



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, April 21, 2009
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Alan Eisenberg, Commission Reporter
305-375-2510



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: *Alan Eisenberg, Commission Reporter*
305-375-2510

1A ROLL CALL

1B MOMENT OF SILENCE

Report: *Chairman Moss asked everyone to observe 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 Robert Cuevas noted in addition to the County Manager's Memorandum entitled "Changes for the April 21, 2009 BCC Meeting," Item 14A7 was added to today's agenda and distributed; Commissioner Martinez requested Item 801A on the Managers Change sheet be added to the Pull List and be deferred; Commissioner Souto asked to be listed as a co-sponsor to Item 5A; and Commissioner Edmonson asked to be listed as a co-sponsor to Item 13A1.

County Attorney Cuevas advised that the items to be considered in today's meeting were those listed on the printed final agenda; as well as any additions, deferrals, withdrawals, and scrivener's errors noted in the County Manager's Changes Memorandum or requested by members of the County Commission. He noted the Commission would set the agenda by approving all of those items by a single vote, except ordinances on first reading, public hearings, ordinances on second reading, items number 6A2 and 6A3 and the following "Pull List" Items: 8D1A, 8D1B, 8D1C, 8D1E, 8D1F, 8D1G and Supplement, 8M1A, 8N1A, 801A, 801B, 11A4 and Supplement, 13A1 Substitute and 14A1 – 14A7.

Commissioner Sorenson released Agenda Item 8M1A.

It was moved by Commissioner Heyman that the County Manager's Memorandum entitled "Changes for the April 21, 2009 BCC Meeting," be approved with the additional changes noted by County Attorney Cuevas. This motion was seconded by Commissioner Martinez and upon being put to a vote, passed by a vote of 13-0.

1G OFFICE OF COMMISSION AUDITOR

1H OFFICE OF INTERGOVERNMENTAL AFFAIRS

1I SPECIAL PRESENTATIONS

111

091104 Special Presentation Dennis C. Moss

CERTIFICATES AND LONGEVITY PINS PRESENTED TO THE SERGEANT-AT-ARMS *Deferred to May 5, 2009*

Report: This item was deferred to May 5, 2009 as requested by Chairman Moss.

112

091105 Special Presentation

Dennis C. Moss

CERTIFICATES OF APPRECIATION PRESENTED TO THE
WINNERS OF THE CLEAN UP & GREEN UP POSTER
CONTEST

Presented

Report: Chairman Moss noted "The 2009 Clean Up and Green Up Poster Contest," a project of the Community Image Advisory Board (CIAB), now in its 5th year, received over 1,100 entries. He said the goal behind this contest was to engage students in taking pride in their community.

Chairman Moss expressed appreciation to Contest co-sponsors, Greater Miami Convention and Visitors Bureau, Newspapers in Education funded by the Miami Herald and El Nueva Herald, Miami Downtown Development Authority, Fairchild Tropical Botanic Garden, Miami Metro Zoo, and Miami-Dade County School Board.

Chairman Moss recognized the judges from the CIAB Marketing and Education Committee and presented Certificates of Appreciation to: Lina Blanco, City of Miami; Dr. Claudius Carnegie, Miami Dade Schools; Karen Tynes-Grice, Miami Herald; Mabel Morales, Miami Dade Schools; Diana Perez, Office of the Chair, Miami-Dade County; Alyce Robertson, Downtown Development Authority; Alison Walker, Fairchild Tropical Botanic Garden; Andre Frye, University of Indiana student, and Bill Talbert, Greater Miami Convention and Visitors Bureau for donations of gift certificates to the teachers of the winning students. Chairman Moss also acknowledged Albert Charles, Office of Sustainability, Miami-Dade County; and Marietta Gutierrez, Office of Community Image, Miami-Dade County.

The 2009 Contest winners were:

Elementary School Category (K-2nd)

1st Place: Sofia Ramirez, Palm Springs Elementary School
2nd Place: Ashley Arbelaez, Doral Academy Elementary School
3rd Place: Alejandro Cruz, Palm Springs Elementary School

Elementary School Category (3rd-5th)

1st Place: Alondra Perez, Sweetwater Elementary School
2nd Place: Andres Marquez, Pinewood Acres School
3rd Place: Sofia Torres, Pinewood Acres School

Middle School Category

1st Place: Rosaria Rondoño, Lamar Louise Curry Middle School
2nd Place: Milo Levenberry, Lamar Louise Curry Middle School
3rd Place: Kevin Zapata, South Miami Middle Community School

High School Category

1st Place: Francisco Gabuardi, New World School of the Arts
2nd Place: Fredy Gabuardi, New World School of the Arts
3rd Place: Vincent Warger, Miami Palmetto Senior High School

Chairman Moss noted a tree would be donated to each of the winning student's schools.

A collage of the artwork would be displayed at Transit Stations and on County busses, said Ms. Christina Casado, Interim Community Image Manger, Community Image Division.

Ms. Karen Tynes-Grice, Newspaper in Education Coordinator, Miami Herald, announced that the Herald would publish the collage.

113

091109 Special Presentation Dennis C. MossPRESENTATION RE: COMMUNITY IMAGE ADVISORY BOARD (CIAB) *Withdrawn*

114

091148 Special Presentation Rebeca SosaSTATE OF FLORIDA LEGISLATIVE SESSION *Presented*

Report: *Chairman Moss expressed appreciation to Mayor Alvarez, County Manager Burgess, Assistant County Managers and Department Directors who were involved in the legislative process. He also acknowledged Commissioner Rolle, and the Commission for advocating on behalf of County residents and especially Commissioner Sosa for her outstanding leadership in these matters. Chairman Moss recognized Appropriations Chairman David Rivera; Delegation Chairman Juan Zapata; and Senate Majority Leader Senator Alex Diaz de la Portilla, who worked diligently on behalf of the community.*

Commissioner Sosa provided the following update on legislative matters of importance to the County and mentioned that a detailed memorandum had been provided to the Board.

- *Conference meetings had been rescheduled leaving a shorter time period to address items of importance to the County*
- *Growth Management amendments were not moving*
- *Surtax was being considered and amendments were pending*
- *Election was running into opposition with Senate Bill 956 & House Bill 7149*
- *Sun Rail was being monitored and passed 4-3; however might not make it out of the full Senate and included the \$2.00 rental car surcharge fee*
- *Increasing Stimulus project threshold from 1 to 2 million.*
- *Tangible Personal Property apparently was in good shape*
- *Red Light Cameras proceeding to the floor*
- *Public Construction amended to reduce impact to the County*
- *State Website Transparency would present a financial burden to the County*

County Manager George Burgess expressed appreciation to Mayor Alvarez; Chairman Moss; and Commissioners Sosa and Rolle for their leadership. He stated Senator Alex Diaz de la Portilla, Appropriations Chairman David Rivera and Delegation Chairman Juan Zapata were vital to the Department of Transportation's (DOT) realization that the Port Tunnel project held significant economic impact for the entire State. Mr. Burgess noted he believed that the DOT was sincere in its commitment to work through the current procurement process with the recommended concessionaire. He pointed out that contractual provisions must be agreed to by June 1, 2009, and financing must be secured by October 1, 2009 and if unsuccessful, the State would then re-procure the project. County Manager Burgess acknowledged Aviation Director Jose Abreu, Seaport Director Bill Johnson, Business Initiatives Manager Kevin Lynskey and the entire lobbying team.

Commissioner Sosa noted funding was secured for the 836/826 Interchange and that the Secretary of Transportation had committed to further consideration for Viaduct funding. She acknowledged the Mayor, Manager, Commissioners, staff, and lobbyists for their assistance.

2 **MAYORAL ISSUES**

2A **MAYORAL VETOES**

2B **MAYORAL REPORTS**

2B1

091151 Report

Mayor

APPROVAL OF DEPARTMENTAL AGENDA ITEMS

Approved
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0

3 **CONSENT ITEMS**

3B1A

090890 Resolution

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR UP TO \$420,397 IN GRANT FUNDS FROM THE US DEPARTMENT OF HOMELAND SECURITY FOR OPERATION OF AN AIR MONITORING NETWORK IN MIAMI-DADE COUNTY; 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-426-09
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0

4 **ORDINANCES FOR FIRST READING**

4A

090980 Ordinance

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS DOWNTOWN DORAL 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: May 19, 2009
Mover: Joe A. Martinez
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Souto

Report: *The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Board of County Commissioners on Tuesday, May 19, 2009 at 9:30 A.M.*

4B

090840 Ordinance

ORDINANCE REPEALING ORDINANCES NO. 01-100, 04-136, AND 04-148 OF MIAMI-DADE COUNTY ESTABLISHING THE REDLAND, PRINCETON LEISURE CITY AND NARANJA (PLANT), AND GOULDS AREA MUNICIPAL ADVISORY COMMITTEES; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE (Office of Strategic Business Management)

Adopted on first reading
Public Hearing: May 12, 2009
Mover: Joe A. Martinez
Seconder: Audrey M. Edmonson
Vote: 10- 2
No: Gimenez, Seijas
Absent: Souto

Report: *The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Budget, Planning and Sustainability Committee on Tuesday, May 12, 2009 at 2:00 p.m.*

4C

091060 Ordinance Dennis C. Moss

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 TO PROVIDE PROCESS WHEREBY SPECIAL AND EMERGENCY MEETINGS OF THE COUNTY COMMISSION MAY BE CANCELLED; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: May 12, 2009
Mover: Dennis C. Moss
Seconder: Barbara J. Jordan
Vote: 11- 1
No: Gimenez
Absent: Souto

Report: *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.*

4D

091075 Ordinance Sen. Javier D. Souto

ORDINANCE RELATING TO THE BUILDING CODE AND UNSAFE STRUCTURES; CREATING A SECTION OF THE CODE OF THE MIAMI-DADE COUNTY, FLORIDA THAT ESTABLISHES GUIDELINES FOR THE CLASSIFICATION OF STRUCTURES IDENTIFIED AS BEING USED FOR THE PRODUCTION OR MANUFACTURING OF ILLEGAL NARCOTICS OR DRUGS AS AN UNSAFE STRUCTURE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: June 11, 2009
Mover: Joe A. Martinez
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Souto

Report: *The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Health, Public Safety and Intergovernmental Committee on Wednesday, June 11, 2009 at 9:30 a.m.*

