



**MIAMI-DADE COUNTY
FINAL OFFICIAL
Meeting Minutes**

Board of County Commissioners

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

Thursday, January 22, 2009
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Jill Thornton, Commission Reporter
(305) 375-2505



Members Present: Bruno Barreiro; Jose "Pepe" Diaz; Carlos A. Gimenez; Sally A. Heyman; Barbara J. Jordan; Joe A. Martinez; Dennis C. Moss; Dorrin Rolle; Natacha Seijas; Katy Sorenson; Rebeca Sosa; Javier D. Souto

Members Absent: Audrey M. Edmonson

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 **MINUTES PREPARED BY:**

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

1A **MOMENT OF SILENCE**

Report: *The Board convened in a moment of silence, followed by the Pledge of Allegiance.*

1B **PLEDGE OF ALLEGIANCE**

1C ROLL CALL

FINAL OFFICIAL

Report: *The following staff members were present: County Manager George Burgess; Senior Advisor to the County Manager Cynthia Curry; Assistant County Manager Ysela Llori; County Attorney Robert Cuevas; First Assistant County Attorney Abigail Price-Williams; Assistant County Attorneys Gerald Heffernan, Craig Collier, Hugo Benitez, Jim Kracht, Oren Rosenthal and Bruce Libhaber; Office of Strategic Business Management Director Jennifer Glazer-Moon; and Deputy Clerks Diane Collins and Jill Thornton.*

Chairman Moss called the meeting to order and provided opening remarks. He expressed appreciation to his colleagues for electing him as the new Chairman of the Board of County Commissioners and to former Chairman Barreiro and Commission Districts 5 and 9 staff for their efforts in making the transition smooth. He also expressed appreciation to Vice-Chairman Diaz for his anticipated assistance in moving the community's agenda forward. Chairman Moss noted his commitment to work with the County Mayor and the Administration to improve Miami-Dade County, and with the County's municipalities, the League of Cities, the Miami-Dade Delegation, the Congressional Delegation, and the business community.

Chairman Moss read into the record his memorandum outlining new Chamber Rules of Decorum, Rules of Debate, and Rules for the Call to Order. He stated he expected everyone who entered the chamber to adhere to these rules and the Sergeant of Arms to enforce them.

Chairman Moss noted his desire to implement a committee system that set policies and direction rather than one that managed agendas. He advised he would issue additional correspondence in the near future outlining several new initiatives, many of which would address the 90-day goals he spoke about in his acceptance speech. Chairman Moss reminded his colleagues of the D.C. Fly-in scheduled for February 24 through 26, 2009 and that the Mayor's "State of the County Address" was scheduled for February 10, 2009. He asked his colleagues to be present and take part in these events.

Chairman Moss, during his opening remarks, noted he would distribute a memorandum calling for a Special Meeting of the County Commission on February 13, 2009, to discuss the Marlins Baseball Stadium. He encouraged all commissioners to confirm their attendance by endorsing this memorandum pursuant to the Board's rules and procedures. Chairman Moss asked the County Manager to ensure that all Commissioners receive copies of all documents pertaining to the Baseball Stadium issue at least two weeks in advance of the February 13th Special BCC meeting. He also asked the Manager to ensure each Commissioner was briefed on this issue by members of the Administration before the Special meeting was held. Chairman Moss said he would revisit the scheduling of the Special BCC meeting at the February 3rd BCC meeting.

Chairman Moss expressed concern with erroneous reports from Channel 4 over the last several weeks regarding Commission District Discretionary Funds being used inappropriately to purchase Christmas cards or spent frivolously. He noted he and several commissioners responded to the reports and Channel 4 had since retracted some of the allegations. Chairman Moss said he was unsure of how much of the Channel 4 retraction was viewed by the public since it was aired during the Presidential Inauguration, and asked that a clip of it be shown now.

Following a brief video presentation on Channel 4's retraction, Chairman Moss noted he would be challenging the media in the future on the veracity of

media reports. He referenced an article in today's Miami Herald newspaper that he felt undermined the Commissioners' efforts to provide jobs and assist local "mom and pop" businesses in this community. He said although he might make some mistakes along the way, his intentions were to exhibit bold leadership based on the following three principles: 1) Is it right? 2) Is it in the best interest of the People and this Community? and 3) Is it in the best interest of this Commission and this County?

Commissioner Jordan commended Chairman Moss for challenging inaccurate reports of the media. She noted if inaccurate reports of the media were continually challenged, the media's credibility would become questionable. She also noted her office contacted Channel 4 several times to challenge the reports and advise that the reports were false, but the media chose to publish them anyway.

Commissioner Sosa noted that District 6 Commission Office was reported as one of the offices that spent the most last year; however, her office had accrued a surplus of funds throughout the years to be available during hard economic times and used those funds to provide funding for the elderly and children programs that lost funding when the State cut its budget, which was why she spent more.

Commissioner Seijas expressed appreciation to Chairman Moss for responding to the media and for supporting her during the recall issue that left her feeling victimized by the media. She said she did not respond to the media because she felt the media had never been fair or honest in their reporting, and she was annoyed with the unfairness of these reports.

Commissioner Souto commended Chairman Moss and fellow Commissioner's for responding to the media.

Commissioner Martinez congratulated Chairman Moss for a well-written response and expressed appreciation to the Office of Strategic Management (OSBM) staff and District 11 Chief of Staff for responding to the media and explaining the use of Commission District 11 Office funds. He noted there were other ways in which to respond to the media, and pursuant to the advice of his attorney, he would refrain from making further comments and deal with this matter in court.

Commissioner Gimenez expressed appreciation to Chairman Moss for a well-written response. He said he was surprised to learn that the Commission District 7 Office budget was reported as overspent when, in fact, his office budget had a \$2,000 surplus. He noted he responded to the media to explain the meaning of Carryover amounts in the budget.

Commissioner Sorenson expressed appreciation to Chairman Moss for responding to the media and noted her disappointment in Channel 4. She said she felt "freedom of the press" was essential to a democracy, and responding to the media was part of an elected official's responsibility in order to be transparent. She noted that both the media and the elected officials were responsible to the public's interest first in order to ensure freedom and transparency; otherwise, there would be consequences.

Commissioner Heyman expressed appreciation to Chairman Moss for taking a leadership role in challenging the media and insisting on accurate reporting. She pointed out that Chairman Moss had always advocated for 'freedom of the press' and was a strong proponent for additional publications to further

the efforts of public communication. She expressed appreciation to OSBM Director Jennifer Glazer-Moon and her staff for providing Channel 4 with accurate information, and expressed disappointment in Channel 4. She noted she responded to the media with written correspondence following staff's explanation to the media about "carryover" balances in Commission office budgets, but the media chose to publish the false reports anyway.

Commissioner Rolle noted for the record that he had never exceeded his office budget and that he had always sent Christmas cards since his first term as Commissioner. He said he explained to the media that the cost of sending Christmas cards was minimal and that he felt his actions were right. He asked where Channel 4 was when he distributed thousands of toys to the children in the innercity or at local hospitals on Christmas Eve. Commissioner Rolle further noted he saw no harm in spreading a little cheer; that sending Christmas cards served as a means of public outreach and that he planned to continue sending Christmas cards until his attorney advised him that doing so was a violation of public trust. He also expressed appreciation to Commissioner Moss for responding to the media.

Commissioner Diaz commended Chairman Moss for taking a leadership role in addressing this issue and for a well-written response. He said he had no issue with being transparent or responding to the media, but asked the County Attorney to explain the standards the media and journalists were held to for reporting the truth. He pointed out that not only public officials were hurt by the malicious lies reported, but the entire community as well.

Chairman Moss asked the County Attorney to respond to each Commissioner privately.

1D REPORTS OF OFFICIAL BOARDS

1E CITIZEN'S PRESENTATIONS (5 MINUTES MAXIMUM)

1E1

090068 Citizen's Presentation

Sally A. Heyman

CITIZEN'S PRESENTATION, BY ROBIN REITER,
CHAIRPERSON OF THE BUILDING BETTER COMMUNITIES
GENERAL OBLIGATION BOND PROGRAM'S CITIZENS'
ADVISORY COMMITTEE REGARDING THE PROGRAM'S
PROGRESS

Presented

Report: *Chairperson Robin Reiter, Building Better Communities-General Obligation Bond (BBC-GOB) Citizens Advisory Committee (CAC), expressed appreciation to Commissioner Heyman for inviting her to present this report today and to Commissioner Seijas for her courtesy extended when this report was presented before the Government Operations Committee. Ms. Reiter recognized Mr. Javier Salman, the newest member of the CAC. She noted the CAC consisted of 21 appointed members who tried to honor the Commissioners' and the Administration's commitment to ensure the citizens of Miami-Dade County that what they voted for would be implemented. Ms. Reiter noted the CAC recognized the BBC-GOB program was 15 to 20 years long and might need changes along the way. She also noted the CAC appreciated the County Commission's commitment to honor the process by forwarding any proposed changes to the bond program by various agencies or organizations, to the CAC for review and recommendation. She noted the CAC took its obligation seriously by conducting a series of public forums and community meetings in all commission districts countywide and provided continual reports on the progress of this program.*

Ms. Reiter noted over 90% of the projects promised in the first bond sale of the BBC-GOB program were completed on time and within or under budget. She also noted the CAC was unsure what the outcome of the next bond sale would be given the current economy, but understood the challenges and had been provided with tremendous guidance by the County's Office of Strategic Business Management. She said the CAC members felt it was vital to expedite capital projects as much as possible to keep the economy moving, and were committed to responsibly expediting BBC-GOB dollars for affordable housing, workforce housing projects, and larger projects such as museums, parks, the Florida Marlin's Baseball Stadium and the Seaport Tunnel. The CAC's primary concern, she noted, was projects with operational issues, such as libraries that might need to be postponed to the end of the bond program. Ms. Reiter noted the CAC applauded the efforts of the Board of County Commissioners (BCC) for several years with the Greater of Miami Chamber of Commerce and the Beacon Council to fast-track over \$800 million in capital projects at the State, Local and Federal levels. She noted the CAC also applauded the BCC for adopting the expedite ordinance and supporting this process.

In conclusion, Ms. Reiter noted the CAC would encourage the BCC to expedite as many capital projects as possible; to delay the use of interest earned on the BBC-GOB program for completing projects promised to the voters until the end of the program; and to inform the public of the status of those projects with operational/capital issues and whether they would move forward. Ms. Reiter expressed appreciation to the County Commission, the Administration and staff, and to the Office of Capital Improvements (OCI) for their true professionalism. She noted the CAC members did not benefit from the projects supported by the BBC-GOB program in any way, nor did they receive any funding from the program funds, which had helped to ensure the integrity of this process.

1E2

090083 Citizen's Presentation

Natacha Seijas

CITIZEN'S PRESENTATION BY SYLVIA UNZUETA ON
ISSUES RE: MIAMI-DADE PARKS*Presented*

Report: *Ms. Sylvia Unzueta, 1137 Astoria Avenue, Coral Gables, provided an overview of the history and purpose of the "In the Company of Women" event. She noted Vizcaya Park was the original site chosen for this event because of its location and unique history and particularly because it was acquired by a bond and really belonged to the entire Miami-Dade community. She also noted Vizcaya Park continued to be the ideal site for this event because the preeminent location was under the direct purview of the County Commission and had proven to be successful. Ms. Unzueta said she was surprised and disappointed to learn that the Parks and Recreation Department had changed the venue of this year's event to the Biltmore Hotel, and did not provide clear answers when she inquired why the move was necessary and imminent. She said she did not personally object to the change of venue at the Biltmore Hotel, but pointed out this hotel was an asset of the City of Coral Gables.*

Ms. Unzueta further noted the "In the Company of Women" award was created to celebrate the achievements of outstanding women in Miami-Dade County regardless of background or degree of education, and was designed to be affordable. She noted the new price of \$58 plus a ticket master fee was hardly accessible to all women. Ms. Unzueta also noted this event was originally designed to be open and inclusive, to allow women to mingle freely rather than congregate in familiar groups, and was to include diversity as a subtext to celebrate the accomplishments of very diverse women in this community.

Ms. Unzueta noted the colors and logo of this event, which were originally designed to be generic so that any woman could be represented, were changed. Additionally, she noted a category was added to include the 'Mayor's fine leader' category and the date of the event was changed to occur in the beginning of the Women's History month rather than at the end as a grand finale event. Ms. Unzueta stated it was important to ensure that changes made were in keeping with the spirit of this event. She said she spent many nights trying to develop this award and felt the Board should carefully consider the best venue for this event if it were to continue.

1F MOTION TO SET THE AGENDA AND "PULL LIST"

Report: County Attorney Robert Cuevas advised that Commissioner Heyman had asked that she be listed as a co-sponsor of Agenda Items 11A5 and 11A1; Commissioner Sosa asked that Agenda Item 3J1A be released from the Pull list, Agenda Item 12A1 be added to the Pull List and that her name be added to the Pull list as pulling Agenda Item 8J1A; Commissioner Jordan asked that Agenda Items 8A1A and 8O1D be added to the Pull list; and the County Manager asked that Agenda Items 8L1C and 8O1E be added to the Pull list for an amendment. In addition to changes listed in the County Manager's Memorandum of Changes dated January 22, 2009, County Attorney Cuevas requested Agenda Item 7D be deferred; however, he noted Commissioner Martinez requested this item be added to the Pull List. Additionally, he noted the County Manager requested Agenda Item 7H be deferred to the February 12th Airport and Seaport Committee meeting.

County Attorney Cuevas advised the agenda items to be considered at today's meeting were those listed in the printed final agenda, along with the changes noted in the County Manager's Memorandum of Changes and those changes he requested. He noted the Board would approve all of these items in a single vote, except Agenda Item 2B1 (Mayoral Appointment), ordinances on first reading, public hearings, ordinances on second reading, and the following Pull List Items: Agenda Items 8A1A, 8A1J, 8E1D, 8J1A, 8K1B, 8O1C, 8O1D, 8O1E, 8O1F, 8O1G, 8O1H, 8O1H Supplement, 8L1C, 8P1A, 8P1B, 8P1G, 8P1H, 8P1I, 8P1L, 8P1M, 8P1N, 8R1E, 9A2, 11A1, 11A2, 11A3, 11A4, 11A10, 11A13, 11A24, 12A1, 12A2, 12B3, 14A1 and 14B1.

Commissioner Diaz noted he requested Agenda Item 11A4 be added to the Pull List only to have him added as a co-sponsor.

Commissioner Barreiro advised that he requested Agenda Item 11A1 be added to the Pull List only to correct a scrivener's error to reflect the correct date as June instead of March.

Commissioner Seijas advised that she requested Agenda Item 8P1G be added to the Pull List only to obtain additional information on the company that was being recommended.

Commissioner Jordan noted the County Manager had asked that Agenda Item 7H be referred back to committee, but she requested Agenda Item 7H be deferred to the February 3rd BCC meeting for several last minute revisions to be incorporated into this resolution.

Commissioner Diaz joined in Commissioner Edmonson's request for deferral of Agenda Item 8P1G.

Chairman Moss asked that Agenda Items 7H and 8P1G be considered separately and apart from the motion to set the agenda.

Commissioner Rolle requested that Agenda Item 5P be deferred, and asked if this was a "must pass" item.

County Manager George Burgess noted he believed Agenda Item 5P was a time sensitive item and should be considered today because time had elapsed since the closing of last fiscal year's books and the auditor needing to make closing adjustments in order to publish the annual financial statements. He asked the Budget and Finance Director to verify this information.

Ms. Jennifer Glazer-Moon, Director, Office of Strategic Business

Management concurred with the County Manager's comments and noted a delay in approving this item would delay the closing of last fiscal year's books and the issuance of the annual financial reports.

County Manager Burgess indicated that staff made a concerted effort to meet with each Commissioner regarding this ordinance, and he assured Commissioner Rolle that staff would meet with him to address any open issues before this item was considered by the Board.

County Attorney Cuevas advised that Agenda Item 8L1C and Agenda Item 5P were related, and both items should be included on the Pull List.

Commissioner Martinez pointed out that Agenda 5P was advertised as a Public Hearing Item, and the public should be heard.

Hearing no further comments, it was moved by Commissioner Sorenson that the foregoing changes to the January 22, 2009 Board of County Commissioners meeting agenda be approved along with the changes listed in the County Manager's memorandum and the additional changes requested by the County Attorney and the commissioners. This motion was seconded by Chairman Moss and upon being put to a vote, passed 12-0 (Commissioner Edmonson was absent.)

1G **OFFICE OF COMMISSION AUDITOR**

1H **OFFICE OF INTERGOVERNMENTAL AFFAIRS**

1I **SPECIAL PRESENTATIONS**

2 **MAYORAL ISSUES**

2A **MAYORAL VETOES**

2B **MAYORAL REPORTS**

2B1

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| <p>090104</p> <p>Report</p> <p>MAYORAL APPOINTMENT- MIAMI-DADE HOUSING AGENCY</p> | <p>Mayor</p> <p><i>Appointed</i> <i>Mover: Barbara J. Jordan</i> <i>Seconder: Jose "Pepe" Diaz</i> <i>Vote: 12- 0</i> <i>Absent: Edmonson</i></p> |
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Report: County Manager George Burgess announced the appointment of Mr. Jose Citron as the new Director of the Miami-Dade Housing Agency (MDHA).

Mr. Citron expressed appreciation to the Board of County Commissioners and the Administration for his appointment.

Commissioners Sosa, Gimenez, Jordan, Rolle, Souto, Martinez and Diaz congratulated Mr. Cintron on the appointment. Commissioner Rolle acknowledged the efforts of Mr. Cintron in the inner-city and with the Hope VI Project at NW 37th Avenue and 79th Street.

Chairman Moss also congratulated Mr. Cintron, and noted the County Commission would work with him to move the MDHA forward and in the right direction.

The Board, by motion duly made, seconded and carried unanimously, approved the appointment of Mr. Jose Citron as the new director of MDHA.

2B2

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| <p>090105</p> <p>Report</p> <p>APPROVAL OF DEPARTMENTAL AGENDA ITEMS</p> | <p>Mayor</p> <p><i>Approved</i> <i>Mover: Katy Sorenson</i> <i>Seconder: Dennis C. Moss</i> <i>Vote: 12- 0</i> <i>Absent: Edmonson</i></p> |
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3 **CONSENT ITEMS**

3J1A

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| <p>083651</p> <p>Resolution</p> <p>RESOLUTION AUTHORIZING EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT FOR UP TO \$3.7 MILLION IN GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR PRELIMINARY ENGINEERING, DESIGN AND CONSTRUCTION OF THE SNAKE CREEK TRAIL PHASE I PROJECT; AND FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ACCEPT, EXPEND FUNDS, AND EXECUTE CONTRACTS AND AMENDMENTS AS REQUIRED (Park & Recreation Department)</p> | <p>Adopted</p> <p><i>Resolution R-02-09</i> <i>Mover: Katy Sorenson</i> <i>Seconder: Dennis C. Moss</i> <i>Vote: 12- 0</i> <i>Absent: Edmonson</i></p> |
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4 **ORDINANCES FOR FIRST READING**

4A

090046

Ordinance

Barbara J. Jordan,
Natacha Seijas

ORDINANCE RELATING TO RULES OF PROCEDURE OF BOARD OF COUNTY COMMISSIONERS; AMENDING RULE 5.05 TO PROVIDE THAT ITEMS FORWARDED BY A COMMISSION COMMITTEE TO THE COUNTY COMMISSION ARE EXEMPT FROM THE "4-DAY RULE" UNDER CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Adopted on first reading
Public Hearing: February 13, 2009
Mover: Sally A. Heyman
Seconder: Natacha Seijas
Vote: 12- 0
Absent: Edmonson*

Report: *The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Government Operations Committee on Friday, February 13, 2009 at 9:30 A.M.*

Commissioner Seijas asked to be added as a co-sponsor to this ordinance.

5 PUBLIC HEARINGS (Scheduled for 9:30 a.m.)

5A

083293

Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS SUNSHINE KEY SUBDIVISION STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

*Adopted
Ordinance 09-01
Mover: Joe A. Martinez
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Edmonson, Seijas*

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing proposed ordinance into the record.*

Chairman Moss opened the public hearing on the foregoing ordinance. Seeing no one wishing to speak, the public hearing was closed and the Board proceeded to vote on the foregoing ordinance as presented.

12/2/2008 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Board of County Commissioners

12/2/2008 Adopted on first reading by the Board of County Commissioners

5A1

083329 Resolution

RESOLUTION ADOPTING PRELIMINARY ASSESSMENT ROLL PROVIDING FOR ANNUAL ASSESSMENTS AGAINST REAL PROPERTY LOCATED WITHIN BOUNDARIES OF A SPECIAL TAXING DISTRICT KNOWN AS SUNSHINE KEY SUBDIVISION STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND ORDINANCE NO. (Public Works Department)

*Adopted
Resolution R-03-09
Mover: Joe A. Martinez
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Edmonson, Seijas*

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing proposed resolution into the record.*

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

5B

083294 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS HARTFORD PLAZA STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

*Adopted
Ordinance 09-02
Mover: Rebeca Sosa
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Edmonson, Seijas*

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing proposed ordinance into the record.*

Chairman Moss opened the public hearing on the foregoing ordinance. Seeing no one wishing to speak, the public hearing was closed and the Board proceeded to vote on the foregoing ordinance as presented.

12/2/2008 *Tentatively scheduled for a public hearing by the Board of County Commissioners to the Board of County Commissioners*

12/2/2008 *Adopted on first reading by the Board of County Commissioners*

5B1

083324 Resolution

RESOLUTION ADOPTING PRELIMINARY ASSESSMENT ROLL PROVIDING FOR ANNUAL ASSESSMENTS AGAINST REAL PROPERTY LOCATED WITHIN BOUNDARIES OF A SPECIAL TAXING DISTRICT KNOWN AS HARTFORD PLAZA STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND ORDINANCE NO. (Public Works Department)

*Adopted
Resolution R-04-09
Mover: Rebeca Sosa
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Edmonson, Seijas*

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing proposed resolution into the record.*

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

5C

083295 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS AMB I-75 BUSINESS PARK MULTIPURPOSE MAINTENANCE AND STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE (Public Works Department)

*Adopted
Ordinance 09-03
Mover: Jose "Pepe" Diaz
Seconder: Rebeca Sosa
Vote: 11- 0
Absent: Edmonson, Seijas*

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing proposed ordinance into the record.*

Chairman Moss opened the public hearing on the foregoing ordinance. Seeing no one wishing to speak, the public hearing was closed and the Board proceeded to vote on the foregoing ordinance as presented.

12/2/2008 *Adopted on first reading by the Board of County Commissioners*

12/2/2008 *Tentatively scheduled for a public hearing by the Board of County Commissioners to the Board of County Commissioners*

5C1

090022 Resolution

RESOLUTION ADOPTING PRELIMINARY ASSESSMENT ROLL PROVIDING FOR ANNUAL ASSESSMENTS AGAINST REAL PROPERTY LOCATED WITHIN BOUNDARIES OF A SPECIAL TAXING DISTRICT KNOWN AS AMB I-75 BUSINESS PARK MULTIPURPOSE MAINTENANCE AND STREET LIGHTING SPECIAL TAXING DISTRICT IN ACCORDANCE WITH PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND ORDINANCE NO. (Public Works Department)

*Adopted
Resolution R-05-09
Mover: Jose "Pepe" Diaz
Seconder: Rebeca Sosa
Vote: 11- 0
Absent: Edmonson, Seijas*

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing proposed resolution into the record.*

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

5D

083524

Resolution

Natacha Seijas

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 123 – "UNINCORPORATED MUNICIPAL SERVICE AREA – LOCAL PARK IMPROVEMENTS," AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. 913-04 AFTER A PUBLIC HEARING

Adopted
Resolution R-06-09
Mover: Carlos A. Gimenez
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Edmonson, Seijas

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing proposed resolution into the record.*

Chairman Moss opened the public hearing on the foregoing resolution. Seeing no one wishing to speak, the public hearing was closed and the Board proceeded to vote on the foregoing resolution as presented.

