



MIAMI-DADE COUNTY
FINAL OFFICIAL
Meeting Minutes

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

Tuesday, March 17, 2009
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Mary Smith-York, Commission Reporter



FINAL OFFICIAL

Members Present: Bruno Barreiro; Jose "Pepe" Diaz; Audrey M. Edmonson; 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: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Mary Smith-York, Commission Reporter*

1A ROLL CALL

Report: *The following staff members were present: County Manager George Burgess, County Attorney Robert Cuevas; Assistant County Attorney Abigail Price-Williams, Budget Director Jennifer Glazer-Moon; and Deputy Clerks Kay Sullivan, Diane Collins, and Mary Smith-York.*

Mayor Carlos Alvarez was also present at today's meeting.

1B MOMENT OF SILENCE

Report: *The County Commission observed a moment of silence followed by the Pledge of Allegiance.*

1C PLEDGE OF ALLEGIANCE

1D REPORTS OF OFFICIAL BOARDS

1E CITIZEN'S PRESENTATIONS (5 MINUTES MAXIMUM)

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

Report: County Attorney Cuevas noted the following preliminary item for today's agenda: Items 5B and 8F1A would be heard on Thursday rather than today; additionally, Commissioner Souto asked that Item 5A be withdrawn from today's agenda; Commissioner Heyman asked to be listed as co-sponsor to Item 11A13 and as an additional pulling commissioner of Items 11A16 and 11A18; Item 11A19, sponsored by Commissioner Rolle, would be added to today's agenda and Commissioner Gimenez asked to be listed as co-sponsor to that item; and at 3:00 p.m., the County Commission would go into executive session to discuss the security systems for this building (Stephen P. Clark Government Center), which pursuant to Florida Statutes, would not be open to the public. Mr. Cuevas stated the items to be considered at today's meeting, would be those items listed in the printed final agenda, with the additions, deferrals, withdrawals, and scrivener's errors noted in the County Manager's Memorandum entitled "Changes to the March 27, 2009 BCC Meeting," and the aforementioned items. The Commission would approve all of those items by single vote, setting the agenda, except ordinances on first reading, public hearings—with the caveat that items 5B and 8F1A would be heard on Thursday, ordinances on second reading, and the following Pull List Items: 8J1A, 9A1 and its two Supplements, 11A10, 11A16, 11A17, 11A18, 11A19, 14A1, 14A2 and its Supplement 2, 14A4 and its Supplement, 14A4 and its two Supplements, and 14A7.

It was moved by Commissioner Diaz that today's agenda be approved with the changes requested in the County Manager's memorandum and the additional changes requested by individual commissioners. This motion was seconded by Commissioner Heyman, and upon being put to a vote, passed by a vote of 10-0 (Commissioners Barreiro, Seijas, and Sosa were absent).

Commissioner Sorenson suggested that the items on today's agenda related to the Florida Legislature be deferred until next year.

1G OFFICE OF COMMISSION AUDITOR

1H OFFICE OF INTERGOVERNMENTAL AFFAIRS

1I SPECIAL PRESENTATIONS

111

090249	Special Presentation	Mayor
SPECIAL PRESENTATION OF A PROCLAMATION AND MDPD PLAQUE TO MDPD POLICE OFFICER JUAN MURIAS		<i>Presented</i>

Report: Miami-Dade County Mayor Carlos Alvarez presented a Proclamation to Miami-Dade Police Department Officer Juan Murias, declaring Tuesday, March 17, 2009, as Officer Juan Murias Day, in recognition of 30 years of dedicated service to Miami-Dade County.

112

090430 Special Presentation Dennis C. Moss

ORANGE BOWL COMMITTEE HELMET PRESENTATION Presented

Report: Mr. Lynn Washington, Board Member, Orange Bowl Committee, (OBC), 701 Brickell Avenue, presented Commissioners with helmets from the National Championship Game in recognition of the County's support. He informed the Commission that Miami-Dade County received over 400 million dollars of economic benefit from the game and that Miami was among one of the cities considered to host the 2013 National Championship Game. Mr. Washington noted the OBC was currently renovating Moore Park in the City of Miami to construct a football stadium.

Mr. Eric Palms, Chief Executive Officer, Orange Bowl Committee, expressed appreciation to Miami-Dade Mayor Carlos Alvarez, County Commission members and County Manager George Burgess. He acknowledged Commissioner Diaz, Chair of the Miami-Dade Sports Commission and indicated that the OBC's goals could not have been accomplished without Miami-Dade County's support.

113

090508 Special Presentation Carlos A. Gimenez

SOUTH FLORIDA WATER MANAGEMENT DISTRICT Presented
CHECK PRESENTATION FOR \$142,875 IN WATER SAVINGS
INCENTIVE PROGRAM (WATERSIP) FUNDING TO WATER
AND SEWER DEPARTMENT

Report: Commissioner Gimenez described the goals of the County's Water Conservation Programs. He noted the department secured a grant for \$142,875 from the South Florida Water Management District (SFWMD) to help the County save an additional 300,000 gallons per day.

Mr. Nestor Yglesias, Community Outreach Specialist, SFWMD, presented Mr. John Renfrow, Director, Miami-Dade Water and Sewer Department, with a check in the amount of \$142,875. He indicated that the District was currently experiencing the worst drought since 1932, and emphasized the need for continued water conservation efforts.

114

090492 Special Presentation Natacha Seijas

" THE CUBAN MOSAIC" Presented

Report: Commissioner Seijas reminded the Commission that a resolution had been passed for The Cuban Mosaic, which was celebrating over 50 years of Cuba's history. She expressed appreciation to her constituents for any contributions they would make to this cause and encouraged their attendance at the upcoming concert.

2

MAYORAL ISSUES

2A

MAYORAL VETOES

2B **MAYORAL REPORTS**

2B1

090706 Report

Mayor

APPROVAL OF DEPARTMENTAL AGENDA ITEMS

*Approved**Mover: Jose "Pepe" Diaz**Second: Sally A. Heyman**Vote: 10- 0**Absent: Barreiro, Sosa, Seijas***3** **CONSENT ITEMS**

3B1A

090456 Resolution

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR UP TO \$550,000 IN GRANT FUNDS FROM THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM 2009 TO FUND SHORELINE STABILIZATION AND REPLACE TWO CULVERTS AT R. HARDY MATHESON PRESERVE; AND FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECEIVE AND EXPEND FUNDS AND TO EXECUTE GRANT AWARD AGREEMENTS AND AMENDMENTS AS REQUIRED (Department of Environmental Resources Management)

*Adopted**Resolution R-279-09**Mover: Jose "Pepe" Diaz**Second: Sally A. Heyman**Vote: 10- 0**Absent: Barreiro, Sosa, Seijas***4** **ORDINANCES FOR FIRST READING**

4A

090648 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS TRADITION AT KENDALL 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 on first reading**Public Hearing: April 7, 2009**Mover: Joe A. Martinez**Second: Carlos A. Gimenez**Vote: 10- 0**Absent: Barreiro, Sosa, Seijas*

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

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

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Board of County Commissioners on Tuesday, April 7, 2009 at 9:30 A.M.

4B

090649 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS DORAL VILLAS 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 on first reading
Public Hearing: April 7, 2009
Mover: Joe A. Martinez
Seconder: Carlos A. Gimenez
Vote: 10- 0
Absent: Barreiro, Sosa, Seijas*

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

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

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Board of County Commissioners on Tuesday, April 7, 2009 at 9:30 A.M.

4C

090550 Ordinance

ORDINANCE REVISING ZONING AND OTHER LAND DEVELOPMENT REGULATIONS PERTAINING TO THE DOWNTOWN KENDALL URBAN CENTER ZONING DISTRICT ("DKUCD"), AMENDING SECTIONS 33-284.56 THROUGH 33-284.63 AND SECTION 33-314, CODE OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (Department of Planning & Zoning)

*Adopted on first reading
Public Hearing: April 14, 2009
Mover: Joe A. Martinez
Seconder: Carlos A. Gimenez
Vote: 10- 0
Absent: Barreiro, Sosa, Seijas*

Report: The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Budget, Planning and Sustainability Committee meeting on Tuesday, April 14, 2009 at 2:03 P.M.

4D

090260 Ordinance Barbara J. Jordan

ORDINANCE RESTORING THE LEVYING OF TWO CENTS TO THE 1993 FIVE CENTS CAPITAL IMPROVEMENTS LOCAL OPTION GAS TAX LEVIED ON MOTOR FUEL; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Withdrawn
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Barreiro, Sosa, Seijas*

Report: During the consideration of the changes to today's agenda, the foregoing proposed resolution was withdrawn, as requested by Commissioner Souto.

3/10/2009 Requires Municipal Notification by the Board of County Commissioners to the Budget, Planning and Sustainability Committee

4E

090299 Ordinance

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, BY CREATING ARTICLE VII TO PROVIDE FOR REGULATION AND LICENSING OF ROUTE SERVICE MOTOR VEHICLES; REQUIRING THAT ADVERTISEMENTS FOR ROUTE SERVICE INCLUDE CERTAIN INFORMATION; ESTABLISHING DUTIES AND RESPONSIBILITIES OF THE MIAMI-DADE COUNTY CONSUMER SERVICES DEPARTMENT; CREATING PROVISIONS RELATING TO RATES, INSURANCE REQUIREMENTS AND ENFORCEMENT; ESTABLISHING VEHICLE STANDARDS AND RULES OF OPERATION FOR ROUTE SERVICE MOTOR VEHICLES; PROVIDING FOR SUSPENSION AND REVOCATION OF FOR-HIRE LICENSES AND OPERATING PERMITS; PROVIDING FOR SEIZURE, IMPOUNDMENT AND FORFEITURE OF ROUTE SERVICE MOTOR VEHICLES; AMENDING CHAPTER 8CC OF THE CODE PROVIDING CIVIL PENALTIES; AND PROVIDING FOR DEFINITIONS, PENALTIES, SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE (Consumer Services Department)

*Adopted on first reading
Public Hearing: May 12, 2009
Mover: Sally A. Heyman
Seconder: Katy Sorenson
Vote: 9-1
No: Martinez
Absent: Barreiro, Sosa, Seijas*

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

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

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Government Operations Committee on Tuesday, May 12, 2009 at 9:30 A.M.