4/14/2009 Requires Municipal Notification by the Board of County Commissioners to the Health, Public Safety & Intergovernmental Cmte

4E

091090 Ordinance

ORDINANCE RELATING TO NONEMERGENCY MEDICAL TRANSPORTATION; AMENDING SECTION 4-44 (D) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING THAT EACH RESOLUTION APPROVING AN APPLICATION SHALL SPECIFY THE NUMBER OF CERTIFICATES AUTHORIZED THEREBY AND THAT EACH CERTIFICATE SHALL AUTHORIZE A SINGLE NONEMERGENCY VEHICLE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (Consumer Services Department)

*Adopted on first reading
Public Hearing: May 12, 2009
Mover: Joe A. Martinez
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Souto*

Report: *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.*

4F

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

*The motion that this Ordinance be Adopted on first reading failed.
Mover: Barbara J. Jordan
Seconder: Dennis C. Moss
Vote: 5- 7
No: Edmonson, Barreiro, Sosa, Gimenez, Souto, Martinez, Diaz
Absent: Seijas*

- 3/10/2009 Requires Municipal Notification by the Board of County Commissioners to the Budget, Planning and Sustainability Committee*
- 3/17/2009 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Budget, Planning and Sustainability Committee*
- 3/17/2009 Withdrawn by the Board of County Commissioners*
- 4/14/2009 Requires Municipal Notification by the Board of County Commissioners to the Budget, Planning and Sustainability Committee*

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

5A

091062

Resolution

Joe A. Martinez,
Sen. Javier D. Souto

RESOLUTION CODESIGNATING S.W. 128TH STREET
BETWEEN S.W. 137TH AVENUE AND S.W. 144TH AVENUE
AS "CAPTAIN EDUARDO B. FERRER STREET"

Adopted
Resolution R-427-09
Mover: Joe A. Martinez
Seconder: Jose "Pepe" Diaz
Vote: 13- 0

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

Commissioner Souto asked to be listed as a co-sponsor.

Chairman Moss opened the public hearing and called for persons wishing to speak. He closed the public hearing after no one appeared in connection with this resolution, and the Board proceeded to vote.

5B

090937

Resolution

RESOLUTION RELATING TO AN APPLICATION BY MIAMI-
DADE COUNTY FOR A CLASS I PERMIT TO RENOURISH
THREE (3) SEGMENTS OF ERODED BEACH ON MIAMI
BEACH, SUNNY ISLES BEACH, AND BAL HARBOUR
THROUGH THE PLACEMENT OF 304,600 CUBIC YARDS OF
SAND FOR MULTIPLE RENOURISHMENT EVENTS AND TO
AUTHORIZE THE TIME OF COMPLETION OF WORK OF THE
SUBJECT PERMIT FOR A PERIOD OF TEN (10) YEARS
(Department of Environmental Resources Management)

Adopted
Resolution R-420-09
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 13- 0

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 proposed resolution.

Mr. Mitchell Bierman, Weiss Serota Helfman Pastoriza Cole & Boniske, P.L., 2525 Ponce de Leon Blvd., Suite 700, Coral Gables, attorney representing the Village of Bal Harbour, urged the Board to proceed with the Beach Restoration Project before the upcoming hurricane season.

Mr. Jorge Vera, Assistant City Manager, City of Sunny Isles Beach, expressed support for this project.

Chairman Moss closed the public hearing after no other persons appeared wishing to speak.

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

5C

090873 Resolution

RESOLUTION APPROVING THE WAIVER OF PLAT OF THE CHARLOTTE ROSS FAMILY, LLC, MORTON NYMAN, AND FT INVESTMENTS OF DADE COUNTY, LTD., D-23015, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 53 SOUTH, RANGE 40 EAST (BOUNDED ON THE NORTH BY APPROXIMATELY NW 43 STREET, ON THE EAST BY NW 74 AVENUE, ON THE SOUTH BY NW 42 STREET, AND ON THE WEST BY NW 77 AVENUE) (Public Works Department)

Adopted
Resolution R-428-09
Mover: Jose "Pepe" Diaz
Seconder: Dennis C. Moss
Vote: 13- 0

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

Chairman Moss opened the public hearing and called for persons wishing to speak. He closed the public hearing after no one appeared in connection with this resolution, and the Board proceeded to vote.

5D

090874 Resolution

RESOLUTION APPROVING THE WAIVER OF PLAT OF STORAGE TRUST PROPERTIES, LP, D-22838, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 52 SOUTH, RANGE 41 EAST (BOUNDED ON THE NORTH BY APPROXIMATELY NW 111 STREET, ON THE EAST BY NW 6 COURT, ON THE SOUTH BY APPROXIMATELY NW 108 STREET, AND ON THE WEST BY NW 7 AVENUE) (Public Works Department)

Amended

5D Amended

101916 Resolution

RESOLUTION APPROVING THE WAIVER OF PLAT OF STORAGE TRUST PROPERTIES, LP, D-22838, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 52 SOUTH, RANGE 41 EAST (BOUNDED ON THE NORTH BY APPROXIMATELY NW 111 STREET, ON THE EAST BY NW 6 COURT, ON THE SOUTH BY APPROXIMATELY NW 108 STREET, AND ON THE WEST BY NW 7 AVENUE) [SEE ORIGINAL ITEM UNDER FILE NO. 090874] (Public Works Department)

*Adopted as amended
Resolution R-429-09
Mover: Jose "Pepe" Diaz
Second: Dennis C. Moss
Vote: 13- 0*

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

Chairman Moss opened the public hearing and called for persons wishing to speak. He closed the public hearing after no one appeared in connection with this resolution, and the Board proceeded to vote.

It was moved by Commissioner Diaz that the foregoing proposed resolution be adopted as amended to correct a scrivener's error existing on page 1, under "SCOPE" of this resolution. The language should be corrected to read as follows: "This waiver of plat is located within the boundaries of Commission District 2." This motion was seconded by Chairman Moss, and upon being put to a vote, passed by a vote of 13-0.

5E

090875 Resolution

RESOLUTION APPROVING THE PLAT OF TRADITION AT KENDALL, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 54 SOUTH, RANGE 39 EAST (BOUNDED ON THE NORTH BY SW 80 STREET, ON THE EAST BY APPROXIMATELY SW 149 AVENUE, ON THE SOUTH BY APPROXIMATELY SW 88 STREET, AND ON THE WEST BY APPROXIMATELY SW 152 AVENUE) (Public Works Department)

*Adopted
Resolution R-430-09
Mover: Jose "Pepe" Diaz
Second: Dennis C. Moss
Vote: 13- 0*

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

Chairman Moss opened the public hearing and called for persons wishing to speak. He closed the public hearing after no one appeared in connection with this resolution, and the Board proceeded to vote.

5F

090963 Resolution

RESOLUTION AUTHORIZING REJECTION OF ALL BIDS;
AUTHORIZING WAIVING THE BID PROTEST PROCESS;
AUTHORIZING WAIVING OF COMPETITIVE BIDDING
PURSUANT TO SECTION 5.03 OF THE HOME RULE
CHARTER, SECTION 2-8.1 OF THE CODE OF MIAMI-DADE
COUNTY, AND SECTION 255.20 OF THE FLORIDA
STATUTES; AND AUTHORIZING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO EXECUTE
CONSTRUCTION CONTRACT GSA NO. W70259 BETWEEN
SOLUTION CONSTRUCTION, INC. (SOLUTION) AND MIAMI-
DADE COUNTY FOR THE CONSTRUCTION OF THE NEW
ARCOLA LAKES BRANCH LIBRARY IN AN AMOUNT NOT
TO EXCEED \$3,006,000.00; IN ADDITION, \$44,604.00 HAS
BEEN ALLOCATED FOR ART IN PUBLIC PLACES; FOR AND
ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE
ANY AND ALL OTHER RIGHTS CONTAINED THEREIN
(General Services Administration Department)

Motion to adopt failed

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

Commissioner Rolle asked that it be duly noted that the foregoing construction project was within the boundaries of Commission District 2.

Chairman Moss opened the public hearing on the foregoing proposed resolution and the following persons appeared

Mr. Grady Muhammad, President, GMA, Inc., 1730 Biscayne Boulevard, Suite 201G, Miami, representing the Contractors Resources Center, appeared before the Board and requested black contractors be considered for construction of the proposed Arcola Lakes Branch Library project.

Mr. Vicente Lago, Zurqui Construction Services Inc. (Zurqui), 9755 SW 40 Terrace, Miami, appeared before the Board. He noted Zurqui initially obtained the lowest bid for the proposed construction project, but was subsequently disqualified based on the General Services Administration's interpretation of responsiveness. He noted after obtaining clarification from the County Attorney in a letter dated November 13, 2008, Zurqui was determined the lowest qualified bidder. Mr. Lago asked that this contract be awarded to Zurqui accordingly.

Mr. Andres Correa, President, Solution Construction Inc. (Solution), 7955 NW 12 Street, Doral, appeared before the Board. He said Solution was originally awarded the contract and the information presented by Mr. Lago was inaccurate. He noted the bid submitted by Solution would represent a savings of \$245,000 to the County.

Chairman Moss closed the public hearing after no other persons appeared wishing to speak.

The following discussion ensued on the foregoing proposed resolution.

Assistant County Attorney Oren Rosenthal explained that Zurqui, the lowest bidder was determined non-responsive by staff in the initial procurement process, and Solution, the second bidder, was awarded the contract by the Board. He noted that Zurqui was subsequently determined responsive by the County Attorney, and the Board rejected all bids and a new procurement process established.

In response to Commissioner Martinez' inquiry whether it was appropriate to penalize a company for a staff mistake, Assistant County Attorney Rosenthal indicated that the Board always had the option to either award the contract or reject all bids.

County Manager George Burgess noted when a contract award recommendation was presented to the Board for approval it was an award to one firm.

Commissioner Martinez noted that Zurqui won the bid and instead of acknowledging the mistake, a decision was made to re-bid the project because the desired result was not obtained. He noted that the process was to secure the lowest bidder and to insure that it was a fair process. In response to Mr. Lago's inquiry, Commissioner Martinez clarified that it was not required to hire a lobbyist to conduct business with the County.

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Commissioner Seijas read a chronology of events related to the contract award into the record and agreed with concerns that the procurement process was not addressed properly.