12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

5E

083416

Resolution

RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED \$600,000,000 OF 2009 AVIATION REVENUE BONDS, IN ONE OR MORE TRANCHES, FOR SPECIFIED PURPOSES PURSUANT TO SECTION 210 OF AMENDED AND RESTATED TRUST AGREEMENT AND APPLICABLE ORDINANCES; APPROVING ISSUANCE AFTER PUBLIC HEARING AS REQUIRED BY SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, TO FINALIZE TERMS AND OTHER PROVISIONS OF BONDS; PROVIDING CERTAIN COVENANTS AND OTHER REQUIREMENTS; FINDING NECESSITY FOR AND AUTHORIZING NEGOTIATED SALE; APPROVING FORMS OF AND AUTHORIZING CERTAIN DOCUMENTS; AUTHORIZING COUNTY OFFICIALS TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH ISSUANCE, SALE AND DELIVERY OF BONDS; AND PROVIDING FOR SEVERABILITY (Finance Department)

Adopted
Resolution R-07-09
Mover: Jose "Pepe" Diaz
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Edmonson, Seijas

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing proposed resolution into the record.*

Chairman Moss opened the public hearing on the foregoing resolution. Seeing no one wishing to speak, the public hearing was closed and the Board proceeded to vote on the foregoing resolution as presented.

12/9/2008 Forwarded to BCC with a favorable recommendation from the Budget and Finance Committee

5F

083315 Resolution

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 30 - "REDLAND FRUIT & SPICE PARK" AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-913-04 AFTER A PUBLIC HEARING (Park & Recreation Department)

Adopted
Resolution R-08-09
Mover: Katy Sorenson
Seconder: Barbara J. Jordan
Vote: 12- 0
Absent: Edmonson

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing proposed resolution into the record.*

Chairman Moss opened the public hearing on the foregoing resolution, and seeing no one wishing to speak, closed the public hearing.

Commissioner Gimenez asked if the language on handwritten page 2, which stated "all proposed improvements listed in the project description were expected to be completed with Building Better Communities-Government Obligation Bond (BBC-GOB) other funding sources" was missing the word "and" and asked what the other funding sources were.

Mr. Jack Kardys, Director, Miami-Dade Park and Recreation Department, noted additional funding sources were not identified for this project and the BBC-GOB allocation was enough to complete all of the improvements described in this project's description.

Commissioner Sosa spoke in support of this project, but asked if the BBC-GOB funding allocation was enough to complete the project as it was initially described in the ballot question approved by the voters, plus acquire the land.

Mr. Kardys noted the bond funding was enough to complete the entire project. He noted the lake was nearly completed; the next phase involved construction of the pedestrian walkways throughout the park, and the subsequent phases involved parking provisions and the remaining development.

Mr. Kardys responded to Commissioner Sosa's inquiry as to whether similar projects with descriptions needing to be modified had enough funding to complete the project as promised to the voters and described in the bond program, and acquire the land. He stated that was correct for this particular project.

In response to Commissioner Rolle's question regarding whether the issue of interest accrued on the bonds was ever clarified or resolved, Ms. Jennifer Glazer-Moon, Director, Office of Strategic Business Management, noted an item was forthcoming that contained a Policy Implementing Order for the Board's approval and should be on a BCC meeting agenda in February. She said she believed Commissioner Rolle's question was specific to a particular project, and interest was already appropriated in the budget adopted by the Board to support that project.

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

12/8/2008 Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee

5G

083314 Resolution

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 44 - "TRAIL GLADES RANGE" AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-913-04 AFTER A PUBLIC HEARING (Park & Recreation Department)

Adopted
Resolution R-09-09
Mover: Sen. Javier D. Souto
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Edmonson, Barreiro

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing proposed resolution into the record.*

Chairman Moss opened the public hearing on the foregoing resolution, and seeing no one wishing to speak, closed the public hearing.

Commissioner Sosa referenced an e-mail she received that stated the land for this project was already purchased, and replacement funding was needed to construct all elements currently under design. She asked if an item was already approved by the Board to purchase this land, and if enough funds were available to provide what was promised to the voters. She also asked if Board approval of a land acquisition item before Board approval of an item modifying the initial project description in the ballot approved by the voters was appropriate.

Mr. Jack Kardys, Director, Parks and Recreation Department (PARD), noted an item for procurement of the land came before the Board in March 2006 and a resolution was approved to proceed with the purchase of the land. He noted the foregoing resolution, in effect, authorized that to occur. Mr. Kardys also noted the current bond issue for build out of some improvements in the total master plan was in the amount of \$8 million, and this land was determined to be needed in the master plan. He further noted that a sporting clay operation once functioned on part of this land, and a bid process would be implemented for an operator to run a leased sporting clay operation, which would be future revenue potential for the County. He also noted that all of this was considered in 2006.

Commissioner Sosa clarified that her question was a matter of procedure. She asked the County Attorney to explain why another item was now needed to accomplish the intent of a pre-existing item, which was to approve a funding allocation for the purchase of the land. She also asked if the existing resolution provided language that stated the initial BBC-GOB allocation was being modified.

Assistant County Attorney Gerald Heffernan noted the item approved in 2006 for purchase of the land identified the funding source as the BBC-GOB program and the intention was to use the bond program; however, the project description in the original ballot question did not authorize land acquisition. He also noted that since the Board had the authority by resolution to modify a project description after a public hearing, the item before the Board today was to correct the technical error in the resolution approving the purchase of the land and to accomplish this modification.

Commissioner Sosa spoke in support of this resolution, but expressed concern with a partial description that led the Board to believe they were voting on an item that was funded by the initial BBC-GOB allocation. She said she felt the item should have reflected a modification to the original description in the bond program approved by the voters as a matter of procedure, and that she would be meeting with the PARD Director to prepare a resolution that would prevent mistakes like this from happening again in this process.

Commissioner Diaz commended the Department for catching the error and running it through the proper process as specified by the Assistant County Attorney, which was the proper thing to do.

Commissioner Gimenez asked if an alternate funding source needed to be identified if the item to purchase the land using BBC-GOB funds was not

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approved. He also asked if this project was being modified to \$9.34 million to include the land acquisition.

Mr. Jack Kardys noted staff made some choices as to which projects would move forward first in the master plan, and proceeded with construction of the infrastructure, construction of the club house and the range improvements. He noted staff would ultimately like to finish using the \$8 million BBC-GOB funding allocation and to acquire more funding through a grant or loan since the sporting clay operation would potentially provide revenue.

In response to Commissioner Gimenez' question regarding whether staff would make do with the funds available if no other funding sources were identified, Mr. Kardys noted that was correct; however, staff would aggressively seek other funding sources.

Commissioner Souto proposed to honor the name Mr. Robert I. Cottle, who pioneered many events at this park, and have his biography circulated.

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

12/8/2008 Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee

5H

083671 Resolution

RESOLUTION APPROVING THE PLAT OF FONTAINEBLEAU EAST, LOCATED IN GOVERNMENT LOT 4 BETWEEN TOWNSHIPS 53 AND 54 SOUTH, RANGE 40 EAST AND IN THE NORTH 1/2 OF SECTION 4, TOWNSHIP 54 SOUTH, RANGE 40 EAST (BOUNDED ON THE NORTH BY STATE ROAD 836, ON THE EAST BY APPROXIMATELY NW 87 AVENUE, ON THE SOUTH BY WEST FLAGLER STREET, AND ON THE WEST BY APPROXIMATELY NW 97 AVENUE) (Public Works Department)

Adopted
Resolution R-10-09
Mover: Jose "Pepe" Diaz
Seconder: Barbara J. Jordan
Vote: 11- 0
Absent: Edmonson, Sosa

5I

083652 Resolution

RESOLUTION APPROVING THE PLAT OF VILLA CLARA, LOCATED IN THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 56 SOUTH, RANGE 40 EAST (BOUNDED ON THE NORTH BY SW 248 STREET, ON THE EAST BY SW 108 COURT, ON THE SOUTH BY THE HOMESTEAD EXTENSION OF THE FLORIDA TURNPIKE, AND ON THE WEST BY SW 109 AVENUE) (Public Works Department)

Adopted
Resolution R-11-09
Mover: Jose "Pepe" Diaz
Seconder: Barbara J. Jordan
Vote: 11- 0
Absent: Edmonson, Sosa

FINAL OFFICIAL

5J

083654 Resolution

RESOLUTION APPROVING THE PLAT OF BETHSABE, LOCATED IN THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 53 SOUTH, RANGE 40 EAST (BOUNDED ON THE NORTH BY APPROXIMATELY NW 19 STREET, ON THE EAST BY NW 108 AVENUE, ON THE SOUTH BY APPROXIMATELY NW 17 STREET, AND ON THE WEST BY APPROXIMATELY NW 109 AVENUE) (Public Works Department)

*Adopted
Resolution R-12-09
Mover: Jose "Pepe" Diaz
Seconder: Barbara J. Jordan
Vote: 11- 0
Absent: Edmonson, Sosa*

5K

083653 Resolution

RESOLUTION APPROVING THE WAIVER OF PLAT OF FRONTIER 167, LLLP, D-22721, LOCATED IN THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 52 SOUTH, RANGE 42 EAST (BOUNDED ON THE NORTH BY APPROXIMATELY NE 167 STREET, ON THE EAST BY NE 6 AVENUE, ON THE SOUTH BY NE 164 TERRACE, AND ON THE WEST BY APPROXIMATELY NE 5 AVENUE) (Public Works Department)

*Adopted
Resolution R-13-09
Mover: Jose "Pepe" Diaz
Seconder: Barbara J. Jordan
Vote: 11- 0
Absent: Edmonson, Sosa*

5L

083655 Resolution

RESOLUTION APPROVING THE WAIVER OF PLAT OF WRC PROPERTIES, INC., D-23024, LOCATED IN THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 54 SOUTH, RANGE 40 EAST (BOUNDED ON THE NORTH BY NW 7 STREET, ON THE EAST BY APPROXIMATELY NW 63 AVENUE, ON THE SOUTH BY THE TAMiami CANAL, AND ON THE WEST BY APPROXIMATELY NW 65 AVENUE) (Public Works Department)

*Adopted
Resolution R-14-09
Mover: Jose "Pepe" Diaz
Seconder: Barbara J. Jordan
Vote: 11- 0
Absent: Edmonson, Sosa*

5M

083470 Resolution Sen. Javier D. Souto

RESOLUTION CO-DESIGNATING SW 93RD AVENUE FROM SW 40TH STREET TO SW 44TH STREET AS "PABLO RAMIREZ AVENUE"

*Adopted
Resolution R-15-09
Mover: Sen. Javier D. Souto
Seconder: Joe A. Martinez
Vote: 12- 0
Absent: Edmonson*

5N

090013 Resolution Sen. Javier D. Souto

RESOLUTION CO-DESIGNATING SW 16TH STREET FROM SW 82ND AVENUE TO SW 87TH AVENUE AS "JOSE LUIS RODRIGUEZ JR. STREET"

*Adopted
Resolution R-16-09
Mover: Sen. Javier D. Souto
Seconder: Joe A. Martinez
Vote: 12- 0
Absent: Edmonson*

50

090038 Resolution

RESOLUTION RELATING TO AN APPLICATION BY THE CITY OF MIAMI FOR A CLASS I PERMIT FOR A VARIANCE FROM SECTION 24-48.24 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, FOR THE PLACEMENT OF TENTS, TEMPORARY NON-WATER-DEPENDENT FIXED STRUCTURES OVER TIDAL WATERS, TO AUTHORIZE THE CREATION OF 125 TEMPORARY SLIPS, TO INSTALL AND REMOVE TEMPORARY FLOATING DOCKS, RAMPS AND PILINGS, AND TO AUTHORIZE THE TIME OF COMPLETION OF WORK OF THE SUBJECT PERMIT FOR A PERIOD OF TEN (10) YEARS FOR THE ANNUAL STRICTLY SAIL MIAMI BOAT SHOW, IN MIAMARINA AT BAYSIDE MARKETPLACE, MIAMI, FLORIDA (Department of Environmental Resources Management)

*Adopted
Resolution R-17-09
Mover: Bruno A. Barreiro
Seconder: Dorrin D. Rolle
Vote: 12- 0
Absent: Edmonson*

5P

083538 Ordinance

ORDINANCE APPROVING AND ADOPTING END OF YEAR SUPPLEMENTAL BUDGET ADJUSTMENTS FOR VARIOUS COUNTY DEPARTMENTS AND FUNDS; RATIFYING AND APPROVING IMPLEMENTING ORDERS AND OTHER BOARD ACTIONS WHICH SET CHARGES; APPROPRIATING GRANT FUNDS; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE [SEE AGENDA ITEM NO. 8L1C] (County Manager)

*Adopted
Ordinance 09-04
Mover: Barbara J. Jordan
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Edmonson*

Report: *First Assistant County Attorney, Abigail Price-Williams read the foregoing proposed ordinance into the record.*

Chairman Moss opened the public hearing on the foregoing ordinance and seeing no one wishing to speak, closed the public hearing.

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

12/16/2008 *Adopted on first reading by the Board of County Commissioners*

12/16/2008 *Tentatively scheduled for a public hearing by the Board of County Commissioners to the Budget and Finance Committee*

1/15/2009 *Forwarded to the full BCC by the BCC Chairperson as requested from the Budget and Finance Committee*

6 CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

7 ORDINANCES SET FOR SECOND READING

7A

082960

Ordinance

Bruno A. Barreiro

ORDINANCE RELATING TO RULES OF PROCEDURE OF BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO SPECIFY PROCEDURES REGARDING MAYORAL APPOINTMENT OF INTERIM OR ACTING DEPARTMENT DIRECTORS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted

Ordinance 09-05

Mover: Bruno A. Barreiro

Seconder: Natacha Seijas

Vote: 12- 0

Absent: Edmonson

Report: *First Assistant County Attorney Abigail Price-Williams read the foregoing proposed ordinance into the record.*

Responding to Commissioner Gimenez' question regarding whether the procedural rules for mayoral appointments of interim/acting directors provided for a specific timeframe, and if so, would the position terminate automatically upon expiration of the timeframe, County Attorney Robert Cuevas affirmed that was correct.

Commissioner Gimenez noted his primary concern was the possibility of the process being skirted. He asked what would transpire if the Mayor took no action in filling this position before the timeframe expired.

County Attorney Cuevas noted the authority of the interim/acting director would cease upon the expiration of the term and the position would become vacant if the Mayor took no further action.

In response to Commissioner Gimenez' question as to whether the Board had only one opportunity to voice an objection to a mayoral appointment of an interim/acting director at a subsequent Commission meeting, with no further say until the six-month term had expired, County Attorney Cuevas noted that was correct.

Following a discussion between Chairman Moss and County Attorney Cuevas regarding the legal necessity of this ordinance, County Attorney Cuevas explained this ordinance would preserve the Board of County Commissioner's (BCC's) right, by Charter, to disapprove a mayoral appointment of an interim/acting director at a subsequent Commission meeting. He noted, as a matter of policy, a Charter amendment would be required if the Board forfeited its right to disapprove a mayoral appointment or be involved in this process; however, that decision could be appealed by any Commissioner with a majority vote. Mr. Cuevas further explained that the Board would be notified of a Mayoral appointment by agenda in order to invoke its right to disapprove, and the only action allowed under the Charter would be a motion to disapprove a mayoral appointment at a subsequent BCC meeting; otherwise, the Board could take no action and the appointment would become fully effective.

In response to Commissioner Jordan's request for clarification as to whether a mayoral appointment of an interim/acting director would become effective if the Board took no action or did not invoke its right to disapprove the appointment, and if a mayoral appointment of a permanent director would automatically come before the County Commissioners for approval, County Attorney Cuevas answered "yes" to both questions.

County Manager George Burgess assured the Board that the Mayor's objective was not to circumvent the process by temporarily appointing an interim/acting director, but his intention was to move diligently, aggressively and responsibly in filling permanent director positions. Mr. Burgess also noted it was extraordinarily rare that an interim/acting director remained in the position for the entire six-month period, but the process for filling a permanent director position could take longer.

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

10/21/2008 Deferred by the Board of County Commissioners

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- 10/21/2008 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Governmental Operations and Environment Committee
- 12/2/2008 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Governmental Operations and Environment Committee
- 12/2/2008 Adopted on first reading by the Board of County Commissioners
- 12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

7B

083219

Ordinance

Bruno A. Barreiro

ORDINANCE RELATING TO MIAMI-DADE COUNTY
MANATEE PROTECTION PLAN REVIEW COMMITTEE;
AMENDING ORDINANCE NO. 07-144 TO PROVIDE FOR A
THREE (3) MONTH EXTENSION OF THE SUNSET DATE FOR
THE COMMITTEE; PROVIDING SEVERABILITY AND AN
EFFECTIVE DATE

Adopted
Ordinance 09-06
Mover: Bruno A. Barreiro
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Edmonson

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

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

- 11/20/2008 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Governmental Operations and Environment Committee
- 11/20/2008 Adopted on first reading by the Board of County Commissioners
- 12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

7C

083075

Ordinance

Jose "Pepe" Diaz

ORDINANCE AMENDING SECTION 2-1603 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THE POSITION OF CHAIRPERSON OF THE MIAMI-DADE COUNTY SPORTS COMMISSION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Adopted
Ordinance 09-07
Mover: Jose "Pepe" Diaz
Second: Natacha Seijas
Vote: 11- 1
No: Rolle
Absent: Edmonson*

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

Commissioner Rolle expressed appreciation to Chairman Moss for appointing him to the Miami-Dade Sports Commission. He expressed concern with the Sports Commission no longer having two chairpersons, but only one chair appointed by the Board of County Commissioners (BCC) when members of that board were allowed an opportunity to vote for a second chair

Commissioner Diaz explained that when the Sports Commission was being restructured, he requested two chairpersons be appointed to this board out of respect for Lawrence (Larry) Gautier who did such a good job. However, the Sports Commission was the only board with two chairs and a decision was made to appoint only one chair to make it consistent with all other boards.

Commissioner Rolle noted his concern was that other voting members of the Sports Commission were denied the right to choose a chairman, and he would not support this ordinance.

Chairman Moss said he felt the Sports Commission should have only one chairperson appointed by the BCC, since the BCC funded most of that organization's activities.

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

- 11/20/2008** Tentatively scheduled for a public hearing by the Board of County Commissioners to the Airport and Tourism Committee
- 11/20/2008** Adopted on first reading by the Board of County Commissioners
- 12/11/2008** Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

7D

090057 Ordinance Audrey M. Edmonson

ORDINANCE RELATING TO VEHICLES FOR-HIRE; AMENDING CHAPTER 31, ARTICLE II OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT WHEELCHAIR ACCESSIBLE TAXICABS SERVING DESIGNATED AREAS MAY OPERATE COUNTYWIDE WITH CERTAIN EXCEPTIONS; REQUIRING THAT ACCESSIBLE TAXICABS UTILIZE SPECIFIED DISPATCH SYSTEM WITHIN SPECIFIED TIME PERIOD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 083249]

Deferred to February 3, 2009
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson

12/10/2008 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Economic Development and Human Services Committee

7E

083552 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 (Public Works Department)

Amended

Report: (See Agenda Item 7E Amended; Legislative File No. 090485 for the amended version.)

12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

7E AMENDED

090485 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 ORIGINAL ITEM UNDER FILE NO. 083552] (Public Works Department)

*Adopted as amended
Ordinance 09-08
Mover: Natacha Seijas
Seconder: Carlos A. Gimenez
Vote: 9-3
No: Jordan, Sosa, Sorenson
Absent: Edmonson*

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

Assistant County Attorney Craig Collier advised that this ordinance needed to be amended to delete the first sentence in Section 15 on handwritten page 33, which was redundant; and insert the date October 1, 2009 on the blank line on handwritten page 33.

In response to a question by Commissioner Sosa regarding who would be responsible for paying the increase in impact fees, Ms. Esther Calas, Director, Public Works Department, noted the developers would be responsible for paying the increased impact fees. Ms. Calas advised that staff would evaluate road impact fees on an annual basis and provide a report to this Board. She noted the impact fees were based on 2006 construction prices and were adjusted using the Federal Department of Transportation (FDOT) inflation factor.

Commissioner Sosa expressed concern with the timing of this ordinance and requiring the developers to pay the increased impact fees, which she noted would greatly impact those who provided jobs for the community.

Commissioner Sorenson noted a Bill was introduced in Tallahassee that proposed a three-year moratorium on road impact fees, which was opposed in the County's legislative package. She said she felt this Bill would not be good for this community. She also noted she felt the foregoing ordinance, which allowed the developer to pay a graduating fee over six years, was not in the best interest of the public. She noted the tax payers did not get such a break. Commissioner Sorenson pointed out that road impact fees had not been adjusted since 1974 and normalizing impact fees to current dollars would take approximately 20 years. She suggested the impact fees be paid by those who caused the impact and the phase-in process be curtailed.

Commissioner Heyman advised that the Bill proposed by the State Legislature would prohibit all local governments from imposing or collecting road impact fees during the years 2009 through 2012. She noted the consequences of this legislation would be severe and this Board needed to take a strong position against it today. She asked what the financial impact of this legislation would be.

Ms. Jennifer Glazer-Moon, Director, Office of Strategic Management, noted the financial impact of eliminating only road impact fees was more than \$20 million. She advised that the County Manager issued a memorandum yesterday (1/21) stating a reduction in the local governments' use of funding or a reduction in taxes and fees paid by the public would not stimulate the economy, but allowing the government to spend its resources would have an economic benefit, particularly on revenues used for improving infrastructure. She further advised that support of a moratorium on road impact fees would not be a wise position to take.

In response to Commissioner Heyman's question regarding what the financial impact above the stated \$20 million was, Ms. Glazer-Moon noted she could not provide that information now, but could provide it later with information on other types of issues as the legislative package was being prepared for the legislative session in Tallahassee.

Commissioner Heyman expressed concern with the government's ability to deliver services and fund sustainable needs such as housing, water, and

transit if the impact fees were reduced.

Chairman Moss clarified the Senate Bill 630 involved eliminating all types of impact fees.

Commissioner Souto stated he felt an economic stimulus should come from the Federal Government, and expressed concern with local governments wanting to increase impact fees when an increase would probably impact the Building Industry and the consumer, and damage the economy.

Responding to Commissioner Diaz' question regarding whether Senate Bill 630 would prevent local governments from assessing road impact fees, Assistant County Attorney Craig Collier noted his interpretation of Senate Bill 630 was that it would impose a moratorium on the collection and implementation of any impact fee, and may not pertain only to road impact fees.

In response to Commissioner Diaz' question regarding what the impact would be on current projects if impact fees were no longer collected, Ms. Calas noted the current projects could cease, which would have a legal ramification since the County would be unable to meet its commitments on road projects. She noted the revenues were already low.

Ms. Calas responded to Commissioner Diaz' question regarding whether an increase in impact fees would eliminate jobs. She noted the increase in road impact fees would be phased-in over five years to current construction prices based on FDOT standards. She also noted the Building Industry and developers had worked with staff and understood the need to raise the fees, since fees had not been raised since 1994 and the construction fees in the original ordinance were very low.

Commissioner Diaz said he understood the need to increase the impact fees, but did not understand the State's position. He pointed out that most of the stimulus package was for major infrastructure improvement. He also noted he was somewhat confused by forthcoming legislation proposed by Commissioner Sorenson, and her comments.

Commissioner Sorenson clarified that her proposed ordinance would bring some relief to developers by allowing their permits to be extended; however, the foregoing ordinance would allow for the increased fees to be phased-in over five years, which was a great deal for the developers but not such a great deal for the community since roads would not be built or maintained to keep up with construction. She noted the County was already in arrears in terms of infrastructure and development, and the developers had not really paid for the impact they had caused. She said the other issue was the State's proposed moratorium on impact fees.

Commissioner Diaz noted that he supported this ordinance since the adjustments were needed to improve roads, to keep jobs and to keep projects moving forward.

In response to Commissioner Gimenez' questions regarding whether the phase-in of increased impact fees would begin with a 30% increase above what was currently paid, and whether impact fees would accumulate in an account or a fund to be used for projects as needed rather than be used as a debt service stream, Ms. Calas answered "yes."