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

5A

090271 Resolution Sen. Javier D. Souto

RESOLUTION CODESIGNATING S.W. 16 STREET FROM S.W. 97TH TO S.W. 102ND AVENUE AS "EUSEBIO PENALVER STREET"

*Withdrawn
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 10-0
Absent: Barreiro, Sosa, Seijas*

Report: During the consideration of the changes to today's agenda, the foregoing proposed resolution was withdrawn, as requested by Commissioner Souto.

3/3/2009 Deferred by the Board of County Commissioners

5B

083266 Resolution

RESOLUTION APPROVING THE DESIGNATION OF A 3.42-ACRE VACANT PARCEL OF LAND LOCATED AT 11101 – 11162 S.W. 87 COURT, AS THE FUTURE KILLIAN LIBRARY PARK SITE IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY [SEE AGENDA ITEM NO. 8F1A] (General Services Administration Department)

*Carried over to March 19, 2009***12/2/2008** *Carried over by the Board of County Commissioners***12/4/2008** *Deferred by the Board of County Commissioners*

5C

090554 Resolution

RESOLUTION APPROVING THE ERECTION OF AN EIGHT FOOT HIGH FENCE, AT THE EMERGENCY HOUSING NORTH FACILITY LOCATED AT 2301 NW 54 STREET, IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY (Department of Planning & Zoning)

*Adopted**Resolution R-280-09**Mover: Audrey M. Edmonson**Seconder: Dorrin D. Rolle**Vote: 9- 0**Absent: Barreiro, Sosa, Souto, Seijas*

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

Chairman Moss opened the public hearing, and seeing no one to appear, he closed the public hearing.

It was moved by Commissioner Diaz that the foregoing proposed resolution be adopted as presented. This motion was seconded by Commissioner Heyman, followed by discussion.

In response to Commissioner Edmonson's question of what type of fence would replace the current fence, Mr. Marc LaFerrier, Director, Department of Planning & Zoning, noted the existing six foot aluminum picket fence would be replaced by an eight foot fence of the same type.

Upon Chairman Moss' comment regarding the preceding motion, Commissioner Diaz withdrew his motion, and subsequently a new voting process took place.

5D

090532 Resolution

RESOLUTION AUTHORIZING THE ERECTION, CONSTRUCTION, AND OPERATION OF THE MIAMI-DADE FIRE RESCUE DEPARTMENT MODEL CITIES FIRE RESCUE STATION NO. 2, LOCATED AT 6460 NW 27 AVENUE, UNINCORPORATED MIAMI-DADE COUNTY, IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY (Department of Planning & Zoning)

*Adopted
Resolution R-281-09
Mover: Dorrin D. Rolle
Seconder: Dennis C. Moss
Vote: 9- 0
Absent: Barreiro, Sosa, Souto,
Seijas*

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

Chairman Moss opened the public hearing, and seeing no one to appear, he closed the public hearing.

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

5E

090541 Resolution

RESOLUTION APPROVING THE ERECTION OF PERMANENT BLEACHERS, ADDITIONAL ON-STREET PARKING ALONG NW 71 STREET, BETWEEN NW 23 COURT AND NW 24 AVENUE, AT GWEN CHERRY PARK, LOCATED AT 7090 NW 22 AVENUE, IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY (Department of Planning & Zoning)

Amended

Report: (SEE AGENDA ITEM 5E AMENDED; LEGISLATIVE FILE NO. 092177.)

5E Amended

092177 Resolution

RESOLUTION APPROVING THE ERECTION OF PERMANENT BLEACHERS, ADDITIONAL ON-STREET PARKING ALONG NW 71 STREET, BETWEEN NW 23 COURT AND NW 24 AVENUE, AT GWEN CHERRY PARK, LOCATED AT 7090 NW 22 AVENUE, IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY [SEE ORIGINAL ITEM UNDER FILE NO. 090541] (Department of Planning & Zoning)

*Adopted as amended
Resolution R-282-09
Mover: Dorrin D. Rolle
Seconder: Audrey M. Edmonson
Vote: 9- 0
Absent: Barreiro, Sosa, Souto,
Seijas*

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

Chairman Moss opened the public hearing, and seeing no one to appear, he closed the public hearing. He noted a correction needed to be made to the Commission District listed on page one of the County Manager's Memorandum.

The Board adopted the foregoing proposed resolution as amended to correctly list the Commission District as "District 2" rather than "District 8."

5F

090140 Resolution

RESOLUTION GRANTING PETITION TO CLOSE PORTIONS OF SW 164 AVENUE, FROM SW 215 STREET TO SW 216 STREET; SW 215 STREET, FROM SW 164 AVENUE TO ALI COGIA CIRCLE; ALI COGIA CIRCLE, FROM SW 215 STREET TO SW 216 STREET; AND THE ALLEY NORTH OF SW 216 STREET, FROM SW 164 AVENUE TO ALI COGIA CIRCLE (ROAD CLOSING PETITION NO. P-857) (Public Works Department)

*Adopted**Resolution R-283-09**Mover: Katy Sorenson**Seconder: Audrey M. Edmonson**Vote: 9- 0**Absent: Rolle, Sosa, Gimenez, Seijas*

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

Chairman Moss opened the public hearing and the following individual(s) appeared:

1) Mr. Antonio Mena, 16350 Aladdin Boulevard, Miami, appeared before the Board in opposition to this Resolution indicating that it would create a safety hazard and a public nuisance.

2) Mr. Darrell Mund (phonetic), 16351 SW 216 Street, Miami, appeared before the Board in support of this Resolution.

Seeing no other individual(s) to appear, Chairman Moss closed the public hearing.

Commissioner Sorenson noted her research found that reducing the right-of-way would have no adverse effect, functionally or aesthetically, on any roads within the Aladdin City area of the Redlands. She further noted the reduction of right-of-ways would benefit the agricultural business, and moved to adopt the foregoing resolution.

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

2/11/2009 Forwarded to BCC with a favorable recommendation from the Transit, Infrastructure & Roads Committee

3/3/2009 Deferred by the Board of County Commissioners

5G

090453 Resolution

RESOLUTION APPROVING THE PLAT OF EUREKA PROMENADE, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 55 SOUTH, RANGE 39 EAST (BOUNDED ON THE NORTH BY APPROXIMATELY SW 181 TERRACE, ON THE EAST BY SW 147 AVENUE, ON THE SOUTH SW 184 STREET, ON THE WEST BY APPROXIMATELY SW 148 AVENUE) (Public Works Department)

*Adopted
Resolution R-284-09
Mover: Jose "Pepe" Diaz
Seconder: Dorrin D. Rolle
Vote: 10- 0
Absent: Sosa, Gimenez, Sorenson*

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

Chairman Moss opened the public hearing and seeing no one to appear, he closed the public hearing.

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

5H

090454 Resolution

RESOLUTION APPROVING THE WAIVER OF PLAT OF ESTHER CALLE AND MAURICIO NIETO, D-23030, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 55 SOUTH, RANGE 40 EAST (BOUNDED ON THE NORTH BY APPROXIMATELY SW 178 STREET, ON THE EAST BY APPROXIMATELY SW 102 AVENUE, ON THE SOUTH BY APPROXIMATELY SW 179 STREET, AND ON THE WEST BY APPROXIMATELY SW 103 AVENUE) (Public Works Department)

*Adopted
Resolution R-285-09
Mover: Jose "Pepe" Diaz
Seconder: Dorrin D. Rolle
Vote: 10- 0
Absent: Sosa, Gimenez, Sorenson*

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

Chairman Moss opened the public hearing and seeing no one to appear, he closed the public hearing.

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

5I

090455 Resolution

RESOLUTION APPROVING THE WAIVER OF PLAT OF JORGE DEL REY, D-22637, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 54 SOUTH, RANGE 40 EAST (BOUNDED ON THE NORTH BY APPROXIMATELY SW 51 STREET, ON THE EAST BY APPROXIMATELY SW 68 AVENUE, ON THE SOUTH BY SW 52 STREET, AND ON THE WEST BY APPROXIMATELY SW 69 AVENUE) (Public Works Department)

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

Chairman Moss opened the public hearing and seeing no one to appear, he closed the public hearing.

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

Adopted

Resolution R-286-09

Mover: Jose "Pepe" Diaz

Seconder: Dorrin D. Rolle

Vote: 10- 0

Absent: Sosa, Gimenez, Sorenson

5J

090407 Resolution

RESOLUTION RELATING TO AN APPLICATION BY MIAMI-DADE COUNTY FOR A CLASS I PERMIT TO INSTALL A METRORAIL TRANSIT CONNECTOR BETWEEN THE MIAMI INTERMODAL CENTER AND THE EARLINGTON HEIGHTS METRORAIL STATION WHICH SPANS THE MIAMI RIVER AT 3700 NW NORTH RIVER DRIVE AND 3795 NW SOUTH RIVER DRIVE (Department of Environmental Resources Management)

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

Chairman Moss opened the public hearing and seeing no one to appear, he closed the public hearing.

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

Adopted

Resolution R-287-09

Mover: Dorrin D. Rolle

Seconder: Bruno A. Barreiro

Vote: 11- 0

Absent: Sosa, Gimenez

5K

090643 Resolution

RESOLUTION APPROVING THE GENERAL PLAN FOR THE ERECTION, CONSTRUCTION AND OPERATION OF A MIAMI-DADE TRANSIT PARK AND RIDE FACILITY, LOCATED ON THE SOUTHWEST CORNER OF NW 186 STREET AND NW 73 AVENUE IN NORTHWEST MIAMI-DADE COUNTY, FLORIDA, IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY (Department of Planning & Zoning)

*Adopted
Resolution R-288-09
Mover: Natacha Seijas
Seconder: Audrey M. Edmonson
Vote: 11- 0
Absent: Sosa, Gimenez*

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

Chairman Moss opened the public hearing and seeing no one to appear, he closed the public hearing.

