works Department (PWD) Director and Ms. Gaspar Miranda, Assistant Director, PWD, concerning this ordinance. She further noted Ms. Calas explained this ordinance to BASF members, reviewed its details, made amendments, and Ms. Calas understood the impact of these fees on the Housing Industry. Ms. Burton noted, although sensitive to an increase in impact fees, the BASF was pleased with the procedure followed by staff, and supported this ordinance.

2. Mr. Jose Gonzalez, Flagler Development Group, 2025 Lejuene Road, noted his organization did not object to this ordinance, but suggested an amendment be made to add a clause addressing how the Development Regional Impact (DRI) process would be handled in relation to the new road impact fee.

There being no one else wishing to speak in connection with this ordinance, the public hearing was closed.

Commissioner Diaz noted he had concerns regarding the foregoing proposed ordinance. He questioned whether the County or the municipalities had the preference to charge the road impact fee.

Assistant County Attorney Craig Collier noted the countywide Road Impact fee was imposed to improve county roads impacted by new development. He noted a municipality could not charge an impact fee to improve the same infrastructure that the County was improving, but should use its fees to improve local roads that the County was not utilizing impact fees to improve.

Expressing his concerns with double charges, Commissioner Diaz asked if municipalities could charge mitigation fees that would coincide with the County's road impact fee for other uses such as sidewalks or traffic lights.

Ms. Calas, Director, Public Works Department, noted there were some municipalities that assessed additional impact fees on local roads for different reasons.

Commissioner Diaz questioned whether the County could charge a road impact fee for a local road. He also questioned whether a double charge could occur for any road, and if so, would the City or the County get priority or would the developer receive a credit.

Assistant County Attorney Collier explained the City could charge a fee, alongside the County, to improve its local roads not improved by the County. He clarified that both the County and the City could not charge an impact fee to improve the same roads. Assistant County Attorney Collier further noted a developer could not receive a credit against the County's impact fee for monies paid to a city, because the city's fee was directed towards improving its local roads, and the county's impact fee was directed towards county roads.

Commissioner Diaz clarified his question was whether the developer could be required to pay mitigation to both the City and the County if the developer built something that impacted two roads.

Assistant County Attorney Collier noted a developer could perceive that an impact fee was

being charged by both the County and the City; however, the County had nine impact fee districts and the impact fee assessed by the County was not necessarily used to improve a roadway near a construction site, but a roadway somewhere within the impact fee district. He noted all that had to be demonstrated was rough proportionality, as a nexus between the development and the improvement.

Chairwoman Seijas pointed out this was the first time since 1994 that the impact fee code was being adjusted, and considerable changes had occurred in the construction industry since that time. She suggested, unless this item was time-sensitive, the ordinance be deferred to the October 14th Committee meeting to allow Committee members to review it, and to address Committee members' concerns with other departments.

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

Ms. Calas noted she would provide Committee members with all the information she had pertaining to municipalities that charged an additional impact fee.

3 COUNTY COMMISSION

3A

081877 Ordinance

Carlos A. Gimenez

ORDINANCE PERTAINING TO ROAD IMPACT FEES; AMENDING SECTIONS 33E-3, 33E-5 AND 33E-12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); AMENDING THE ROAD IMPACT FEE FORMULA; PROVIDING FOR TRANSIT USE OF ROAD IMPACT FEES UNDER CERTAIN CONDITIONS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE AGENDA ITEM NO. 2(GG)]

*Deferred to October 14, 2008**Mover: Gimenez**Seconder: Diaz**Vote: 6-0*

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

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

Ms. Truly Burton, representing the Builders Association of South Florida (BASF), noted BASF members met several times with Commissioner Gimenez, and understood his intent, but needed clarity on one issue regarding funds collected inside the Urban Infill Area (UIA) to be spent for the transit area within the UIA in each district. She pointed out that about four or five benefit districts were bisected by the UIA in some measure and the BASF wanted some clarity on that issue.

Commissioner Gimenez noted he agreed with Ms. Burton's statements. He also noted that funds collected within a benefit district outside the UIA were not to be used inside the UIA for transit because those areas already had roadway capacity. He asked if this item was tied to the previous ordinance in Agenda Item 2DD, which was not his intent.