Responding to Commissioner Martinez concern regarding a substitute item that was presented at the December 9th Governmental Operations and Environment Committee meeting with approved changes which differed from the original Public Works proposal, Ms. Calas noted the foregoing ordinance was adjusted to include those changes.

Upon conclusion of the discussion, the Board adopted the foregoing proposed ordinance as amended to delete the first sentence in Section 15, on handwritten page 33, and insert a date in Section 15, on handwritten page 33, to read as follows: "...that those parts of Sections 4 and 5 of this ordinance amending Sections 33E-7 and 33E-8 (modifying the amount of the Miami-Dade County Road Impact Fee) shall not apply to any complete building permit application filed in the appropriate building department prior to the effective date of this ordinance if a building permit is issued by October 1, 2009."

7F

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| <p>083243</p> <p>Ordinance</p> <p>ORDINANCE RELATING TO THE SAFE NEIGHBORHOOD PARKS ORDINANCE, CITIZENS OVERSIGHT COMMITTEE; AMENDING SECTION 25B-23 OF THE CODE OF MIAMI DADE COUNTY; PROVIDING THAT COMMITTEE MEMBERS MAY BE REAPPOINTED FOR MORE THAN EIGHT CONSECUTIVE YEARS WITHOUT A TWO (2) YEAR HIATUS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</p> | <p>Katy Sorenson</p> <p><i>Adopted Ordinance 09-09 Mover: Katy Sorenson Seconder: Rebeca Sosa Vote: 12- 0 Absent: Edmonson</i></p> |
|--|---|

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

Commissioner Martinez noted he sent a memorandum on November 19, 2008 requesting staff to response to his questions regarding who the appointees were, who made the appointments, and who would be affected by the appointments. He said he did not receive a proper response.

Commissioner Sorenson noted Mr. Howard Levrant was the appointee from District 8. She explained that the oversight committee would sunset soon, and it seemed appropriate to allow those members who served the longest on the oversight committee and who understood the issues to finish their work rather than have a whole new round of appointments.

Mr. Johnny Martinez, Director, Office of Capital Improvements, responded to Commissioner Martinez' questions and noted the four appointees were Mary Foehrenbach from District 3, Martin Mendiola from District 6, Howard Levrant from District 8 and Daniel Hernandez from District 13.

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

- 11/20/2008** Adopted on first reading by the Board of County Commissioners
- 11/20/2008** Tentatively scheduled for a public hearing by the Board of County Commissioners to the Recreation & Cultural Affairs Committee
- 12/8/2008** Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee

7G

083549 Ordinance Katy Sorenson

ORDINANCE PROVIDING EMERGENCY RELIEF FOR CONSTRUCTION AFFECTED BY ECONOMIC CRISIS; ESTABLISHING PROCESS FOR PETITION, CONDITIONS AND CRITERIA FOR ISSUANCE OF STOP WORK ORDER; PROVIDING FOR ABATEMENT OF EXPIRATION OF PERMITS SUBJECT TO STOP WORK ORDER; ESTABLISHING FEE FOR REINSTATEMENT OF PERMIT; PROVIDING EXCEPTIONS; AMENDING SECTION 8-13 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 082933]

Amended

Report: *(See Agenda Item 7G Amended; Legislative File No 090247 for the amended version)*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

7G AMENDED

090247 Ordinance Katy Sorenson

ORDINANCE PROVIDING EMERGENCY RELIEF FOR CONSTRUCTION AFFECTED BY ECONOMIC CRISIS; ESTABLISHING PROCESS FOR PETITION, CONDITIONS AND CRITERIA FOR ISSUANCE OF STOP WORK ORDER; PROVIDING FOR ABATEMENT OF EXPIRATION OF PERMITS SUBJECT TO STOP WORK ORDER; ESTABLISHING FEE FOR REINSTATEMENT OF PERMIT; PROVIDING EXCEPTIONS; AMENDING SECTION 8-13 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NOS. 082933, 083549]

*Adopted as amended
Ordinance 09-10
Mover: Katy Sorenson
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Edmonson, Sosa*

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

Commissioner Sorenson requested this ordinance be amended to change the date reflected in Section 8-13(5)(a) from January 1, 2007 to October 1, 2006. She noted the Building Department Director agreed this change would bring some relief to the construction industry.

In response to Commissioner Seijas' question regarding whether this proposal was discussed with the Building Industry, Commissioner Sorenson confirmed that it was.

Upon conclusion of discussion, the Board adopted the foregoing proposed ordinance as amended to change the date listed in Sec. 8-13 (5)(a) on handwritten page 5 to reflect October 1, 2006 in lieu of January 1, 2007, as requested by Commissioner Sorenson.

7H

083241 Ordinance

ORDINANCE PERTAINING TO AIRPORT ZONING REGULATIONS; AMENDING SECTION 33-363.1 OF THE CODE OF MIAMI-DADE COUNTY PERTAINING TO USES PERMITTED ON OPA-LOCKA AIRPORT LANDS IN THE GP GOVERNMENT PROPERTY ZONING DISTRICT; CREATING SECTION 33-363.2 PERTAINING TO SITE PLAN REVIEW STANDARDS; PROVIDING FOR DEVELOPMENT CRITERIA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER LEG. FILE NO. 082712] (Department of Planning & Zoning)

*Deferred to February 3, 2009
Mover: Barbara J. Jordan
Seconder: Rebeca Sosa
Vote: 12- 0
Absent: Edmonson*

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

During consideration of the changes to today's agenda, Commissioner Jordan requested the foregoing proposed ordinance be deferred to the February 3rd BCC meeting.

Hearing no objections, the Board proceeded to vote on a motion to defer.

12/11/2008 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8 DEPARTMENTAL ITEMS

8A AVIATION DEPARTMENT

8A1A

083157 Resolution

RESOLUTION AUTHORIZING RETROACTIVE FIRST AMENDMENT TO THE NON-EXCLUSIVE AGREEMENT FOR PHONE CARDS AT MIAMI INTERNATIONAL AIRPORT BETWEEN MIAMI DADE COUNTY AND LATIN AMERICAN ENTERPRISES INC. WHICH PROVIDES FOR A PRORATED MINIMUM ANNUAL GUARANTEE OF \$390,325.00 FROM MAY 1ST THROUGH JULY 31ST, 2008, AND A PRORATED MINIMUM ANNUAL GUARANTEE OF \$550,000.00 FROM AUGUST 1ST 2008, AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME, AND ANY RENEWAL OR TERMINATION PROVISIONS CONTAINED THEREIN (Aviation Department)

*Adopted
Resolution R-18-09
Mover: Rebeca Sosa
Seconder: Dorrin D. Rolle
Vote: 9- 0
Absent: Jordan, Edmonson,
Heyman, Martinez*

12/11/2008 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1B

083456 Resolution

RESOLUTION APPROVING AWARD OF A NON-EXCLUSIVE AGREEMENT FOR JANITORIAL SERVICES AT MIAMI-DADE COUNTY AVIATION DEPARTMENT FACILITIES BETWEEN N & K ENTERPRISES, INC., AND MIAMI-DADE COUNTY, FOR A THREE YEAR PERIOD, AND FOR THE ESTIMATED FIRST YEAR AMOUNT OF \$2,495,469, SUBJECT TO ADJUSTMENT FOR CHANGES IN REIMBURSABLE AMOUNTS; PROVIDING FOR FIVE ONE YEAR OPTIONS TO RENEW; AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME, AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS THEREOF; AND DELEGATING TO THE COUNTY MAYOR OR HIS DESIGNEE THE AUTHORITY TO EXECUTE AN AMENDMENT TO THE CONTRACT TO CONFORM CONTRACT TERMS WITH OTHER JANITORIAL CONTRACTS (Aviation Department)

*Adopted
Resolution R-19-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/11/2008 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1B SUPPLEMENT

090051 Supplement

SUPPLEMENTAL INFORMATION RE: AWARD RECOMMENDATIONS FOR THREE (3) JANITORIAL SERVICES CONTRACTS FOR ZONES 1, 2 AND 3 AT MIAMI INTERNATIONAL AIRPORT (MIA) [SEE AGENDA ITEMS 8A1C AND 8A1D]

Presented

8A1C

083457 Resolution

RESOLUTION APPROVING AWARD OF A NON-EXCLUSIVE AGREEMENT FOR JANITORIAL SERVICES AT MIAMI DADE COUNTY AVIATION DEPARTMENT FACILITIES BETWEEN VISTA BUILDING MAINTENANCE SERVICES, INC. AND MIAMI-DADE COUNTY, WITH A TERM OF THREE YEARS, AND FOR AN ESTIMATED FIRST YEAR AMOUNT OF \$2,404,125 SUBJECT TO ADJUSTMENT FOR CHANGES IN REIMBURSABLE AMOUNTS; PROVIDING FOR FIVE ONE YEAR OPTIONS TO RENEW; AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME, AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS THEREOF [SEE AGENDA ITEM NO. 8A1B SUPPLEMENT] (Aviation Department)

*Adopted
Resolution R-20-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/11/2008 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1D

083607 Resolution

RESOLUTION APPROVING AWARD OF A NON-EXCLUSIVE AGREEMENT FOR JANITORIAL SERVICES AT MIAMI DADE COUNTY AVIATION DEPARTMENT FACILITIES BETWEEN UNICCO SERVICE COMPANY D/B/A UGL UNICCO AND MIAMI-DADE COUNTY, WITH A TERM OF THREE YEARS, AND FOR AN ESTIMATED FIRST YEAR AMOUNT OF \$21,581,640.00, SUBJECT TO ADJUSTMENT FOR CHANGES IN REIMBURSABLE AMOUNTS; PROVIDING FOR FIVE ONE YEAR OPTIONS TO RENEW; AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME, AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS THEREOF [SEE AGENDA ITEM NO. 8A1B SUPPLEMENT] (Aviation Department)

*Adopted
Resolution R-21-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

Report: *Note: Pursuant to the County Manager's Memorandum of Changes to the January 22, 2009 BCC Meeting, a scrivener's error previously existing in the foregoing proposed resolution was corrected to replace the language "Quality Steamer" on handwritten pages 3 and 9 with the language "Quality Steemer."*

8A1E

083471 Resolution

RESOLUTION APPROVING AWARD OF THE CONTRACT FOR THE CONSTRUCTION OF THE OPA-LOCKA AIR TRAFFIC CONTROL TOWER, PROJECT NO. L-085A, TO TGSV ENTERPRISES INC., IN AN AMOUNT NOT TO EXCEED \$10,598,332.50, AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME, AND TO EXERCISE TERMINATION PROVISIONS THEREOF (Aviation Department)

*Adopted
Resolution R-22-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/11/2008 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1F

083498 Resolution

RESOLUTION APPROVING AWARD OF THE CONTRACT FOR FIRE ALARM & SPRINKLER SYSTEM MIA FRONT TERMINAL D-H, PROJECT NO. A-155B1 BETWEEN ABC CONSTRUCTION INC. AND MIAMI-DADE COUNTY, IN AN AMOUNT NOT TO EXCEED \$3,302,703.03; AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME, AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS THEREOF (Aviation Department)

*Adopted
Resolution R-23-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/11/2008 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1G

083499 Resolution

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; APPROVING AWARD OF A LEASE AND CONCESSION AGREEMENT FOR THE RETAIL CONCESSION PROGRAM 2008 PACKAGE 1, BETWEEN NEWSLINK/ADLER AIRPORT DEVELOPMENT GROUP LLC AND MIAMI-DADE COUNTY, PROJECT NO. MDAD-04-07, WITH A MINIMUM ANNUAL GUARANTEE OF \$1,800,000, AND FOR A TERM OF EIGHT YEARS, WITH A TWO-YEAR OPTION TO RENEW; AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME, AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS THEREOF (Aviation Department)

*Adopted
Resolution R-24-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/11/2008 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1H

083500 Resolution

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; APPROVING AWARD RETAIL LEASE AND CONCESSION AGREEMENT PROGRAM 2008 PACKAGE 2, BETWEEN AMS-TEL MIAMI JV AND MIAMI-DADE COUNTY, WITH A MINIMUM ANNUAL GUARANTEE OF \$2,821,220, AND FOR A TERM OF EIGHT YEARS, WITH A TWO-YEAR OPTION TO RENEW; AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME, AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS THEREOF (Aviation Department)

*Adopted
Resolution R-25-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/11/2008 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1I

083501 Resolution

RESOLUTION APPROVING AN AMENDMENT FOR THE NON-EXCLUSIVE LICENSE AGREEMENT FOR WIRELESS HIGH FIDELITY (WI-FI) SYSTEM PROVIDER AT MIAMI INTERNATIONAL TO ELECTRONIC MEDIA SYSTEMS, INC. (EMS) TO AMEND THE PERFORMANCE BOND AND SECURITY DEPOSIT REQUIREMENT (Aviation Department)

*Adopted
Resolution R-26-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/11/2008 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1J

083511 Resolution

RESOLUTION WAIVING FORMAL BID PROCEDURES AND PROVISIONS OF SECTION 2-8.1 MIAMI-DADE COUNTY CODE AND SECTION 5.03 (D) OF THE MIAMI-DADE HOME RULE CHARTER, AND SECTION 255.20 FLORIDA STATUTES, AND APPROVING AGREEMENT WITH HONEYWELL INTERNATIONAL, INC. FOR BUILDING MANAGEMENT SYSTEM IN AN AMOUNT NOT TO EXCEED \$65,041,042.22 AND FOR A TERM OF TEN YEARS; WAIVES THE PROVISIONS OF R-130-06 AS IN THE BEST INTERESTS OF MIAMI-DADE COUNTY; AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO NEGOTIATE A MUTUALLY ACCEPTABLE INDEMNIFICATION PROVISION, SUBJECT TO RATIFICATION BY THE BOARD OF COUNTY COMMISSIONERS; AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME, AND TO EXERCISE TERMINATION PROVISIONS THEREOF (Aviation Department)

Deferred to no date certain
Mover: Jose "Pepe" Diaz
Seconder: Rebeca Sosa
Vote: 9- 0
Absent: Jordan, Edmonson, Heyman, Martinez

Report: *Chairman Moss asked staff to respond to Commissioner Diaz request to defer this resolution.*

Mr. Max Fajardo, Deputy Aviation Director, Miami-Dade Aviation Department, noted staff felt that some issues needed to be addressed before this resolution was considered by the Board of County Commissioners.

Hearing no further comments or questions, the Board proceeded to vote on a motion to defer.

12/11/2008 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1K

083463 Resolution

RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE CONTRACT FOR CONSTRUCTION OF THE MIA SOUTH TERMINAL DUAL TAXIWAY, PROJECT NO. MDAD K-150-A BETWEEN COUNTY AND MARKS BROTHERS, INC., IN AN AMOUNT NOT TO EXCEED \$627,655.00, AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME (Aviation Department)

Adopted
Resolution R-27-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson

12/11/2008 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

8A1K SUPPLEMENT

090052 Supplement

SUPPLEMENTAL INFORMATION RE: CHANGE ORDER NO. 1 TO THE CONTRACT WITH MARKS BROTHERS, INC., FOR CONSTRUCTION OF THE MIA SOUTH TERMINAL DUAL TAXIWAY PROJECT, MDAD PROJECT NO. K-150, AT MIAMI INTERNATIONAL AIRPORT

Presented

8B **[No items were submitted for this section.]**

8C CONSUMER SERVICES DEPARTMENT

8C1A

083274 Resolution

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 320 TO MIAMI TOURS, LLC TO PROVIDE SPECIAL OPERATIONS SERVICE AS A PASSENGER MOTOR CARRIER (Consumer Services Department)

*Adopted
Resolution R-28-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/10/2008 Forwarded to BCC with a favorable recommendation from the Economic Development and Human Services Committee

8D ENVIRONMENTAL RESOURCES MANAGEMENT

8D1A

083376 Resolution

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 70 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 HEIDI HUTNER, JOEL HUTNER AND IRIS DUARTE, TRUSTEES AS SELLER; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN (Department of Environmental Resources Management)

*Adopted
Resolution R-29-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

8E FINANCE DEPARTMENT

8E1A

083464 Resolution

RESOLUTION AUTHORIZING RELEASE OF SURPLUS TAX DEED 06A-127 SALE PROCEEDS IN THE AMOUNT OF \$335,764.17 TO ELEODORO GONZALEZ (Finance Department)

*Adopted
Resolution R-30-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Budget and Finance Committee

8E1B

083625 Resolution

RESOLUTION RESCINDING RESOLUTION NO. R-1074-04 IN ITS ENTIRETY AND APPROVING A NEW INVESTMENT POLICY FOR PUBLIC FUNDS AND ITS IMPLEMENTATION [SEE ORIGINAL ITEM UNDER FILE NO. 083465] (Finance Department)

*Adopted
Resolution R-31-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

Report: *Note: Pursuant to the County Manager's Memorandum of Changes to the January 22, 2009 BCC Meeting, a scrivener's error previously existing in the foregoing proposed resolution was corrected to remove the language "US government" from the second bullet on handwritten page 2 so that it read: "municipal securities, issued by States or local governments, rated AA or better, are being added as permissible investments as authorized by Florida Statute 280;" and the language "municipal investments" was deleted from the fourth bullet on handwritten page 2 so that it read: "requiring the highest letter and numerical rating from at least two rating agencies for commercial paper and bankers acceptance to ensure additional safeguards surrounding the investment decisions."*

12/9/2008 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Budget and Finance Committee

8E1C

090006 Resolution

RESOLUTION AUTHORIZING RELEASE OF SURPLUS TAX DEED 06-361 SALE PROCEEDS IN THE AMOUNT OF \$234,364.80 TO CARRIE BERGER ROSENTHAL, TRUSTEE (Finance Department)

*Adopted
Resolution R-32-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

8E1D

090020 Resolution

RESOLUTION APPROVING EXTENSION OF COUNTY'S BOND COUNSEL POOL, AUTHORITY BOND COUNSEL POOL AND DISCLOSURE BOND COUNSEL POOL FOR PERIOD OF SIX MONTHS OR UNTIL NEW POOLS ARE ESTABLISHED, WHICHEVER OCCURS FIRST (Finance Department)

*Adopted
Resolution R-33-09
Mover: Joe A. Martínez
Seconder: Dennis C. Moss
Vote: 11- 0
Absent: Jordan, Edmonson*

Report: *Commissioner Martinez asked the County Attorney's Office to apprise the County Commission of the status of any investigation or legal action taken against the bond councils described in agenda item 11A13, and whether any bond councils should be eliminated from the bond council pool established in this resolution as a result of those investigations.*

8F GENERAL SERVICES ADMINISTRATION

8F1A

083302 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT AT 13428 S.W. 131 STREET, MIAMI,, WITH PINELANDS AIRPORT CENTER, LTD., A LIMITED PARTNERSHIP, FOR PREMISES TO BE UTILIZED BY THE MIAMI-DADE FIRE RESCUE DEPARTMENT FOR OFFICE AND WAREHOUSE SPACE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration Department)

*Adopted
Resolution R-34-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/8/2008 Forwarded with a favorable recommendation from the Health and Public Safety Committee

8G
thru
8I

[No items were submitted for these sections.]

8J

MIAMI-DADE TRANSIT AGENCY

8J1A

083444 Resolution

RESOLUTION AUTHORIZING EXECUTION OF AWARD FOR THE CONSTRUCTION OF THE ORANGE LINE PHASE I - MIAMI INTERMODAL CENTER - EARLINGTON HEIGHTS CONNECTOR PROJECT, CONTRACT NO. NCP004-TR06-CT2, TO ODEBRECHT-TOWER-COMMUNITY JOINT VENTURE IN THE AMOUNT \$360,405,395.00 (Miami-Dade Transit Agency)

Adopted

Resolution R-35-09

Mover: Jose "Pepe" Diaz

Seconder: Dorrin D. Rolle

Vote: 11- 0

Absent: Jordan, Edmonson

Report: *Commissioner Gimenez asked why the midlife rehabilitation costs were not included in the \$22 million operation and maintenance (O&M) costs for this particular stretch of Metrorail, and was it included in Transit's Pro forma.*

Mr. Kapoor, Director, Miami-Dade Transit (MDT), noted the railway's midlife rehabilitation program was governed by a 30-year plan; it was funded as a capital infrastructure project and was part of Transit's long-term Pro forma.

Mr. Kapoor, Mr. Marino Llamas, Florida Department of Transportation (FDOT) Consultant, and Mr. Albert Hernandez, Deputy Director, Engineering Division, MDT, responded to Commissioner Gimenez' inquiries regarding elevators eliminated in relation to this resolution.

Commissioner Gimenez asked what the estimated cost of this project was before it went out to bid, and what the original budget was for construction of this stretch of the railway.

Mr. Hernandez noted the cost of this contract was approximately \$361 million or 5.6% more than the engineers estimated cost of \$341 million at the time of the Request to Advertise. He noted the original budget for the entire program remained at \$526 million, and included the \$335 million construction costs for this portion of the railway and \$25 million for the FDOT components. He noted the budget for this portion of the railway corridor remained the same and on track.

Commissioner Heyman expressed concern with the difference in the \$322 million base price presented by the engineers who represented the County's interest, and the \$361 million award, which was a 5.6% increase. She also expressed concern with the County's tendency to spend contingency funds and approve change orders for the lowest bidder to complete a project, when the second or third lowest bidder could have completed the project without any change orders or use of contingency funds.

Assistant County Manager Ysela Llort noted the contingency funds were used in unforeseen circumstances. She noted the bid documents were reviewed thoroughly by MDT's staff and they assured that the costs were reasonable and this contract would be administered carefully.

Commissioner Heyman asked if a cap was set for the costs of this contract, aside from the contingency fund, or were the contractors required to post a performance bond. She pointed out these were professional contractors with large, multiple contracts in Miami-Dade County.

Assistant County Manager Llort noted that performance bonds were included in this contract and the contractors were well-versed in large contracts. She also noted the budget for this project included several types of performance measures and assurances, and served as a cap, but no cap was set in this contract. She said she could not absolutely assure there would not be any modifications to this contract, but noted this project had been very thoroughly analyzed.

Commissioner Heyman clarified she did not think anyone had been remiss in their judiciary responsibilities concerning this project, but the County's citizens needed to understand the magnitude of this project. She asked for the status of Miami-Dade Aviation Department's efforts to work with

FINAL OFFICIAL

Parson/Odebrecht Joint Venture (POJV) in resolving certified project claims filed by subcontractors in order to avoid potential lawsuits against the County.

Mr. Max Fajardo, Deputy Aviation Director, Miami-Dade Aviation Department, noted staff was currently in the process of completing the negotiations scheduled through the end of February 2009, and continued to negotiate and resolve disputes with subcontractors who had submitted certified project claims with POJV. He said he was confident the issues would be resolved by the end of February.

Commissioner Heyman noted her respect for the principals and professionals involved in this contract, and their continual efforts to resolve potential lawsuits and settle certified claims. She noted she supported this item.

Commissioner Sosa noted her respect for the contractors in this contract and for the procurement process, but expressed concern with the County always awarding big contracts to the same companies and non-local companies, which she noted did not help our economy. She noted only eleven of the twenty subcontractor firms in this contract were local, and the prime contractor was non-local. She said she felt specific language needed to be created in all RFQs, RFPs, and ITBs that would help stimulate the County's economy.

In response to Commissioner Sosa's question regarding whether Tower-OHL Group and Tower Group, Inc. were the same company, Mr. Kapoor, MDT Director, noted OHL Group acquired Tower Group Inc. and the two companies were now the same company.

Commissioner Sosa referenced an Inspector General's (IG) report dated January 05, 2009 that raised concerns about Tower Group Inc's performance in constructing the South Dade Cultural Arts Center project. She expressed concern with awarding this company another contract when it had performance issues in a previous contract.

Assistant County Manager Ysela Llord noted the performance ratings and improvements of Tower Group Inc were addressed on handwritten page 6 of this resolution.

Commissioner Sosa requested an explanation as to why this agenda item did not track the history and violations of Tower Group, Inc as expressed in the IG report.