Commissioner Seijas spoke in favor of this resolution and commended the Transit Director and staff for moving this project forward to develop, and put into service, a circulator. She moved that the foregoing be adopted as presented. This motion was seconded by Commissioner Edmonson for discussion.

In response to Commissioner Edmonson's inquiry on the amount of Local Option Gas Tax Dollars available for this project, Ms. Jennifer Glazer-Moon noted she would obtain this information and provide an answer to Commissioner Edmonson.

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

6 CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

7 ORDINANCES SET FOR SECOND READING

8 DEPARTMENTAL ITEMS

8A [No items were submitted for these sections.]

**thru
8E**

8F GENERAL SERVICES ADMINISTRATION

8F1A

090604 Resolution

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR SALE AND PURCHASE, IN THE AMOUNT OF \$2,100,000, BETWEEN 8701 SOUTHWEST, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AS SELLER, AND MIAMI-DADE COUNTY, AS BUYER OF APPROXIMATELY 3.42-ACRES OF VACANT PROPERTY LOCATED AT 11101 – 11162 S.W. 87 COURT, MIAMI, FOR THE DEVELOPMENT OF THE KILLIAN LIBRARY PARK; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 0823154][SEE AGENDA ITEM NO. 5B] (General Services Administration Department)

Carried over to March 19, 2009

**8G
thru
8J**

[No items were submitted for these sections.]

8K

OFFICE OF COMMUNITY & ECONOMIC DEVELOPMENT

8K1A

090193 Resolution

RESOLUTION APPROVING THE CRITERIA AND THE USE OF A MID YEAR REQUEST FOR APPLICATION (RFA) PROCESS FOR THE DOCUMENTARY SURTAX PROGRAM TO APPLICANTS THAT ARE APPLYING FOR TAX CREDITS UNDER THE 2009 FLORIDA HOUSING FINANCE CORPORATION UNIVERSAL CYCLE AND REQUIRE A MINIMUM LOCAL CONTRIBUTION TO QUALIFY; AND TO APPLICANTS THAT HAVE RECEIVED TAX CREDITS FROM THE FLORIDA HOUSING FINANCE CORPORATION OR OTHER PUBLIC FUNDS AND REQUIRE ADDITIONAL OR "GAP" FUNDING; AND AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO ADVERTISE A REQUEST FOR APPLICATIONS TO SOLICIT APPLICATIONS FOR FUNDING FOLLOWING APPROVAL BY THE OFFICE OF THE COUNTY ATTORNEY (Office of Community and Economic Development)

*Adopted**Resolution R-289-09**Mover: Audrey M. Edmonson**Seconder: Dorrin D. Rolle**Vote: 12- 0**Absent: Sosa*

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

In response to Commissioner Jordan's question regarding Documentary Stamp Surtax Funds (Surtax) expenditures in projects on a year-to-year basis, Ms. Shalley Jones Horn, Director, Office of Community and Economic Development (OCED), noted the balance in the Surtax account should not exceed an amount equal to one and a half times the yearly allocation, or approximately \$25 million, at any given time. She explained that the balance was currently at one and a quarter times the allocation. Ms. Jones Horn noted she was in the process of developing a plan in cooperation with the Chairperson of the Housing and Community Development Committee, for presentation before this Board.

Commissioner Sorenson inquired about the amount of funding expected from Surtax revenues over the next two years and asked whether these expectations were realistic based upon current market conditions.

Ms. Horn estimated Surtax revenues of approximately \$8 million would be received in 2009, \$10 million in 2010, and \$12 million in 2011. She explained that these were conservative estimates and noted the County was poised to receive revenues of approximately \$10 million this year, and expressed her belief that these projections would either be met or exceeded.

In response to Commissioner Sorenson's question as to the proposed time period for this process, Ms. Horn advised that approval of this resolution would authorize allocation of the Surtax funds over the next two years, not just the current year.

Ms. Cynthia Curry, Senior Advisor to the County Manager, advised that upon approval of this resolution, the County's allocation would be on hold, pending changes to the State's legislation to move this program forward. She further noted this would be the last allocation of Surtax funding until it was determined if the State would end this program.

Commissioner Sorenson reiterated that this allocation was for a one-year term.

In response to Commissioner Rolle's concern with OCED being requested to pay for items that were inappropriate for the department, Ms. Horn clarified that she stated requests were being made of OCED that were inappropriate for Community Development Block Grant (CDBG) funding. She informed the Board that the department had been cited by the U.S. Housing and Urban Development (HUD) auditors, for inappropriate use of those funds. Ms. Horn stated she was scheduled to meet with the HUD Auditor on Monday (3/21), to discuss these issues.

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

2/11/2009 Forwarded with a favorable recommendation from the Housing & Community Development Committee

9A1

082605 Resolution

RESOLUTION RECINDING RESOLUTION NO. R-1208-06;
APPROVING IMPLEMENTING ORDER 3-47 TO PROVIDE A
PROCESS FOR ALLOCATION OF BUILDING BETTER
COMMUNITIES GENERAL OBLIGATION BOND PROGRAM
SURPLUS FUNDS, PREMIUM FUNDS AND UNSPENT BOND
PROCEEDS; AND AUTHORIZING THE COUNTY MAYOR OR
DESIGNEE TO EXERCISE ANY AND RIGHTS CONFERRED
IN IMPLEMENTING ORDER [SEE ORIGINAL ITEM UNDER
FILE NO. 081909] (Office of Capital Improvements)

Amended

Report: (SEE AGENDA ITEM 9A1 AMENDED; LEGISLATIVE FILE NO.
093216.)

- 7/8/2008** Forwarded to BCC with committee amendments from the Governmental Operations and
Environment Committee
- 9/16/2008** Deferred by the Board of County Commissioners
- 11/10/2008** Forwarded to BCC without a recommendation from the Governmental Operations and
Environment Committee

9A1 AMENDED

093216 Resolution

RESOLUTION RESCINDING RESOLUTION NO. R-1208-06; APPROVING IMPLEMENTING ORDER 3-47 TO PROVIDE A PROCESS FOR ALLOCATION OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM SURPLUS FUNDS, PREMIUM FUNDS AND UNSPENT BOND PROCEEDS; AND AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXERCISE ANY AND RIGHTS CONFERRED IN IMPLEMENTING ORDER [SEE ORIGINAL ITEM UNDER FILE NOS. 081909 & 082605] (Office of Capital Improvements)

*Adopted as amended
Resolution R-290-09
Mover: Barbara J. Jordan
Seconder: Carlos A. Gimenez
Vote: 10- 0
Absent: Sosa, Souto, Diaz*

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

Commissioner Rolle expressed his gratitude to staff for their efforts in developing this process and requested that surplus funds, generated from interest earned on the Building Better Communities General Obligation Bonds (GOB) be utilized in the event of a funding shortfall.

Commissioner Heyman was concerned over additional costs to the County in the event all bonds were not sold to fund projects for which money had been committed. She also expressed concern that projects might be delayed or shifted while pending funding from the next bond sale, and noted the project should remain in the pipeline until funding was available.

County Manager Burgess noted projects had been advanced in the past, with an understanding that the bond sale was imminent. He pointed out that the GOB debt was the most secure debt any local government could have; however, he emphasized the importance of knowing that the scheduled sale was imminent before advancing or shifting projects. County Manager Burgess explained that, with this \$350 million bond issue, the County sold \$146 million dollars in the first sale, and another \$203 million later. He noted the costs would potentially increase if funding for projects pending an upcoming bond sale were delayed.

It was moved by Commissioner Gimenez that this resolution be amended to include language providing that that a two-thirds vote of Commission members present be required to override the Citizen's Advisory Committee's (CAC) recommendations and that a simple majority vote of Commission members present be required to approve the CAC's recommendations. This motion was seconded by Commissioner Jordan, followed by discussion.

Discussion ensued among Board members regarding a previous amendment made by the July 8th Governmental Operations and Environment Committee providing that "...The waiver provision was amended to read "a majority of Board members present" instead of "two thirds of the members in office..." and whether it was necessary to incorporate both amendments into this resolution.

Commissioner Gimenez stated he believed the amendment he proposed was a compromise solution requiring only a simple majority to approve the CAC's recommendations; however, a two-thirds vote would be required to override any issues the CAC voted against.

Responding to Assistant County Attorney Geri Bonzon-Keenan's request for clarification on the voting requirement, Commissioner Gimenez noted two-thirds of members present, rather than of the membership, would be required to override the CAC's recommendations against issues.

Ms. Bonzon-Keenan expressed a need for clarification on which of the related items (9A1, 9A1 Supplement, 9A1 Supplement 2) the Board wished to amend.

County Manager Burgess indicated that the vote was to amend Item 9A1, as amended by Item 9A1 Supplement 2.

There being no further questions or comments, by motion duly made, seconded, and carried by a unanimous vote, the Board adopted the foregoing resolution as amended to incorporate the language from Agenda Item 9A1

FINAL OFFICIAL

Supplement No. 2, and to provide that a 2/3 vote, of Commission members present, be required to override the Citizens' Advisory Committee's (CAC) recommendation(s), and a simple majority vote of Commission members present be required to approve the CAC's recommendation(s).