In response to Commissioner Sosa's inquiry regarding violations cited against Solution for utilizing a non Community Small Business Enterprise (CSBE) certified firm, Ms. Penelope Townsley, Director, Small Business Department, replied that Solution had an approved make-up plan for \$208,000.

Commissioner Sosa expressed concern that the procurement process may have been manipulated, and any mistakes made during the process needed to be corrected.

Responding to Commissioner Jordan's inquiry whether staff had the authority to determine responsiveness, County Manager Burgess pointed out that responsiveness was a legal determination; responsibility was not.

Assistant County Attorney Hugo Benitez noted pursuant to Section 2-8.4 of the Code that responsiveness was a County Attorney determination.

Ms. Wendi Norris, Director, General Services Administration, responded to Commissioner Jordan that staff lacked authority to notify Zurqui officials they were non-responsive. She mentioned that members of the County Commission were notified of this error via a memorandum from the County Manager, dated November, 17, 2008. Ms. Norris explained that a determination to void the previous recommendation was made at the November 20, 2008 BCC meeting. She also noted that in February 2009, the Board rejected all bids. Ms. Norris indicated that internal procedures were changed and disciplinary action was taken. It was determined that it would be in the best interest of the County for it to reject all bids; waive the formal bid process, and consider the three lowest bidders from the initial solicitation and conduct a best and final offer among the three lowest bidders, said Ms. Norris.

Commissioner Jordan noted staffs recommendation should have been to award this contract to the original lowest bidder. She emphasized the need to ensure staff was adhering to existing policies.

In response to Commissioner Rolle's inquiry, County Manager Burgess indicated that the decision to obtain the best and final offer was made since both Zurqui and Solution believed that they should have been awarded the contract.

County Attorney Cuevas indicated that the County was in active litigation with Zurqui who was seeking injunctive relief to prevent the Board from acting on the foregoing proposed resolution. He said that the Circuit Court had denied the injunction, stating "the plaintiff failed to demonstrate substantial likelihood of success on the merits and granting injunctive relief would not disserve the public interest". County Attorney Burgess suggested the Board take advantage of this opportunity to take appropriate action.

Commissioner Rolle spoke in support of the County Manager's recommendation, primarily because it does not delay the construction of the proposed library in District 2.

It was moved by Commissioner Rolle that the foregoing proposed resolution be adopted. This motion was seconded by Commissioner Sorenson.

Commissioner Martinez noted instances where bids were rejected and the contract was awarded to other parties.

County Attorney Cuevas indicated in order to consider Zurqui, it would require a rationale not to accept the lowest price out of the second bid process, find a flaw in the low bid, or reject all bids.

Commissioner Rolle noted that the bid process was disclosed to members of the Commission as a part of February 17, 2009 Agenda, Item 8F1B.

Commissioner Gimenez spoke in support of the Manager's recommendation. He noted the process was approved and taxpayers would save \$284,000.

Commissioner Souto expressed concern that this was a serious violation of the County's procurement process.

Chairman Moss stated the options were either to approve the foregoing proposed resolution as presented or to reject all bids. He noted it was already established that the Administration erred and the Board must now focus on a viable option.

Commissioner Heyman noted the procurement process should be revisited in an effort to develop methods which would provide opportunities to save funds other than through staff error.

Commissioner Diaz expressed his desire for the County to conduct business in the appropriate manner.

Commissioner Edmonson mentioned that the Board considers the rejection of bids and that it initiate an expedited bid process.

Commissioner Martinez noted that Zurqui would not benefit by rejecting all bids. A vote for or against the foregoing proposed resolution would result in litigation with either one of the two parties, said Commissioner Martinez.

Ms. Norris stated that the \$284,000 savings was the difference between today's recommendation and Zurqui's original low bid. This savings was the result of a sealed best and final offer; and was not subject to negotiation, said Ms. Norris.

Commissioner Sosa questioned the legality of the Board rejecting all bids and authorizing the Manager to renegotiate with Zurqui and Solution as an alternative to the established procurement process.

Assistant County Attorney Hugo Benitez noted it was possible to waive the bid procedures again, but he was unsure of the process that would be required to create the record. He explained that in order to justify a waiver of the competitive bid procedures, the awardees must be either uniquely qualified to perform the work or must submit a better offer that was in the best interest of the County. Assistant County Attorney Benitez advised that he was not aware of any remedial measures in the law that would favor a contractor by rejecting all bids.

Responding to Commissioner Jordan's inquiry regarding the rationale to reject all bids, Assistant County Attorney Benitez indicated that the process yielded an unfair result.

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Commissioner Jordan noted the County had taken the appropriate action; was acting within its legal authority; and that she did not wish to compound the problem by rejecting bids.

Commissioner Rolle noted according to the Clerk's Office, Commissioners Seijas, Sorenson, and Souto were the only members of the County Commission absent when this item was considered. This was proof that members of the Board were notified and that appropriate actions were taken by staff to correct the problem, said Commissioner Rolle. He noted if all bids were rejected, the process would have to be repeated.

Upon conclusion of the discussion, the Board proceeded to vote on the motion made by Commissioner Rolle and seconded by Commissioner Sorenson, and upon being put to a vote, failed without the required 2/3 majority vote. The vote was 8 - 5. (Commissioners Barreiro, Diaz, Martinez, Seijas and Souto voted No)

Commissioner Rolle expressed concern regarding the completion of projects within Commission District 2.

County Attorney Cuevas advised that any new motions would be in order.

In response to Commissioner Barreiro's inquiry regarding obtaining a best and final offer from both Zurqui and Solution, County Attorney Cuevas indicated that it would be require rejecting bids; waiving competitive bidding; and creating a process to select a contractor.

Chairman Moss noted he would entertain a motion to reject all bids to which no motion was made.

County Attorney Cuevas advised that the waiver of competitive bidding required a 2/3 vote in response to Commissioner Martinez's inquiry.

Upon failure of the motion to adopt the foregoing proposed resolution, the following motion was made by the Board:

It was moved by Commissioner Barreiro that all bids be rejected, competitive bidding waived and the Mayor or his designee be directed to negotiate with the three contractors who submitted bids for the foregoing contract, with further directions that the negotiated contract award amount not exceed the total contract amount identified in item 5F as reflected on the April 21, 2009 agenda, and that the administration's award recommendation come back before the Board within forty-five days. This motion was seconded by Commissioner Seijas.

Discussion ensued on the foregoing proposed motion.

Commissioner Jordan expressed her desire to negotiate with the three lowest bidders to achieve the \$284,000 savings that resulted from the previous bid.

Commissioner Barreiro accepted Commissioner Jordan's friendly amendment to include a provision that prices not exceed the current contract.

In response to Vice-Chairman Diaz' inquiry regarding stop loss provisions for change orders, Ms. Norris said change orders were negotiated and required Board approval.

Commissioner Gimenez indicated that this motion was similar to the previous motion with the exception of price and did not believe this presented an adequate solution.

Commissioner Martinez noted he did not believe this motion would correct the problem unless the contract was awarded to the original company.

Upon conclusion of the discussion, the Board proceeded to vote on the foregoing motion, and upon being put to a vote, Chairman Moss announced that the motion failed without the required 2/3 majority vote. The vote was 8 - 4. (Commissioners Gimenez, Heyman, Martinez and Sorenson voted No; Commissioner Rolle was absent).

The following discussion ensued after failure of the previous motion.

Pursuant to Chairman Moss' request, County Attorney Cuevas suggested an expedited process available through the Economic Stimulus Plan (ESP). He indicated that the Board previously amended the ESP to add the library. County Manager Burgess has delegated authority under the ESP to advertise, award, and recommend bid ratification to the Board, said County Attorney Cuevas. He noted the Board would need to reject all bids by majority vote and the County Manager could re-bid and then award the contract to the low bidder assuming no protest was filed. This process would take approximately six weeks. County Attorney Cuevas indicated a waiver of the protest process would require a 2/3 vote of members present rather than the nine member vote required by State law for construction contracts.

Commissioner Heyman indicated this process would provide the County Manager authority to approve an action that was previously rejected by the Board. She noted that an expedited bid process was not accomplishing the timely construction of a library since the potential for a protest still existed.

It was moved by Commissioner Seijas that the Board reject all bids for the Arcola Lakes Library Construction Project No. W70259 (Contract No. W70259). This motion was seconded by Chairman Moss.

Commissioner Seijas noted the foregoing motion was made with the assurance that the County Manager would follow the advice of the County Attorney.

Upon being put to a vote, Chairman Moss announced that the foregoing motion passed by a vote of 9-1. (Commissioner Rolle voted No; Commissioners Diaz, Gimenez, and Souto were absent).

It was moved by Commissioner Sosa that the Board authorize and direct the Mayor or his designee to utilize the County's Economic Stimulus Ordinance (Section 2-8.2.7 of the Code of Miami-Dade County) to award a contract to build the Arcola Lakes Library; including but not limited to the authority to issue bids, receive and open bids, and award or reject bids in conformance with the requirements of that section, subject to ratification by the County Commission. This motion was seconded by Chairman Moss. Upon being put to a vote, Chairman Moss announced the foregoing motion passed by a vote of 9-1. (Commissioner Rolle voted No; Commissioners Diaz, Gimenez and Souto were absent)

It was moved by Commissioner Jordan that upon the written recommendation of the County Manager provided in a supplement to Agenda Item 5(F), the Board waive the bid protest process pursuant to Section 2-8.4 of the Code of

Miami-Dade County in order to permit the Mayor or his designee to award a contract resulting from a solicitation under the County's Economic Stimulus Ordinance without regard to the filing of a bid protest. This award of the contract shall be subject to ratification by the Board. This motion was seconded by Commissioner Edmonson.

County Attorney Cuevas requested the Board temporarily delay voting upon this motion pending a written supplement from the County Manager recommending the waiver of the bid protest process.

Later in the meeting, County Attorney Cuevas indicated that the written recommendation had been received from the County Manager for waiver of the bid protest process for the re-procurement under the ESP and the Board could now act on the motion.

The Board proceeded to vote on the foregoing motion, and upon being put to a vote, Chairman Moss announced that the motion passed by a vote of 8-2. (Commissioners Rolle and Seijas voted No; Commissioners Diaz, Gimenez, and Souto were absent).