County Manager George Burgess agreed the Administration needed to be more careful in clearly flagging the issues raised by the IG in the tracking section, but noted this item contained language regarding the performance history of Tower Group, Inc. He also noted that Mr. Michael Spring, Director, Department of Cultural Affairs, had already prepared a response to the IG's report, some of which staff took exception to.

Mr. Michael Spring, Department of Cultural Affairs Director, advised the Board that he had prepared a response to the IG's report and that most of the content in the IGs' report was reported publicly and to the County Manager. He noted that Tower Group Inc., which submitted a bid and was awarded the South Dade Cultural Arts Center project contract, was sold to OHL Group midway through the project, and staff has since worked with OHL Group to get this project back on track. Mr. Spring further noted that last November

OHL Group replaced its entire top tier of site managers on this project with a new team that took corrective actions, and which he believed would move this project forward in the right direction. He noted that staff publicly criticized the performance of Tower Group Inc on this project, which had been no secret.

Commissioner Sosa expressed appreciation to Mr. Spring for his explanation. She referenced a resolution she previously sponsored which provided for all contracts that come before the Board for approval to include the name and phone number of the persons responsible for the project. She noted the Commission also adopted a resolution requiring the County Manager to flag the company's performance history in the Agenda Item's tracking section, but some items lacked this information.

Assistant County Manager Llort noted Jesus Valderrama was listed as the contract manager, on handwritten page 7 of this resolution, along with his phone number.

Commissioner Sosa pointed out that the contract manager was not necessarily the party responsible for the project, and the existing resolution clearly stated that the contract must list the name of the person responsible. Commissioner Sosa asked Assistant County Manager Ysela Llort to ensure that future contracts included the name and phone number of the individual responsible for the contract before being forwarded for the Board's approval.

Commissioner Moss noted he met with Director Michael Spring and his staff on several occasions to get a progress report on the South Dade Cultural Arts Center, and he witnessed their diligence in overseeing Tower Group, Inc's performance. He said he was surprised to see a joint venture between Odebrecht Construction and Tower Group, Inc for this transit project, considering Tower Group Inc's history of performance.

Mr. Gilberto Nieves, representing Odebrecht Construction, appeared before the Board and noted that Tower Group, Inc had only a 25% interest in the joint venture with Odebrecht, which was the managing partner of the joint venture. He assured the Board that he would oversee Tower Group Inc's performance on this project.

Chairman Moss noted it was extremely important that Odebrecht maintain control of Tower Group Inc and ensure responsibility for this project.

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

12/10/2008 Forwarded to BCC with a favorable recommendation from the Transit Committee

8K

OFFICE OF COMMUNITY & ECONOMIC DEVELOPMENT

8K1A

083476 Resolution

RESOLUTION APPROVING AN AMENDMENT TO THE LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE AMENDED LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; TO DO ALL THINGS NECESSARY AND PROPER TO CARRYOUT THE TERMS AND CONDITIONS OF THE PROGRAM PURSUANT TO THE PLAN, AND PROVIDING AN EFFECTIVE DATE (Office of Community and Economic Development)

*Adopted
Resolution R-36-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/10/2008 Forwarded to BCC with a favorable recommendation from the Economic Development and Human Services Committee

8K1B

083479 Resolution

RESOLUTION AUTHORIZING THE CHANGE IN SITE LOCATION FOR THE CONSTRUCTION OF AN AFFORDABLE HOUSING DEVELOPMENT PREVIOUSLY AUTHORIZED BY THE BOARD OF COUNTY COMMISSIONERS, THROUGH RESOLUTION R-412-08, FROM 11010 PINKSTON DRIVE, A 3.09 ACRE LOT, TO 11001 PINKSTON DRIVE, A 3.01 ACRE LOT; AND TO AUTHORIZE \$2,000,000 OF SURTAX FUNDS PREVIOUSLY AWARDED FOR THE DEVELOPMENT OF THE AFFORDABLE HOUSING UNITS TO ACCOMPANY THE CHANGE OF SITE LOCATION, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS (Office of Community and Economic Development)

*Adopted
Resolution R-37-09
Mover: Dorrin D. Rolle
Seconder: Dennis C. Moss
Vote: 9- 0
Absent: Jordan, Edmonson,
Heyman, Martinez*

12/10/2008 Forwarded to BCC with a favorable recommendation from the Economic Development and Human Services Committee

8L OFFICE OF STRATEGIC BUSINESS MANAGEMENT

8L1A

083480 Resolution

RESOLUTION AMENDING THE BUDGET FOR FISCAL YEAR 2007-08 AND APPROVING THE BUDGET FOR FISCAL YEAR 2008-09 FOR THE NORTH MIAMI COMMUNITY REDEVELOPMENT AGENCY (Office of Strategic Business Management)

*Adopted
Resolution R-38-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/10/2008 Forwarded to BCC with a favorable recommendation from the Economic Development and Human Services Committee

8L1B

083482 Resolution

RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2008-09 FOR THE SOUTH MIAMI COMMUNITY REDEVELOPMENT AGENCY (Office of Strategic Business Management)

Adopted
Resolution R-39-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson

12/10/2008 Forwarded to BCC with a favorable recommendation from the Economic Development and Human Services Committee

8L1C

090044 Resolution

RESOLUTION AMENDING FY 2007-08 COUNTYWIDE GENERAL FUND AND UNINCORPORATED MUNICIPAL SERVICE AREA GENERAL FUND BUDGETS [SEE AGENDA ITEM NO. 5P] (Office of Strategic Business Management)

Amended

Report: (See Agenda Item 8L1C Amended; Legislative File No. 090175 for the amended version.)

8L1C AMENDED

090175 Resolution

RESOLUTION AMENDING FY 2007-08 COUNTYWIDE GENERAL FUND AND UNINCORPORATED MUNICIPAL SERVICE AREA GENERAL FUND BUDGETS [SEE ORIGINAL ITEM UNDER FILE NO. 090044] (Office of Strategic Business Management)

Adopted as amended
Resolution R-40-09
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Edmonson

Report: Ms. Jennifer Glazer-Moon, Director, Office of Strategic Business Management, noted a scrivener's error existing on handwritten page two in the fifth line of the paragraph entitled "Housing Agency" that needed to be corrected to reflect the operating expenditures amount as \$213,800 in lieu of \$218,300. She noted the correction would have no fiscal impact on this item.

Hearing no comments or questions, the Board adopted the foregoing proposed resolution as amended to correct a scrivener's error existing on handwritten page two, in the fifth line of the fourth paragraph entitled "Housing Agency" to reflect the amount of operating expenditures for the Foundation as \$213,800 in lieu of \$218,300.

8M**PARK AND RECREATION DEPARTMENT**

8M1A

083393 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR THE INSTALLATION AND MAINTENANCE OF ELECTRIC FACILITIES AT THE BILL BIRD MARINA IN HAULOVER PARK (Park & Recreation Department)

*Adopted
Resolution R-41-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/8/2008 Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee

8M1B

083394 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A JOINT USE AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY FOR KENDALL INDIAN HAMMOCKS PARK AND STATE SCHOOL YYY-1 (Park & Recreation Department)

*Adopted
Resolution R-42-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/8/2008 Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee

8M1C

083574 Resolution

RESOLUTION RETROACTIVELY APPROVING THE SUBLEASE AGREEMENT BETWEEN WESTREC EQUITIES, INC. AND NIECA 1 LLC FOR THE RESTAURANT SERVICE OPERATION AT HAULOVER PARK MARINE CENTER IN HAULOVER PARK [SEE ORIGINAL ITEM UNDER FILE NO. 083317] (Park & Recreation Department)

*Adopted
Resolution R-43-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/8/2008 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Recreation & Cultural Affairs Committee

8N PLANNING AND ZONING DEPARTMENT

8N1A

083279 Resolution

RESOLUTION ACCEPTING THE SCHENLEY PARK CHARRETTE AREA PLAN REPORT INCLUDING ITS PLAN AND RECOMMENDATIONS (Department of Planning & Zoning)

*Adopted
Resolution R-44-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

8O PROCUREMENT MANAGEMENT DEPARTMENT

801A

083301 Resolution

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH SWAP FINANCIAL GROUP, LLC TO OBTAIN DERIVATIVE PRODUCTS ADVISOR SERVICES, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN CONTRACT NO. RFQ639 (Procurement Management Department)

*Adopted
Resolution R-45-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Budget and Finance Committee

801B

083319 Resolution

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE AUTHORITY TO REJECT PROPOSALS RECEIVED FOR REQUEST FOR PROPOSALS TO OBTAIN SECURITY GUARD AND SCREENING SERVICES FOR THE PORT OF MIAMI - RFP NO. 487A TIER 3 SECTOR 3B ONLY (Procurement Management Department)

*Adopted
Resolution R-46-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Budget and Finance Committee

801C

083396 Resolution

RESOLUTION AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX (SURTAX) AS A FUNDING SOURCE FOR THE PURCHASE OF GOODS AND SERVICES (Procurement Management Department)

*Adopted
Resolution R-47-09
Mover: Katy Sorenson
Seconder: Dorrin D. Rolle
Vote: 8- 1
No: Sosa
Absent: Jordan, Edmonson,
Heyman, Martinez*

12/10/2008 Forwarded to BCC with a favorable recommendation from the Transit Committee

801D

083428 Resolution

RESOLUTION RATIFYING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE AWARD OF CONTRACTS UNDER FULL AND OPEN COMPETITION FOR THE PURCHASE OF GOODS AND SERVICES VALUED IN EXCESS OF \$100,000 AND UP TO \$1,000,000 EXECUTED DURING THE PERIOD OF APRIL 1, 2008 THROUGH JUNE 30, 2008 (Procurement Management Department)

*Adopted
Resolution R-48-09
Mover: Rebeca Sosa
Seconder: Dorrin D. Rolle
Vote: 9- 0
Absent: Jordan, Edmonson,
Heyman, Martinez*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Budget and Finance Committee

801E

083442 Resolution

RESOLUTION WAIVING FORMAL BID PROCEDURES FOR THE PURCHASE OF GOODS AND SERVICES AND AUTHORIZE THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AWARD SAME, WITH AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER (Procurement Management Department)

Amended (pending receipt of Leg. File No. from CM)

Report: *Ms. Miriam Singer, Director, Department of Procurement Management, requested this resolution be amended to delete the Citizen's Independent Transportation Trust (CITT) allocation reflected on handwritten page 13 because it was no longer needed; and to change the total amount reflected on handwritten page 13 from \$7,518,482 to \$7,502,584 and the total modified allocation reflected on handwritten page 14 from \$16,228,285 to \$16,212,387.*

It was moved by Commissioner Martinez that the foregoing proposed resolution be adopted as amended to delete the \$15,898 allocation for the CITT from the People's Transportation Plan (PTP) Surtax Funds as reflected on handwritten page 13, Section #4; to reduce the total amount reflected under "Allocation" on handwritten page 14 from \$7,518,482 to \$7,502,584; and to reduce the total amount reflected under "Modified Allocation" on handwritten page 14 from \$16,228,285 to \$16,212,387. This motion was seconded by Commissioner Heyman, and upon being put to a vote, passed by a vote of 10-0. (Commissioners Jordan, Barreiro and Edmonson was absent)

The amended version has been assigned Resolution #R-49-09

12/9/2008 Forwarded to BCC with a favorable recommendation from the Budget and Finance Committee

801F

090061 Resolution

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH GOVERNMENT SERVICES GROUP, INC. TO OBTAIN CONSULTING SERVICES FOR THE DEVELOPMENT OF THE FIRE SUPPRESSION ASSESSMENT PROGRAM, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN CONTRACT NO RFP 628[SEE ORIGINAL ITEM UNDER FILE NO. 083486] (Procurement Management Department)

Amended

Report: *(See Agenda Item 801F Amended; Legislative File No. 090616 for the amended version.)*

801F AMENDED

090616

Resolution

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH GOVERNMENT SERVICES GROUP, INC. TO OBTAIN CONSULTING SERVICES FOR THE DEVELOPMENT OF THE FIRE SUPPRESSION ASSESSMENT PROGRAM, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 090061] (Procurement Management Department)

Adopted as amended

Resolution R-50-90

Mover: Katy Sorenson

Seconder: Dorrin D. Rolle

Vote: 6-5

No: Heyman, Barreiro, Sosa,

Gimenez, Souto

Absent: Jordan, Edmonson

Report: Commissioner Sosa asked if the intent of this resolution was to hire a consultant to study the possibility of assessing a fire fee in addition to the property taxes already paid by the general public for this service.

County Manager George Burgess noted the intent of this resolution was to hire a consultant to study whether the County Commission should consider imposing a fire fee for fire suppression services at a later date. He noted the County Administration had in mind for the fire fee to be in lieu of property taxes. The County Manager added that the fire fee would hopefully target the cost and benefits of the services more equitably.

Commissioner Sosa expressed concern with taxpayers having to pay more for the same service. She noted the intent of this resolution needed to be very clear to the community, which believed they could be assessed an additional fee in the future above what they already paid for this service.

County Manager Burgess noted the intent was not to increase the current ad valorem tax burden with a fire fee. He noted using a fire fee could save property owners money if the proper methodology was used, but no methodology yet existed and it would be premature to state now what the administration of a fire fee would look like.

Responding to Commissioner Sosa's question regarding whether the County Mayor supported this resolution, County Manager Burgess noted the Mayor supported affording the Administration and the County Commission the ability to consider all alternatives in May or June when more information was known about the economy.

Commissioner Sosa expressed concern with the county paying for a study now when the process of implementing a fire fee might be delayed, and the results of the study would become irrelevant. She pointed out the cost to update the analysis was approximately \$90,000 more per year. Commissioner Sosa said she had always supported the Miami-Dade Fire Department being funded independently of property taxes, but felt this Commission would fail by not educating the public or conducting a public hearing on this issue.

County Manager Burgess noted education was a very important element of a fire fee implementation program and staff would meet with groups across all Commission Districts between now and next May to ensure the public was informed. He noted that to make a recommendation today on whether or not to impose a fire fee would be premature and would preempt the analysis, the development of the methodology and the alternatives. Mr. Burgess also noted the foregoing resolution would allow for the use of the tax notice as a method for collection in the event the Board approved the imposition of a fire fee, subsequent to the Administrations' recommendation presented in June.

In response to Commissioner Sosa's question whether staff was capable of doing the analysis and developing the assessment roll in-house, County Manager Burgess noted the importance of hiring an expert to develop a methodology and a non-ad valorem assessment roll that was legally defensible and could withstand the challenges of case law. He also noted the firm recommended to do this work had done it before in other jurisdictions statewide. He recommended the development of the methodology and assessment roll not be done in-house since county staff had not done it before and he did not want to run the legal risk. Mr. Burgess spoke in support of the methodology and tax assessment roll being updated in-house after they were developed.

Commissioner Gimenez concurred that expertise was needed to develop the methodology and the tax assessment roll in order for the Board to consider a fire fee assessment, but expressed concern with the County spending \$800,000 on a consultant, if the consensus or political will of the Board was not to impose a fire fee. He clarified that he was not saying the County's in-house staff had the expertise to develop the methodology and assessment roll, but that his position was the County could spend less to get a general idea of what a fire fee entailed before deciding to impose it. He said he would not support imposing a fire fee at this time.

Commissioner Heyman concurred with the comments of Commissioner Gimenez as to timing. She spoke in support of the Fire District maintaining its services, and expressed concern that some cities threatened to sue the County and went before the Dade League of Cities to propose the Fire District be restructured. She said she wanted to see changes in cost efficiency and consideration of cost reductions or other alternatives before an outside consultant was paid to analyze whether a fire fee should be imposed. She noted her appreciation of the Mayor's consideration to use in-house staff to update the study, but noted she was uncomfortable with supporting this resolution now.

Commissioner Seijas said she felt it was the Board's responsibility to ensure the public was educated on this issue. She noted several public hearings should be conducted to inform the public of the reality of maintaining the current level of fire services was costly. She suggested the Board's political fear be tested instead of its political will to determine its ability to stand up and say yes or no. She spoke in support of this resolution and asked the Fire Chief to explain the financial dilemma of the Fire District.

Mr. Herminio Lorenzo, Fire Chief, Miami-Dade Fire and Rescue (MDFR), noted projections in MDFR's budget indicated that funds would run too short by early next fiscal year to continue service operations at the current level. Regarding the efficiency of MDFR, he noted staff compared MDFR with similar fire departments countywide and across the nation, and found that municipal fire departments were funded from several revenue sources such as ad valorem, franchise, utility taxes, state revenue sharing and other general funds; however, MDFR was funded almost entirely by Ad Valorem taxes. He noted any impact to Ad Valorem taxes would impact the level of services currently provided by MDFR.

Commissioner Seijas asked if the imposition of a fire fee would eliminate the current Ad Valorem Taxes for this service and if the proposed consultant would decide the fee amount.

Chief Lorenzo noted the formula utilized for fire fee assessment could, in fact, substitute the ad valorem taxes collected for fire suppression by providing a more equitable way of charging for this service since everyone would pay the same amount, as opposed to a value based charge that varied from household to household. He noted several options would be provided by the consultant, along with a recommendation by the Administration that would give the Commission the ability to balance assessing a fire fee for suppression against charging ad valorem taxes in the District for this service.

Commissioner Sorenson suggested a straw vote be taken to determine whether the majority of the Board supported assessing a fire fee in the future, before this study was engaged in.

Commissioner Martinez concurred with Commissioner Sorenson's suggestion of determining whether the Commission was inclined to impose a fire fee. He noted the intent of the resolution was obviously to generate more funds for the Fire District since fire fee collections were based on millage rates and property values would likely decrease as owners demand a reassessment. He also noted a tax rate reduction would reduce the collections and funds used for police/fire services and result in the county needing to either raise the millage rate or implement the fire fee assessment in order to maintain its basic services. He asked if the fire fee assessment would supplant the current ad valorem tax for this service.

Chief Lorenzo noted the Fire District would need to seek alternative revenue sources to maintain its current level of services if the revenues generated a shortfall. He noted the options would be to either cut services or operations, establish a fire fee assessment, or increase the millage rate in the District up to a maximum of three (3) mills. He indicated that the funds paid to the Fire District from part of the millage could be balanced with a fire fee assessment.

In response to Commissioner Martinez' question whether the International Associations of Firefighters Local 1403 Union was currently bargaining for a cost of living increase, County Manager Burgess noted the last increase was in July 2008, and another contract had not yet been negotiated.

Commissioner Martinez pointed out that even a small increase in payroll expenses along with a decrease in revenues would result in the need to cut services, increase the millage rate for fire services or assess a fire fee. He inquired whether a fire fee assessment would supplement the ad valorem tax.

County Manager Burgess noted, by law, the Fire Rescue District must be supported 82% by the ad valorem property taxes. He noted the Fire Rescue component of fire services would always be supported by ad valorem taxes, but the fire suppression component could be supported by a fire fee assessment or a combination of a value-based charge and a fire fee. He noted in order to present the Board with different values and combinations, a methodology and tax assessment roll needed to be developed that would not supplement, but replace a portion of the ad valorem taxes with a fire fee assessment, which he noted could conceivably save residential property tax payers some money.

Commissioner Martinez inquired if the reason this particular firm was recommended for this contract was due to their experience in Florida and their experience in defending this type of fee.

Chief Lorenzo noted Government Services Group (GSG) was a team of experts that was chosen in a competitive process, and had successfully implemented over one-hundred fire fee assessments statewide, some of which had been in operation for decades and still were. He also noted this firm was associated with the law firm of Nabors, Giblin and Nickerson, which were experts on constitutional law.

Commissioner Martinez pointed out the intent of this resolution was just to approve a consultant contract and not to impose a fire fee. He asked if the consultant fee in this contract included this consultant firm providing advice to the County Attorneys and defending their work in the event of a law suit.

Assistant County Attorney Jim Kracht noted he reviewed the scope of work in this contract, which contemplated a defense, but this defense might be an additional cost. He said he would inquire into the number of hours to be provided for a defense without the incurring of an additional cost.

County Attorney Robert Cuevas advised that the pricing schedule in this contract reflected a defense as an additional option beyond the scope of work covered by the contract fee.

Commissioner Martinez agreed this would be the year to impose a fire fee assessment if revenue collections decreased and expenses increased; however, he could not support this contract unless the consulting firm agreed to defend their work.

Chief Lorenzo suggested the consultant, who was present today, be allowed to address this matter.

Commissioner Diaz noted the purpose of hiring a third party was to protect the County in case of legal challenges, and this entity should be responsible for their work at no additional cost. He pointed out the importance of fire/police services in catastrophic events such as 911 for the benefit of those who opposed a fire fee and noted these services should not be forgotten or decreased. He noted the County should be prepared to subsidize these services with some method; otherwise, the County would need to reduce its services or raise the taxes.

Chief Lorenzo concurred, and noted a consultant was needed to develop a methodology in order to have a mechanism in place to provide an option in the upcoming October budget process if the Board decided a fire fee assessment was needed to fund fire services.

In response to Commissioner Diaz' question regarding what other options the Board would have if no mechanism was in place, County Manager Burgess noted the Board could cut services, raise the millage rates, consider other revenue sources or do a combination of all three. He noted increasing the millage rates required some limitations such as a 2/3s vote of the Board.

Commissioner Diaz and Chief Lorenzo pointed out cases outside of the County where fire fee assessments had been successfully implemented.

Commissioner Sosa expressed concern with "cutting services" being the first option. She noted this Board had the authority to accommodate the Fire Department with the General Fund. She said she could support the Fire Department being funded by the General Fund because its services were needed the most in this community. She noted she could not support this proposal until she heard options other than a fire fee assessment, including options for the Fire Department to be included in the County's budget to make it less dependent on property taxes.

County Manager Burgess noted it was appropriate for the Board to hear all of the options and staff could share all alternatives with the Board, including franchises. He noted a fire fee was one option, but in order to be an option, certain requirements were needed in advance. He pointed out that anything the General Fund supported had to be regional in nature. He noted the issue with the Fire Rescue District supported by the General Fund was spreading the cost of a District that serviced a limited region across various municipalities that had their own fire department, which would not be truly

regional in nature. Mr. Burgess assured the Board that all of the options would be presented to the Board at the same time a potential recommendation for a fire fee assessment was presented.

Commissioner Sosa said she would only support this consultant contract if all the options were analyzed, not just one.

Commissioner Seijas asked for clarity regarding the purpose of this study, since she understood the consultant would bring back several options for the Board to consider.

Chief Lorenzo clarified the work of the consultant was to evaluate the full cost of providing fire protection for Miami-Dade County with different options, and once the cost was estimated, to develop an apportionment methodology based on the amount the County wanted to recover in fire suppression service costs utilizing a fire fee assessment. He noted all options would be presented in the budget process for the Board to determine how much to assess, if any. He said the future revenues of the Fire Department looked unpromising, and the issue was the timeline since State Statutes required a methodology be developed within a certain timeframe in order to implement a fire fee in October of this year. He noted this resolution would allow for the hiring of a consultant to develop a methodology and a tax assessment roll and have a mechanism in place with options should the Board decide to implement a fire fee.

Commissioner Seijas recognized the consultant to answer some questions. She inquired whether this contract fee included the consultant defending the methodology it developed should the County be challenged in court.

Ms. Camille Tharpe, Senior Vice President, Government Services Group (GSG), Tallahassee Florida, noted a defense was not contemplated in the original scope of services in this contract, but was an added service. She noted the services included GSG creating a program, reports and a methodology, that if litigated, would be heard expeditiously. She offered to include in the contract fee, a limited number of hours or a dollar amount to assist in litigation, which she noted could take a number of years.

Commissioner Seijas suggested language be used that states the assistance would be limited to litigation pertaining to this study. She asked if GSG had conducted studies of other municipalities within Miami-Dade County and were they successful in having their options considered and implemented.