9A1 SUPPLEMENT

082902 Supplement

SUPPLEMENT REPORT BUILDING BETTER COMMUNITIES (BBC) GENERAL OBLIGATION BOND (GOB) PROGRAM - ADOPTION OF IMPLEMENTING ORDER (IO) RELATING TO THE USE OF SURPLUS FUNDS, PREMIUM FUNDS, AND UNSPENT BOND PROCEEDS

Accepted
Mover: Barbara J. Jordan
Second: Carlos A. Gimenez
Vote: 10-0
Absent: Sosa, Souto, Diaz

Report: (SEE AGENDA ITEM 9A1 AMENDED; LEGISLATIVE FILE NO. 093216.)

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

9A1 SUPPLEMENT #2

082958 Supplement

SUPPLEMENT NO. 2 - BUILDING BETTER COMMUNITIES (BBC) GENERAL OBLIGATION BOND (GOB) PROGRAM - ADOPTION OF IMPLEMENTING ORDER (IO) RELATING TO THE USE OF SURPLUS FUNDS, PREMIUM FUNDS, AND UNSPENT FUNDS

Accepted as amended
Mover: Barbara J. Jordan
Second: Carlos A. Gimenez
Vote: 10-0
Absent: Sosa, Souto, Diaz

Report: (SEE AGENDA ITEM 9A1 AMENDED; LEGISLATIVE FILE NO. 093216.)

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

10 AUTHORITIES, BOARDS, COUNCILS AND TRUSTS

11 COUNTY COMMISSION

11A RESOLUTIONS

11A1

090619 Resolution Joe A. Martinez

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

Adopted
Resolution R-291-09
Mover: Jose "Pepe" Diaz
Second: Sally A. Heyman
Vote: 10-0
Absent: Barreiro, Sosa, Seijas

11A2

090641 Resolution Carlos A. Gimenez

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

*Adopted
Resolution R-292-09
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Barreiro, Sosa, Seijas*

11A3

090662 Resolution Natacha Seijas

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

*Adopted
Resolution R-293-09
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Barreiro, Sosa, Seijas*

11A4

090663 Resolution Dorrin D. Rolle

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

*Adopted
Resolution R-294-09
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Barreiro, Sosa, Seijas*

11A5

090675 Resolution Rebeca Sosa

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-2009 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 6 AND RESCINDING PREVIOUS ALLOCATION TO ST. ROBERT BELLARMINE CATHOLIC CHURCH

*Adopted
Resolution R-295-09
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Barreiro, Sosa, Seijas*

11A6

090674 Resolution Rebeca Sosa

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-2009 DISTRICT 6 OFFICE BUDGET FUNDS AND THE ALLOCATION OF DISTRICT 6 COUNTY SERVICES RESERVE FUNDS

*Adopted
Resolution R-296-09
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Barreiro, Sosa, Seijas*

FINAL OFFICIAL

11A7

090683 Resolution Audrey M. Edmonson

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-2009 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 3

Adopted
Resolution R-297-09
Mover: Jose "Pepe" Diaz
Second: Sally A. Heyman
Vote: 10-0
Absent: Barreiro, Sosa, Seijas

11A8

090482 Resolution Sen. Javier D. Souto

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH MIAMI-DADE COLLEGE FOR THE COLLEGE'S USE OF SPACE AT THE MAIN LIBRARY TO CONTINUE HOUSING THE WOLFSON MEDIA HISTORY ARCHIVE AND AUTHORIZING THE COUNTY MAYOR TO EXERCISE CANCELLATION PROVISIONS CONTAINED THEREIN; AND AUTHORIZING THE EXECUTION OF A TERMINATION AND RELEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE LYNN AND LOUIS WOLFSON II FLORIDA MOVING IMAGE ARCHIVES, INC. TERMINATING THE AGREEMENT BETWEEN THEM DATED OCTOBER 1, 1986

Adopted
Resolution R-298-09
Mover: Jose "Pepe" Diaz
Second: Sally A. Heyman
Vote: 10-0
Absent: Barreiro, Sosa, Seijas

3/9/2009 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Recreation, Culture & Tourism Committee

3/10/2009 Withdrawn by the Government Operations Committee

11A9

090444 Resolution Jose "Pepe" Diaz, Carlos A. Gimenez, Rebeca Sosa

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS SJR 1302, HJR 833 OR SIMILAR LEGISLATION THAT WOULD PROPOSE A CONSTITUTIONAL AMENDMENT TO ALLOW A PROPERTY TAX CREDIT ON HOMESTEAD PROPERTY FOR MILITARY PERSONNEL DEPLOYED ON ACTIVE DUTY OUTSIDE THE U.S.

Adopted
Resolution R-299-09
Mover: Jose "Pepe" Diaz
Second: Sally A. Heyman
Vote: 10-0
Absent: Barreiro, Sosa, Seijas

3/10/2009 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Budget, Planning and Sustainability Committee

FINAL OFFICIAL

11A10

090519

Resolution

Joe A. Martinez,
Audrey M. Edmonson,
Carlos A. Gimenez,
Sally A. Heyman,
Barbara J. Jordan,
Katy Sorenson,
Dorria D. Rolle

RESOLUTION SUPPORTING THE MIAMI-DADE COUNTY PUBLIC SCHOOLS' STATE LEGISLATIVE PACKAGE; URGING THE FLORIDA LEGISLATURE TO HOLD SCHOOL DISTRICTS HARMLESS FROM THE EFFECTS OF PROPERTY TAX RELIEF AND STATE BUDGET SHORTFALLS BY PROVIDING PER STUDENT FUNDING AT A LEVEL NO LOWER THAN THE FISCAL YEAR 2008-09 LEVEL; FURTHER URGING THE LEGISLATURE TO RESTORE THE LOCAL DISCRETIONARY CAPITAL OUTLAY LEVY TO 2-MILLS AND NOT PASS LEGISLATION THAT REDUCES THE NUMBER OF IN-SERVICE HOURS REQUIRED OF TEACHERS PROVIDING INSTRUCTION TO ENGLISH AS A SECOND LANGUAGE LEARNERS

Adopted
Resolution R-300-09
Mover: Dorria D. Rolle
Second: Audrey M. Edmonson
Vote: 10- 0
Absent: Sosa, Souto, Diaz

3/10/2009 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Budget, Planning and Sustainability Committee

11A11

090514

Resolution

Dennis C. Moss,
Dorria D. Rolle,
Natacha Seijas,
Audrey M. Edmonson

RESOLUTION URGING PRESIDENT OBAMA'S ADMINISTRATION TO QUICKLY IMPLEMENT PROVISIONS IN THE AMERICAN REINVESTMENT AND RECOVERY ACT THAT WOULD IMPROVE ACCESS TO CAPITAL FOR SMALL BUSINESSES; HELP SMALL BUSINESSES THAT ARE STRUGGLING WITH EXISTING DEBT, AND SPUR INVESTMENT IN SMALL, HIGH-GROWTH FIRMS

Adopted
Resolution R-301-09
Mover: Audrey M. Edmonson
Second: Dorria D. Rolle
Vote: 10- 0
Absent: Sosa, Souto, Diaz

3/10/2009 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Budget, Planning and Sustainability Committee

11A12

090517

Resolution

Audrey M. Edmonson

RESOLUTION OPPOSING SB 1654; HB 923 OR SIMILAR LEGISLATION THAT WOULD PREEMPT LOCAL REGULATION OF CRANES; URGING THE FLORIDA LEGISLATURE NOT TO PASS SUCH LEGISLATION

Adopted
Resolution R-302-09
Mover: Jose "Pepe" Diaz
Second: Sally A. Heyman
Vote: 10- 0
Absent: Barreiro, Sosa, Seijas

3/12/2009 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Health, Public Safety & Intergovernmental Cmte

FINAL OFFICIAL

11A13

090404

Resolution

Katy Sorenson,
Dorrin D. Rolle,
Barbara J. Jordan,
Sally A. Heyman

RESOLUTION URGING THE OBAMA ADMINISTRATION TO
ESTABLISH A NATIONAL AIDS STRATEGY

Adopted
Resolution R-303-09
Mover: Sally A. Heyman
Seconder: Barbara J. Jordan
Vote: 10- 0
Absent: Sosa, Souto, Diaz

3/12/2009 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Health,
Public Safety & Intergovernmental Cmte

11A14

090443

Resolution

Rebeca Sosa,
Dorrin D. Rolle,
Barbara J. Jordan,
Sally A. Heyman,
Audrey M. Edmonson

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PASS LEGISLATION THAT WOULD ALLOW LOCAL
GOVERNMENTS TO CONDUCT A NATIONAL
BACKGROUND CHECK ON PRIVATE SCHOOL BUS
OPERATORS AND OTHER FOR-HIRE CHAUFFEUR LICENSE
HOLDERS

Adopted
Resolution R-304-09
Mover: Audrey M. Edmonson
Seconder: Barbara J. Jordan
Vote: 10- 0
Absent: Sosa, Souto, Diaz

3/12/2009 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Health,
Public Safety & Intergovernmental Cmte

11A15

090481

Resolution

Rebeca Sosa,
Dorrin D. Rolle

RESOLUTION URGING CONGRESS TO PASS LEGISLATION
THAT WOULD REQUIRE INSURANCE COMPANIES TO
COVER A MINIMUM 48 HOUR HOSPITAL STAY FOR
PATIENTS UNDERGOING A MASTECTOMY AND OTHER
RELATED PROCEDURES

Adopted
Resolution R-305-09
Mover: Dorrin D. Rolle
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Sosa, Souto, Diaz

3/12/2009 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Health,
Public Safety & Intergovernmental Cmte

11A16

090484

Resolution

Sen. Javier D. Souto

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
REQUIRE LANDLORDS TO INSPECT THEIR LEASED
RESIDENTIAL PROPERTIES NO LESS THAN ONCE EVERY
60 DAYS TO FIGHT MARIJUANA GROW HOUSES AND
ILLEGAL DRUG LABORATORIES AND PROTECT
NEIGHBORS FROM SUCH ENTITIES

No Action Taken

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

Commissioner Sorenson questioned the possibility of this resolution violating existing policies in the County's programs that received federal funds and adversely impacting out-of-town landlords.