Following Ms. Norris' comment regarding the lack of a price cap to realize the savings that was included in the previous best and final bid, it was moved by Commissioner Jordan that the Board's authorization to the Mayor or his designee to award a contract resulting from a solicitation under the County's Economic Stimulus Ordinance is subject to the condition that the award does not exceed the total contract amount identified in item 5F as reflected on today's (4/21) agenda. This motion was seconded by Commissioner Barreiro, and upon being put to a vote, passed by a vote of 9 - 1. (Commissioner Rolle voted No; Commissioners Diaz, Gimenez, and Souto were absent).

4/13/2009 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Recreation, Culture & Tourism Committee

5F Supplement

091232 Supplement

RECOMMENDATION TO WAIVE THE BID PROTEST PROCEDURES FOR THE CONSTRUCTION OF THE NEW ARCOLA LAKES BRANCH LIBRARY

Presented

6 CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

6A POLICY MATTERS FOR DISCUSSION BY THE BOARD

6A1

091122 Discussion Item Dennis C. Moss

DISCUSSION ITEM RE: BIG SUGAR BUYOUT

Deferred to May 5, 2009

Report: This item was deferred to May 5, 2009 as requested by Chairman Moss.

6A2

091125 Discussion Item Dennis C. Moss

DISCUSSION/ADOPTION OF FY 2009 - 2010 BUDGET PRIORITIES PURSUANT TO SEC. 2-1795 OF THE CODE *Deferred to May 5, 2009*

Report: *This item was deferred to May 5, 2009 as requested by Chairman Moss.*

Chairman Moss asked Committee Chairs to ensure that budget priorities were made available to the Commission Auditor.

6A3

091126 Discussion Item Dennis C. Moss

DISCUSSION ITEM RE: COMMITTEE GOALS *Deferred to May 5, 2009*

Report: *This item was deferred to May 5, 2009 as requested by Chairman Moss.*

Chairman Moss asked Committee Chairs to ensure that committees establish broad goals for 2010, 2015 and 2020. He noted the Board needed to review the proposed Strategic Plan developed by the County Administration.

7 ORDINANCES SET FOR SECOND READING

8 DEPARTMENTAL ITEMS

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

8D **ENVIRONMENTAL RESOURCES MANAGEMENT**

8D1A

090693 Resolution

RESOLUTION APPROVING "CONTRACT FOR SALE AND PURCHASE" OF APPROXIMATELY 0.49 ACRES IN THE SEMINOLE WAYSIDE PARK ADDITION PINELAND PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH MIAMI-DADE COUNTY AS PURCHASER AND MARNI PILAFIAN, AS SELLER FOR A PURCHASE PRICE OF \$100,548; WHICH MAY BE FUNDED FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN [SEE ORIGINAL ITEM UNDER FILE NUMBER 090507] (Department of Environmental Resources Management)

*Adopted
Resolution R-432-09
Mover: Natacha Seijas
Seconder: Rebeca Sosa
Vote: 9- 0
Absent: Heyman, Gimenez,
Souto, Diaz*

Report: *Commissioner Seijas requested details on the importance of the foregoing proposed land acquisition and efforts made toward negotiating costs savings for the County.*

Mr. Carlos Espinosa, Director, Department of Environmental Resources Management, indicated that these parcels were pinelands that were rare to the area; were adjacent to the Seminole Wayside Park; and would expand the park facility. He noted that a price reduction had been negotiated and properties were selling below tax-assessed value.

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

3/10/2009 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Budget, Planning and Sustainability Committee

8D1B

090694 Resolution

RESOLUTION APPROVING "CONTRACT FOR SALE AND PURCHASE" OF APPROXIMATELY 0.49 ACRES IN THE SEMINOLE WAYSIDE PARK ADDITION PINELAND PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH MIAMI-DADE COUNTY AS PURCHASER AND SAM PILAFIAN, AS SELLER FOR A PURCHASE PRICE OF \$100,548; WHICH MAY BE FUNDED FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 090506] (Department of Environmental Resources Management)

*Adopted
Resolution R-433-09
Mover: Natacha Seijas
Seconder: Rebeca Sosa
Vote: 9- 0
Absent: Heyman, Gimenez,
Souto, Diaz*

Report: *(See notes under Agenda Item 8D1A)*

3/10/2009 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Budget, Planning and Sustainability Committee

8D1C

090696 Resolution

RESOLUTION APPROVING "CONTRACT FOR SALE AND PURCHASE" OF APPROXIMATELY 0.49 ACRES IN THE SEMINOLE WAYSIDE PARK ADDITION PINELAND PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH MIAMI-DADE COUNTY AS PURCHASER AND NERISA GAY PILAFIAN, AS SELLER FOR A PURCHASE PRICE OF \$100,548; WHICH MAY BE FUNDED FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 090500] (Department of Environmental Resources Management)

Adopted
Resolution R-434-09
Mover: Natacha Seijas
Seconder: Rebeca Sosa
Vote: 9- 0
Absent: Heyman, Gimenez,
Souto, Diaz

Report: (See notes under Agenda Item 8D1A)

3/10/2009 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Budget, Planning and Sustainability Committee

8D1D

090697 Resolution

RESOLUTION APPROVING "CONTRACT FOR SALE AND PURCHASE" OF APPROXIMATELY 0.95 ACRES IN THE SEMINOLE WAYSIDE PARK ADDITION PINELAND PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH MIAMI-DADE COUNTY AS PURCHASER AND SHOCKY PILAFIAN AS SELLER FOR A PURCHASE PRICE OF \$242,550; WHICH MAY BE FUNDED FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO 090512] (Department of Environmental Resources Management)

Adopted
Resolution R-435-09
Mover: Natacha Seijas
Seconder: Rebeca Sosa
Vote: 9- 0
Absent: Heyman, Gimenez,
Souto, Diaz

Report: (See notes under Agenda Item 8D1A)

3/10/2009 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Budget, Planning and Sustainability Committee

8D1E

090698 Resolution

RESOLUTION APPROVING "CONTRACT FOR SALE AND PURCHASE" OF APPROXIMATELY 1.90 ACRES IN THE SEMINOLE WAYSIDE PARK ADDITION PINELAND PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH MIAMI-DADE COUNTY AS PURCHASER AND JAMES PILAFIAN AND SHOCKY PILAFIAN, AS SELLERS FOR A PURCHASE PRICE OF \$422,438; WHICH MAY BE FUNDED FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN [SEE ORIGINAL ITEM UNDER FILE NUMBER 090503] (Department of Environmental Resources Management)

Adopted
Resolution R-436-09
Mover: Natacha Seijas
Seconder: Rebeca Sosa
Vote: 9- 0
Absent: Heyman, Gimenez,
Souto, Diaz

Report: (See notes under Agenda Item 8D1A)

3/10/2009 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Budget, Planning and Sustainability Committee

8D1F

090749 Resolution

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AGREEMENT WITH MIAMI RIVER FUND, INC. FOR MIAMI-DADE COUNTY TO PROVIDE \$100,000.00 FOR THE SPECIFIC PURPOSE OF LITTER AND DEBRIS REMOVAL AND DISPOSAL FROM THE NAVIGABLE WATERS OF THE MIAMI RIVER IN FISCAL YEAR 2008-09 (Department of Environmental Resources Management)

Adopted
Resolution R-421-09
Mover: Rebeca Sosa
Seconder: Dennis C. Moss
Vote: 13- 0

4/14/2009 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Budget, Planning and Sustainability Committee

8D1G

091121 Resolution

RESOLUTION WAIVING BID PROTEST PROCEDURES PURSUANT TO SECTION 2-8.4 OF THE COUNTY CODE; AUTHORIZING A CONTRACT AWARD FOR BEACH RENOURISHMENT PROJECTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 090557] (Department of Environmental Resources Management)

Adopted
Resolution R-422-09
Mover: Jose "Pepe" Diaz
Seconder: Audrey M. Edmonson
Vote: 11- 2
No: Jordan, Sorenson

Report: Chairman Moss questioned the County Attorney regarding how the Board should proceed with this proposed resolution considering recent allegations regarding American Earth Movers Inc. (AEM).

County Attorney Cuevas advised that the Board could consider one of the following options: 1) award the contract to AEM as recommended by Committee, 2) determine that AEM was nonresponsive based upon prior compliance issues, reject all bids, and rebid this contract as recommended by the County Manager. Alternatively, the Board could defer the award of this contract, pending the outcome of the allegations against AEM.

Commissioner Sorenson noted the County Manager's recommendation to reject all bids and rebid this contract warranted further consideration because it may reveal other contractors capable of performing this work.

Commissioner Martinez questioned whether the allegations against AEM were anonymous and if they surfaced after the award of this contract. He noted this company was being targeted repeatedly, and he was concerned regarding the source and timing of this complaint.

County Manager Burgess noted staff was made aware of the allegations after this contract was heard in Committee. He pointed out that although AEM was under investigation, he felt it was important to treat them as they were innocent until proven guilty. He explained that he and members of the Administration felt it was more prudent than not—to share the information with the Board. In sharing this information; however, he wanted to ensure that 1) AEM was not unfairly prejudged; and 2) that the Board's action did not delay the Beach Re-nourishment Project (BRP) as it was critical to complete this project before the hurricane season.

Commissioner Heyman suggested the Board proceed with its dialogue of this resolution, rather than sending it back to Committee, particularly since it involved an investigation on the recipient of a sole source bid on a project that has already been delayed. She concurred with the Manager regarding the importance of not delaying the BRP. Concerning the allegations against AEM, Commissioner Heyman recommended knowledge about an on-going investigation against recipients of future bid awards be forwarded to the Board for informational purposes, but that the presumption of innocence until proven guilty be used as the standard practice to avoid delaying time sensitive projects such as the BRP at significant costs to the County.

Chairman Moss called for a consensus among Board members as to whether they wished to consider this proposal today (4/21) or defer it. Upon receiving a unanimous consensus from Board members, Chairman Moss called for a motion.

It was moved by Vice-Chairman Diaz that the foregoing proposed resolution be adopted. This motion was seconded by Commissioner Edmonson.

Commissioner Jordan noted, for the record, that she pulled this resolution for the purpose of voting against it; that she was completely unaware of the investigation when she pulled this proposal.