Ms. Tharpe noted GSG worked on the Miami-Dade County Project in 1998, and worked with the City of Miami and other cities on other assessment programs besides fire assessment that required the same case law and stringent criteria to make them legally defensible. She noted a fire fee assessment helped turned the City of Miami around when it was in a financial crisis and provided it with a revenue source; however, the law at that time did not clearly indicate that Emergency Medical Services (EMS) could not be funded with a fire fee assessment, and all cities in Broward County were advised by GSG of a risk of proceeding with imposing a fire fee assessment and the possibility of losing a portion of the fee related to EMS, if litigation occurred. Ms. Tharpe noted the current case law was very clear, and the methodology created by GSG since 2000 had been upheld by the Florida Supreme Court, and very clearly differentiated between the cost of fire suppression and EMS.

Commissioner Seijas asked if the final resolution could include language stating that no ad valorem taxes would be used to supplant the needs of the Fire District if the Board chose to implement a fire fee. She noted this would ease the community's concern regarding an additional fee being assessed above the ad valorem taxes they already paid for this service.

Assistant County Attorney Jim Kracht noted the Board could amend the scope of services in this contract to indicate the methodology to be developed would be 100% funded by a fire fee for fire suppression and 0% funded by Ad Valorem taxes, but in essence, the Board would be giving this firm an instruction and making a decision without factual information before them, and the information provided by this firm would be limited. He also noted the Board could do this later.

Commissioner Seijas said she felt the Board needed to rely on its gut feelings and put faith in the Fire Department. She concurred with Commissioner Sorenson's suggestion that a straw vote be taken to determine whether the Board would support the implementation of a fire fee assessment.

Commissioner Gimenez clarified the issue with the City of Miami was not the fire fee, but the settlement. He noted two years after the District Court of Appeals upheld the City of Miami's special assessment for fire and rescue services was valid; they changed their opinion and required the City of Miami to eliminate fire rescue services from the fire fee assessment, which worked for several years with no problems. He also noted the City of Miami was in a financial crisis at that time; however, Miami-Dade County was not in a financial crisis and its millage rate for Fire Rescue was 2.2. He pointed out that whatever amount was determined as needed for fire suppression would still be paid by the taxpayers, but would vary per household based on the property unit or square footage instead of the value. He said he was not prepared to go forward with implementing a fire fee yet and spend \$800,000 on a study. Commissioner Gimenez asked if this contract could be divided to allow the consultant to complete a portion of the scope of services and demonstrate what a fire fee would entail, and then proceed with the development of a methodology and tax assessment roll if the Board decided to impose a fire fee assessment.

Chief Lorenzo noted the consulting firm had bid on three modules as part of the total package and he would need to inquire if the tax assessment roll could be developed with options first.

Ms. Tharpe noted the original proposal, presented by GSG, provided for all steps through implementation, including the preparation of the ordinances/resolutions. She noted the contract could be reduced \$300,000 by eliminating many of the tasks associated with implementation, and GSG could just provide a report and a tax assessment roll that allowed the Board to analyze its options; however, the creation of the entire 500,000 parcel assessment roll was necessary for the Board to have all the options to evaluate, and that involved much effort. Ms. Tharpe said she believed county staff had spent many hours trying to minimize the scope of work and perform some work in-house, and GSG's costs were at bare minimum. Additionally, she noted the contract fee included all expenses related to the project, including the airline costs to travel to and from Tallahassee and Miami.

Commissioner Diaz pointed out the Committee requested the contract price be reduced to bare bones, and this was the final figure.

Commissioner Gimenez asked if the \$800,000 contract fee would take the Board to a decision point, and would an additional fee be required if the Board decided to go forward with implementation.

Ms. Tharpe clarified this contract would not take the Board to the point of imposing a fire fee assessment and collecting it on the tax bill; however, it would provide for a report and a tax assessment roll with options and rate scenarios for the Board's consideration to go forward with implementation. She noted the Board could either implement the fee using in-house resources or the assistance of GSG at an hourly rate through another negotiated contract. She noted this contract also included the services of Nabors, Giblin and Nickerson law firm, which created much of the special assessment case law and would assist GSG in developing the methodology, writing legal reports, and assisting the County Attorney with legal advice and the county staff at an hourly rate should the Board chose to move forward with implementation. Ms. Tharpe pointed out the County Attorney had experience in this program as well.

In response to Commissioner Martinez question regarding whether GSG would be willing to include in this contract, 50 hours of expert testimony to defend the County in the event of a law suit, Ms. Camille stated on behalf of GSG, she would dedicate 50 hours of expert testimony in this contract to defend a law suit, if needed.

County Manager Burgess responded to Commissioner Souto's request for clarity regarding this resolution. He noted the approximately \$800,000 contract would engage a consultant to develop a methodology and an ad valorem tax assessment roll, with complex formulas and folios that were technical in nature. The contract would also provide the assistance of experts to assist county staff in making a better informed recommendation in June, and would provide the Board with alternatives for funding a vital service. He noted the tax assessment roll could be updated in-house if the Board chose not to implement a fire fee this year, but at a later time. He also noted State law required a resolution of intent be approved before March 1 of a calendar year if a tax bill was to be utilized as the billing method, and if approved, the fee needed to be advertised for four consecutive weeks. County Manager Burgess noted it would be in everyone's best interest to include the fee on one unified tax bill.

Commissioner Souto noted his primary concern was the timing of a fire fee implementation given the current economy, and noted he had faith in the recovery of the County's economy. He said the County needed to be cautious in spending its dollars, and he was tired of hearing the comments that services would be cut, which he felt could start a revolution in this country.

In response to Commissioner Rolle's inquiry whether Chief Lorenzo had been involved in the implementation of other fire fee assessments in the past, and if so, did those cities or counties engage in the services of a consultant to help them make a decision, Chief Lorenzo affirmed that he had, and those cities followed the same process.

Following discussion, it was moved by Commissioner Sorenson that a straw vote be taken on whether the Board supported exploring the option of implementing fire fee assessment in the future. This motion was seconded by Commissioner Sosa, and upon being put to a straw vote, passed 8-3. (Commissioners Gimenez, Heyman, and Barreiro voted No), (Commissioners Edmonson and Jordan were absent)

FINAL OFFICIAL

Commissioner Gimenez pointed out this was a two year contract with options to renew. He questioned what would become of this contract and renewal terms, if the Board decided not to impose a fire fee.

County Manager Burgess noted the contract would not necessarily expire, but the Board had the ability to terminate it and was not obligated to exercise any renewal options.

Hearing no further comments or questions, the Board adopted the foregoing proposed resolution as amended to provide that this contract include fifty (50) hours of expert testimony to be provided by Government Services Group in the event of a lawsuit.

801G

090048 Resolution

RESOLUTION AUTHORIZING THE COUNTY MAYOR TO EXERCISE OPTIONS-TO-RENEW FOR COMPETITIVELY BID CONTRACTS AWARDED UNDER THE COUNTY MAYOR'S DELEGATED AUTHORITY FOR THE PURCHASE OF GOODS AND SERVICES (Procurement Management Department)

*Adopted
Resolution R-51-09
Mover: Joe A. Martinez
Seconder: Rebeca Sosa
Vote: 9- 0
Absent: Jordan, Edmonson,
Diaz, Seijas*

Report: *Commissioner Gimenez asked why the Consumer Price Index (CPI) adjustments in Contract Items No. 1 and No. 3 were different, if the CPI was a standard rate set by the Federal Government.*

Ms. Miriam Singer, Director, Department Procurement Management (DPM), explained that the CPI adjustment listed in each of these items was specific to that commodity, and was the CPI published when staff conducted market research on each commodity to determine whether it was in the County's best interest to proceed with the Option to Renew (OTR) or go back out in the marketplace. Ms. Singer noted those CPI figures were factored into the market analysis when the analysis was conducted, but if the Board approved the exercising of the OTR, staff would use the CPI published at the time the OTR was exercised, if it was lower than the CPI currently indicated in these items.

In response to Commissioner Gimenez' request for clarification of the CPI adjustments in both Contract Items, Ms. Singer noted when the market research was conducted on Contract Item No. 1-Systems Furniture in October 2008, the CPI published was 4%, and when market research was conducted on Contract Item No. 3, the CPI published was 6.4%. Ms. Singer advised the Board that a scrivener's error existing on handwritten page 6 of this resolution listing the CPI adjustment in Contract Item No. 1-Systems Furniture as 5.1% that should be corrected to reflect 4%. She noted the calculations and dollar amount were listed correctly.

In response to Commissioner Gimenez question whether the same index was used for both Items, Ms. Singer noted the same CPI index was used for both items but at different times. She noted the amounts reflected in these items were the timeliest amounts when market research was conducted for the purpose of presenting the items to the Board; however, the actual amounts would be based on the Department of Labor's standards at the time the OTR was exercised.

At the request of Commissioner Martinez, the foregoing proposed resolution was bifurcated for the Board to vote separately on Item No. 1 pertaining to Systems Furniture.

The Board proceeded to vote on the foregoing proposed resolution, excluding Contract Item No. 1 for Systems Furniture.

It was moved by Commissioner Heyman that Contract Item No. 1 pertaining to Systems Furniture be adopted. This motion was seconded by Chairman Moss, and upon being put to a vote, passed by a vote of 7-2. (Commissioners Martinez and Sosa voted No), (Commissioners Seijas, Jordan, Diaz and Edmonson were absent).

Note: Pursuant to the County Manager's Memorandum of Changes to the January 22, 2009 BCC Meeting, a scrivener's error previously existing in the foregoing proposed resolution was corrected to reprint this resolution to include handwritten page 13, which had been inadvertently left out.

801H

090058 Resolution

RESOLUTION AUTHORIZING AWARD OF A COMPETITIVE CONTRACT, 8809-4/13 FOR VEHICLE RENTAL SERVICES, IN THE AMOUNT OF \$4,090,334 FOR A ONE-YEAR, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER (Procurement Management Department)

*Adopted
Resolution R-52-09
Mover: Sally A. Heyman
Seconder: Katy Sorenson
Vote: 8-2
No: Rolle, Barreiro
Absent: Jordan, Edmonson, Diaz*

Report: *Commissioner Barreiro noted he disagreed with the County Manger's report pertaining to this resolution, and stated he thought the Manager was instructed to go back out to bid, with one comprehensive bid and one price, as was previously done in the original bid, and not each company bidding on individual categories. He said he felt more volume would attract better prices, and he was not supportive of the current format.*

Chairman Moss advised the Board that Commissioner Edmonson requested this resolution be deferred.

In response to Commissioner Gimenez question regarding whether the \$4 million contract amount for the first year was the same amount for the four "option to renew" years, Ms. Miriam Singer, Director, Department of Procurement Management, noted the values for the one year contract and the four "option to renew" years were identical.

In response to Commissioner Gimenez' question regarding whether any other rental car agreements existed countywide, Ms. Singer noted the only other contract was the existing emergency contract, which would expire in February 2009.

Hearing no further comments or questions, it was moved by Commissioner Seijas that the foregoing proposed resolution be deferred. This motion was seconded by Commissioner Barreiro, and upon being put to a vote, failed 5-5 (Commissioners Sorenson, Martinez, Heyman, Moss and Sosa voted No), (Commissioners Edmonson, Jordan and Diaz were absent)

The Board proceeded to vote on a motion to adopt the foregoing proposed resolution as presented.

801H SUPPLEMENT

090064 Supplement

SUPPLEMENTAL REPORT ON CONTRACT NO. 8809-4-13:
COUNTY VEHICLE RENTAL

Presented

8P PUBLIC WORKS DEPARTMENT

8P1A

083309 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A ROADWAY TRANSFER AGREEMENT FROM MIAMI-DADE COUNTY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR W 137 AVENUE FROM SW 8 STREET TO NW 12 STREET; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS THEREIN [SEE AGENDA ITEM NO. 8P1F] (Public Works Department)

Adopted
Resolution R-53-09
Mover: Jose "Pepe" Diaz
Seconder: Dennis C. Moss
Vote: 9- 0
Absent: Jordan, Edmonson,
Heyman, Martinez

12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

8P1B

083368 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF SOUTH MIAMI TO PROVIDE \$15,126.11 IN CITY FUNDS FOR THE CONSTRUCTION OF IMPROVEMENTS FOR THE WEST SIDE OF SW 57 AVENUE FROM SW 74 STREET TO SW 72 STREET; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS THEREIN (Public Works Department)

Adopted
Resolution R-54-09
Mover: Carlos A. Gimenez
Seconder: Rebeca Sosa
Vote: 10- 0
Absent: Jordan, Edmonson, Diaz

Report: Responding to Commissioner Seijas' question regarding whether the Joint Participation Agreement (JPA) needed to be ratified, Ms. Esther Calas, Director, Department of Public Works, noted the work was substantially completed, and staff determined that it would be more cost effective and would provide for a better road surface if the projects were done at the same time through a JPA.

Commissioner Seijas said she felt the agenda should reflect this as ratification rather than an interlocal agreement. She noted the \$15,000 cost for this work seemed inexpensive.

Ms. Calas noted this project covered two blocks only, and involved the milling and resurfacing of the west side of the street. She noted the project's total cost was \$30,000, but Commissioner Gimenez matched the City of South Miami's \$15,000 allocation with a \$15,000 allocation from the People's Transportation Plan (PTP) Neighborhood funds.

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

12/10/2008 Forwarded to BCC with a favorable recommendation from the Transit Committee

8P1C

083370 Resolution

RESOLUTION AUTHORIZING EXECUTION OF THE FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT (JPA) BETWEEN THE CITY OF MIAMI AND MIAMI-DADE COUNTY TO PROVIDE AN ADDITIONAL FUNDING CONTRIBUTION NOT TO EXCEED \$350,000 FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG SOUTH MIAMI AVENUE FROM SE 25 ROAD TO SE 15 ROAD (Public Works Department)

*Adopted
Resolution R-55-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/10/2008 Forwarded to BCC with a favorable recommendation from the Transit Committee

8P1D

083399 Resolution

RESOLUTION AUTHORIZING THE APPROVAL OF A REIMBURSEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR THE RELOCATION OF DISTRIBUTION FACILITIES REQUIRED FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG 74 STREET, PROJECT NO. 20070575, IN THE AMOUNT OF \$499,078.28 (Public Works Department)

*Adopted
Resolution R-56-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/10/2008 Forwarded to BCC with a favorable recommendation from the Transit Committee

8P1E

083400 Resolution

RESOLUTION AUTHORIZING THE APPROVAL OF A REIMBURSEMENT TO FLORIDA POWER AND LIGHT COMPANY FOR THE RELOCATION OF DISTRIBUTION FACILITIES REQUIRED FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG SW 127 AVENUE, PROJECT NO. 20060289, IN THE AMOUNT OF \$669,462.29 (Public Works Department)

*Adopted
Resolution R-57-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/10/2008 Forwarded to BCC with a favorable recommendation from the Transit Committee

8P1F

083514 Resolution

RESOLUTION APPROVING THE OFFICIAL ROAD RIGHT-OF-WAY MAP FOR A PORTION OF W 137 AVENUE BETWEEN SW 8 STREET (SR 90) AND NW 12 STREET, AUTHORIZING THE TRANSFER THEREOF TO THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE RECORDING THEREOF AMONG THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA [SEE AGENDA ITEM NO. 8P1A] (Public Works Department)

*Adopted
Resolution R-58-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

8P1G

090050 Resolution

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$3,910,709.12 BETWEEN WRS INFRASTRUCTURE & ENVIRONMENT, INC. AND MIAMI-DADE COUNTY FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED NW 74 STREET IMPROVEMENTS – CONTAMINATION AND REMEDIATION WORK, LOCATED WITHIN COMMISSION DISTRICT 12 (PROJECT NO. 20070610) [SEE ORIGINAL ITEM UNDER FILE NO. 083488] (Public Works Department)

Adopted
Resolution R-59-09
Mover: Sally A. Heyman
Seconder: Carlos A. Gimenez
Vote: 10- 2
No: Barreiro, Diaz
Absent: Edmonson

Report: *Commissioner Jordan expressed concern with the original recommendation to award this contract to a Certified Small Business Enterprise (CSBE) firm that willfully violated the CSBE program. She noted this firm illegally substituted subcontractors in various contracts, and performed the work themselves, which was called "fronting." She also expressed concern that this firm accepted a six-month suspension to avoid being debarred from the CSBE program, knowing they would be awarded a \$3 million contract. Commissioner Jordan noted this firm was given three opportunities but willfully disregarded and disrespected the CSBE program. She said she felt the Board would be putting the CSBE program at risk by approving this award and should award to the second lowest bidder, even if the cost was greater.*

Following Chairman Moss' comments that Commissioner Edmonson submitted a memorandum requesting this item be deferred, it was moved by Vice-Chairman Diaz that the foregoing proposed resolution be deferred. This motion was seconded by Commissioner Seijas, and followed by discussion. Vice-Chairman Diaz indicated that he supported the request for a deferral because this project was very important to District 12 and he needed more information in order to make a proper decision. He asked if a deferral would impact this contract.

Commissioner Heyman opposed the request for a deferral, noting the Transit Committee (TC) heard every issue associated with this contract and voted unanimously to award the contract to the next lowest bidder, which sent a message that the County would operate with integrity and not award those who circumvented the rules of the CSBE program.

Commissioner Sosa said she felt a delay in a project of this nature would delay the main objective of economic development. She noted she opposed a deferral since the TC already considered this resolution during a public hearing. She asked why the second lowest bidder should be awarded.

Assistant County Manager Ysela Llort noted the County Manager's original recommendation was to award to the lowest bidder, but the TC had an extensive debate on whether the lowest bidder was responsible. She also noted the TC gave instructions to the Administration to go back and negotiate with the second lowest bidder to reduce their price, which took place but that bidder did not lower its price. She noted the other alternative was for the Administration to come back with a recommendation to award the second lowest bidder as instructed by the TC. Ms. Llort noted the issues at hand concerned the responsibility of the lowest bidder, the \$600,000 price difference, and the impact of delaying the award of this contract.

In response to Commissioner Sosa's question regarding whether this contract was time-sensitive and would the construction be delayed if the tests were not completed, Assistant County Manager Llort noted a small delay could be absorbed, but a longer delay could be costly and could cause delay in the road construction. She noted all of this information was presented to the TC.

In response to Commissioner Sosa's question regarding whether every step of the procurement process established by this Board was followed completely, Assistant County Manager Llort answered "yes." She noted the recommendation was considered seriously by the Administration

Assistant County Attorney Hugo Benitez added that the TC could not establish responsibility, and recommended the company be found non-responsive and

the contract be awarded to the second lowest bidder, which was now the recommendation before the Board.

In response to Commissioner Sosa's question regarding whether the recommendation now before the Board was the recommendation of the TC and not the initial recommendation of the Administration and the selection committee to award to the lowest bidder, Assistant County Manager Llorc affirmed that was correct, and noted the process used was the lowest bid. She also noted the resolution before the Board today was a substitute item recommending the second lowest bidder be awarded, as instructed by the TC.

Commissioner Rolle pointed out that the actions of the TC were guided by the Assistant County Attorney and upheld by staff but now there seemed to be a difference in opinion. He noted the TC members felt they were acting within their purview at that time.

Responding to Chairman Moss' request for clarification as to whether the TC acted within their purview to forward this item in its current form to the County Commission, County Attorney Cuevas affirmed that the committee's actions were appropriate.

Commissioner Gimenez noted he opposed a deferral of this resolution because he felt the TC was correct in their findings that the company willfully and wantonly violated the CSBE program and should have known better. He asked if the Administrations' original recommendation could be overturned by a 2/3's vote of the Board, if it was before the Board today.

County Attorney Cuevas noted a 2/3s vote would not be required unless a bid protest had been filed and the hearing examiner concurred with the County Manager's recommendation.

Commissioner Gimenez said although the additional \$600,000 in price was an issue, the Board needed to do what was right.

Commissioner Seijas noted her only reason for supporting the deferral was out of respect for Commissioner Edmonson who requested it and Commissioner Diaz whose district the project was in.

Commissioner Sorenson said she felt this was not a district issue, but a Procurement and CSBE issue that impacted the integrity of the CSBE program. She noted awarding to the lowest bidder when it violated the rules of the CSBE program could end up costing the County more money in the long run. She spoke in opposition to the request for a deferral and agreed the Board's action should be to award to the second lowest bidder, which would send a message to other firms that they had to abide by the rules if they wanted to continue doing business with the County.

Commissioner Jordan concurred with the comments of Commissioner Sorenson and noted awarding to the second lowest bidder would prevent delay of this project. She pointed out the TC offered the Public Works Department Director the option of going with the second lowest bidder or going out for bid again in another RFP process, and the Director chose to go with the second bidder because the Director advised this project needed to move forward. She pointed out that Commissioner Edmonson was a member of the TC at that time and took part in the unanimous vote.

Commissioner Martinez agreed that if the facts were found to be true after this

FINAL OFFICIAL

resolution was reviewed, the company would have committed a fraud; however, he was concern with the \$600,000 price difference and felt a two week delay would not impact this project. Commissioner Martinez said he had no issue with awarding the contract to the second lowest bidder, which would double the CSBE goal, but he supported the deferral out of courtesy to Commissioners Edmonson and Diaz.

Vice-Chairman Diaz noted he felt a delay would not impact this project and pointed out that the second lowest bidder's price was a 20% increase in the cost budgeted for this project.

In response to Vice-Chairman Diaz' question regarding the total cost of this project, Ms. Esther Calas, PWD Director, noted the total cost was \$3,910,709. She also responded to the comments of Commissioner Jordan regarding the Director being given a choice to go out for bid again, and clarified that the consequence of the Director doing so would be an additional \$640,000 cost based on the indirect costs only, since the project was awarded and a notice of proceedings was given in January. She further clarified that going out for bid again would result in an overlap of six months or more.

Following discussion, the Board proceeded to vote on the foregoing motion to defer, which, upon being put to a vote, failed 3-9. (Chairman Moss and Commissioners Barreiro, Gimenez, Heyman, Jordan, Rolle, Sorenson, Sosa and Souto voted "No"), (Commissioner Edmonson was absent)

Hearing no further comments or questions, the Board proceeded to vote on a motion to adopt the foregoing proposed resolution as presented.

12/10/2008 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Transit Committee

8P1H

083648 Resolution

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$1,000,000.00 BETWEEN A. BERNAL SERVICES CORP. AND MIAMI-DADE COUNTY FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY LIGHTING RETROFIT COUNTYWIDE (PROJECT – CICC 7040-0/07 REQUEST FOR PRICE QUOTATION (RPQ) NO. 20080117) (Public Works Department)

Adopted
Resolution R-60-09
Mover: Dorrin D. Rolle
Seconder: Dennis C. Moss
Vote: 9- 0
Absent: Jordan, Edmonson,
Heyman, Martínez

Report: *Agenda Items 8P1H and 8P1I were considered simultaneously.*

Commissioner Rolle asked the Public Works Department Director to provide him with a progress report he previously requested on the PTP projects in District 2.

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

Note: Pursuant to the County Manager's Memorandum of Changes to the January 22, 2009 BCC Meeting, a scrivener's error previously existing in the foregoing proposed resolution was corrected to delete the following language: "Specific funding for this project will be allocated from the respective Commission District PTP yearly allocations," from the third paragraph on handwritten page 1, under the section entitled "Fiscal Impact/Funding Source."