Assistant County Attorney Collier noted this ordinance was directed as if the changes to the Road Impact Fee (RIF) ordinance had been adopted; and staff would need to prepare an alternate item that would stand alone, in case the RIF ordinance was not adopted. He also noted he would like to make certain modifications to this ordinance and the alternate ordinance consistent with Ms. Burton's comments.

Mr. James Kay, Project Manager, City of Coral Gables - Public Works Department, 1900 Rosaro

Street, Coral Gables, appeared before the Committee in support of this ordinance.

There being no one else wishing to speak on this matter, the public hearing was closed, and the Committee proceeded to vote on a motion to defer, as moved by Commissioner Gimenez.

Assistant County Attorney Collier advised that the amended versions of both the original and the alternate ordinance would come back before this Committee for a public hearing.

3B

082220 Ordinance County Commission

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF FLORIDA CITY, FLORIDA, AND AMENDING THE CHARTER OF SUCH MUNICIPALITY BY PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS, UNDER AND PURSUANT TO PROCEEDINGS PRESCRIBED BY SECTION 6.04(B) OF THE HOME RULE CHARTER; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE AND UTILITY TAX REVENUES; PROVIDING RETENTION OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 082122] [SEE AGENDA ITEM NO. 11A15]

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

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

Chairwoman Seijas opened the public hearing on the foregoing ordinance. Seeing no one wishing to speak, the public hearing was closed and the Committee proceeded to vote.

3C

082223 Ordinance County Commission

ORDINANCE CHANGING THE BOUNDARIES OF MIAMI SHORES VILLAGE, 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 AND UTILITY 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 ORIGINAL ITEM UNDER FILE NO. 082123] [SEE AGENDA ITEM NO. 3(D)]

*Deferred to October 14, 2008**Mover: Edmonson**Seconder: Diaz**Vote: 6-0*

Report: *During consideration of the changes to today's agenda, the foregoing proposed ordinance was deferred, as requested by the Village of Miami Shores.*

3C SUB.

082305 Ordinance County Commission

ORDINANCE CHANGING THE BOUNDARIES OF MIAMI SHORES VILLAGE, 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 AND UTILITY 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 ORIGINAL ITEM UNDER FILE NOS. 082123 AND 082223] [SEE AGENDA ITEM NO. 3(D)]

*Deferred to October 14, 2008**Mover: Edmonson**Seconder: Diaz**Vote: 6-0*

Report: *During consideration of the changes to today's agenda, the foregoing proposed ordinance was deferred, as requested by the Village of Miami Shores.*

3D

081968 Ordinance**Sally A. Heyman**

ORDINANCE RELATING TO ZONING AND MOTOR VEHICLE REPAIRS; AMENDING SECTION 33-247 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE") TO PROVIDE FOR CERTAIN ANCILLARY SERVICES FOR AUTOMOBILE NEW PARTS AND EQUIPMENT SALES FACILITIES; AMENDING SECTION 8A-161.3 OF THE CODE TO EXEMPT CERTAIN PROVIDERS OF MINIMAL AUTOMOBILE MAINTENANCE REPAIRS FROM THE APPLICATION OF THE MOTOR VEHICLE REPAIR ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

The motion that this matter be Forwarded to BCC without a recommendation failed.

Mover: Edmonson

Seconder: Diaz

Vote: 3-3

No: Seijas, Martinez, Rolle

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

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

In response to Commissioner Diaz question of how this ordinance would be enforced, Ms. Cathy Peel, Director, Consumer Services Department (CSD), noted this ordinance would be enforced by CSD pursuant to the Motor Vehicle Repair Ordinance on a random consumer complaint basis, and the CSD would respond to industry complaints as well. She explained that 67 businesses, currently registered as motor vehicle repair facilities, would be excluded from the Motor Vehicle Repair Ordinance provided that an employee performed only minimal services incidental to the sale of an automobile part purchased from their store and that the service was limited to 20 minutes or less. She noted the foregoing ordinance specified that the facilities could not charge for this service or include added charges to the parts purchased.

In response to Commissioner Martinez question regarding how this ordinance came about, Ms. Peel said she was unaware of the reason, but noted any auto parts store continuing to do repairs outside the store, were required to have a motor vehicle repair license pursuant to the Motor Vehicle Repair Ordinance.