Assistant County Attorney Martin Sybblis responded to Commissioner Sorenson's concerns and advised that Commissioner Souto had requested the language be amended as follows:

– Handwritten page 4, Section 1- Delete lines 2 through 4, and replace with the language "...inspect the leased single-family residential properties on a regular basis, no less than once every 60 days, or to the extent necessary to protect and preserve such properties from safety hazards associated with marijuana grow houses or illegal drug laboratories which may be located therein..." He clarified that this proposal was applicable only to single-family residential properties. With respect to Commissioner Sorenson's concern with how to address a tenant's refusal to consent to an inspection, Mr. Sybblis noted Florida Statutes provided the landlord with the right to inspect properties to preserve safety. He explained that this resolution simply created a timeframe in which the inspection should occur.

In response to Commissioner Diaz' concern regarding the tenant's right to privacy and the potential for violating one's Constitutional Rights, Assistant County Attorney Jorge Martinez-Estevez noted Florida Statute 83.53 currently allowed landlords to enter into a tenant's premises any time the landlord felt such inspection was required for the protection or preservation of the premises. He added, if adopted by the state legislature, this resolution would require such safety inspections to be done on a particular schedule. Mr. Martinez-Estevez advised that this was constitutional based upon the inclusion of the language "marijuana grow houses" by which the use of electricity and chemicals presented a safety concern.

In response to Commissioner Diaz' question as to whether property owners would be held liable for the inability to perform inspections, Mr. Martinez-Estevez explained that the foregoing resolution, as currently written, would not impose a penalty upon the landlord.

Mr. Sybblis advised Commissioner Seijas that he would obtain the definition of a single-family home as it relates to this legislation, and provide that definition to the Commission, as it was omitted from the resolution.

Commissioner Seijas spoke in opposition to this resolution and provided examples of alternative methods of determining whether illegal activities were being conducted in a residence, including increased water consumption and changes in electrical usage. She noted she felt this was in violation of the principle upon which Democratic was built and an imposition on the tenants.

Commissioner Heyman expressed concern with inspections being required every sixty (60) days and there being no provision addressing absentee landlords or language providing that agents could inspect the property in the landlord's absence. She expressed further concern with inspections being performed without probable cause, as well as the responsibility of enforcement becoming that County's police or code enforcement officers. Commissioner Heyman mentioned that budget implications would need to be addressed and noted sufficient legislation addressing this issue already existed and probable cause was enough for the criminal justice system to take

appropriate action. She added that she did not feel a civilian landlord was the appropriate person to confront criminal situations.

Commissioner Jordan concurred with her colleagues that alternative methods existed that enabled detection of marijuana grow house activities, including obtaining duplicate electric bills, without invading upon the tenant's privacy.

Commissioner Martinez noted the intent of this legislation was good; however, police do not have access to electric bills or other records without a subpoena. He pointed out that police officers were not permitted to enter a house without the owner's consent and probable cause was not enough without a search warrant. Commissioner Martinez expressed concern that this legislation would place a civilian in a law enforcement capacity.

Commissioner Souto spoke about his experience in addressing drug issues in Tallahassee. He also mentioned instances of drug activity near his home and the impact of drug activity to Commission District 10. He recommended the police chief and fire chief attend future discussions on the issue of marijuana grow houses.

Due to lack of a motion or second, no action was taken, by the Commission, on the foregoing proposed resolution.

3/12/2009 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Health, Public Safety & Intergovernmental Cmte

11A17

090525 Resolution Sen. Javier D. Souto
 RESOLUTION URGING THE FLORIDA LEGISLATURE TO *Amended*
 IMPOSE MANDATORY MINIMUM TERMS OF
 IMPRISONMENT OF AT LEAST TWO YEARS FOR ALL
 CRIMES RELATED TO MARIJUANA GROW HOUSES

Report: (SEE AGENDA ITEM 11A17 AMENDED; LEGISLATIVE FILE NO. 091291.)

3/12/2009 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Health, Public Safety & Intergovernmental Cmte

FINAL OFFICIAL

11A17 AMENDED

091291

Resolution

Sen. Javier D. Souto

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
IMPOSE MANDATORY MINIMUM TERMS OF
IMPRISONMENT OF AT LEAST TWO YEARS FOR ALL
CRIMES RELATED TO MARIJUANA GROW HOUSES [SEE
ORIGINAL ITEM UNDER FILE NO. 090525]

Adopted as amended

Resolution R-306-09

Mover: Sen. Javier D. Souto

Seconder: Joe A. Martinez

Vote: 8-4

No: Jordan, Edmonson,

Sorenson, Seijas

Absent: Sosa

Report: Commissioner Sorenson expressed concern about implementing mandatory minimum terms for all crimes related to marijuana grow houses. She mentioned that this would put a strain on the County's currently overcrowded prison system and that the penalty might not be applicable for all situations.

In response to Commissioner Seijas's request for clarification on what was included in all crimes related to marijuana grow houses and who was responsible, Assistant County Attorney Martin Sybblis read into the record, the following amendment to handwritten page 5, Section 1, proposed by Commissioner Souto: to delete the language "...all crimes related to marijuana grow houses..." and insert the language "...any and all violations of Section 893.1351..." Mr. Sybblis further clarified that Section 893.1351 included all crimes related to the trafficking or possession and use or sale of marijuana in grow houses. Upon Commissioner Seijas' request, Mr. Sybblis read into the record, language summarizing Florida Statute 893.1351 from handwritten page 4, items (a), (b), and (c), of the foregoing resolution. Mr. Sybblis advised that the Statute also provided that the possession of 25 or more cannabis plants constituted evidence of distribution for sale or distribution.

In response to Commissioner Seijas' concern that innocent homeowners would be liable for their actions and question of whether the law provided for the owner to enter the home, Mr. Sybblis replied that the owner could enter for the protection or preservation of premises.

Discussion ensued among commissioners regarding the difficulty of prosecuting such cases and this resolution reducing the currently existing penalty of three years imprisonment to a minimum of two years.

Mr. Sybblis explained that this Resolution provided for a minimum prison sentence, and noted no minimum penalty existed; only a maximum penalty.

Commissioner Gimenez concurred with Commissioner Martinez that the proposed amendment urged the legislature to reduce the minimum sentence to two years, and to revise the language accordingly on handwritten page 5, items b & c.

In response to Commissioner Diaz's request for clarification of the terms, Assistant County Attorney Jorge Martinez-Estevéz advised that the three, seven, & 15 year minimum mandatory sentences applied to the actual growing of minimum quantities of marijuana. He added that the Statute the Legislature was being urged to change was related to being in possession with knowledge of a grow house.

There being no further questions or comments, the Board adopted the foregoing resolution as amended to delete the language "...all crimes related to marijuana grow houses..." and insert the language "...any and all violations of Section 893.1351, Florida Statutes..."

11A18

090524

Resolution

Sen. Javier D. Souto

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
EXPAND THE PERMISSIBLE USES OF TOURIST-RELATED
TAXES TO INCLUDE THE COST OF FUNDING A COUNTY
TOURISM-RELATED LAW ENFORCEMENT UNIT

Amended

Report: (SEE AGENDA ITEM 11A18 AMENDED; LEGISLATIVE FILE NO.
091292.)

3/12/2009 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Health,
Public Safety & Intergovernmental Cmte

11A18 AMENDED

091292

Resolution

Sen. Javier D. Souto

RESOLUTION URGING THE FLORIDA LEGISLATURE TO EXPAND THE PERMISSIBLE USES OF TOURIST-RELATED TAXES TO INCLUDE THE COST OF FUNDING A COUNTY TOURISM-RELATED LAW ENFORCEMENT UNIT [SEE ORIGINAL ITEM UNDER FILE NO. 090524]

*Adopted as amended
Resolution R-307-09*

Mover: Sen. Javier D. Souto

Seconder: Carlos A. Gimenez

Vote: 9- 0

*Absent: Sosa, Sorenson, Moss,
Seijas*

Report: Commissioner Souto did not accept Commissioner Sorenson's friendly amendment providing that if the permissible uses of tourist-related taxes were being expanded to include the cost of funding a County tourism-related law enforcement unit, that it should also be expanded to include Miami-Dade Transit.

Commissioner Heyman indicated that a significant amount of the budgets for special events was allocated to the public safety aspect, and expressed her support of this resolution. She recommended a definition of tourist-related activities be included for clarification and noted traffic and population control were specific areas where these additional funds could be utilized.

Commissioner Gimenez advised that this was a slippery slope where tourist dollars meant for infrastructure and facility support would be tapped into for operations and would not be available for capital.

Commissioner Barreiro noted he believed the intention was good, but he felt that these monies needed to be specifically allocated toward marketing efforts.

Commissioner Jordan initially believed this was a good idea; however, after considering the large number of special events that were held within this County, she was now concerned with the drain this would place on the tourist-related tax fund.

Commissioner Martinez recalled the negative effects on tourism following the incident, several years ago, where German tourists were robbed, and noted the tremendous efforts put into place because of this incident. He indicated that tourist-oriented police helped the community and supported this item.

Commissioner Gimenez said that Commissioner Martinez made a good point; however, he felt that the language was too broad and additional protections needed to be in place. He noted the Commission should have the ability to vote on each request to use these funds.

Assistant County Attorney Martin Sybblis advised he was unsure as to whether language could be included that provided that the Board could vote on each use of these funds.

Commissioner Barreiro asked the County Attorney to determine whether police services were included in the State funding previously provided to address the tourism needs.

Commissioner Martinez noted the State funds did not trickle down to the actual police department's budget and services were paid from the General Fund.

County Attorney Robert Cuevas advised a possible alternative would be to condition the urging on any legislation that was adopted being brought back to this Board for approval to use this money.