8P1I

083695 Resolution

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$262,569.75 BETWEEN BERLO INDUSTRY, INC. AND MIAMI-DADE COUNTY FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED PAVEMENT MARKING CONTRACT (PROJECT CICC 7040-0/07 REQUEST TO ADVERTISE (RPQ) NO. 20080242) (Public Works Department)

Adopted
Resolution R-61-09
Mover: Dorrin D. Rolle
Seconder: Dennis C. Moss
Vote: 9- 0
Absent: Jordan, Edmonson,
Heyman, Martínez

Report: *See Agenda Item 8P1H; Legislative File No. 083648 for the report.*

8P1J

083691 Resolution

RESOLUTION APPROVING CHANGE ORDER NO. 1 AND FINAL OF A CONTRACT BETWEEN MIAMI-DADE COUNTY AND THE REDLAND COMPANY, INC., FOR PUBLIC WORKS DEPARTMENT PROJECT ENTITLED PEOPLE'S TRANSPORTATION PLAN (PTP) S.W. 97 AVENUE FROM S.W. 72 STREET TO S.W. 40 STREET, LOCATED WITHIN COMMISSION DISTRICTS 7 AND 10 (PROJECT NO. 20040399), EXTENDING THE CONTRACT TIME BY 129 CALENDAR DAYS (Public Works Department)

Adopted
Resolution R-62-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson

8P1K

083693 Resolution

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$10,007,270.12 BETWEEN ACOSTA TRACTORS, INC. AND MIAMI-DADE COUNTY FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG SW 157 AVENUE, FROM SW 136 STREET TO SW 120 STREET AND ALONG SW 136 STREET, FROM THE NEW SW 157 AVENUE TO SW 152 AVENUE, LOCATED WITHIN COMMISSION DISTRICT 11 (PROJECT NO. 20070626) (Public Works Department)

Adopted
Resolution R-63-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson

8P1L

083647 Resolution

RESOLUTION APPROVING CHANGE ORDER NO. 1 AND FINAL OF A CONTRACT BETWEEN MIAMI-DADE COUNTY AND H & R PAVING, INC., FOR PUBLIC WORKS DEPARTMENT PROJECT ENTITLED SW 328TH STREET (CANAL DRIVE) FROM SW 162ND AVENUE TO SW 152ND AVENUE, LOCATED WITHIN COMMISSION DISTRICT 9 (PROJECT NO. 20060208), EXTENDING THE CONTRACT TIME BY 38 CALENDAR DAYS (Public Works Department)

Adopted
Resolution R-64-09
Mover: Dorrin D. Rolle
Seconder: Rebeca Sosa
Vote: 10- 0
Absent: Jordan, Edmonson, Diaz

Report: *Hearing no objection, Agenda Items 8P1L and 8P1N were heard simultaneously.*

Commissioner Seijas noted the County had issues with past contracts with H&R Paving, Inc and she wanted to ensure this company had met the Small Business Enterprise (SBE) goals established in these contracts.

Ms. Penny Townsley, Director, Department of Small Business Development, advised that H&R Paving, Inc had three makeup plans to satisfy a \$220,000 goal deficit, of which, two had been achieved. She noted the firm was working towards achieving the third makeup plan in a Water and Sewer Department (WASD) project that was just awarded in June 2008, and if this was achieved, they would exceed the total makeup goal by \$164,000. Ms. Townsley noted the foregoing items were change orders and this firm was in compliance with the established goals in these contracts.

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

8P1M

083649 Resolution

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$4,748,788.70 BETWEEN KIEWIT SOUTHERN CO. AND MIAMI-DADE COUNTY PROJECT ENTITLED VENETIAN BRIDGES REHABILITATION CONTRACT (PROJECT NO. 20070776) (Public Works Department)

*Adopted
Resolution R-65-09
Mover: Sally A. Heyman
Seconder: Dennis C. Moss
Vote: 10- 0
Absent: Jordan, Edmonson, Diaz*

Report: *Responding to Commissioner Gimenez questions regarding what amount of causeway toll revenues contributed to the revenue source and what percentage of the revenues were from the Venetian and Rickenbacker Causeways, Ms. Esther Calas, Director, Public Works Department, noted the projected causeway toll revenues were \$1,282,173, and the sunshine loan would be \$1,092,221. She also noted, according to last year's records, approximately 25% of the toll revenues were from the Venetian Causeway and 75% were from the Rickenbacker Causeway.*

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

8P1N

090002 Resolution

RESOLUTION APPROVING CHANGE ORDER NO. 1 AND FINAL OF A CONTRACT BETWEEN MIAMI-DADE COUNTY AND H & R PAVING, INC., FOR PUBLIC WORKS DEPARTMENT PROJECT ENTITLED SW 117TH AVENUE FROM SW 184TH STREET TO SW 152ND STREET, LOCATED WITHIN COMMISSION DISTRICT 9 (PROJECT NO. 20040398), EXTENDING THE CONTRACT TIME BY 32 CALENDAR DAYS (Public Works Department)

*Adopted
Resolution R-66-09
Mover: Dorrin D. Rolle
Seconder: Rebeca Sosa
Vote: 10- 0
Absent: Jordan, Edmonson, Diaz*

Report: *See Agenda Item 8P1L; Legislative File No. 083647 for the report.*

8Q SEAPORT DEPARTMENT

8Q1A

083395 Resolution

RESOLUTION APPROVING AN OFFICE SPACE LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND WORLD TRADE CENTER MIAMI FOR OFFICE SPACE LOCATED AT 1007 NORTH AMERICA WAY, SUITE #500; AND AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY, AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS (Seaport Department)

*Adopted
Resolution R-67-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/10/2008 *Forwarded to BCC with a favorable recommendation from the Transit Committee*

8R WATER AND SEWER DEPARTMENT

8R1A

083352 Resolution

RESOLUTION APPROVING EXECUTION OF AN INTERLOCAL AGREEMENT WITH CITY OF NORTH MIAMI RELATING TO THE COUNTY'S PUMP STATION NUMBER 347 (Water & Sewer Department)

*Adopted
Resolution R-68-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

8R1B

083354 Resolution

RESOLUTION APPROVING AMENDMENT NO. 1 TO THE JOINT PROJECT AGREEMENT FOR THE REVERSE OSMOSIS WATER TREATMENT PLANT WITH THE CITY OF HIALEAH AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE SAME (Water & Sewer Department)

*Adopted
Resolution R-69-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

8R1C

083355 Resolution

RESOLUTION APPROVING EXECUTION OF AN AGREEMENT WITH THE VILLAGE OF VIRGINIA GARDENS FOR THE PROVISION OF RETAIL SANITARY SEWAGE SERVICE BY THE MIAMI-DADE WATER AND SEWER DEPARTMENT (Water & Sewer Department)

*Adopted
Resolution R-70-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

8R1D

083356 Resolution

RESOLUTION APPROVING THE EXECUTION OF A STORMWATER BILLING AGREEMENT WITH THE CITY OF SWEETWATER FOR THE BILLING OF STORMWATER UTILITY CHARGES BY THE MIAMI-DADE WATER AND SEWER DEPARTMENT (Water & Sewer Department)

*Adopted
Resolution R-71-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

8R1E

083513 Resolution

RESOLUTION AUTHORIZING THE MAYOR OR MAYOR'S
DESIGNEE TO NEGOTIATE AN AGREEMENT MUTUALLY
BENEFICIAL TO MIAMI-DADE COUNTY AND THE
FLORIDA POWER & LIGHT COMPANY FOR THE
PROVISION OF RECLAIMED WATER TO THE TURKEY
POINT FACILITY (Water & Sewer Department)

Amended

Report: (See Agenda Item 8R1E Amended; Legislative File No. 090834 for the amended version.)

12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

8R1E AMENDED

090834 Resolution

RESOLUTION AUTHORIZING THE MAYOR OR MAYOR'S
DESIGNEE TO NEGOTIATE AN AGREEMENT MUTUALLY
BENEFICIAL TO MIAMI-DADE COUNTY AND THE
FLORIDA POWER & LIGHT COMPANY FOR THE
PROVISION OF RECLAIMED WATER TO THE TURKEY
POINT FACILITY [SEE ORIGINAL FILE UNDER NUMBER
083513] (Water & Sewer Department)

*Adopted as amended**Resolution R-72-09**Mover: Katy Sorenson**Seconder: Dorrin D. Rolle**Vote: 10- 0**Absent: Jordan, Edmonson, Diaz*

Report: *Commissioner Sorenson noted the County needed to ensure the agreement negotiated between the County and Florida Power and Light Company for this project was mutually beneficial. She noted that reclaimed and reused water could be considered a precious commodity for recharging the South Dade Aquifer, and the County should be concerned with other uses of this water, including ensuring the SDA was recharged; the pipeline was constructed; the water consumption agreement was met; the costs were divided appropriately; and confirming who was responsible for environmental permitting and the security of the pipeline. She asked that this resolution be amended to provide that the agreement between Florida Power & Light Company (FPL) and the County be negotiated simultaneously with the water services agreement, and that both agreements be brought before the Board for consideration and approval at the same time.*

Hearing no further comments or questions, the Board adopted the foregoing proposed resolution as amended to provide that the agreement between Miami-Dade County and Florida Power & Light Company be negotiated simultaneously with the water services agreement and that these two agreements be forwarded to the Board for consideration simultaneously.

8R1F

083673 Resolution

RESOLUTION APPROVING NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT NO. E08-WASD-02 (A) IN THE AMOUNT OF \$8,800,000 TO MWH AMERICAS, INC. TO PROVIDE ENGINEERING SERVICES FOR PLANNING, DESIGN, CONSTRUCTION MANAGEMENT, OPERATION AND EVALUATION OF AN APPROXIMATELY TWO HUNDRED THIRTY THOUSAND GALLONS PER DAY ADVANCED WASTEWATER TREATMENT PILOT PLANT PROJECT AT THE SOUTH DISTRICT WASTEWATER TREATMENT PLANT; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN (Water & Sewer Department)

*Adopted
Resolution R-73-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

Report: *Note: Pursuant to the County Manager's Memorandum of Changes to the January 22, 2009 BCC Meeting, a scrivener's error previously existing in the foregoing proposed resolution was corrected to reprint this resolution to provide a signed copy of the contract.*

8R1G

083637 Resolution

RESOLUTION APPROVING SETTLEMENT OF ENFORCEMENT ACTIONS BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGAINST MIAMI-DADE COUNTY IN THE AMOUNT OF \$41,000 AS A RESULT OF MIAMI-DADE COUNTY'S OPERATION OF THE WATER AND SEWER SYSTEM AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME (Water & Sewer Department)

*Adopted
Resolution R-74-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

9 ADDITIONAL DEPARTMENTAL ITEMS

9A1

083432 Resolution

RESOLUTION ACCEPTING THE FISCAL YEAR 2005-2006 AND FISCAL YEAR 2006-2007 MIAMI-DADE COUNTY IMPACT FEE REPORTS (Office of Capital Improvements)

*Adopted
Resolution R-75-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

9A2

082387 Resolution

RESOLUTION AUTHORIZING AWARD OF CONTRACT NO. 8578-0/23, A SEVENTEEN YEAR REVENUE GENERATING COMPETITIVE CONTRACT IN THE ESTIMATED AMOUNT OF \$7,500,000 FOR THE DEVELOPMENT OF LANDFILL GAS UTILIZATION SYSTEMS AT THE NORTH AND SOUTH DADE LANDFILLS, AND AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE AUTHORITY TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER (Solid Waste Management Department)

Amended (pending receipt of Leg. File No. from CA)

Report: Commissioner Sosa asked if this resolution contained language stipulating that the County would be compensated if this project was completed before the two-year projected completion date and the Industrial Power Generating Company (INGENCO) began its operations to convert landfill gases to electrical energy.

Assistant County Attorney Rosenthal stated he did not believe it did.

Commissioner Sosa proposed to amend this contract to add language allowing the County to get paid when INGENCO began operations to convert and sell the gas as energy.

In response to Chairman Moss' question whether this issue was addressed already in the contract, Ms. Kathleen Woods-Richardson, Director, Department of Solid Waste Management, noted the contract provided for the County to be compensated for the selling of the gases upon completion of the Landfill Gas Utilization System and acceptance by the County. She noted if the project was completed prior to the two-year construction period and the County accepted it, the County could begin receiving the revenues.

Commissioner Sosa noted when she met with representatives of this company, she discovered conflicting language in two different areas of this contract, and she would feel more comfortable in supporting this item if the language was clarified.

Assistant County Attorney Oren Rosenthal noted, as a method of clarity, the Board could make the contract award contingent on the contractor agreeing that upon completion and acceptance of the Landfill Gas Utilization System by the County, the contractor would begin paying the County the required per unit fee.

Chairman Moss asked that a representative of INGENCO come forward and state for the record that the Contractor would agree to this clarification.

Mr. Simon Ferrell, 1221 Brickell Avenue, attorney representing INGENCO, appeared and noted this clarification was exactly the intent of the agreement, and the contractor would agree to it.

Hearing no further comments or questions, it was moved by Commissioner Sosa that the foregoing proposed resolution be adopted as amended to provide that the contract award be contingent upon the contractor agreeing that the required "per unit" fee would become due to the County based on the amount of landfill gas generated, if construction of the proposed project was completed before the proposed two-year construction period expired. This motion was seconded by Commissioner Rolle, and upon being put to a vote, passed by a vote of 10-0. (Commissioners Jordan, Diaz and Edmonson were absent)

The amended version has been assigned Resolution #R-76-09

NOTE: Pursuant to the January 22, 2009 County Manager's Memorandum of Changes, the foregoing proposed resolution contained a scrivener's error that was corrected to delete the following language on handwritten page 2: "The Small Business Enterprise Bid Preference was applied in accordance with the Ordinance" and insert the language "No measure."

11/10/2008 Forwarded to BCC without a recommendation from the Governmental Operations and Environment Committee

10 AUTHORITIES, BOARDS, COUNCILS AND TRUSTS

10A1

083320 Resolution

RESOLUTION AUTHORIZING FUNDING OF THREE FELLOWSHIP AWARDS TO SOUTH FLORIDA ARTISTS FROM THE FY 2008-2009 DANCE MIAMI CHOREOGRAPHERS FELLOWSHIP PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE CANCELLATION PROVISIONS CONTAINED THEREIN (Cultural Affairs Council)

*Adopted
Resolution R-77-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/8/2008 Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee

10A2

083372 Resolution

RESOLUTION AUTHORIZING THE FUNDING OF FORTY (40) GRANTS FROM THE FY2008-2009 FIRST QUARTER TOURIST DEVELOPMENT ROOM TAX PLAN AND SURTAX CATEGORY TO PROMOTE MIAMI-DADE COUNTY TOURISM WITH: ACTORS' PLAYHOUSE PRODUCTIONS, INC.; AMERICAN CHORAL DIRECTORS ASSOCIATION; ARTFORMZ, LLC; BAYFRONT PARK MANAGEMENT TRUST CORPORATION; CAMPOSITION, INC.; CENTER FOR THE EMERGING ART, INC.; CENTRO CULTURAL BRASIL-USA DA FLORIDA, INC.; CITY OF SUNNY ISLES BEACH; CULTURAL COUNCIL, INC. THE; DAVE AND MARY ALPER JEWISH COMMUNITY CENTER, INC.; DIASPORA VIBE CULTURAL ARTS INCUBATOR, INC.; EDGE ZONES, INC.; EXPONICA INTERNATIONAL, INC.; FAMILY & CHILDREN FAITH COALITION, INC.; FLORIDA DANCE ASSOCIATION, INC.; FLORIDA FILM INSTITUTE, INC. F/A FLORIDA MEDIA MARKET, INC.; FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES, FOR THE BENEFIT OF INSTITUTE FOR PUBLIC MANAGEMENT AND COMMUNITY SERVICE; FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES, FOR THE BENEFIT OF FROST ART MUSEUM; GABLESTAGE, INC.; GALA CHORUSES, INC.; GREATER SO. DADE/SO. MIAMI/KENDALL CHAMBER OF COMMERCE DBA CHAMBER SOUTH; JAMAICA AWARENESS, INC.; M. ATHALIE RANGE CULTURAL ARTS FOUNDATION, INC.; MIAMI BEACH CHAMBER OF COMMERCE; MIAMI BEACH LATIN CHAMBER OF COMMERCE OF MIAMI BEACH/CAMARA DE COMERCIO LATINA DE MIAMI BEACH, INC.; MIAMI BOOKFAIR INTERNATIONAL, INC.; MIAMI CARNIVAL, INC.; MIAMI CHILDREN'S MUSEUM, INC., THE; MIAMI SHORT FILM FESTIVAL, INC.; MIAMI-DADE COUNTY DAYS, INC.; MIAMI-DADE COUNTY PARK AND RECREATION DEPARTMENT (OPERATIONS REGION 5); MUSEUM OF SCIENCE, INC.; NEW WORLD FESTIVAL, INC.; PENINSULA SCULPTURE, LLC; PR RACING MIAMI, LLC; SOUTH FLORIDA SUPER BOWL HOST COMMITTEE, INC.; TIGERTAIL PRODUCTIONS, INC.; TRINIDAD & TOBAGO SAGA BOYS INTERNATIONAL, INC.; TROPICAL EVERGLADES VISITOR ASSOCIATION, INC.; UNIVERISITY OF MIAMI SCHOOL OF MUSIC AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE GRANT AGREEMENTS FOLLOWING COUNTY ATTORNEY APPROVAL OF FORM AND LEGAL SUFFICIENCY AND TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN (Cultural Affairs Council)

*Adopted
Resolution R-78-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/11/2008 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

11 COUNTY COMMISSION

11A RESOLUTIONS

11A1

083469 **Resolution** **Bruno A. Barreiro**
 RESOLUTION SUPPORTING AMERICAS ENERGY SYMPOSIUM *Amended*

Report: (See Agenda Item 11A1 Amended; Legislative File No. 090338 for the amended version.)

12/10/2008 Forwarded to BCC with a favorable recommendation from the Economic Development and Human Services Committee

11A1 AMENDED

090338 **Resolution** **Bruno A. Barreiro**
 RESOLUTION SUPPORTING AMERICAS ENERGY SYMPOSIUM [SEE ORIGINAL ITEM UNDER FILE NO. 090338] *Adopted as amended
 Resolution R-79-09
 Mover: Katy Sorenson
 Seconder: Dennis C. Moss
 Vote: 12- 0
 Absent: Edmonson*

Report: The foregoing proposed resolution was adopted as amended to change the date reflected in the first "Whereas Clause" on handwritten page 3, to June 2009, in lieu of March 2-3, 2009.

11A2

082795 **Resolution** **Jose "Pepe" Diaz**
 RESOLUTION EXPRESSING UNEQUIVOCAL SUPPORT FOR THE MAJOR LEAGUE BASEBALL NATIONAL YOUTH BASEBALL ACADEMY DEVELOPMENT PROJECT IN HIALEAH, FLORIDA *Amended*

Report: (See Agenda Item 11A2 Amended; Legislative File No. 090339 for the amended version.)

12/11/2008 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

FINAL OFFICIAL

11A2 AMENDEd

090339

Resolution

Jose "Pepe" Diaz

RESOLUTION EXPRESSING SUPPORT FOR THE MAJOR
LEAGUE BASEBALL NATIONAL YOUTH BASEBALL
ACADEMY DEVELOPMENT PROJECT IN HIALEAH,
FLORIDA [SEE ORIGINAL ITEM UNDER FILE NO. 082795]

Adopted as amended

Resolution R-80-09

Mover: Jose "Pepe" Diaz

Seconder: Dorrin D. Rolle

Vote: 11- 0

Absent: Jordan, Edmonson

FINAL OFFICIAL

Report: *Commissioner Gimenez stated he understood the development of the National Youth Baseball Academy was contingent upon construction of the Florida Marlins Baseball Stadium (FMBS), and asked if the youth facility would only be built if the FMBS was constructed.*

Vice-Chairman Diaz affirmed that the youth academy was tied to the construction of the FMBS.

Commissioner Heyman spoke in support of the youth academy, but expressed concern with the term "unequivocal" in this resolution since she was told this project was tied to the baseball stadium. She clarified for the record that Major League Baseball (MLB) representatives met with her office and confirmed that this project was tied to the FMBS, and their position was that unless the FMBS was built, MLB would not provide the \$3.2 million in funding to develop the youth academy project in Hialeah.

County Attorney Cuevas noted during the course of negotiations pertaining to the FMBS, other agreements might have addressed this issue, but this resolution was silent on that point.

Chairman Moss noted he perceived the intent of this resolution was only to support the development of the youth academy, with no fiscal impact to the County.

County Attorney Cuevas affirmed that was correct.

Commissioner Sorenson noted her concerns were the same as Commissioner Heyman's concerns regarding the term "unequivocal" and the statement that this project was tied to the FMBS. She offered a friendly amendment to delete the word "unequivocal" from this resolution, and said she would support it if it was amended.

Commissioner Diaz concurred with Chairman Moss' statement that this was a supportive item with no fiscal impact to the County, but agreed with the amendment.

In response to Commissioner Souto's question regarding why the youth facility was proposed to be built in the City of Hialeah rather than in Miami-Dade County, County Manager George Burgess noted during conversations with the City of Hialeah, MLB recognized the need for a youth academy and expressed a commitment to build a youth academy in Hialeah or South Florida that was tied to their commitment to have a presence in South Florida. He noted without a presence, MLB probably would not support a youth baseball academy here.

Commissioner Souto asked if this proposal was ever presented before the County Commission, alerting them that this project would be built in the City of Hialeah instead of a county park.

County Manager Burgess noted the agreement for a youth academy was not negotiated between the MLB and the County, but with the MLB and the City of Hialeah. He noted he recalled that MLB representatives and Mayor Robaina, City of Hialeah, came before this Board during discussions about the FMBS, and said that they were committed to developing a youth academy in the City of Hialeah, which was very clear geographically and was no surprise.

Commissioner Souto asked if MLB ever came before the County Commission

to propose a youth facility be built in Miami-Dade County.

Chairman Moss noted he recalled a Board of County Commission discussion on land annexation to Hialeah as a prospective location for the new FMBS and, at that time, the County was pushing MLB to bring other proposals to the table if they wanted support from the community for the FMBS. He noted MLB representatives held discussions with the City of Hialeah, which resulted in a decision to move forward with building a youth academy in the City of Hialeah, and was how the academy came about.

County Manager Burgess concurred with Commissioner Moss' recollection of the events and discussions on the challenges of finding a good location for the FMBS and making it work in the annexed land in Hialeah. Mr. Burgess noted he believed Mr. Robert DuPuy, CEO of MLB, was present during the BCC's discussions on the Baseball Stadium Agreement (BSA) and expressed MLB's commitment to build a youth baseball academy in the City of Hialeah.

Commissioner Souto noted he had nothing against the City of Hialeah, but was concerned with the location of his academy not being conducive to all youth countywide participating in it.

In response to Commissioner Sosa's question whether the word "unequivocal" could legally be removed from the title of this resolution, Assistant County Attorney Bruce Libhaber noted it could. Commissioner Sosa expressed concern with this project only transpiring if the FMBS was built. She noted she would support this resolution if it was not attached to the FMBS, and commended Mayor Robaina and the City of Hialeah for donating the land for this project.

Commissioner Seijas pointed out the MLB contracted with the City of Hialeah for this facility at no cost to the County, and the MLB discussed building it in a regional park, but the space in that park was insufficient. She noted Mayor Robaina donated the land for the academy, and it was clearly stated that this academy would serve all youth countywide.

Chairman Moss pointed out the City of Hialeah was part of Miami-Dade County, and the County would work with its municipalities while under his chairmanship.

Upon conclusion of the discussion, the foregoing proposed resolution was adopted as amended to delete the word "unequivocal" throughout the title and body of this resolution.

