



**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, May 18, 2010  
As Advertised

Harvey Ruvlin, Clerk  
Board of County Commissioners

Diane Collins, Acting, Director  
Clerk of the Board Division

Mary Smith-York, Commission Reporter  
(305) 375-1598



**Members Present:** Bruno Barreiro; Jose "Pepe" Diaz; Audrey M. Edmonson; Carlos A. Gimenez; 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:** Sally A. Heyman

**Members Excused:** None.

---

**Members Absent County Business:** None.

---

## **1 MINUTES PREPARED BY:**

**Report:** *Mary Smith-York, Commission Reporter  
(305) 375-1598*

### **1A ROLL CALL**

**Report:** *Present at today's meeting were County Mayor Carlos Alvarez and staff members: County Manager George Burgess; County Attorney Robert Cuevas; First Assistant County Attorney Abigail Price-Williams; Assistant County Attorney Oren Rosenthal; and Deputy Clerks Diane Collins and Mary Smith-York.*

### **1B MOMENT OF SILENCE**

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

*Chairman Moss asked that everyone member our friends in Haiti, the Gulf Coast, the Midwest, Tornado Alley, and in Tennessee; and also Officer Castillo and Florida Highway Patrol Officer Ambrose during the moment of silence.*

*Commissioner Edmonson noted today, May 18, 2010, marked the 207th anniversary of the creation of the Haitian flag. She commented that on what was normally a joyous occasion for the people of Haiti and all Haitians throughout the world, they were commemorating the occasion while reflecting the future of their beloved nation, whose capital was destroyed by a devastating earthquake on January 12, 2010. She requested everyone join her in the observance of Haitian Flag Day and the remembrance of all Haitians who sought to make Haiti a sovereign nation.*

*Chairman Moss expressed his appreciation to Vice-Chairman Diaz and all the individuals who participated in the County Boards Recognition Program from May 10th through May 13th, which recognized 84 Boards and over 1,070 individuals.*

### **1C PLEDGE OF ALLEGIANCE**

### **1D SPECIAL PRESENTATIONS**

1D1

**101123 Proclamation Jose "Pepe" Diaz**

PRESENTATION OF PROCLAMATION CONGRATULATING **Presented**  
MR. WIFREDO "WILLY" FERRER AS THE NEXT SOUTH  
FLORIDA'S U.S. ATTORNEY

**Report:** *County Attorney Robert Cuevas read the foregoing presentation item into the record.*

*Commissioner Diaz, on behalf of the County Commission and County Mayor, presented a proclamation to Mr. Wilfredo "Willy" Ferrer, declaring May 18, 2010, as Wilfredo "Willy" Ferrer Day, in honor of his appointment as the next Southern District of Florida U.S. Attorney.*

*Following a request for all County Attorney's Office staff in attendance to stand in honor of Mr. Wilfredo Ferrer's appointment, County Attorney Cuevas presented a brief list of Mr. Ferrer's academic and career accomplishments. He noted this community was fortunate in that it would continue to receive the benefit of Mr. Ferrer's talents as he fulfilled his new position as the United States Attorney for the Southern District of Florida.*

*First Assistant County Attorney Abigail Price-Williams noted the County Attorney's Office staff was very proud that the President of the United States selected someone from their office as the next U.S. Attorney. She commended Mr. Ferrer for being an outstanding attorney and a wonderful individual. Ms. Price-Williams congratulated Mr. Ferrer and expressed her appreciation for his representing the Miami-Dade County Attorney's Office.*

*Mr. Wilfredo Ferrer expressed his appreciation to the County Commission and the County Attorney's Office for honoring him today.*

1D2

**101193 Proclamation Katy Sorenson**

PRESENTATION OF A PROCLAMATION TO MR. JOHNNY **Presented**  
MARTINEZ

**Report:** *Commissioner Sorenson recognized Mr. Johnny Martinez, for a job well done as Director of the Office of Capital Improvements, and on behalf of the County Commission and County Mayor, presented him with a proclamation declaring Tuesday, May 18, 2010, as Johnny Martinez, P.E. Day.*