Following Commissioner Souto's acceptance of the foregoing proposed amendment, the Board adopted the foregoing resolution as amended to incorporate appropriate language to require that any legislation adopted by the Board urging Florida Legislature that was ultimately adopted by the Legislature must be forwarded for County Commission approval before being disbursed.

11A19

090704

Resolution

Dorrin D. Rolle,
 Carlos A. Gimenez,
 Audrey M. Edmonson

RESOLUTION URGING PRESIDENT BARACK OBAMA'S ADMINISTRATION TO PROVIDE FUNDING FOR THE PORT OF MIAMI TUNNEL PROJECT THROUGH THE FEDERAL ECONOMIC STIMULUS PACKAGE; URGING THE FLORIDA CONGRESSIONAL DELEGATION TO SUPPORT FUNDING THE PORT TUNNEL PROJECT WITH FEDERAL ECONOMIC STIMULUS FUNDS; URGING FLORIDA GOVERNOR CHARLIE CRIST AND THE FLORIDA LEGISLATURE TO AMEND THE STATE OF FLORIDA'S PROPOSED LIST OF FEDERAL STIMULUS PROJECTS TO INCLUDE THE PORT TUNNEL PROJECT

Adopted
Resolution R-308-09
Mover: Dorrin D. Rolle
Seconder: Barbara J. Jordan
Vote: 11- 0
Absent: Sosa, Moss

11 B ADDITIONAL BUDGET ALLOCATIONS

11B1

090734

Report

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

Approved
Mover: Joe A. Martinez
Seconder: Sally A. Heyman
Vote: 11- 0
Absent: Sosa, Moss

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

- \$3,000 to American Red Cross Humanitarian of the Year Award Dinner (Honoring Dave Lawrence)*
- \$1,000 to Latter Rain Productions (In support of the 2nd Annual Father's Day Gospel Concert)*
- \$1,000 to Monsignor Edward Pace High School (In support of the Spartan's Football Program)*
- \$2,500 to Mount Tabor Missionary Baptist Church (In support of the 20th Anniversary of Rev. George McRae)*
- \$2,500 to Community Smiles (For providing dental care to underserved residents in District 1)*
- \$1,500 to Alliance for Musical Arts (For assisting with the purchase of uniforms and instruments for the Youth Drum Line)*
- \$5,000 to Pen Tab Academy*

FINAL OFFICIAL

11B2

090735 Report

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

Approved
Mover: Joe A. Martinez
Seconder: Sally A. Heyman
Vote: 11- 0
Absent: Sosa, Moss

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

- \$1,000 from The Victory Center*
- \$180 from Eli Israel Child Abuse Prevention Center*
- \$180 from Beth Moshe*
- \$1,400 from Community News*

11B3

090736 Report

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

Approved
Mover: Joe A. Martinez
Seconder: Sally A. Heyman
Vote: 11- 0
Absent: Sosa, Moss

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

- \$5,000 to Community Partnership for the Homeless, Celebrity 5K*
- \$5,000 to International Women’s Forum*

For the record, Commissioner Heyman asked to rescind the following allocation: Kay Sullivan Retirement for \$90.00.

11B4

090737 Report

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

Approved
Mover: Joe A. Martinez
Seconder: Sally A. Heyman
Vote: 11- 0
Absent: Sosa, Moss

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

- \$1,000 to Miami Lighthouse for the Blind*
- \$1,000 to Public Education Partnership Inc. (DBA Friends of Ojus)*
- \$1,000 to Mothers Against Drunk Driving (MADD) Miami Dade County*
- \$1,200 to MDPD Intercoastal Station (for CAC activities)*
- \$1,500 to North Miami Senior High School (Robotics Team)*

11B5

090738 Report

ALLOCATION OF (FY) 2008/09 COUNTY SERVICES
RESERVE FUNDS (DISTRICT 5)

Approved
Mover: Joe A. Martinez
Seconder: Sally A. Heyman
Vote: 11- 0
Absent: Sosa, Moss

Report: *The following funding allocations were made from fiscal year (FY) 2008/09 District 5 County Services Reserve Funds as requested by Commissioner Barreiro.*

\$200 to Four Freedoms House of Miami Beach
\$1,500 to El Diario Nacional to sponsor a play for seniors

11B6

090739 Report

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

Approved
Mover: Joe A. Martinez
Seconder: Sally A. Heyman
Vote: 11- 0
Absent: Sosa, Moss

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

\$2,500 to Community Smiles
\$5,000 to Planned Parenthood
\$2,000 to Miami Symphony Orchestra
\$500 to Crohn's and Colitis Foundation of America (Funding for Taking Steps Walk 2009)

For the record, Commissioner Sorenson asked to rescind the following allocation made on December 20, 2005: \$10,000 to Miami Symphony

11B7

090740 Report

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

Approved
Mover: Joe A. Martinez
Seconder: Sally A. Heyman
Vote: 11- 0
Absent: Sosa, Moss

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

\$2,000 to Operation Green Leaves, Inc. (Funding for March for Parks)
\$5,000 to International Women's Forum (International Conference in Vizcaya)

11B8

090741 Report

ALLOCATION OF (FY) 2008/09 OFFICE FUNDS (DISTRICT 10)

Approved
Mover: Joe A. Martinez
Seconder: Sally A. Heyman
Vote: 11- 0
Absent: Sosa, Moss

Report: *The following funding allocations were made from fiscal year (FY) 2008/09 District 10 Office Funds as requested by Commissioner Souto.*

- \$2,500 to Read to Succeed*
- \$2,500 to CANCO*
- \$500 to John A. Ferguson Senior High School PTSA to assist students and parents from Winston Park Elementary School and Southwest Senior High School attend Tallahassee Education Rally*
- \$5,000 to Presidio Politico Historico Cubano, Inc.*

11C REPORTS

12 COUNTY MANAGER

13 COUNTY ATTORNEY

14 ITEMS SUBJECT TO 4-DAY RULE

14A1

090626 Resolution

RESOLUTION AUTHORIZING REIMBURSEMENT FOR OUTSTANDING PAYMENTS TO FIVE ORGANIZATIONS FOR SERVICES RENDERED, AND APPROVAL TO ENTER INTO A CONTRACTUAL AGREEMENT WITH TWO ENTITIES PURSUANT TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 24 CFR PART 598 (Office of Community and Economic Development)

Adopted
Resolution R-309-09
Mover: Dorrin D. Rolle
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Sosa, Moss

3/11/2009 Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee

14A2

090628 Resolution

RESOLUTION RECAPTURING FUNDS AWARDED PURSUANT TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 24 CFR PART 598 (Office of Community and Economic Development)

Amended

Report: *(SEE AGENDA ITEM 14A2 AMENDED; LEGISLATIVE FILE NO. 090729.)*

3/11/2009 Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee

14A2 AMENDED

090729 Resolution

RESOLUTION RECAPTURING FUNDS AWARDED PURSUANT TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 24 CFR PART 598 [SEE ORIGINAL ITEM UNDER FILE NO. 090628] (Office of Community and Economic Development)

*Adopted as amended
Resolution R-310-09
Mover: Dorrin D. Rolle
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Sosa, Moss*

Report: Ms. Cynthia Curry, Senior Advisor to the County Manager, noted the Red Rock item should be deleted from the foregoing resolution. She further noted the dollars listed were HOME funds that were never expended.

Commissioner Martinez asked the County Manager to provide him with a report identifying how the \$500,000 in HOME funds, distributed to Red Rock Global, was spent.

The Board adopted the foregoing resolution as amended to delete each occurrence of the language "Red Rock Global."

14A2 SUPPLEMENT

090700 Report

SUPPLEMENTAL INFORMATION ON THE RESOLUTION AUTHORIZING THE RECAPTURE OF EMPOWERMENT ZONE FUNDS

*Accepted
Mover: Dorrin D. Rolle
Seconder: Joe A. Martinez
Vote: 11- 0
Absent: Sosa, Moss*

14A3

090627 Resolution

RESOLUTION AUTHORIZING THE ISSUANCE OF THE FY 2009 EMPOWERMENT ZONE REQUEST FOR APPLICATIONS (RFA) FOR \$3.5 MILLION FEDERAL EMPOWERMENT ZONE FUNDS (Office of Community and Economic Development)

*Adopted
Resolution R-311-09
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Barreiro, Sosa, Seijas*

3/11/2009 Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee

14A4

090692 Resolution

RESOLUTION APPROVING IMPLEMENTING ORDER FOR THE NEIGHBORHOOD STABILIZATION PROGRAM [SEE ORIGINAL FILE UNDER NUMBER 090495] (Office of Community and Economic Development)

Amended

Report: (SEE AGENDA ITEM 14A4 AMENDED; LEGISLATIVE FILE NO. 090727.)

3/11/2009 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Housing & Community Development Committee

14A4 AMENDED

090727 Resolution

RESOLUTION APPROVING IMPLEMENTING ORDER 2-11 FOR THE NEIGHBORHOOD STABILIZATION PROGRAM [SEE ORIGINAL ITEM UNDER FILE NOS. 090495 & 090692] (Office of Community and Economic Development)

*Adopted as amended
Resolution R-312-09
Mover: Bruno A. Barreiro
Seconder: Audrey M. Edmonson
Vote: 11- 0
Absent: Sosa, Moss*

Report: *Commissioner Barreiro asked that the foregoing proposed resolution be amended to include language providing that the referenced "multi-family housing units" be located in the proximity of transit corridors; and that the acquisition and rehabilitation of single-family homes be outsourced to expedite the process.*

□

Ms Cynthia Curry, Senior Advisor to the County Manager, noted the amendment regarding housing being located near transit corridors was acceptable. She clarified that, as written, this resolution provided that, in addition to the General Service Administration (GSA), the option for contracting out these services to providers was included.

Commissioner Diaz requested language be included providing that services "will be contracted out as needed."

Commissioner Seijas asked that the proposed amendment pertaining to housing located near transit corridors be revised to include the language, "when possible."