11A3

083425

Resolution

Barbara J. Jordan

RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO SUBMIT AN AMENDMENT OF THE COUNTY'S APPLICATION FOR THE DISPOSITION AND REHABILITATION OF TWENTY-SIX PUBLIC HOUSING UNITS LOCATED IN THE OPA-LOCKA A PUBLIC HOUSING DEVELOPMENT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) IN ORDER TO PERMIT THE COUNTY TO CONVEY SAID UNITS TO HABITAT FOR HUMANITY OF GREATER MIAMI, INC.; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS AND ANY OTHER DOCUMENTS REQUIRED BY HUD; AND AUTHORIZING THE MAYOR, SUBJECT TO HUD'S FINAL APPROVAL OF THE AMENDMENT TO THE DISPOSITION APPLICATION, TO EXECUTE A COUNTY DEED FOR SAID PURPOSE

Amended

Report: *(See Agenda Item 11A3 Amended; Legislative File No. 090720 for the amended version.)*

12/10/2008 *Forwarded to BCC with a favorable recommendation from the Economic Development and Human Services Committee*

11A3 AMENDED

090720

Resolution

Barbara J. Jordan

RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO SUBMIT AN AMENDMENT OF THE COUNTY'S APPLICATION FOR THE DISPOSITION AND REHABILITATION OF TWENTY-SIX PUBLIC HOUSING UNITS LOCATED IN THE OPA-LOCKA A PUBLIC HOUSING DEVELOPMENT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) IN ORDER TO PERMIT THE COUNTY TO CONVEY SAID UNITS TO HABITAT FOR HUMANITY OF GREATER MIAMI, INC.; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS AND ANY OTHER DOCUMENTS REQUIRED BY HUD; AND AUTHORIZING THE MAYOR, SUBJECT TO HUD'S FINAL APPROVAL OF THE AMENDMENT TO THE DISPOSITION APPLICATION, TO EXECUTE A COUNTY DEED FOR SAID PURPOSE [SEE ORIGINAL ITEM UNDER FILE NO. 083425]

*Adopted as amended**Resolution R-81-09**Mover: Barbara J. Jordan**Second: Jose "Pepe" Diaz**Vote: 10-0**Absent: Edmonson, Sosa, Souto*

Report: *Commissioner Gimenez expressed concern with the language contained in the last Whereas Clause on handwritten page 4, which stated the County could not convey these properties to Habitat for Humanity because the U.S. Department of Housing and Urban Development (HUD) required that the project be competitively bid. He asked why the foregoing resolution authorized the Mayor or his designee to convey these units to Habitat for Humanity if doing so would be in opposition to HUD's regulations.*

Commissioner Jordan noted at the time the request was initially sent to HUD, the Commission requested it be sent in this manner, but her intentions were to specify that the property be automatically conveyed to Habitat for Humanity. She noted HUD's response was to require an RFP process, but staff had since contacted HUD and was advised that if the Commission requested that the properties be specifically conveyed to the non-profit, it would be considered.

Ms. Cynthia Curry, Senior Advisor to the County Manager, noted in Phase I of the Hope VI Project, staff requested that HUD allow Habitat for Humanity to be the sole provider of those services, which HUD approved, and staff was making the same request for this project.

Commissioner Gimenez stated he felt the word "cannot" should be stricken from the 'whereas' clause, and the appropriate language be inserted.

County Attorney Cuevas suggested the language be amended as follows: "Whereas the County cannot convey these properties without prior approval from HUD."

Commissioner Martinez noted although he agreed with the proposed amendment, he understood the language in Section 3 on handwritten page 5 gave the Mayor the authority to convey the properties, subject to final approval by HUD.

Upon conclusion of the discussion, the Board adopted the foregoing proposed resolution as amended to delete the language "because of HUD's requirements that the project be competitively bid" from the last 'Whereas' clause on handwritten page 4 and replace with the language "without prior approval from HUD."

11A4

090027

Resolution

Natacha Seijas,
 Joe A. Martinez,
 Rebeca Sosa,
 Katy Sorenson,
 Carlos A. Gimenez,
 Sally A. Heyman,
 Dennis C. Moss,
 Jose "Pepe" Diaz,
 Dorrin D. Rolle,
 Bruno A. Barreiro

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

Amended

Report: *(See Agenda Item 11A4 Amended; Legislative File No. 092225 for the amended version.)*

11A4 AMENDED

092225

Resolution

Natacha Seijas,
 Bruno A. Barreiro,
 Jose "Pepe" Diaz,
 Carlos A. Gimenez,
 Sally A. Heyman,
 Joe A. Martinez,
 Dennis C. Moss,
 Dorrin D. Rolle,
 Katy Sorenson,
 Rebeca Sosa

RESOLUTION DECLARING MAY, 2009 AND EACH MAY
 THEREAFTER AS MONTH OF COMMEMORATION OF CUBA
 AND THE CUBAN-AMERICAN EXPERIENCE IN MIAMI-
 DADE COUNTY

*Adopted as amended
 Resolution R-82-09
 Mover: Natacha Seijas
 Seconder: Joe A. Martinez
 Vote: 11- 0
 Absent: Jordan, Edmonson*

Report: *Chairman Moss and Commissioners Diaz, Sorenson, Gimenez, Heyman, Barreiro and Rolle asked that they be added as co-sponsors to this resolution.*

Commissioner Sorenson offered a friendly amendment to have this event commemorated in the month of May, in perpetuity; and Commissioner Seijas accepted the suggested amendment.

Hearing no further comments or questions, The foregoing proposed resolution was adopted as amended to provide that the month of May be commemorated as the Cuba and the Cuban-American experience in Miami-Dade County in perpetuity.

FINAL OFFICIAL

11A5

083582 Resolution Barbara J. Jordan, Sally A. Heyman

RESOLUTION DIRECTING THE COUNTY MAYOR TO DEVELOP AN IMPLEMENTATION PLAN FOR MODIFYING COUNTY VEHICLES THAT CURRENTLY USE DIESEL FUEL TO ALLOW THEM TO BE ABLE TO USE OTHER AVAILABLE FUEL SOURCES SUCH AS BIO-DIESEL OR VEGETABLE OIL [SEE ORIGINAL ITEM UNDER FILE NO. 082611]

Adopted Resolution R-83-09 Mover: Katy Sorenson Seconder: Dennis C. Moss Vote: 12-0 Absent: Edmonson

12/9/2008 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Governmental Operations and Environment Committee

11A6

083606 Resolution Barbara J. Jordan

RESOLUTION APPROVING ALLOCATIONS FOR DISTRICT 1 FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NUMBER 249 "PRESERVATION OF AFFORDABLE HOUSING UNITS AND EXPANSION OF HOME OWNERSHIP" OF \$7,500,000 TO GEORGIA AYERS DEVELOPMENT, LLC AS LOAN TO FUND CONSTRUCTION OF GEORGIA AYERS RENTAL APARTMENTS AND OF \$3,092,377.63 TO UDG III OASIS, LLC AS LOAN TO FUND CONSTRUCTION OF LAKE VUE OASIS SINGLE FAMILY RESIDENCES [SEE ORIGINAL ITEM UNDER FILE NO. 083445]

Adopted Resolution R-84-09 Mover: Katy Sorenson Seconder: Dennis C. Moss Vote: 12-0 Absent: Edmonson

12/10/2008 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Economic Development and Human Services Committee

11A7

083424 Resolution Joe A. Martinez

RESOLUTION APPROVING ALLOCATION OF \$10,592,307 FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NUMBER 249- "PRESERVATION OF AFFORDABLE HOUSING UNITS AND EXPANSION OF HOME OWNERSHIP" TO FUND DEVELOPMENT OF AFFORDABLE HOUSING UNITS AT GRAN VIA COMPLEX IN DISTRICT 11

Adopted Resolution R-85-09 Mover: Katy Sorenson Seconder: Dennis C. Moss Vote: 12-0 Absent: Edmonson

12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

FINAL OFFICIAL

11A8

083426

Resolution

Dorrin D. Rolle

RESOLUTION APPOINTING OTIS PITTS, REVEREND DR. R. JOACQUIN WILLIS, WILLIAM WALLACE, IV, AND HANEEF QAID HAMIDULLAH TO BOARD OF COMMISSIONERS FOR N.W. 7TH AVENUE CORRIDOR COMMUNITY REDEVELOPMENT AGENCY

Adopted
Resolution R-86-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson

12/10/2008 Forwarded to BCC with a favorable recommendation from the Economic Development and Human Services Committee

11A9

090030

Resolution

**Dorrin D. Rolle,
Audrey M. Edmonson,
Barbara J. Jordan,
Dennis C. Moss,
Rebeca Sosa,
Sen. Javier D. Souto**

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO DEVELOP A BAILOUT LOAN PLAN AND A PLAN TO PROVIDE GAP FUNDING THROUGH LOANS FOR SMALL AND MEDIUM SIZE LOCAL BUSINESSES SUBSTANTIALLY AFFECTED BY THE CURRENT RECESSION [SEE ORIGINAL ITEM UNDER FILE NO. 083526]

Adopted
Resolution R-87-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson

12/10/2008 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Economic Development and Human Services Committee

11A10

083382

Resolution

Natacha Seijas

RESOLUTION RATIFYING THE ACTION OF THE EXECUTIVE DIRECTOR OF THE JAY MALINA INTERNATIONAL TRADE CONSORTIUM, AS AUTHORIZED BY SECTION §2-1505(I) OF THE CODE OF MIAMI-DADE COUNTY, IN EXECUTING THE ATTACHED AGREEMENT BETWEEN GATEWAY FLORIDA, INC. (GATEWAY FLORIDA) AND MIAMI-DADE COUNTY TO PROVIDE INTERNATIONAL TRADE PROMOTION AND ADVOCACY

Adopted

Resolution R-88-09

Mover: Natacha Seijas

Seconder: Jose "Pepe" Diaz

Vote: 11- 0

Absent: Jordan, Edmonson

Report: Commissioner Heyman expressed concern with paying \$50,000 for an agreement with Gateway Florida, Inc to further the trade efforts and mission of the International Trade Consortium (ITC). She said she thought groups as the Beacon Council and the Miami Visitor's and Convention Bureau were already funded in the County's budget to do this work, and asked for an explanation from an ITC representative.

Commissioner Seijas, Chair of the ITC, noted this task was separate from the mission of the Beacon Council, which received revenues from permits and had other responsibilities. She noted Mr. Chuck Cobb, Chairman of Gateway Florida, Inc (Gateway), made a direct request to County Mayor Alvarez for funding, and this would be the second year the County has contributed to Gateway. She explained that Gateway would not be traveling abroad, but doing various tasks locally. She noted the County Mayor and Manager felt the best way to keep track of Gateway's goals, objectives and accomplishments was through the ITC.

Commissioner Heyman asked if the County really needed to invest \$50,000 in this contract if the Beacon Council was directly involved in foreign affairs. She expressed concern with an overlap or duplicity of tasks.

County Manager Burgess noted the \$50,000 was not a new cost, but was included in the County's adopted budget and spending plan. He pointed out the County had a number of groups that did various tasks, and the Beacon Council's mission to attract/retain businesses was different from the ITC's mission to build foreign trade relationships, and different from the Greater Miami Visitor and Convention Bureau's mission to promote South Florida as a location for visitors and conventioners. He noted all three were similar in nature because they shared a fundamental objective to grow business in South Florida, but were not the same. The County Manager noted that because all the groups were different, this Board established the Office of Economic Development Coordination. He noted the foregoing contract was not in the purview of the Beacon Council, but it was budgeted.

Commissioner Diaz congratulated the Chair of the ITC, Commissioner Seijas, for her efforts regarding this resolution, and noted this was an important contract that should be prioritized through the ITC because the County needed to invest in its future and ensure its seaport and airports were protected. He said he would like to see Miami-Dade County identified as the gateway to the Americas and remain the portal in lieu of investments in Panama City's seaport and airport. He pointed out a huge percentage of trade was leaving Miami and the County could not afford to lose jobs or this market.

Chairman Moss noted for the record that the County needed to travel and remain competitive; otherwise, if the County was not, others would be.

Commissioner Souto agreed with all the comments made and the need to move forward with this contract.

Commissioner Rolle expressed appreciation to Commissioner Seijas and the ITC for a great job done in receiving the Republic of Sierra Leone this past weekend.

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

FINAL OFFICIAL

12/10/2008 Forwarded to BCC with a favorable recommendation from the Economic Development and Human Services Committee

11A11

083481 Resolution

**Natacha Seijas,
Jose "Pepe" Diaz,
Audrey M. Edmonson,
Carlos A. Gimenez,
Sally A. Heyman,
Joe A. Martinez,
Dorrin D. Rolle,
Rebeca Sosa**

RESOLUTION DIRECTING MAYOR OR MAYOR'S
DESIGNEE TO DEVELOP AN OUTREACH PLAN FOR
EDUCATING SCHOOLCHILDREN ON THE IMPORTANCE
AND BENEFITS OF WATER CONSERVATION

*Adopted
Resolution R-89-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Governmental Operations and Environment Committee

11A12

083361 Resolution

Rebeca Sosa

RESOLUTION DESIGNATING MIAMI INTERMODAL
CENTER (MIC) AS AN AREA OR FACILITY OF
COUNTYWIDE SIGNIFICANCE PURSUANT TO SECTION 20-
28.1 OF THE CODE OF MIAMI DADE COUNTY, FLORIDA

*Adopted
Resolution R-90-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/11/2008 Forwarded to BCC with a favorable recommendation from the Airport and Tourism Committee

11A13

083446 Resolution Carlos A. Gimenez

RESOLUTION URGING COUNTY ATTORNEY TO CONTINUE TO ANALYZE WHETHER LEGAL ACTION SHALL BE TAKEN AGAINST SOME OR ALL OF THE THIRD PARTIES WHO PARTICIPATED IN COUNTY'S AUCTION RATE BOND, VARIABLE RATE BOND AND INTEREST RATE SWAP TRANSACTIONS WHICH HAVE BEEN NEGATIVELY IMPACTED BY DOWNGRADE IN RATINGS OF MUNICIPAL BOND INSURERS AND LIQUIDITY PROVIDERS AND/OR WHETHER NEGOTIATIONS ARE APPROPRIATE WITH SUCH THIRD PARTIES AND TO KEEP COMMISSION APPRISED OF ITS FINDINGS AND CONCLUSIONS MONTHLY

*Adopted
Resolution R-91-09
Mover: Carlos A. Gimenez
Seconder: Dennis C. Moss
Vote: 5- 2
No: Martinez, Seijas
Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz*

Report: *Commissioner Seijas noted everyone would agree the collapse of the sub-prime mortgage market and the decline in wealth around the globe had shaken the economy and created a difficult situation for responsible local governments as Miami-Dade County. She noted the County depended on financial markets to provide needed funds to move community projects forward, and she agreed this was certainly a difficult time for all local governments, but she expressed great concern with the tone of this resolution. She noted she was unsure if pointing a finger of suspicion at rating agencies and financial advisers would serve the best interest of this Board, and she was uncomfortable with directing the County Attorney to search for a firm or individuals that could be held accountable for the losses the County had recently absorbed in this global market. She noted the County had benefited much from very sound, professional and reasonable guidance of staff and a network of private sector individuals working on behalf of this government, and like everyone else, had suffered losses and made the necessary adjustments. Commissioner Seijas stated she would not object to Commissioner Gimenez sending a memorandum to the County Attorney registering his individual concerns, but she could not support this item as it might put every financial entity or person associated with this government on notice that they were not trusted or might be sued.*

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

12/9/2008 Forwarded to BCC with a favorable recommendation from the Budget and Finance Committee

11A14

083452 Resolution Bruno A. Barreiro

RESOLUTION DECLARING MISCELLANEOUS COMPUTER EQUIPMENT SURPLUS AND AUTHORIZING ITS DONATION TO THE MIAMI BEACH SENIOR CITIZENS HOUSING DEVELOPMENT CORPORATION, INC.

*Adopted
Resolution R-92-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Budget and Finance Committee

FINAL OFFICIAL

11A15

083391 Resolution Jose "Pepe" Diaz

RESOLUTION DECLARING TWO 2001 BLUEBIRD BUSES SURPLUS AND AUTHORIZING THEIR DONATION TO THE CITY OF SWEETWATER

*Adopted
Resolution R-93-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Budget and Finance Committee

11A16

083262 Resolution Sally A. Heyman

RESOLUTION DECLARING ONE 2001 BLUEBIRD BUS SURPLUS AND AUTHORIZING ITS DONATION TO THE LEHRMAN COMMUNITY DAY SCHOOL, INC.

*Adopted
Resolution R-94-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/9/2008 Forwarded to BCC with a favorable recommendation from the Budget and Finance Committee

11A17

083384 Resolution Audrey M. Edmonson

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE OCTOBER 25, 2008 "2ND ANNUAL EMILIO LOPEZ HEALTH FAIR AND FOOD DRIVE" EVENT SPONSORED BY THE BORINQUEN HEALTH CARE CENTER, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$2,366.00 TO BE FUNDED FROM THE COUNTYWIDE IN-KIND RESERVE FUND

*Adopted
Resolution R-95-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/8/2008 Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee

11A18

083385 Resolution Audrey M. Edmonson

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE OCTOBER 25, 2008 "GET OUT TO VOTE CAMPAIGN" SPONSORED BY THE DADE COUNTY FEDERATION OF BLACK EMPLOYEES, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$4,230.00 TO BE FUNDED FROM THE DISTRICT 3 IN-KIND RESERVE FUND

*Adopted
Resolution R-96-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/8/2008 Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee

11A19

083383 Resolution Katy Sorenson

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE NOVEMBER 8-9, 2008 "GMPW SEAN TAYLOR CLASSIC" EVENT SPONSORED BY THE GREATER MIAMI POP WARNER LEAGUE, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$2,130.00 TO BE FUNDED FROM THE DISTRICT 8 IN-KIND RESERVE FUND

*Adopted
Resolution R-97-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

12/8/2008 Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee

11A20

090024 Resolution Natacha Seijas

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-2009 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 13

*Adopted
Resolution R-98-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

11A21

090045 Resolution Dorrin D. Rolle

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-2009 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 2 AND ALLOCATION OF COUNTY SERVICES FUNDS OF DISTRICT 2

*Adopted
Resolution R-99-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

11A22

090029 Resolution Rebeca Sosa

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-2009 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 6

*Adopted
Resolution R-100-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

11A23

090053 Resolution Carlos A. Gimenez

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-2009 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 7

*Adopted
Resolution R-101-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

11A24

083676 **Resolution** **Joe A. Martinez**

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-2009 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 11 *Amended*

Report: *(See Agenda Item 11A24 Amended; Legislative File No. 090342 for the amended version.) I*

11A24 AMENDED

090342 **Resolution** **Joe A. Martinez**

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-2009 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 11 [SEE ORIGINAL ITEM UNDER FILE NO. 083676] *Adopted as amended
Resolution R-102-09
Mover: Joe A. Martinez
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz*

Report: *Commissioner Martinez noted a scrivener's error on handwritten page 3 of this resolution that reflected a \$1,000 allocation to New Hope Community Center and should be corrected to reflect a \$3,000 allocation.*

The foregoing proposed resolution was adopted as amended to correct a scrivener's error existing in the first "Whereas" clause on handwritten page 3, to reflect that the amount allocated to the New Hope Community Center was \$3,000 in lieu of \$1,000, as requested by Commissioner Martinez.

11A25

090056 **Resolution** **Audrey M. Edmonson**

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-2009 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 3 *Adopted
Resolution R-103-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

11A26

090054 **Resolution** **Katy Sorenson**

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-2009 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 8 *Adopted
Resolution R-104-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

11A27

083598

Resolution

Katy Sorenson

RESOLUTION DECLARING ONE 1994 FORD PICKUP SURPLUS AND AUTHORIZING ITS DONATION TO THE SOUTH DADE SOIL & WATER CONSERVATION DISTRICT

*Adopted
Resolution R-105-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

11 B ADDITIONAL BUDGET ALLOCATIONS

11B1

090149

Report

ALLOCATION OF (FY) 2008/09 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 1)

*Approved
Mover: Joe A. Martinez
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz*

Report: *The following funding allocations were made from fiscal year (FY) 2008/09 District 1 Discretionary Reserve funds as requested by Commissioner Jordan.*

- \$1,500 to City of Miami Gardens (For sponsorship of 3rd Annual "Miss Miami Gardens Scholarship Program")*
- \$1,500 to Miami Dade Parks Foundation, Inc. (In support of the 21st Annual "In the Company of Women" Awards)*
- \$1,000 to Dr. Michael M. Krop Senior High – PTSA*
- \$2,500 to City Year Miami (For support of Crop members)*
- \$500 to University of Miami – United Black Students Organization*
- \$5,000 to Greater Love Full Gospel Baptist Church (In support of community service activities)*
- \$2,500 to Police Athletic League, Inc. (In support of community youth programs)*

11B2

090150 Report

ALLOCATION OF (FY) 2008/09 DISTRICT DISCRETIONARY
RESERVE FUNDS (DISTRICT 4)

Approved
Mover: Joe A. Martinez
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz

Report: *The following funding allocations were made from fiscal year (FY) 2008/09 District 4 Discretionary Reserve Funds as requested by Commissioner Heyman.*

\$5,000 to Sunrise Community, Inc.
\$5,000 to American Civil Liberties Union Foundation of Florida
\$1,000 to Neat Stuff
\$1,000 to Miami City Ballet
\$1,500 to Parks Foundation of Miami-Dade
\$2,500 to Women's Emergency Network
\$500 to Kingdom Agenda Ministries, Inc.
\$2,000 to LEO Foundation

11B3

090151 Report

REIMBURSEMENT FROM COMMUNITY-BASED
ORGANIZATION - COUNTY SERVICES RESERVE FUNDS
(DISTRICT 4)

Approved
Mover: Joe A. Martinez
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz

Report: *The following funding allocations were reimbursed from District 4 Community Based Organization – County Services Reserve Funds as requested by Commissioner Heyman.*

\$123.50 from Construction Catering
\$280 from Beth Torah Benny Rok Campus
\$100 from Florida Breast Cancer Coalition
\$30 from Women's Fund
\$180 from Miami Beach Jewish Community Center

11B4

090152 Report

ALLOCATION OF (FY) 2008/09 COUNTY SERVICES RESERVE FUNDS (DISTRICT 4)

Approved
Mover: Joe A. Martinez
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle, Edmonson, Sosa, Souto, Diaz

Report: *The following funding allocation was made from fiscal year (FY) 2008/09 District 4 County Services Reserve Funds as requested by Commissioner Heyman.*

\$1,000 to Belen Jesuit Prep School c/o Belen Baseball

For the record, Commissioner Heyman asked to allocate \$10,652.00 to Quality Custom Designs from District 4 County Services Reserve for expenses related to District 4 community events.