In response to Commissioner Gimenez question whether anyone had ever received a citation for doing minor repairs outside an auto parts store,

Ms. Peel noted, in the past, the CSD's enforcement staff had approached auto repair shops that were not registered as a motor vehicle repair facilities, and advised them that they were required to have a registration to perform these services. She further noted the registration cost was \$200, the apprenticeship fee for employees performing the services was \$15, and the insurance cost was about \$1,500.

In response to Commissioner Martinez' question whether auto parts stores that chose not to provide vehicle repair services would be mandated to meet the registration, insurance and other requirements, Ms. Peel stated that as long as the stores were not providing the repair services, they would not be subject to the Motor Vehicle Repair Ordinance.

In response to Commissioner Gimenez' question whether an auto parts store employee assisting a customer with a minor service would be required to have a registration, apprenticeship and insurance under the foregoing ordinance, Ms. Peel said no, provided this ordinance passed.

Following Chairperson Seijas' comments, it was moved by Commissioner Edmonson that the foregoing proposed ordinance be forwarded to the County Commission without a recommendation to allow the sponsoring Commissioner to explain her intent. This motion was seconded by Commissioner Diaz, and upon being put to a vote, the motion failed 3-3.

3E

082143 Ordinance**Sally A. Heyman**

ORDINANCE RELATING TO WATER CONSERVATION MEASURES; AMENDING SECTION 32-8.1 OF THE CODE OF MIAMI-DADE COUNTY; IMPOSING PERMANENT RESTRICTION ON SERVING WATER WITHOUT REQUEST IN RESTAURANTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

The motion that this matter be Forwarded to BCC with a favorable recommendation failed.
Mover: Martinez
Seconder: Edmonson
Vote: 1-5
No: Seijas, Diaz, Gimenez, Rolle, Edmonson

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

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.

It was moved by Commissioner Martinez that this resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Edmonson, followed by a discussion.

Chairwoman Seijas noted she opposed this ordinance because she felt that imposing permanent restrictions on restaurant owners was too punitive. She noted the County currently promoted a Green Restaurants Program that suggested restaurants serve customers water only upon the customer's request. She also noted she did not agree with the fiscal impact described in this ordinance, for which she felt was written incorrectly.

Commissioner Diaz agreed with Chairwoman Seijas' statements concerning a mandate imposed on restaurants. He noted he was supportive of the Green Restaurants program and of asking a business owner to serve water only upon request, but felt the business entities should be given the right to decide. He pointed out the County's dependence on tourism and stated that most restaurants already ask before serving water. Commissioner Diaz noted he would not support a mandate, and would not support this ordinance.

Commissioner Martinez noted he saw this ordinance as a negative only to the County, and not an imposition on the restaurants because the County would receive less revenue. He noted

restaurants would save water by serving water upon request, and he spoke in support of this ordinance.

Chairwoman Seijas asked for clarification on the fiscal impact of this ordinance related to water conservation measures.

Mr. John Renfrow, Director, Water and Sewer Department, noted it was impossible to determine the financial impact, but noted any restaurant participating in the Green Restaurants Program could receive a 100 gallon per day credit.

Commissioner Gimenez questioned the number of restaurants in Miami-Dade County, and whether the 100 gallon per day credit per restaurant was a net effect and the reason for decreased revenues.

Mr. Renfrow noted he was unaware of the exact number of restaurants in the County, but noted less water would be consumed if less water was being served; however, he could not quantify it. He noted the factor given by the Water Management District was a credit of 100 gallons per day per restaurant for those restaurants participating in the Green Restaurants program.

In response to Commissioner Gimenez' question of whether the County was experiencing problems in terms of water, Mr. Renfrow replied no. Commissioner Gimenez noted until the County imposed more water restrictions, he would prefer this matter to remain a business decision.

Chairwoman Seijas pointed out that the Green Restaurants program consisted of many more rules than what applied to serving water at restaurant tables.

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

3F

082454 Resolution County Commission

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

Forwarded to BCC with a favorable recommendation

Mover: Diaz

Seconder: Martinez

Vote: 6-0

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

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

3G

082455 Resolution County Commission

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND MIAMI SHORES VILLAGE IN CONNECTION WITH THE PROPOSED ANNEXATION BY MIAMI SHORES; 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. 3(A)SUBSTITUTE]

Deferred to October 14, 2008

Mover: Edmonson

Seconder: Diaz

Vote: 6-0

Report: *During consideration of the changes to today's agenda, the foregoing proposed resolution was deferred, as requested by the Village of Miami Shores.*