Commissioner Martinez stated that most Commission Districts would not qualify for the funding because 51 percent of households are at 120 percent or above the Average Median Income.

Ms. Curry wanted to ensure that Supplement #2 to this item, which contained definitions, was incorporated into the motion.

There being no further questions or comments, the Board adopted the foregoing resolution as amended to insert an additional bullet point under Section 3, "Multi-Family Housing" on page 11 of 16 (handwritten page 18) to read as follows: "... Proximity to transit corridors, where possible..."

14A4 SUPPLEMENT

090684 Report

SUPPLEMENTAL INFORMATION ON NEIGHBORHOOD ON STABILIZATION PROGRAM

*Accepted
Mover: Bruno A. Barreiro
Seconder: Audrey M. Edmonson
Vote: 11- 0
Absent: Sosa, Moss*

3/11/2009 Report Received by the Housing & Community Development Committee

14A4 SUPPLEMENT #2

090699 Report

SUPPLEMENT INFORMATION ON THE NEIGHBORHOOD STABILIZATION PROGRAM #2

Accepted
Mover: Bruno A. Barreiro
Seconder: Audrey M. Edmonson
Vote: 11- 0
Absent: Sosa, Moss

14A5

090473 Resolution Carlos A. Gimenez

RESOLUTION DECLARING THE MONTH OF APRIL 2009 AS WATER CONSERVATION MONTH IN MIAMI-DADE COUNTY

Adopted
Resolution R-313-09
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Barreiro, Sosa, Seijas

3/10/2009 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Government Operations Committee

14A6

090486 Resolution Audrey M. Edmonson

RESOLUTION AMENDING RESOLUTION NO. R-1271-08 TO EXTEND THE EXISTENCE OF THE METRO MIAMI ACTION PLAN TRUST OVERSIGHT REVIEW BOARD FOR A PERIOD NOT TO EXCEED AN ADDITIONAL SIXTY DAYS; AND AMENDING RESOLUTION NO. R-1491-08 TO EXTEND THE EXISTENCE OF THE METRO MIAMI ACTION PLAN TRUST INTERIM BOARD FOR A PERIOD NOT TO EXCEED AN ADDITIONAL THIRTY DAYS

Adopted
Resolution R-314-09
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Barreiro, Sosa, Seijas

3/11/2009 Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee

14A7

090523 Resolution

RESOLUTION AUTHORIZING APPROVAL OF A CONSTRUCTION AGREEMENT IN THE AMOUNT OF \$1,573.00 AMONG MIAMI-DADE COUNTY, CSX TRANSPORTATION, INC., AND BEACON LAKES COMMUNITY DEVELOPMENT DISTRICT FOR THE CONSTRUCTION OF A NEW RAILROAD CROSSING AT NW 137 AVENUE, IN THE VICINITY OF NW 12 STREET (Public Works Department)

Adopted
Resolution R-315-09
Mover: Barbara J. Jordan
Seconder: Natacha Seijas
Vote: 11- 0
Absent: Sosa, Moss

3/11/2009 Forwarded to BCC with a favorable recommendation from the Transit, Infrastructure & Roads Committee

15 CLERK OF THE BOARD

15B REPORTS

15B1

090638 Report

PROPOSED PUBLIC HEARING DATES FOR ORDINANCES
SUBMITTED FOR FIRST READING ON MARCH 17, 2009
(Clerk of the Board)

Approved
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Barreiro, Sosa, Seijas

15C COUNTY ADVISORY BOARD APPOINTMENTS

15C1

090639 Nomination

APPOINTMENT OF MEMBERS TO THE ADDICTION
SERVICES BOARD-MIAMI-DADE COUNTY
CYNTHIA ROWE, PH.D.
CLAUDIO PEREZ (Clerk of the Board)

Appointed
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Barreiro, Sosa, Seijas

15C2

090721 Nomination

APPOINTMENT OF MEMBER(S) TO THE PARK &
RECREATION CITIZENS' ADVISORY BOARD

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

Report: *Commissioner Edmonson appointed Ms. Carol Hardmon to the Park & Recreation Citizens' Advisory Committee.*

15C3

090722 Nomination

APPOINTMENT TOSAFE NEIGHBORHOOD PARKS
CITIZENS OVERSIGHT COMMITTEE

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

Report: *Commissioner Barreiro appointed Mr. Mike Gondula (phonetic) to the Safe Neighborhood Parks Citizens' Oversight Committee.*

15C4

090723 Nomination

APPOINTMENT OF MEMBER(S) TO THE FISHER ISLAND
COMMUNITY COUNCIL

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

Report: *Commissioner Barreiro appointed the following members to the
Fisher Island Community Council:*

Joan Lee Peterson (phonetic)
Jack Lloyd
Frederick Weber
Irwin Potash

15C5

090724 Nomination

APPOINTMENT OF MEMBER(S) TO THE NUISANCE
ABATEMENT BOARD

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

Report: *Commissioner Sosa appointed Dr. Maria Saunders as a member to
the Nuisance Abatement Board.*

15D COUNTY ADVISORY BOARD APPOINTMENTS BY BALLOT

**15E MAYOR'S REQUEST FOR ALLOCATIONS FROM DISCRETIONARY OR IN-
KIND RESERVE FUNDS**

16 ITEMS SCHEDULED FOR THURSDAY

16A SPECIAL PRESENTATIONS (Scheduled for 8:00 a.m.)

16A1

090670 Service Awards Dennis C. Moss

PRESENTATION OF SERVICE AWARDS: *Presented*

GRACE M. O'DONNELL - MDPD - 35 YEARS
LAVONT FLANDERS - MDT - 30 YEARS
DAVID REAVES JR. - MDT - 35 YEARS
DUTCHIE A. JOHNSON - WASD - 30 YEARS
MANUEL M. MITRA - WASD - 35 YEARS
SHAHID QURESHY - WASD - 30 YEARS
ALEJANDRO M. VIDAL - WASD - 30 YEARS

16B POLICY MATTERS FOR DISCUSSION BY THE BOARD

16B1

090668

Discussion Item

Dennis C. Moss

DISCUSSION ON THE ECONOMIC DISPARITIES OF MIAMI
DADE COUNTY AS IT RELATES TO THEIR RESPECTIVE
ENTITIES AND COMMUNITIES BY:

Presented

- 1) CAMACOL/WILLIAM ALEXANDER
- 2) MIAMI-DADE CHAMBER/BILL DIGGS
- 3) URBAN TASK FORCE/CHARLES BIRD
- 4) MOM & POP/LEROY JONES

Report: Chairman Moss noted that he invited several community members to attend today's (3/17) County Commission meeting as part of an ongoing effort to have various groups representing different segments of the community present their issues before the Commission.

Mr. William Alexander, President, Latin Chamber of Commerce of USA (CAMACOL), appeared before the Board and noted he and his colleagues appreciated the opportunity to speak about the current economic crises. He introduced Mr. Martinez to make the presentation.

Mr. Martinez expressed concern about the significant decline in the number of mom and pop businesses, which he noted provided a much-needed service to the residents of this community. He urged members of the Board to consider increasing the level of support to sustain these businesses and enable their continued success.

Mr. Bill Diggs, President, Miami-Dade Chamber of Commerce (MDCC), explained that the Chamber, Florida's oldest and largest Chamber of Commerce, provided assistance to black owned businesses within the community. He noted the Chamber had a partnership with CAMACOL to assist construction companies build lead certified buildings. Mr. Diggs described a program that assisted black owned business with County opportunities. He recognized members of the MDCC's Board of Directors present at today's meeting as: Chairman Eric Knowles; Vice-Chairman Dexter Bridgeman; Parliamentarian Valerie Crawford; and Member Aletha Player. Mr. Diggs explained that the Chamber generated approximately twenty percent of its total revenue from membership fees and relied on community support for the balance. He pointed out that credit card companies were redlining many small businesses and preventing them from using credit cards to purchase goods and services, resulting in a decline in operating capital and layoffs. Mr. Diggs said the MDCC provided technical assistance to help improve small businesses and they were proud of the accomplishments made within the Community.

Commissioner Moss expressed his appreciation to Mr. Diggs and the members of the Chamber for their support in Tallahassee.

Mr. Charles Bird, Chairperson, Economic Development Committee, Urban Task Force, appeared before the Board and explained that the national unemployment rate was about eight percent whereas the rate in Miami-Dade County had remained steady averaging about ten to 13 percent over the past ten years. He explained that in Fiscal Year 2008, the County contributed \$27 million to Economic Development, of which \$17 million remained in the Targeted Urban Areas (TUA). Mr. Bird indicated a targeted and aggressive marketing campaign specific to the TUAs was necessary and stated it was imperative that all County organizations collaborate in order to maximize future efforts. He proposed the following actions be taken to achieve these goals: 1) develop a comprehensive marketing plan to provide site studies and research to market TUAs and commercial properties, 2) include a multimedia presentation on TUAs that lead to new investment opportunities, 3) support and offer the allocation of Building Better Communities General Obligation Bonds (GOB) and Infrastructure Funds designated for use in the TUA's, 4) establish a marketing budget of at least \$100,000 to accomplish these goals, and 5) obtain an inventory of all County and site locations within TUAs. Mr. Bird explained that GOBs, Targeted Job Incentives, and Enterprise Zone Funds were among the incentives necessary for new investments in commercial sites within the TUAs. He also indicated that Miami-Dade County

needed to centralize its decision-making process for businesses considering opportunities in our Community. Mr. Bird concluded his presentation by stating the Urban Task Force had been an integral part of the County's economic development efforts over the previous ten (10) years and desires to maintain its relationship with the Beacon Council.

Commissioner Seijas indicated a website would be available in December 2009, which would provide open access to market data, which would offer assistance in these efforts.

Chairman Moss asked that each presenter submit a written report on the issues that they brought to the attention of the Commission today.

Commissioner Edmonson indicated that she would like to meet with Mr. Charles Bird and for him to contact her staff to schedule an appointment.