Commissioner Sorenson noted she originally voted against this proposal because AEM violated the Community Small Business Enterprise (CSBE) requirements; and would vote against it today for the same reason. She suggested the Board adopt legislation to ensure responsiveness to the CSBE

FINAL OFFICIAL

goals and that the remedies and consequences for noncompliance were applied consistently. Concerning the Manager's comments, Commissioner Sorenson contended the Board's decision to award to any firm should be based on previous violations; that presumption of innocence until proven guilty was applicable in a Court of law, but was inapplicable to contract awards.

In response to Commissioner Rolle's request for clarification, Chairman Moss clarified the parliamentary procedures, noting the motion on the Floor was a motion to adopt.

County Attorney Cuevas advised that Chairman Moss was correct.

Vice-Chairman Diaz expressed concern that a decision to reject all bids and rebid this contract as recommended by the Manager would establish a precedent for such allegations. He mentioned that the Board needed to establish standard policies that could be applied to everyone.

Commissioner Edmonson concurred with Commissioner Diaz, and expressed concern regarding the consequences of rejecting all bids and rebidding the contract, particularly if AEM was found not guilty. She asked AEM representative(s) to comment on the situation.

Mr. Miguel De Grandy, 800 Douglas Road, Suite 850, Coral Gables, attorney representing AEM, appeared before the Board. He noted that precedent for approval of this contract existed with the County's extension of the Wackenhut contract, a firm that was under investigation for potential fraud. Mr. De Grandy noted the Constitutional Rights provide that one is innocent until proven guilty; had the right to trial by jury; effective assistance of council; and to confront accusers and witnesses. He indicted that AEM must be presumed innocent since no specific charges were filed against them.

County Manager Burgess responded to Commissioner Sosa's inquiry as to whether or not the procurement process was administered properly. He noted the normal process was applied.

Commissioner Sosa noted her primary concern was 1) whether or not the procurement process was followed; 2) that this was the best deal for the County; 3) and that the award of this contract was recommended by the Mayor's and the Manager's Offices. She recommended that the Board approve this award as recommended by the Administration and allow the Courts to determine the merits of the allegations against AEM.

Commissioner Gimenez noted this resolution was amended in Committee; however, the Administration's original recommendation was to award this contract to this firm, but was changed following subsequent discussions by members of the Board. He concurred with Mr. De Grandy that AEM should be presumed innocent until proven guilty. He was also concerned that rejecting all bids and rebidding this contract would establish a bad precedent and an unprecedented number of similar investigations against future recipients of award recommendations.

Commissioner Seijas spoke in support of the County Manager's recommendation, noting she fully agreed with the County Manager that the Board should proceed under the presumption of innocent until proven guilty. She emphasized the importance of treating everyone fairly, and commended the County Manager and the County Attorney for the way this matter was

handled.

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

3/10/2009 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Budget, Planning and Sustainability Committee

8D1G SUPPLEMENT

091123 Supplement

SUPPLEMENTAL INFORMATION RE: CONTRACT AWARD RECOMMENDATION FOR BEACH RE-NOURISHMENT PROJECT - PROJECT NO: BEAR2-GOB-08 ESP; CONTRACT NO: BEAR2

Presented

8E [No items were submitted for this section.]

8F GENERAL SERVICES ADMINISTRATION

8F1A

090809 Resolution

RESOLUTION DECLARING SURPLUS COUNTY-OWNED PROPERTY LOCATED AT NW 166 STREET, BETWEEN 97 & 107 AVENUE, HIALEAH; AUTHORIZING THE CONVEYANCE OF SAME TO THE CITY OF HIALEAH, IN ACCORDANCE WITH F.S.125.38; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTY; AND AUTHORIZING EXECUTION OF A COUNTY DEED FOR SUCH PURPOSE (General Services Administration Department)

Adopted Resolution R-437-09 Mover: Sally A. Heyman Seconder: Joe A. Martinez Vote: 13- 0

4/14/2009 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Government Operations Committee

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

thru 8L

8M PARK AND RECREATION DEPARTMENT

8M1A

090985 Resolution

RESOLUTION APPROVING AN INTERAGENCY AGREEMENT WITH SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR DEERING REHYDRATION ADDITION/DEERING ESTATE FLOW WAY PROJECT; GRANTING OF TEMPORARY CONSTRUCTION AND ACCESS EASEMENT AND PERMANENT FLOWAGE ACCESS MAINTENANCE EASEMENTS ("EASEMENTS"); CONSENTING TO STATE OF FLORIDA'S GRANTING OF FLOWAGE EASEMENT FOR DEERING ESTATE; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AGREEMENT AND CONSENT; AND AUTHORIZING COUNTY MAYOR TO EXECUTE EASEMENTS (Park & Recreation Department)

*Adopted
Resolution R-438-09
Mover: Rebeca Sosa
Seconder: Dennis C. Moss
Vote: 13- 0*

4/13/2009 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Recreation, Culture & Tourism Committee

8N PLANNING AND ZONING DEPARTMENT

8N1A

091044 Resolution

RESOLUTION AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING BETWEEN MIAMI-DADE COUNTY AND MIAMI-DADE COUNTY PUBLIC SCHOOLS, AND SUPERSEDING RESOLUTION NO. R-734-08 (Department of Planning & Zoning)

Adopted
Resolution R-423-09
Mover: Dorrin D. Rolle
Seconder: Katy Sorenson
Vote: 12- 0
Absent: Martinez

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

Chairman Moss noted, for the record, that this proposed resolution was not before the Board as a public hearing; however, he would allow the public input due to its being forwarded to the Board without Committee consideration and the importance of the issue. He then opened the public hearing and called for persons wishing to speak.

Mr. Jeffrey Bercow, Bercow, Radell and Fernandez, 200 S. Biscayne Boulevard, Suite 850, Miami, attorney representing the Latin Builders Association, appeared before the Board. Although in support of school concurrency, Mr. Bercow noted concern regarding the lack of data and analysis provided with this proposed Interlocal Agreement. Mr. Bercow indicated that the 2008-09 Level of Service plan showed reductions in planned capacity of more than 15,000 student stations or 240 million dollars in capital improvements, either eliminated or delayed beyond the five-year work program. He submitted a copy of the plan for the record. More schools were expected to close as economic conditions worsen, which would further reduce the capacity of schools, said Mr. Bercow. He noted it was unknown whether concurrency would work or if the school concurrency moratoria would go into effect upon adoption of the Interlocal Agreement, which presented doubt that the system was financially feasible as required by State law.

Mr. Bercow noted the failure to implement an Amendment to the Interlocal Agreement in November 2008 where the Board agreed to transmit the proposed comprehensive plan amendment application and to bring back the proposed amendment to the Interlocal Agreement. He referenced a letter from Secretary Thomas Pelham, Department of Community Affairs, citing Florida Statute 163.317712K, which only imposed monetary sanctions against the School Board and not local government for non-compliance. A companion section imposed penalties against local government which only prohibited adopting new comprehensive plan amendments and increasing residential density through comprehensive plan amendments; however, posed no monetary sanctions, said Mr. Bercow. Since there were no monetary sanctions against the County, Mr. Bercow asked the Board to defer this proposed resolution pending further analysis whether financial feasibility exists.

Chairman Moss closed the public hearing after no other persons appeared wishing to speak.

Commissioner Seijas suggested the Board proceed to consider this proposed resolution to avoid any potential sanctions.

Commissioner Sorenson noted the County has not complied with State requirements for over a year and would likely be penalized for non-compliance if this Interlocal Agreement was not signed, according to Secretary Pelham.

Assistant County Attorney Dennis Kerbel responded to Commissioner Sorenson's inquiry regarding the cost of sanctions to the County. He noted the County Manager would need to confirm the total dollar amount; however, State Statutes imposed sanctions for non-compliance on roads, bridges, water, and sewer facilities.

Commissioner Sorenson indicated that although she did not support many of

the provisions or language contained with this agreement, it was a compromise between the County and the School Board. She noted joint meetings were held, which was the proper forum for members of the building industry to voice their concerns. Commissioner Sorenson said Charter Schools should not be included in mitigation since the developmental impact was placed on developers rather than the residents of the surrounding community. She noted the increase in school capacity was a long-term problem and so was mitigation. Commissioner Sorenson pointed out that once development occurred, the need for increased capacity also occurred whether or not a Charter school remained open, and the School Board should make decisions about Charter schools in the best educational interest of the community.

Commissioner Sorenson noted that the School Board did not have ultimate control over land use decisions and that developers had other options available for mitigation. She also expressed concern about the consequences to our education system, already vastly under supported and under funded, when they are forced to accept Charter schools to absorb a growing student population spurred by excessive development. She cautioned the Board not to create long-term public policy based on current market conditions.

Superintendent Alberto Carvalho, Miami-Dade County Public Schools, appeared before the Board in support of the foregoing proposed resolution. He indicated that the Interlocal Agreement between Miami-Dade County and Miami-Dade County Public Schools began two years ago, and although neither the County nor the School Board was in full agreement with all of its provisions, it was in this communities' best interest to adopt this resolution as presented. Superintendent Carvalho noted Charter schools were individually examined based upon financial standing and academic performance and the School Board would favorably consider any construction project meeting these criteria. He mentioned that the School Board would consider the Agreement tomorrow (4/22).

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

80 PROCUREMENT MANAGEMENT DEPARTMENT

801A

091077 Resolution

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO G4S JUSTICE SERVICES, INC., IN THE AMOUNT OF \$1.2 MILLION FOR ELECTRONIC MONITORING DEVICES AND RELATED SERVICES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, TO EXERCISE OPTIONS-TO-RENEW, CANCELLATION AND RENEWAL PROVISIONS AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN (Procurement Management Department)

***Deferred to May 5, 2009
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0***

Report: *The foregoing proposed resolution was deferred to May 5, 2009 as requested by the County Manager.*

801A SUPPLEMENT

091083 Supplement

SUPPLEMENTAL INFORMATION TO CONTRACT AWARD *Deferred to May 5, 2009*
RECOMMENDATION FOR ELECTRONIC MONITORING
DEVICES AND RELATED SERVICES CONTRACT NO. RFP647

Report: *The foregoing proposed resolution was deferred to May 5, 2009 as requested by the County Manager.*

801B

091085 Resolution

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

*Adopted
Resolution R-439-09
Mover: Katy Sorenson
Seconder: Dennis C. Moss
Vote: 10-0
Absent: Gimenez, Souto, Diaz*

Report: *Commissioner Jordan noted the County Manager currently had delegated authority to award contracts for up to 1 million dollars. She recommended the foregoing proposed resolution be amended to exclude only the renewals that exceeded the 1 million dollar amount.*

Ms. Miriam Singer, Director, Department of Procurement Management, indicated that the Department was presenting the total aggregate amounts to the Board for approval. She noted these were trailing items from previous awards; however, staff was observing the delegated authority requirement. Ms. Singer advised that proposed legislation to codify the delegated authority would be presented at the next Board meeting.