3H

082487 Resolution Natacha Seijas

RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF MIAMI LAKES CHARTER ELIMINATING MITIGATION PAYMENTS TO MIAMI-DADE COUNTY AND THE "MOST FAVORED NATIONS CLAUSE" AS IT APPLIES TO MITIGATION UPON CERTAIN CONDITIONS

Forwarded to BCC with a favorable recommendation
Mover: Seijas
Seconder: Diaz
Vote: 5-1
No: Gimenez

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

Chairwoman Seijas relinquished the Chair to Vice Chairman Diaz, and moved a motion that this resolution be forwarded to the County Commissioner with a favorable recommendation. The motion was seconded by Vice Chairman Diaz, followed by a discussion.

Commissioner Gimenez noted he opposed mitigation from the beginning, but would support this resolution if other cities were included.

Commissioner Seijas stated each city began at different times and paid different amounts, and she felt it would be fair to evaluate each city separately.

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 September 09, 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 September 16 BCC meeting for consideration.

3I

082175 Resolution Katy Sorenson

RESOLUTION DIRECTING COUNTY MAYOR OR HIS DESIGNEE TO EXPLORE RESOLUTION OF MITIGATION PAYMENT DISAGREEMENT WITH THE TOWN OF MIAMI LAKES, VILLAGE OF PALMETTO BAY AND CITY OF DORAL

Amended

Report: (See Agenda Item 3I Amended; Legislative File No. 082616 for the amended version)

3I AMENDED

082616 Resolution

Katy Sorenson

RESOLUTION DIRECTING COUNTY MAYOR OR HIS DESIGNEE TO EXPLORE RESOLUTION OF MITIGATION PAYMENT DISAGREEMENT WITH THE TOWN OF MIAMI LAKES, VILLAGE OF PALMETTO BAY AND CITY OF DORAL [SEE ORIGINAL ITEM UNDER FILE NO. 082175]

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

Mover: Gimenez

Seconder: Edmonson

Vote: 6-0

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

It was moved by Commissioner Martinez that the foregoing resolution be forwarded to the County Commission with a favorable recommendation. This motion was seconded by Commissioner Gimenez for discussion.

Commissioner Sorenson stated she was sure the Board of County Commissioners (BCC) realized the mitigation payments had caused more problems than they had solved, and that they would like to see these issues resolved fairly. She asked the County Attorney's Office to consider negotiating with the Cities of Doral and Palmetto Bay in the same manner as they did with the City of Miami Lakes to ensure parity and equity among the three concerned municipalities.

In response to Chairwoman Seijas' suggestion, Assistant County Attorney Cynthia Johnson-Stacks noted this item could be amended to reference the City of Miami Lakes' Resolution in Agenda Item 3H (legislative file no 082487).

Commissioner Martinez noted these cities proposed a charter, which was voted on by their residents and approved by the County Commission, and they agreed to pay mitigation, but now were backing out of the agreement. Commissioner Martinez withdrew his motion.

Commissioner Sorenson concurred that the cities agreed to pay mitigation; however, she noted the contracts could be re-negotiated if both parties agreed to it. She noted the cities and the County needed to work together and both needed to resolve this issue.

Commissioner Martinez noted his concern was that the cities sued the County rather than negotiating from the beginning.

Commissioner Diaz noted he previously proposed a resolution, which was deferred because of ongoing legal matters. He questioned whether the City of Doral's Mayor had met with Commissioner Sorenson regarding this issue and what the status of the legal issues was.

Commissioner Sorenson noted the City of Doral's Mayor did not approach her, but she included all three municipalities in this resolution because she felt all three issues should be resolved.

Regarding the pending law suits, Assistant County Attorney Craig Coller noted the County prevailed in the primary law suit filed by the Cities of Miami Lakes and Doral in which a law passed by the Florida Legislature was found to be unconstitutional. He noted both cities filed an appeal, which was pending before the 3rd District Court of Appeals. He also noted two other pending law suits were filed by the Cities of Miami Lakes and Palmetto Bay arguing their mitigation fees should be reduced or refunded based on certain events of other incorporations. He advised that if the mitigation cases were resolved, it would be a resolution of all cases with respect to all litigation.

Commissioner Diaz noted he would like to know the status of these cases before moving forward, and that he would like all cities to be included in this resolution.