Mr. Leroy Jones, Executive Director, Neighbors and Neighbors Association (NANA), expressed his appreciation to the Board of County Commissioners and distributed information which showed the growth of the Mom and Pop Grant program. He acknowledged the Government Information Center (GIC) for posting grant applications on the County's Website, and for providing statistical data. Mr. Jones noted an increase in applications from 2,004 to 7,556 for the current year. He noted the informational meetings held in the community were well attended and multiple sessions needed to be scheduled in several Districts. Each District had received an allocation of \$750,000, according to Mr. Jones, and it was estimated that 4,000 businesses would receive funding. He expressed concern that businesses particularly in need of funding might be eliminated due to insurance requirements, lack of presentation skills, and business location. Mr. Jones expressed the need for additional funds for training and noted more coordination regarding licensing requirements was needed between the County and the municipalities. In conclusion, he indicated a desire to obtain funding to provide his office with legal council.

Chairman Moss asked Mr. Jones to provide a report on these concerns and submit it to the Commission for review. He stressed the importance of the County providing opportunities for the entire community to be successful and noted his belief that this was a positive step in setting goals and direction for the Community.

Commissioner Diaz thanked Chairman Moss for appointing him as Business Liaison and indicated that progress was being made in establishing a synergy group composed of representatives from various industries. He noted a report pertaining to this group's progress would be presented at an upcoming Board of County Commission meeting.

Commissioner Jordan commended Mr. Leroy Jones for an outstanding report on the NANA program and noted she looked forward to sharing this information with her constituents. She pointed out that the backbone of Miami-Dade County was based upon the success of small business and supported the need for training to promote business sustainability and agreed that legal support would also be an important concern to many business owners.

16B2

090689

Discussion Item

Dennis C. Moss

STATE LEGISLATIVE PACKAGE PRIORITIES

Presented

FINAL OFFICIAL

Report: Chairman Moss noted he along with Mayor Alvarez and Commissioner Sosa met with the members of the Dade Delegation and lobbyists in Tallahassee to discuss the State Legislative Package. He indicated the meeting was productive; however, he felt commissioners must be more focused and targeted in relation to the proposed State Legislative Package.

Mayor Alvarez concurred that the meeting was very productive and that the Delegation was supportive of the County's issues. He noted that Commissioner Sosa would be attending an important project meeting with representatives of the Florida Department of Transportation.

Commissioner Sosa expressed appreciation to staff and the Delegation for their support. She noted the County must identify items that had the best opportunity of adoption and suggested the County Commission concentrate on Surtax; funding preservation; transportation issues regarding the Port of Miami Tunnel; 836 Interchange and Viaduct; Jackson Memorial Hospital; Home Rule Preemption; and the protection and preservation of existing funding.

Commissioner Sosa expressed concern regarding transportation issues. She advised that the State previously promised the Commission funding for the proposed Port Tunnel Project; however, the Transportation Secretary later advised Mayor Alvarez that this Project was no longer on the table. Commissioner Sosa noted the State would provide funding for the 836 Interchange and it appeared that the funding from Washington had been diverted from the Tunnel Project to the 836 Interchange Project. She asked her colleagues for guidance in terms of how to proceed on this issue.

Commissioner Sorenson concurred with Chairman Moss and Commissioner Sosa that the County Commission must look at the important issues. She noted legislators must understand that their decisions would affect their constituents, and suggested her colleagues focus on funding priorities that include human services; parks maintenance, public works, Jackson Memorial Hospital; transportation, and the Port Tunnel Project. She expressed concern that funding from the Federal Stimulus Package would be used to balance the budget and bridge the funding gap caused by tax reductions, rather than state revenues.

Commissioner Diaz agreed that this was a tough year, and it would only get worse. He noted it was important for the County Commission to look at issues that would generate the most jobs within the local community through the Metropolitan Planning Organization (MPO), and recommended commissioners stick to the priorities in the package and present them to the Legislature as a unified body.

Commissioner Seijas recalled that the vote taken at the MPO approved a five-year plan only if Miami-Dade County's 600 million dollar contribution toward the Port Tunnel remains in this community. She noted bonds were issued for this project in April 2008 for \$100 million in taxpayers' dollars.

Commissioner Jordan expressed concern about the lack of support for the proposed Port Tunnel received from members of the Legislature and the viaduct priorities, particularly considering the Port Tunnel was presented as a community effort that included the Metropolitan Planning Agency, Miami-Dade County, the City of Miami and other municipalities.

Chairman Moss pointed out that the State representatives generally supported the proposed Port Tunnel as well as the majority of the County's other funding priorities.

Commissioner Gimenez noted he believed the plan proposed by Mayor Alvarez, Chairman Moss, and Commissioner Sosa needed to focus on financial issues to avoid jeopardizing any additional funding. He questioned whether the Legislative Delegation or the Governor and the Secretary of Transportation were the primary authority over the port tunnel and transportation initiatives.

In response to Commissioner Gimenez' question, Chairman Moss said the authority over the Port Tunnel Project was now with the Governor and the Secretary of Transportation and that the Delegation was working to ensure previous commitments were fulfilled.

Mayor Alvarez indicated that he met with the Governor, the Senate President, the Speaker and Delegation members regarding their commitment to Miami-Dade County. He noted the State Roads 826 and 836 Projects were slated for funding from the Federal Stimulus Package, as well as the Florida Department of Transportation and the Miami-Dade Expressway (MDX) authority, which meant that the Viaduct was unfunded, due to the diversion of funds.

Commissioner Gimenez noted he believed the proposed Port Tunnel was eligible for stimulus monies because it was valuable in terms of providing employment opportunities and stimulating the economy. He said he would co-sponsor Commissioner Rolle's proposed resolution urging the Legislature to fund the proposed Port Tunnel in its entirety from the stimulus package.

Commissioner Heyman asked the Director of the Office of Intergovernmental Affairs to explore the possibility of incorporating language reclassifying the funding source for the Public Health Trust (PHT)/Jackson Memorial Hospital (JMH) from "annual" to "recurring."

Commissioner Sosa noted a bill was currently pending before the Legislature that would provide retroactive funding to the three municipalities created after the half penny tax was implemented in 2002 for Transit. She noted this funding would come from the County rather than from all the municipalities who received the 20 percent distribution. Commissioner Sosa pointed out that she felt it was important for Commissioners to reach a consensus on this proposed bill. She also apprised the Commission that senior citizen funding for lunches at community centers had been cut from the Governor's budget.

Commissioner Sosa noted only the following initiatives were moving through the Florida Legislature:

- Increase penalties for Illegal Dumping;
- Increase limits for construction costs and planning activities by architects and engineers in the consultants' competitive process;
- Tour Guides as sellers of Travel Preemption;
- Blue lights for corrections vehicles;
- Expand early voting sites and hours of operation;
- Film and Entertainment Industry Incentive Funding;
- Homestead tax deferral;
- Greater flexibility in lease negotiations on County properties;

- Medicaid Reform;
- Managed Care Issues;
- Non-contractual rate payments issues;
- Trauma Issues;
- Transplant Issues;
- Dedicated revenue source to fund traffic magistrates;
- Courts System;
- Mobile Home Relocation Plan;
- Venetian Causeway Funding;
- Tamiami Canal Historic Bridge;
- Premium Subsidy Program for Miami-Dade Blue Health Plan;
- Renewable Energy;
- Disposal Fee Equity; and
- State Revolving Loan Fund to support low interest loans for water and waste water system projects.

Commissioner Sosa expressed concern regarding the lack of funding for the Juvenile Assessment Center (JAC). She noted that she would provide individual commissioners with an ongoing status report of the issues considered by the Legislature.

Chairman Moss asked Commissioner Jordan to investigate the status of the pending legislation regarding the half penny surtax that was approved by the residents in 2002, being shared by all local municipalities, and bring back her findings to the commission.

Commissioner Sorenson indicated that the half-penny tax was an issue of local control and reminded her colleagues that this Commission already had adopted a position regarding this matter.

Commissioner Rolle applauded Mayor Alvarez, Chairman Moss and Commissioner Sosa for their efforts in Tallahassee. He suggested members of the Dade Delegation exhaust all efforts to encourage the members of the Congressional Delegation and Honorable Governor Charlie Crist and Cabinet, of the significance of the proposed Port Tunnel to this community in terms of economic impact.

Commissioner Diaz pointed out the need for the residents of this community be kept informed on the status of the issues being lobbied in Tallahassee. He recommended the local newspapers as the best method to accomplish this goal.

Chairman Moss acknowledged Commissioner Sosa for her outstanding leadership in Tallahassee on Miami-Dade County's issues. He mentioned that she was outspoken and well respected by officials throughout the Capitol. He also commended Mr. Joe Rasco, Director, Intergovernmental Affairs and Mr. Jess McCarty, Assistant County Attorney, for their efforts in advancing the County's legislative priorities in Tallahassee.

16C ZONING AGENDA (Scheduled for 9:30 a. m.)

16D

091692 Report

NON-AGENDA ITEMS REPORT

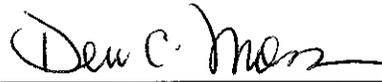
Presented

Report: *Commissioner Jordan recognized students from the Pentecostal Tabernacle Academy (PENTAC), along with Principal, Ms. Barbara Sharp and Pastor Robert Stewart, present today to observe government in action.*

Ms. Barbara Sharp, Principal, Pentecostal Tabernacle Academy (PENTAC) appeared before the Board and presented Commissioner Jordan with a bouquet of flowers in recognition of her outstanding contributions to the community and for being a role model to the students of PENTAC.

19**ADJOURNMENT**

Report: *There being no further business to come before the Board of County Commissioners, the meeting was adjourned at 1:28 P.M.*



Dennis C. Moss, Chairman

ATTEST: HARVEY RUVIN, CLERK



By: _____
Kay Sullivan, Deputy Clerk