Commissioner Seijas noted her concern that these items were 30-60 days from expiration.

Responding to Commissioner Sosa's comments that the items listed in the foregoing proposed resolution were not submitted with the specific funding source and record of accomplishment, Assistant County Manager Susanne Torriente noted that they were included in Departmental budgets and were not new purchase recommendations.

Pursuant to Commissioner Sosa's request, and there being no objection, the Board bifurcated the foregoing proposed resolution in order to vote separately on Item No. 3: Courier Services (Pick-up and Delivery).

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

It was moved by Commissioner Sorenson that the foregoing proposed resolution be adopted with the exclusion of Item No. 3: Courier Services (Pick-up) which was voted on separately. This motion was seconded by Chairman Moss, and upon being put to a vote, passed by a vote of 10-0. (Commissioners Diaz, Gimenez and Souto were absent).

It was moved by Commissioner Jordan that Item No. 3: Courier Services (Pick-up and Delivery) within the foregoing proposed resolution be approved. This motion was seconded by Chairman Moss, and upon being put to a vote, passed by a vote of 9-1 (Commissioner Sosa voted "no") (Commissioners Diaz, Gimenez and Souto were absent).

9 ADDITIONAL DEPARTMENTAL ITEMS

10 AUTHORITIES, BOARDS, COUNCILS AND TRUSTS

11 COUNTY COMMISSION

11A RESOLUTIONS

11A1

091072 Resolution Barbara J. Jordan

RESOLUTION AMENDING RESOLUTION NO. R-81-09 RELATING TO SUBMISSION OF AN AMENDMENT OF THE COUNTY'S APPLICATION FOR THE DISPOSITION AND REHABILITATION OF TWENTY-SIX PUBLIC HOUSING UNITS LOCATED IN THE OPA-LOCKA PUBLIC HOUSING DEVELOPMENT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (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

*Adopted
Resolution R-440-09
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0*

11A2

091061 Resolution Rebeca Sosa

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

Withdrawn

Report: (See Agenda Item 11A2 Substitute, Legislative File No. 091145)

11A2 SUBSTITUTE

091145 Resolution Rebeca Sosa

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-2009 DISTRICT 6 COUNTY SERVICES RESERVE FUNDS [SEE ORIGINAL ITEM UNDER FILE NO. 091061]

*Adopted
Resolution R-441-09
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0*

11A3

091100 Resolution Barbara J. Jordan

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-2009 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 1

*Adopted
Resolution R-442-09
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0*

11A4

091129 **Resolution** **Audrey M. Edmonson**

RESOLUTION APPROVING METRO MIAMI ACTION PLAN TRUST (MMAP) NOMINATING COUNCIL'S RECOMMENDATIONS FOR THE MMAP BOARD OF TRUSTEES; APPOINTING MMAP BOARD OF TRUSTEES; AND WAIVING RESIDENCY AND DULY QUALIFIED ELECTOR REQUIREMENTS FOR ELLEN WRIGHT *Amended*

Report: (SEE AGENDA ITEM 11A4 AMENDED; LEGISLATIVE FILE NO. 092232)

11A4 AMENDED

092232 **Resolution** **Audrey M. Edmonson**

RESOLUTION APPROVING METRO MIAMI ACTION PLAN TRUST (MMAP) NOMINATING COUNCIL'S RECOMMENDATIONS FOR THE MMAP BOARD OF TRUSTEES; AND APPOINTING MMAP BOARD OF TRUSTEES [SEE ORIGINAL ITEM UNDER FILE NO. 091129] *Adopted as amended
Resolution R-448-09
Mover: Audrey M. Edmonson
Seconder: Dennis C. Moss
Vote: 10- 3
No: Gimenez, Souto, Diaz*

Report: *Commissioner Martinez noted sufficient qualified individuals resided within the County to fill any Board vacancy and he requested the foregoing proposed resolution be bifurcated in order to vote separately on waiving the residency and duly qualified elector requirements.*

Commissioner Seijas indicated that the School Board should nominate another nominee for this vacancy from within the County.

There being no objection, the Board bifurcated the foregoing proposed resolution in order to vote separately on the residency and elector requirements for nominee Ellen Wright.

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

The Board adopted the foregoing proposed resolution as amended to exclude the residency and elector requirements for nominee Ellen Wright.

It was moved by Commissioner Edmonson that the Board approve Ellen Wright to serve as a MMAP Trustee. This motion was seconded by Chairman Moss, and upon being put to a vote, failed to obtain the required two thirds majority vote for approval after the following votes were recorded: (Commissioners Barreiro, Martinez and Seijas voted "no") (Commissioners Diaz, Gimenez and Souto were absent

11A4 SUPPLEMENT

091138 **Supplement** *Presented*

SUPPLEMENTAL INFORMATION TO RESOLUTION APPROVING METRO MIAMI ACTION PLAN TRUST (MMAP) NOMINATING COUNCIL'S RECOMMENDATIONS FOR THE MMAP BOARD OF TRUSTEES; APPOINTING MMAP BOARD OF TRUSTEES; AND WAIVING RESIDENCY AND DULY QUALIFIED ELECTOR REQUIREMENTS FOR ELLEN WRIGHT

11A5

090984 Resolution Katy Sorenson

RESOLUTION APPROVING A PROPOSED AMENDMENT TO THE TOWN OF CUTLER BAY'S CHARTER ALLOWING FOR MODIFICATION OF QUALIFYING DATES FOR CANDIDATES RUNNING FOR THE OFFICE OF MAYOR, VICE-MAYOR OR COUNCIL MEMBER BY ORDINANCE WHEN REQUESTED BY THE SUPERVISOR OF ELECTIONS OR OTHERWISE REQUIRED BY LAW

*Adopted
Resolution R-431-09
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0*

4/14/2009 Forwarded to the BCC by BCC Chairperson due to lack of a quorum from the Government Operations Committee

11A5 SUPPLEMENT

091146 Supplement

SUPPLEMENTAL INFORMATION TO RESOLUTION APPROVING A PROPOSED AMENDMENT TO THE TOWN OF CUTLER BAY'S CHARTER

Presented

11 B ADDITIONAL BUDGET ALLOCATIONS

11B1

091277 Report

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

*Approved
Mover: Rebeca Sosa
Seconder: Dennis C. Moss
Vote: 10- 0
Absent: Gimenez, 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.*

- \$11,000 to Diaspora Arts Coalition (Music in the Park Series)*
- \$2,500 to Pentecostal Tabernacle (Scholarship for youth to attend South Florida Leadership Summit)*
- \$1,800 to Teen Upward Bound (Sponsorship of District One Student for Study Abroad Program)*
- \$1,000 to Youth Flag Football League (Sponsorship of District One Participants)*
- \$5,000 to American Cancer Society (North Dade Relay for Life)*
- \$2,500 to Cuban Mosaic Event*

11B2

091278 Report

ALLOCATION OF (FY) 2008/09 DISTRICT DISCRETIONARY RESERVE FUNDS (DISTRICT 2)

Approved
Mover: Rebeca Sosa
Seconder: Dennis C. Moss
Vote: 10- 0
Absent: Gimenez, Souto, Diaz

Report: *The following funding allocations were made from fiscal year (FY) 2008/09 District 2 Office Operating Budget Funds as requested by Commissioner Rolle.*

\$1,500 to Catherine Wall Foundation Banquet Event Fight Against Cancer
\$5,000 to American Cancer Society Relay for Life

11B3

091279 Report

ALLOCATION OF (FY) 2008/09 OFFICE OPERATING BUDGET FUNDS (DISTRICT 3)

Approved
Mover: Rebeca Sosa
Seconder: Dennis C. Moss
Vote: 10- 0
Absent: Gimenez, Souto, Diaz

Report: *The following funding allocations were made from fiscal year (FY) 2008/09 District 3 Office Operating Budget Funds as requested by Commissioner Edmonson.*

Allocation up to \$500 to purchase items for District 3's Homeowners/Neighborhood Improvement Council of Presidents meeting scheduled for Wednesday, April 29, 2009
Allocation up to \$1,200 for expenses related to District 3's Mothers and Fathers Day Events

11B4

091280 Report

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

Approved
Mover: Rebeca Sosa
Seconder: Dennis C. Moss
Vote: 10- 0
Absent: Gimenez, Souto, Diaz

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

\$25 from Concerned Citizens
\$1,000 to American Diabetes
\$100 from Leukemia & Lymphoma Society
\$1,000 from Dade County Firefighters Charity
\$100 from Planned Parenthood
\$500 from Veteran Feminist Association
\$112 from Miami Advertising Specialist
\$425 from Pelican Harbor
\$3,000 from Pelican Harbor

11B5

091281 Report

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

Approved
Mover: Rebeca Sosa
Seconder: Dennis C. Moss
Vote: 10- 0
Absent: Gimenez, 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.*

- \$2,500 to Humane Society of Greater Miami*
- \$500 to The Cuban Mosaic Event*
- \$1,000 to Youth Flag Football League*
- \$500 to Santa La Haitian Neighborhood Center*
- \$5,000 to "I Have a Dream Foundation" of Miami, Inc.*
- \$1,000 to Friends of Prime Time Seniors*
- \$2,500 to New World School of the Arts*

11B6

091282 Report

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

Approved
Mover: Rebeca Sosa
Seconder: Dennis C. Moss
Vote: 10- 0
Absent: Gimenez, Souto, Diaz

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

- \$2,500 to Christopher Columbus High School for the 21st Annual "Dick Pollock/Tom O'Neil Memoria Golf Tournament"*
- \$2,500 to PAX Communications for the Annual Gala*
- \$2,000 to Asociacion de Espirituanos en el Exilio*
- \$5,000 to The Cuban Mosaic Event*

For the record, Commissioner Barreiro advised that the \$5,000 Discretionary Funds allocated to Council Towers on March 3, 2009, are to be allocated to Miami Beach Senior Citizens Housing Development Corporation, Inc.