11B5

090153 Report

ALLOCATION OF (FY) 2008/09 COUNTY SERVICES FUNDS (DISTRICT 6)

Approved
Mover: Joe A. Martinez
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle, Edmonson, Sosa, Souto, Diaz

Report: *The following funding allocations were made from fiscal year (FY) 2008/09 District 6 County Services Funds as requested by Commissioner Sosa.*

\$2,000 to The City of West Miami Tree Lighting Event that took place 12/17/08
\$5,000 to Little Havana Activity and Nutrition Center of Dade County, Inc. / For St. Dominic's Gardens Congregate Meal Program

11B6

090154 Report

ALLOCATION OF (FY) 2008/09 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 6)

Approved
Mover: Joe A. Martinez
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle, Edmonson, Sosa, Souto, Diaz

Report: *The following funding allocations were made from fiscal year (FY) 2008/09 District 6 Discretionary Reserve Funds as requested by Commissioner Sosa.*

\$1,000 to Creative Children Therapy
\$750 to The Miami Springs Fraternal Order of Police Lodge No. 11 for the 3rd Annual Charles B. Stafford Golf Tournament

11B7

090155 Report

ALLOCATION OF (FY) 2008/09 OFFICE FUNDS (DISTRICT 6)

*Approved**Mover: Joe A. Martinez**Seconder: Dennis C. Moss**Vote: 7- 0**Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz*

Report: *On behalf of Commissioner Sosa, Chairman Moss read that the following items were paid with the Bank of America purchase card for District 6 holiday events. These purchases fall under Legislative No. 083044 (Resolution No. R-1266-08) approved on November 20, 2008.*

\$500 – 20 Centerpieces, Flower Arrangements for Hialeah Senior Center Party

\$229.99 – Casa Potin – Baked Goods for Residential Plaza ALF/Party

\$229.99 – Casa Potin – Baked Goods for Generation Club Party

\$59.93 – CVS Decorations for St. Dominic Gardens Party

\$535 – Palacio de Los Jugos, Hot Meal/Party for Blue Lagoon

11B8

090156 Report

REIMBURSEMENT TO DISTRICT 8 COUNTY PURCHASING CARD FROM DISTRICT 8 DISCRETIONARY RESERVE FUNDS

*Approved**Mover: Joe A. Martinez**Seconder: Dennis C. Moss**Vote: 7- 0**Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz*

Report: *The following funding allocation was reimbursed from District 8 Discretionary Reserve Funds to the District 8 County Purchasing Card as requested by Commissioner Sorenson.*

\$1,476.54 from Community Partnership for the Homeless – Homeless Assistance Center – Books for Children from Books & Books

11B9

090157 Report

ALLOCATION OF (FY) 2008/09 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 8)

*Approved**Mover: Joe A. Martinez**Seconder: Dennis C. Moss**Vote: 7- 0**Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz*

Report: *The following funding allocation was made from fiscal year (FY) 2008/09 District 8 Discretionary Reserve Funds as requested by Commissioner Sorenson.*

\$200 to Soil and Water Conservation District – Trees for Arbor Day at Kendale Elementary

11B10

090159 Report

ALLOCATION OF (FY) 2008/09 COUNTY SERVICES
RESERVE FUNDS (DISTRICT 8)

Approved
Mover: Joe A. Martinez
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz

Report: *The following funding allocation was made from fiscal year (FY) 2008/09 District 8 County Services Reserve Funds as requested by Commissioner Sorenson.*

\$30,000 to Women's Fund of Miami-Dade County

11B11

090160 Report

ALLOCATION OF (FY) 2008/09 DISTRICT DISCRETIONARY
RESERVE FUNDS (DISTRICT 9)

Approved
Mover: Joe A. Martinez
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz

Report: *The following funding allocations were made from fiscal year (FY) 2008/09 District 9 Discretionary Reserve Funds as requested by Chairman Moss.*

- \$2,000 to Coach Sam Burley Foundation, Inc., for the 3rd Annual Sam Burley Hall of Fame Track and Field Meet*
- \$3,500 to City of Miami Gardens Jazz in the Gardens Festival Big Band Sponsor*
- \$1,440 to Franmar, Inc., for the sponsorship of 6 buses to the Dodge City Annual Holiday Party*
- \$4,320 to Franmar, Inc., West Perrine Martin Luther King, Jr., Holiday Celebration Transportation*
- \$2,500 to Naranja Optimist Club, Inc., for operational support*
- \$4,000 to Richmond Heights Neighborhood Crime Watch, Inc., for the 2009 Annual Awards Dinner*
- \$1,000 to Church of the Rock "Jesus Christ", Inc., for the Florida Pregnancy Support Services Program*
- \$1,000 to Aspira of Florida, Inc., for operational support*
- \$1,000 to Miami-Dade Police Department for the Gun Bounty Program*
- \$1,000 to Thinking of you Services, Inc., for operational support*
- \$1,000 to American Society for Public Administration South Florida Chapter (ASPA) Annual Conference*
- \$1,000 to The Historic Hampton House Community Trust, Inc., for operational support*
- \$1,000 to CMB Visions Unlimited, Inc., for the Be a Success in School Program*
- \$1,000 to Stanley K. Shapiro for operational support*

11C REPORTS

12 COUNTY MANAGER

12A1

083507 Resolution

RESOLUTION APPROVING TRUST FUND RELEASE AND DISBURSEMENT AGREEMENT WITH THE FORMER MEMBER JURISDICTIONS OF THE SOUTH FLORIDA EMPLOYMENT AND TRAINING CONSORTIUM AND THE STATE OF FLORIDA'S AGENCY FOR WORKFORCE INNOVATION; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE TRUST FUND RELEASE AND DISBURSEMENT AGREEMENT ON BEHALF OF MIAMI-DADE COUNTY (County Manager)

Adopted
Resolution R-106-09
Mover: Jose "Pepe" Diaz
Seconder: Dennis C. Moss
Vote: 8- 0
Absent: Jordan, Edmonson,
Heyman, Martinez
Absent, COI: Sosa

Report: *Due to a conflict of interest, Commissioner Sosa abstained from voting on this resolution and left the chambers.*

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

12/10/2008 Forwarded to BCC with a favorable recommendation from the Economic Development and Human Services Committee

12A2

090070 Resolution

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT RESOLVING PENDING LITIGATION BETWEEN ALEXANDRA CORONADO, NOLA FARQUHARSON AND PRUDENCE JONES AND MIAMI-DADE COUNTY, SUBJECT TO APPROVAL BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (County Manager, County Attorney)

Adopted
Resolution R-01-09
Mover: Bruno A. Barreiro
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz

Report: *Commissioner Barreiro expressed concern with the Board of County Commissioners not receiving a memorandum notifying them that the County Mayor delegated authority to the County Manager to sign settlements under \$200,000. He suggested the County Attorney look into this issue of delegating authority, and to report the thresholds for delegation to the Board to keep them abreast and provide clarity and transparency in this process. He asked if this could be accomplished by a resolution.*

County Attorney Cuevas noted he understood that the Mayor filed a memorandum with the Clerk of the Board when he made a delegation to the Manager. He suggested the Clerk of the Board be directed to notify the Board of County Commissioners of when the Mayor filed a delegation of authority and to circulate copies of the memorandum to the Board.

Chairman Moss asked Commissioner Barreiro to sponsor a formal resolution that would accomplish this, and bring it back before the Board for consideration and approval.

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

12B1

083371 Report

SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES
AT ADULT ATHLETIC EVENTS MONTHLY REPORT (County
Manager)

Accepted
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson

12/8/2008 Accepted by the Recreation & Cultural Affairs Committee

12B2

083467 Report

YEAR-END PORTFOLIO PERFORMANCE REPORT FOR
FISCAL YEAR 2007-08 (County Manager)

Accepted
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson

12/9/2008 Report Received by the Budget and Finance Committee

12B3

082910 Report

REVISED UPDATE REPORT FROM THE CLIMATE CHANGE
ADVISORY TASK FORCE (County Manager)

Accepted

Mover: Natacha Seijas

Second: Joe A. Martinez

Vote: 7- 0

Absent: Jordan, Rolle,

Edmonson, Sosa, Souto, Diaz

Report: *Commissioner Seijas noted the Climate Change Advisory Task Force (CCATF) presented its initial recommendations at the April 15th 2008 Governmental Operations and Environment Committee (GOEC) meeting, and included in this presentation was a recommendation for a more detailed, comprehensive survey map of Miami-Dade County. She noted the Task Force suggested the entire County be mapped using Light Detection and Ranging (LIDAR), a laser accurate survey method used to establish a precise baseline map of elevations in Miami for monitoring the impact of sea level rises. She noted during a presentation on LIDAR mapping at that April 22nd BCC meeting, Dr. Hal Wanless, CCATF member, emphasized the importance of this step. She noted she requested the GOEC be given regular updates on the progress of LIDAR mapping; however, no progress reports had been submitted to date. She noted the request was lost somewhere between the Department of Environmental Resource Management (DERM) and the Office of Sustainability, but should have been assigned to the Enterprise Technology Service Department (ETSD), which managed the County's Geographic Information System (GIS) maps. She noted members of the Task Force spent many hours developing these recommendations, which should not be ignored. She asked for an explanation of why this request had been ignored.*

County Manager George Burgess said he did not know why, but he would find out.

Commissioner Seijas asked the County Manager to ensure the Directors of the Office of Sustainability and DERM provided the County Commission with a status report on the implementation of the CCATF's recommendation to create detailed LIDAR maps of Miami-Dade County for monitoring sea level rises.

Commissioner Sorenson pointed out the language on handwritten page 2 of this report which stated that DERM was supposed to begin the LIDAR mapping process. She expressed appreciation to Commissioner Seijas for addressing this issue, and agreed the LIDAR mapping needed to be implemented immediately. She advised she already spoke with Mr. Harvey Ruvin, CCATF Chairman, to advise him that the Commission needed to be provided with more updated reports or action items since this was a critical issue.

Commissioner Martinez suggested this recommendation be highly prioritized in the legislative package for the D.C. fly-in, since Miami-Dade County was a coastal region that depended heavily on tourism.

Commissioner Seijas suggested staff be directed to explore if the ETSD should be responsible for the LIDAR mapping and progress reports. Hearing no further comments or questions, the Board proceeded to vote on the foregoing proposed resolution, as presented.

11/10/2008 *Deferred by the Governmental Operations and Environment Committee*

12/9/2008 Report Received by the Governmental Operations and Environment Committee

13 COUNTY ATTORNEY

14 ITEMS SUBJECT TO 4-DAY RULE

14A1

090089

Resolution

Dennis C. Moss

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO COORDINATE EFFORTS WITH THE 35 MUNICIPALITIES WITHIN MIAMI-DADE COUNTY AND ENCOURAGE MUNICIPALITIES TO JOIN WITH THE COUNTY AND CREATE A UNIFIED, COMPREHENSIVE PUBLIC INFRASTRUCTURE PROPOSAL TO SUBMIT TO THE FEDERAL GOVERNMENT FOR THE ANTICIPATED FEDERAL ECONOMIC STIMULUS PACKAGE

*Adopted
Resolution R-107-09
Mover: Joe A. Martinez
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz*

14B1

090088

Nomination

NOMINATIONS FOR APPOINTMENT TO THE CHILDREN'S TRUST BY THE GOVERNOR
PAMELA GODWIN LILLARD (INCUMBENT)
JOSEE GREGOIRE (INCUMBENT)
JOSEPH P. GEORGE, JR.
HON. DAVID KRANE
PRAKASH S. KUMAR
OMAR MALONE
DR. JOHNATHAN W. ROSE PH.D. (Clerk of the Board)

4 Day Rule Invoked

Report: Commissioner Gimenez invoked the 4-Day Rule on this resolution.

15 CLERK OF THE BOARD

15B REPORTS

15B1

090031

Report

PROPOSED PUBLIC HEARING DATES FOR ORDINANCES SUBMITTED FOR FIRST READING ON JANUARY 22, 2009 (Clerk of the Board)

*Accepted
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

15B2

090032

Report

COUNTY COMMISSION MINUTES FOR APPROVAL BY THE BOARD
JULY 3, 2008 (REGULAR BCC AND ZONING MEETINGS)
NOVEMBER 13, 2008 (SPECIAL BCC MEETING) (Clerk of the Board)

*Approved
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson*

15B3

090033 Report

APPROVAL OF MIAMI-DADE PROPERTY APPRAISER PERSONAL PROPERTY CUT-OUT SUMMARY SHEETS (Clerk of the Board)

Approved
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson

15B4

090034 Report

RESOLUTION NO. 08R-11-264 OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL SUPPORTING AN AMENDMENT TO FLORIDA' CONSTITUTION TO REQUIRE THE FLORIDA LEGISLATURE TO OPERATE UNDER THE FLORIDA SUNSHINE LAW; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY VICE MAYOR, M. MARGARET BATES) (Clerk of the Board)

Presented
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson

15B5

090035 Report

RESOLUTION NO. 08R-11-263 OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL RELATING TO UNFUNDED STATE MANDATES, UTILIZING ANY MEANS NECESSARY TO REQUIRE THE FLORIDA LEGISLATURE TO ELIMINATE UNFUNDED STATE MANDATES ON LOCAL GOVERNMENTS, CONSIDERING SPONSORSHIP OF AN INITIATIVE PETITION, TO AMEND ARTICLE VII, SECTION 18 (A) OF THE FLORIDA CONSTITUTION TO ELIMINATE THE CLAUSE THAT ALLOWS FOR UNFUNDED MANDATES BY A TWO-THIRDS MAJORITY, AND TO POTENTIALLY AMEND OTHER CLAUSES OF SAID SUBSECTION; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY VICE MAYOR, M. MARGARET BATES) (Clerk of the Board)

Presented
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson

15B6

090036 Report

RESOLUTION NO. 2008-182 OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, IN SUPPORT OF A CONSTITUTIONAL AMENDMENT THAT REQUIRES STATE LEGISLATORS TO OPERATE UNDER THE SAME SUNSHINE LAW AS COUNTY OFFICIALS. (Clerk of the Board)

Presented
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson

15B7

090037 Report

RESOLUTION NO. 2008-37 OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA, RELATING TO CREATING MANAGED LANES ON PART OF US HIGHWAY 1 BUSWAY; PETITIONING THE BOARD OF COUNTY COMMISSIONERS AND THE COUNTY MPO TO CONTINUE TO STUDY SUCH A PLAN, BY PLACING THE NEXT LEVEL OF ANALYSIS IN THE 2009 LONG RANGE TRANSPORTATION PLAN, SO THAT ANY FATAL FLAWS CAN BE DISCOVERED AND COMMUNICATED WITH THE STAKEHOLDERS; AND TO INCLUDE STAFF AND AT LEAST ONE ELECTED OFFICIAL FROM ALL MUNICIPALITIES CONTIGUOUS TO THE PROPOSED TOLL LANE AREAS, INCLUDING BUT NOT LIMITED TO PINECREST, PALMETTO BAY, CUTLER BAY, HOMESTEAD, AND FLORIDA CITY; PROVIDING AN EFFECTIVE DATE. (Clerk of the Board)

*Presented**Mover: Katy Sorenson**Seconder: Dennis C. Moss**Vote: 12- 0**Absent: Edmonson*

15B8

090039 Report

CERTIFICATE OF COUNTY CANVASSING BOARD FOR THE SPECIAL RUN-OFF ELECTION HELD ON DECEMBER 16, 2008 (Clerk of the Board)

*Accepted**Mover: Katy Sorenson**Seconder: Dennis C. Moss**Vote: 12- 0**Absent: Edmonson***15C COUNTY ADVISORY BOARD APPOINTMENTS**

15C1

090040 Nomination

RE-APPOINTMENT OF ALBERT COLLAZO AND THE APPOINTMENT OF REV. TED GREER TO THE HEALTH COUNCIL OF SOUTH FLORIDA, INC. (Clerk of the Board)

*Appointed**Mover: Katy Sorenson**Seconder: Dennis C. Moss**Vote: 12- 0**Absent: Edmonson*

15C2

090041 Nomination

RE-APPOINTMENT OF DR. DAVID A. CHIN, PH.D., P.E., TO THE ENVIRONMENTAL QUALITY CONTROL BOARD (EQCB) (Clerk of the Board)

*Appointed**Mover: Katy Sorenson**Seconder: Dennis C. Moss**Vote: 12- 0**Absent: Edmonson*

15C3

090855 Nomination

APPOINTMENT OF MEMBER(S) TO THE FIRE PREVENTION
AND SAFETY APPEALS BOARD

Appointed
Mover: Joe A. Martinez
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz

Report: *The Board of County Commissioners accepted and the Clerk of the Board of County Commissioners received the appropriate memorandum for the appointment of Suzanne Gilmore to the Fire Prevention and Safety Appeals Board by Commissioner Sorenson.*

15C4

090856 Nomination

APPOINTMENT OF MEMBER(S) TO THE SMALL BUSINESS
ADVISORY BOARD

Appointed
Mover: Joe A. Martinez
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz

Report: *The Board of County Commissioners accepted the appointment of Karen E. Hollis to the Small Business Advisory Board by Commissioner Sorenson.*

15C5

090857 Nomination

APPOINTMENT OF MEMBER(S) TO THE CULTURAL
AFFAIRS COUNCIL

Appointed
Mover: Joe A. Martinez
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz

Report: *The Board of County Commissioners accepted the appointment of Evelyn Greer to the Cultural Affairs Council by Commissioner Sorenson.*

15C6

090858 Nomination

APPOINTMENT OF MEMBER(S) TO THE BLACK AFFAIRS
ADVISORY BOARD

Appointed
Mover: Joe A. Martinez
Seconder: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz

Report: *The Board of County Commissioners accepted and the Clerk of the Board of County Commissioners received the appropriate memorandum for the appointment of Geraldine Lauran Lazarre to the Black Affairs Advisory Board by Commissioner Sosa.*

15C7

090859 Nomination

APPOINTMENT OF MEMBER(S) TO THE MIAMI-DADE
COMMUNITY-BASED ORGANIZATION ADVISORY BOARD

Appointed
Mover: Joe A. Martinez
Second: Dennis C. Moss
Vote: 7- 0
Absent: Jordan, Rolle,
Edmonson, Sosa, Souto, Diaz

Report: *The Board of County Commissioners accepted and the Clerk of the Board of County Commissioners received the appropriate memorandum for the appointment of Patrick G. Morris to the Miami-Dade Community-Based Organization Advisory Board by Commissioner Sosa.*

15D COUNTY ADVISORY BOARD APPOINTMENTS BY BALLOT

15E MAYOR'S REQUEST FOR ALLOCATIONS FROM DISCRETIONARY OR IN-KIND RESERVE FUNDS

15E1

090062 Report

MAYOR'S ALLOCATIONS FROM (FY) 2008/09
DISCRETIONARY RESERVE FUNDS (Clerk of the Board)

Approved
Mover: Katy Sorenson
Second: Dennis C. Moss
Vote: 12- 0
Absent: Edmonson

16 ITEMS SCHEDULED FOR THURSDAY

16A SPECIAL PRESENTATIONS (Scheduled for 8:00 a.m.)

16A1

090043 Service Awards Dennis C. Moss

SERVICE AWARDS PRESENTATIONS: *Presented*

- ENRIQUE L. BENITEZ SR. - AVIATION - 30 YEARS
- SHELLEY ROBERTS - CAA - 30 YEARS
- HARRY E. PASSMORE - DHS - 35 YEARS
- ALFONSO BRADLEY - GSA - 35 YEARS
- JAMES H. JOHNSON - GSA - 30 YEARS
- CAROL A. DAVIS - LIBRARY - 30 YEARS
- MUHAMMED M. HASAN - PWD - 35 YEARS
- WILLIE F. WALKER - SWM - 30 YEARS
- ANDRE DESIR - PWD - 30 YEARS

16A2

090071 Proclamation Sen. Javier D. Souto

PRESENTATION OF A PROCLAMATION DECLARING *Presented*
THURSDAY, JANUARY 22, 2009 AS TSA MIAMI DAY

16A3

090072

Certificate of
Appreciation

Dennis C. Moss

PRESENTATION OF CERTIFICATE OF APPRECIATION TO
KINGSLY VASQUEZ*Presented*

16A4

090073

Certificate of
Appreciation

Dennis C. Moss

PRESENTATION OF CERTIFICATES OF APPRECIATION FOR
THE HAITIAN RELIEF FUND*Presented*

16A5

090074

Certificate of
Appreciation

Jose "Pepe" Diaz

PRESENTATION OF CERTIFICATES OF APPRECIATION FOR
MOVING WALL*Presented*

16A6

090075

Certificate of
Appreciation

Rebeca Sosa

PRESENTATION OF CERTIFICATES OF APPRECIATION FOR
DISTRICT 6 TOY DRIVE ON DECEMBER 15, 2008*Presented*

16A7

090076

Certificate of
Appreciation

Rebeca Sosa

PRESENTATION OF CERTIFICATES OF APPRECIATION FOR
DISTRICT 6 CHRISTMAS TREE LIGHTING CEREMONY AND
HOLIDAY SHOW ON DECEMBER 17, 2008*Presented***16B****POLICY MATTERS FOR DISCUSSION BY THE BOARD**

091087

Report

SWEARING IN OF THE MIAMI-DADE COUNTY PROPERTY APPRAISER PEDRO J GARCIA ON JANUARY 6, 2009

Report: *The Board of County Commissioners met for the Swearing In Ceremony of the County Property Appraiser in the County Commission Chambers on the Second Floor of the Stephen P. Clark Government Center, 111 N.W. First Street, Miami, Florida at 10:00 a.m., January 6, 2009, there being present the Honorable Chairman Dennis C. Moss and Commissioners Audrey M. Edmonson, Carlos A. Gimenez, Sally A. Heyman, Joe A. Martinez, Natacha Seijas, Katy Sorenson, Rebeca Sosa, and Javier D. Souto (Vice Chairman Jose "Pepe" Diaz, and Commissioners Bruno A. Barreiro, Barbara J. Jordan, and Dorrin D. Rolle were absent). The Honorable County Mayor Carlos Alvarez was present.*

Chairman Moss called the Ceremony to order at 10:00 a.m.

Following a moment of silence and the Pledge of Allegiance, Chairman Moss introduced Mr. Pedro J. Garcia, Property Appraiser, Miami-Dade County.

Chairman Moss recognized all the elected officials who were present in the audience.

Chairman Moss opened the floor for comments by Mayor Alvarez and all Commissioners present on the newly elected property appraiser. Mayor Alvarez, Commissioner Edmonson, Commissioner Sosa, Commissioner Sorenson, Commissioner Souto, Commissioner Heyman, and Commissioner Gimenez spoke favorably of Mr. Garcia and congratulated him on attaining this position.

The Honorable Ana Maria Pando, Judge of the Eleventh Judicial Circuit Court, Miami-Dade County, Florida administered the Oath of Office to Mr. Pedro J. Garcia.

Mr. Garcia noted he would work with the Mayor and commissioners and would make himself available when they needed him. He noted he was ready for this job.

There being no other business to conduct, the ceremony concluded at 10:25 a.m.

092230

Report

NON-AGENDA ITEMS- JAN 22, 2009 BCC MEETING

Report: NON-AGENDA ITEMS

1. During Commissioner Moss' opening remarks, Commissioner Souto recognized Reverend Abraham Thomas to make a presentation.

Mr. Abraham Thomas appeared and expressed appreciation to the County Commissioners and especially to Commissioner Jordan for supporting his publication entitled "Murder." He noted this was an anti-crime, pro-education book and he wanted to surprise the Commissioners by providing them with a copy of it.

Chairman Moss congratulated Mr. Thomas on the success of his book, but advised him that in the future, he needed to go through the proper process of calendaring an item on an agenda in order to make a citizen's presentation.

2. Commissioner Rolle introduced Mr. Alhaji Samuel Sam-Sumana, Vice-President of the Republic of Sierra Leone, West Africa, who he noted was visiting Miami with his delegation to tour the County's Seaport and Aviation Departments and, hopefully, take back some ideas to incorporate in their Republic. He expressed appreciation to Mr. Tony Ojeda, Executive Director of Jay Molina International Trade Consortium (ITC), for his assistance in helping these visitors obtain an application to the Sister Cities International.

Mr. Sam-Sumana, Vice-President, Republic of Sierra Leone, said he was very pleased to be in Miami during this historical time in the USA-the inauguration of president-elect Barack Obama. He noted the people of Sierra Leone registered their support and commendation to the citizens of the USA for a well-conducted presidential election. He also noted the people of Sierra Leone decided to rebuild their country as a democratic state and, for the first time in West Africa's history, turned their destiny around by unseating a ruling governmental party in a free and fair election, which set an example for the rest of Africa. Mr. Sam-Sumana also noted, in the quest to develop their nation, the people of Sierra Leone decided to look beyond the ruins of civil war and explore ways to improve their agriculture, education and infrastructure development. He noted Sierra Leone had a population of about 5 million, yet was endowed with natural resources and had much to offer. Mr. Sam-Sumana noted one reason the delegation was visiting Miami was to find ways to improve Sierra Leone's Seaport and Airport. He welcomed developing partners to become economic partners that could assist Sierra Leone in becoming an independent, democratic state.

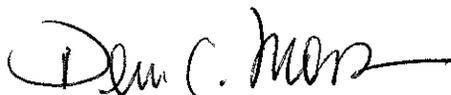
Mr. Sam-Sumana introduced members of the delegation of Sierra Leone present today as: Mr. Ibrahim Ben (IB) Kargbo, Minister of Information; Honorable Dauda Kamara, Minister of Internal Affairs; Honorable Balogun Koroma, Minister of State in the Vice-President's Office; Vandi C. Minah, Deputy Minister of Foreign Affairs; and Honorable Kargbo, Deputy Ambassador to the USA. Mr. Sam-Sumana expressed appreciation to the County Commissioners for allowing him this moment to speak and invited them to visit Sierra Leone. He noted the people of Sierra Leone treasured their valuable relationship with the USA and yearned to continue it so they could maintain their dream of becoming a democratic state.

Commissioner Rolle expressed appreciation to Chairman Moss and his colleagues for allowing Mr. Sam-Sumana an opportunity to speak and agreed that the Republic of Sierra Leone had much to offer. He noted the delegation of Sierra Leone would be meeting with the Beacon Council today to tour Miami's Seaport and would be submitting their application to the Sister Cities

through the Jay Molina ITC. He expressed appreciation to representatives of Global Voice for inviting them to Miami.

19 ADJOURNMENT

Report: *There being no further business to come before the Board, the meeting adjourned at 6:38 p.m.*



Dennis C. Moss, Chairman

ATTEST: HARVEY RUVIN, CLERK



By: Kay Sullivan, Deputy Clerk