Chairwoman Seijas encouraged Committee members to contact Assistant County Attorney Craig Coller and request a private meeting with him to be briefed on the legal matters between the municipalities and the County to get a better understanding of it. She spoke in support of this proposal, noting Commissioner Sorenson was only asking that the Administration explore negotiating with the three municipalities.

Commissioner Diaz pointed out the City of Medley was still paying mitigation, and he felt this resolution should be amended to include any and all municipalities.

Chairwoman Seijas noted the City of Medley should not be included in this resolution because it did not pay mitigation for the same reasons as other cities did.

Following further discussion, it was moved by Commissioner Gimenez that the foregoing proposed resolution be forwarded to the County Commission with a favorable recommendation, with committee amendment(s) to ask the Mayor or his designee to use the same approach used in settling the mitigation payments with the City of Miami Lakes to negotiate settlement agreements with the Village of Palmetto Bay and the City of Doral. This motion was seconded by Commissioner Edmonson, and upon being put to a vote, passed 6-0.

3J

082338 Resolution Joe A. Martinez

RESOLUTION REMOVING THE DESIGNATION OF S.W. 16TH STREET AS "JOSE CANSECO STREET" FROM S.W. 102ND AVENUE TO S.W. 107TH AVENUE

*Forwarded to BCC with a favorable recommendation
Mover: Martinez
Seconded: Gimenez
Vote: 6-0*

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

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

3K

081884 Resolution Dennis C. Moss

RESOLUTION DIRECTING THE COUNTY MAYOR OR HIS DESIGNEE TO PREPARE AND IMPLEMENT AN EDUCATIONAL CAMPAIGN DIRECTED TO "BIG BOX" RETAIL ESTABLISHMENTS TO INFORM SUCH ESTABLISHMENTS OF POTENTIAL FINES AND VIOLATIONS RESULTING FROM THEIR FAILURE TO CLEAN AND MAINTAIN THEIR PROPERTIES ON A REGULAR BASIS

*Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconded: Edmonson
Vote: 6-0*

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

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

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

082469 Report

CLERK'S SUMMARY OF MINUTES FOR THE JULY 8, 2008 GOVERNMENTAL OPERATION AND ENVIRONMENT COMMITTEE MEETING (Clerk of the Board)

Approved
Mover: Gimenez
Seconder: Edmonson
Vote: 6-0

6B

082549 Report

APPROVAL OF COMMISSION COMMITTEE MINUTES FOR THE JUNE 19, 2008 GOVERNMENTAL OPERATIONS AND ENVIRONMENT SPECIAL MEETING (Clerk of the Board)

Approved
Mover: Gimenez
Seconder: Edmonson
Vote: 6-0

7 REPORTS

7A

082053 Report

ORAL REPORT RE: SIX-MONTH REPORT ON THE COUNTY'S 20-YEAR WATER USE PERMIT ISSUED BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT ON NOVEMBER 15, 2007 (County Manager)

Report accepted
Mover: Rolle
Seconder: Diaz
Vote: 6-0

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

Mr. John Renfrow, Director, Water and Sewer Department (WASD), provided a six-month update on the Water Consumptive Use Permit (CUP). He noted WASD had met every CUP deadline and was ahead of schedule on certain projects at the South Dade Water Treatment Plant. He also noted WASD was also achieving its goals in water conservation relative to the CUP. Mr. Renfrow noted the County Commission approved the Water Use Efficiency Ordinance providing for high efficient plumbing fixtures, and WASD was on track in implementing it.

7B

082401 Report

REPORT ON THE FEASIBILITY OF PROVIDING WATER TO THE CITY OF NORTH MIAMI ON A WHOLESALE BASIS (County Manager)

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

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

Commissioner Rolle noted he had no issues with accepting this report, but expressed concerns with the cost of water charged to residents living in Unincorporated Miami-Dade County. He noted he would be asking the State to reconsider its statute that allowed North Miami to charge those residents additional fees for water.

7C

082521 Report

BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND (BBC-GOB) PROGRAM QUARTERLY STATUS REPORT - SECOND QUARTER FY-08 (JANUARY 1 - MARCH 31, 2008) (County Manager)

Report Received
Mover: Rolle
Seconder: Gimenez
Vote: 6-0

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

8 ADJOURNMENT

Report: *There being no further business to come before this Board, the Governmental Operations and Environment Committee meeting was adjourned at 12:00 a.m.*



Natacha Seijas, Chair