11B7

091283 Report

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

Approved
Mover: Rebeca Sosa
Seconder: Dennis C. Moss
Vote: 10- 0
Absent: Gimenez, Souto, Diaz

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

- \$1,000 to Danny Berry's JCC Baseball Camp, Inc.*
- \$1,000 to Dade County Farm Bureau (Funding for 31st Annual Barbeque and "Fun" Raiser*
- \$400 to Citizen's Crime Watch of Miami-Dade County, Inc. (Funding for 34th Annual Awards Ceremony)*
- \$225 to Omega Psi Phi Fraternity, Inc. (Funding for 10th Annual Purple & Gold Ball-Benefit Pi Nu Scholarship*

For the record, Commissioner Sorenson asked to rescind the following allocation from her Office Funds made on April 7, 2009: \$140 to Dave and Mary Alper Jewish Community Center, Inc., (Funding for Technician for Audio/Visual/Lighting for Commissioner Sorenson's Small Business Assistance Workshop – Wednesday, April 22, 2009, from 6:30 to 9:00 PM)

11B8

091284 Report

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

Approved
Mover: Rebeca Sosa
Seconder: Dennis C. Moss
Vote: 10- 0
Absent: Gimenez, 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.*

- \$7,500 to Hampton House for the "Historic Hampton House Community Trust, Inc."*
- \$500 to Progressive Officers Club for the Annual Scholarship Ball*
- \$1,000 to Miss International USA Foundation for Miss International USA Pageant*
- \$250 to Alpha Kappa Alpha Sorority, Inc., for the 2009 Little Miss Fashionetta Ceremony*
- \$1,500 to Pi Nu Chapter of Omega Psi Phi Fraternity, Inc., for the 10th Annual Purple & gold Ball*
- \$500 to Citizen's Crime Watch of Miami-Dade County for the Annual Awards Ceremony*
- \$2,500 to The Cuban Mosaic Event commemorating the Independence of Cuba*
- \$500 to Children's Home Society of Florida for Helping Turn Lives Around Luncheons*
- \$3,000 to Frank C. Martin, K-8 Center for Beauty and the Beast Production*
- \$5,000 to Galata, Inc., for the One People One Community Festival*

11B9

091285 Report

ALLOCATION OF (FY) 2008/09 DISTRICT DISCRETIONARY
RESERVE FUNDS (DISTRICT 12)

Approved

Mover: Rebeca Sosa

Seconder: Dennis C. Moss

Vote: 10- 0

Absent: Gimenez, Souto, Diaz

Report: *The following funding allocations were made from fiscal year (FY) 2008/09 District 12 Discretionary Reserve Funds as requested by Vice-Chairman Diaz.*

\$1,834.55 to Miami-Dade Police Department for purchasing of trailers

\$2,000 to Paradise Christian School and Development Center

\$5,000 to American Fraternity

\$500 to PBA Love Fund

\$1,500 to Team Metro for the Cuban Mosaic month of May events

\$600 to City of Hialeah Police Department – National Crime Victim's Right Week 2009

\$500 to JunTos Foundation

11B10

091286 Report

ALLOCATION OF (FY) 2008/09 OFFICE BUDGET FUNDS
(DISTRICT 12)

*Approved**Mover: Rebeca Sosa**Second: Dennis C. Moss**Vote: 10- 0**Absent: Gimenez, Souto, Diaz*

Report: *The following funding allocation was made from fiscal year (FY) 2008/09 District 12 Office Budget Funds as requested by Vice-Chairman Diaz.*

Waiving vendor requirements for Bijoux Terner for the Mother and Father's day gifts in the amount of \$2,697.00 from his purchasing card

County Attorney Robert Cuevas indicated that the request for a waiver of vendor requirements for Bijoux Terner for the Mother's and Father's day gifts in the amount of \$2,697.00 from his purchasing card was legally permissible.

Commissioner Martinez indicated that Commissioners had been utilizing vendors for programs such as a health fairs, etc., and the new requirement that these purchases be placed for bid needed to be addressed.

Commissioner Sosa requested that Chairman Moss place a discussion item regarding purchasing procedures on a future Board meeting agenda. She noted newly established procedures prevented purchases that could be obtained at a cost savings to the County.

Commissioner Heyman noted the need to respect vendor contracts; however, mentioned that forcing bids was not always necessary when the County would achieve a cost savings. She noted many recurring events should not be subject to these requirements.

Commissioner Sorenson indicated that it was not a good example to exempt the Board from policies which other County departments were required adherence.

Commissioner Siejas noted that common sense was important in making purchasing decisions.

Commissioner Martinez indicated there was a difference in applying purchasing procedures to a commissioner's budget allocation of \$869,000 versus a 560 million dollar Police Department budget. He noted that the Parks and Recreation Department submits a yearly ordinance requesting the waiver of bid procedures.

Chairman Moss suggested the Budget, Planning and Sustainability Committee review this issue and provide the Board with appropriate policy options.

Commissioner Jordan noted that the yearly budget mentioned by Commissioner Martinez included office staff salaries.

11C REPORTS**12 COUNTY MANAGER**

13 **COUNTY ATTORNEY**

13A1

091082 **Resolution**

RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PROPERTY LOCATED BETWEEN NW 8TH STREET AND NW 9TH STREET IN BLOCK 36 IN MIAMI-DADE COUNTY TO THE BLACK ARCHIVES HISTORY AND RESEARCH FOUNDATION OF SOUTH FLORIDA, INC., FOR THE EXPANSION OF THE LYRIC THEATER IN CONNECTION WITH THE PARTIAL SETTLEMENT OF A PENDING LAWSUIT; AND AUTHORIZING THE COUNTY MAYOR TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE (County Attorney)

Withdrawn

Report: (See Agenda Item 13A1 Substitute, Legislative File No. 091137)

13A1 SUBSTITUTE

091137 **Resolution** **Audrey M. Edmonson**

RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PROPERTY LOCATED BETWEEN NW 8TH STREET AND NW 9TH STREET IN BLOCK 36 IN MIAMI-DADE COUNTY TO THE BLACK ARCHIVES HISTORY AND RESEARCH FOUNDATION OF SOUTH FLORIDA, INC., FOR THE EXPANSION OF THE LYRIC THEATER IN CONNECTION WITH THE PARTIAL SETTLEMENT OF A PENDING LAWSUIT; AND AUTHORIZING THE COUNTY MAYOR TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE [SEE ORIGINAL ITEM UNDER FILE NO. 091082] (County Attorney)

*Adopted
Resolution R-425-09
Mover: Audrey M. Edmonson
Seconder: Joe A. Martinez
Vote: 13- 0*

14 **ITEMS SUBJECT TO 4-DAY RULE**

14A1

091023 **Resolution** **Audrey M. Edmonson,
Carlos A. Gimenez,
Sally A. Heyman,
Barbara J. Jordan,
Dorrin D. Rolle,
Katy Sorenson**

RESOLUTION EXTENDING THE EXISTING PILOT PROGRAM UNTIL JANUARY 1ST, 2010 TO PROVIDE FOR FARE FREE TRANSIT PASSES TO ELIGIBLE PARTICIPANTS IN THE "OUR KIDS OF MIAMI-DADE/MONROE, INC." PROGRAM WHO ARE TRANSITIONING OUT OF FOSTER CARE

*Adopted
Resolution R-443-09
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0*

4/15/2009 Forwarded to BCC with a favorable recommendation from the Transit, Infrastructure & Roads Committee

4/15/2009 Withdrawn by the Transit, Infrastructure & Roads Committee

14A2

090905 Resolution

RESOLUTION APPROVING REIMBURSEMENT OF TRAVEL EXPENSES NOT TO EXCEED \$3,000.00 OF CHARTER COUNTY TRANSIT SYSTEM SALES SURTAX FUNDS TO ENABLE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) MEMBER MARILYN SMITH TO ATTEND THE BUS RAPID TRANSIT CONFERENCE IN SEATTLE, WASHINGTON FROM MAY 3 THROUGH MAY 6, 2009 (County Manager)

*Adopted
Resolution R-424-09
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0*

4/15/2009 Forwarded to BCC with a favorable recommendation from the Transit, Infrastructure & Roads Committee

14A3

090854 Resolution

**Jose "Pepe" Diaz,
Sally A. Heyman,
Joe A. Martinez,
Dorrin D. Rolle,
Sen. Javier D. Souto,
Barbara J. Jordan,
Rebeca Sosa**

RESOLUTION DECLARING THE MONTH OF APRIL BEGINNING IN APRIL 2009 AND EACH YEAR THEREAFTER AS AUTISM AWARENESS MONTH IN MIAMI-DADE COUNTY

*Adopted
Resolution R-444-09
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0*

4/16/2009 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Health, Public Safety & Intergovernmental Cmte

14A4

090827 Special Item

REQUEST OF GREENBERG TRAUIG FOR BOARD OF COUNTY COMMISSIONERS TO GRANT A WAIVER OF CONFLICT OF INTEREST TO REPRESENT SEVERAL OF THE FIRMS' NON-COUNTY CLIENTS IN CERTAIN COUNTY ENFORCEMENT ACTIONS (County Attorney)

*Approved
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0*

4/16/2009 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Health, Public Safety & Intergovernmental Cmte

14A5

091139 Resolution

Dorrin D. Rolle

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

*Adopted
Resolution R-445-09
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0*

14A6

**091014 Resolution Jose "Pepe" Diaz,
Sally A. Heyman,
Barbara J. Jordan,
Joe A. Martinez,
Katy Sorenson,
Rebeca Sosa,
Sen. Javier D. Souto,
Audrey M. Edmonson**

RESOLUTION SUPPORTING THE SOUTH FLORIDA SUPER BOWL HOST COMMITTEE'S BID TO HOST THE 2013 SUPER BOWL XLVII

*Adopted
Resolution R-446-09
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0*

4/13/2009 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Recreation, Culture & Tourism Committee

14A7

091159 Resolution Rebeca Sosa

RESOLUTION SUPPORTING THE U.S. TRAVEL ASSOCIATION'S 41ST ANNUAL INTERNATIONAL POW WOW TRADE SHOW TO BE HELD IN GREATER MIAMI AND THE BEACHES

*Adopted
Resolution R-431-09
Mover: Rebeca Sosa
Seconder: Joe A. Martinez
Vote: 10- 0
Absent: Gimenez, Souto, Diaz*

Report: *Commissioner Seijas noted the Board's support of the International Pow Wow with its previous budget allocation of \$750,000.*

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

15 CLERK OF THE BOARD

15B REPORTS

15B1

091015 Report

PROPOSED PUBLIC HEARING DATES FOR ORDINANCES SUBMITTED FOR FIRST READING ON APRIL 21, 2009 (Clerk of the Board)

*Accepted
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0*

15B2

091019 Report

COUNTY COMMISSION MINUTES FOR APPROVAL BY THE BOARD
JULY 1, 2008 (CDMP)
SEPTEMBER 2, 2008 (REGULAR MEETING)
FEBRUARY 5, 2009 (ZONING MEETING) (Clerk of the Board)

*Approved
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0*

15C COUNTY ADVISORY BOARD APPOINTMENTS

15C1

091028 Report

APPOINTMENT OF PASCAL J. GOLDSCHMIDT, M.D. TO THE HEALTH COUNCIL OF SOUTH FLORIDA, INC. (Clerk of the Board)

Appointed
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0

15C2

091030 Report

APPOINTMENT OF ROSENDO J. CASTILLO TO THE SOCIAL ECONOMIC DEVELOPMENT COUNCIL (SEDC) OF MIAMI-DADE COUNTY (Clerk of the Board)

Appointed
Mover: Sally A. Heyman
Seconder: Joe A. Martinez
Vote: 13- 0

15C3 ADDITIONAL ADVISORY BOARD APPOINTMENTS

15C3A

091456 Report

APPOINTMENT OF CARRIE Q. SOUBAL TO THE DOMESTIC VIOLENCE ADVISORY BOARD BY COMMISSIONER SORENSON

Appointed

15C3B

091458 Report

APPOINTMENT OF ATCHANA CHUAINDHARA-CAPAILLINI TO THE ASIAN AMERICAN ADVISORY BOARD BY COMMISSIONER SORENSON

Appointed

15C3C

091464 Report

APPOINTMENT OF SALLY C. BYRD TO THE ANIMAL SERVICES FOUNDATION BY COMMISSIONER SOSA

Appointed

15D1

091128 Nomination

MIAMI-DADE EXPRESSWAY AUTHORITY BALLOT *Appointed*
 APPOINTMENTS (Clerk of the Board)

Report: *Chariman Moss announced that Mr. Maruice A. Ferre, Ms. Maritza Gutierrez, Mr. Roert Holland, Mr. Al Maloof and Ms. Yvonne Soler-McKinley were appointed by ballot vote to the Miami-Dade Expressway Authority.*

The vote results were as follows:

*Mr. Maurice A. Ferre: 11 votes,
 Ms. Maritza Gutierrez: 11 votes,
 Mr. Robert Holland: 11 votes,
 Ms. Yvonne Soler-McKinley: 10 votes,
 Mr. Al Maloof: 7 votes.*

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

15E1

091078 Report

MAYOR'S ALLOCATION FROM DISCRETIONARY RESERVE *Approved*
 FUNDS (Clerk of the Board) *Mover: Sally A. Heyman*
Seconder: Joe A. Martinez
Vote: 13- 0

16 ITEMS SCHEDULED FOR THURSDAY

16A SPECIAL PRESENTATIONS (Scheduled for 8:00 am)

16A1

090772 Proclamation Barbara J. Jordan

PROCLAMATION FOR THE FLORIDA MEMORIAL *Presented*
 UNIVERSITY LADY LIONS SUN CONFERENCE
 TOURNAMENT CHAMPIONS DAY

Report: *Commissioner Jordan presented the Florida Memorial University Lady Lions Basketball Team a proclamation in recognition of winning the Sun Conference Tournament. Keesha Alexander was recognized as Player of the Year along with Coaches Kenneth Marshall and Gregory Stendback (phonetic). Commissioner Jordan presented a \$2,500 check to the team.*

16A2

090773 Certificate of Barbara J. Jordan
Appreciation

CERTIFICATES OF APPRECIATION TO THE TEAM *Presented*
 MEMBERS AND COACHES OF THE FLORIDA MEMORIAL
 UNIVERSITY LADY LIONS WOMEN'S BASKETBALL TEAM
 SUN CONFERENCE TOURNAMENT CHAMPIONS

FINAL OFFICIAL

16A3

091110 **Certificate of Appreciation** **Dennis C. Moss,**
Sen. Javier D. Souto

CERTIFICATES OF APPRECIATION TO MIAMI-DADE COUNTY PARKS VOLUNTEERS *Not presented*

16A4

091111 **Proclamation** **Jose "Pepe" Diaz**

PROCLAMATION TO MAJOR ANTONIO "TONY" GALINDO *Presented*

Report: Major Antonio "Tony" Galindo, Miami Dade Police Department, was presented a proclamation recognizing his 26 years of honorable service to the community.

16A5

091112 **Proclamation** **Barbara J. Jordan**

PROCLAMATION DECLARING EVAN B. FORDE DAY *Presented*

Report: Commissioner Jordan noted Mr. Forde, an Oceanographer with the National Oceanic and Atmospheric Administration was featured in Black Enterprise Magazine as the first African American scientist to participate in submarine research dives. She also noted Mr. Forde developed an ocean curriculum that was implemented in Dade County Public Schools.

16A6

091113 **Proclamation** **Barbara J. Jordan**

PROCLAMATION TO THE MIAMI NORLAND SENIOR HIGH SCHOOL LADY VIKINGS GIRL BASKETBALL 2009 6 A CHAMPIONS *Presented*

Report: Commissioner Jordan presented the Miami Norland Senior High School Lady Vikings' Basketball Team a proclamation in recognition of becoming 2009 6 A Champions. Coaches Colleen Harris, Kent Forbes, Yolanda McCormick, and Donnell Ford were recognized. Commissioner Jordan presented a \$2,500 check to the team.

16A7

091114 **Certificate of Appreciation** **Barbara J. Jordan**

CERTIFICATES OF APPRECIATION TO THE 2008-2009 MIAMI NORLAND LADY VIKING'S BASKETBALL TEAM MEMBERS, COACHES AND ATHLETIC DIRECTOR, FOR BECOMING THE 2009 6 A STATE CHAMPIONS *Presented*

16A8

091115 Special Presentation Sally A. Heyman

PRESENTATION TO THE MIAMI-DADE FIRE RESCUE EMPLOYEES FOR LOCAL AND NATIONAL RECOGNITION *Presented*

Report: *The Miami Dade Fire Rescue Department was recognized for its dedicated efforts in providing public safety to our community. Certificates of Appreciation were presented in recognition of outstanding performance to:*

Chief Abel Fernandez, 2008 EMS Award of Excellence by the Florida Fire Chiefs Association.

Lt. Scott Mullin & K9 Striker, Search & Rescue Responder of the Year by the Florida Fire Chiefs Association.

Fleet Manager Christian Koop, 2008 Emergency Vehicle Technician of the Year by the Florida Fire Chiefs Association.

Jr. Cadet Shawn Robinson, 2008 Cadet of the Year by the Florida Fire Chiefs Association

Firefighters Bernardo Bernardo, Manuel Garcia, Carlos Morera, First Place Statewide and International Advanced Life Support Competitions.

Crew of Rescue 9; Lt. Ricardo Fernandez, Firefighter Louis Salazar, Firefighter Leslie Carter, Firefighter John DiBlasi, 2009 Benchmarking Competition.

Nicholas Digiacomio, Silver Medal of Honor at the Miami-Dade Fire Rescue's Medal Day, for extraordinary efforts during the Miami Beach Marina Fire.

Medical Director Donald G. Rosenberg, one of Americas top Cardiologists for 2008.

16A9

091127 Service Awards Dennis C. Moss

SERVICE AWARDS PRESENTATION: *Not presented*

LORENZO HARGRETT -AVIATION - 30 YEARS

NANCY DARLING - DPZ - 35 YEARS

DOUGLAS R. COLLINS - GSA - 30 YEARS

HORACE ALLEN - MDT - 30 YEARS

MONTREY E. ELLIS - PARK & RECREATION - 30 YEARS

JOSE A. BROCHE - WASD - 30 YEARS

JACK B. JOHNSTON - WASD - 30 YEARS

BERTRAM SYMONETTE - WASD - 35 YEARS

16A10

091132 Proclamation Katy Sorenson**PROCLAMATION DECLARING POSITIVE PARENTING MONTH Presented**

Report: *A proclamation was issued recognizing May 2009 as Positive Parenting Month. Shloma Shana Lessner (phonetic) was commended for her advocacy efforts.*

16A11

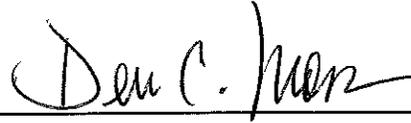
091147 Proclamation Dorrin D. Rolle**PRESENTATION OF A PROCLAMATION TO REV. DR. BILLY W. L. STRANGE, JR. Not presented****092217 Report****NON-AGENDA ITEM**

Report: *NEW DIRECT FLIGHT SERVICE BETWEEN TENERIFE, CANARY ISLANDS AND MIAMI*

Commissioner Sosa provided an overview of her role as Honorary Chair of the Miami-Dade County Sister Cities Committee for Tenerife, Canary Islands, Spain, where she led a trade mission in January 2008 to the Canary Islands. She noted while on this mission, she was tasked by the Honorable Ricardo Melchior, President of the Tenerife Cabildo, to assist in establishing direct flight service between Tenerife and Miami. After 16 months of intense negotiations, Commissioner Sosa said she was pleased to announce that an agreement had been reached with Air Europa and Spain where passenger and cargo service into Miami International Airport would commence on June 20, 2009.

Please refer to Exhibits for a listing of significant dates and individuals mentioned by Commissioner Sosa pertinent to these efforts to initiate direct air contact between Tenerife and Miami.

19**ADJOURNMENT**



Dennis C. Moss, Chairman

ATTEST: HARVEY RUVIN, CLERK



By:

Kay Sullivan, Deputy Clerk