*Mr. Johnny Martinez expressed his deep appreciation of this honor and spoke of his gratitude for the opportunity to join the County's family.*

1D3

**101145 Proclamation Barbara J. Jordan****PROCLAMATION RECOGNIZING THE MONTH OF MAY AS "COMMUNITY ACTION MONTH" Presented**

**Report:** *Commissioner Jordan provided a historical overview of the Community Action Agency, after which she presented a proclamation declaring May as Community Action Agency Month. Commissioner Jordan recognized the late William Zubkoff, Sr., for his great contribution to the CAA and on behalf of the County, expressed appreciation to Dr. William Zubkoff, Community Action Agency Board Chair, for sharing his father.*

*Dr. William Zubkoff appeared before the Board and thanked the Commission for 45 years of support for the CAA to provide services for the community. He announced that approximately 7,000 three and four- year olds were currently in CAA's Head Start Program; hundreds of teens were in the Greater Miami Service Corps Program; thousands of the elderly participated in CAA's meals and daycare programs and the Neighborhood Service Centers countywide. Dr. Zubkoff stated it was an honor to accept this proclamation on behalf of the CAA Board.*

*Chairman Moss recalled the CAA's former existence as the EOPI and the level of advocacy it performed on behalf of the community. He commended the CAA (EOPI) for its years of successfully dealing with a wide range of community issues that other entities were without the resources or were unwilling to deal with.*

**1E CITIZEN'S PRESENTATIONS (5 MINUTES MAXIMUM)**

1E1

**101197 Citizen's Presentation****Natacha Seijas****CITIZEN'S PRESENTATION BY MR. STAN HILLS, RE: THE USE OF COUNTY E-MAIL** **Presented**

**Report:** *Following a brief overview of the purpose of this item, Commissioner Seijas recognized Mr. Stan Hills to present his concerns regarding the use of County email.*

*Mr. Stan Hills, resident and 27-year employee of Miami-Dade County, appeared before the Board and noted he proudly worked in the Fire Rescue Department. He presented the issue of improper use of County email; specifically the way this email system was used to attack his reputation and character. Mr. Hills stated his name was defamed and asked the County Commission to clear his good name, enforce existing policy, and to initiate steps to ensure this problem never happened again. He provided a detailed explanation of how an email, containing false statements about him, was forwarded to 1,900 fire fighters with miamidade.gov email addresses by Local 1403 Vice President Dominick Barbera and Miami-Dade Fire Rescue Captain Rowan Taylor. Mr. Hills thanked the Commission members for the opportunity to present his concerns and asked that they take the appropriate steps to set the record straight.*

*Commissioner Diaz asked Mayor Alvarez to investigate the concerns raised by Chief Fire Officer Stan Hills, Miami-Dade Fire Rescue Department, regarding inappropriate use of the email by County employees.*

*Chairman Moss asked that appropriate steps be taken to prevent future violations of this nature.*

*County Mayor Carlos Alvarez noted he met with Mr. Hills regarding this matter a few weeks ago, and stated his office would fully investigate the circumstances in this issue. He further noted he would consult with the County Attorney's Office regarding the legal aspects involved in this matter.*

1E2

**101233      Citizen's Presentation      Carlos A. Gimenez**

CITIZEN'S PRESENTATION BY MR. ERNIE MARTINEZ      *Presented*  
CHAIR OF COMMISSION ON DISABILITY ISSUES(CODI),  
RE: HIGHLIGHT THE VISION, AGENDA, AND NEEDS OF  
CODI

**Report:** *Commissioner Gimenez inquired of the County Attorney whether a person silently nodding in agreement or shaking their head from left to right in disagreement would be considered a disruption of proceedings.*

*In response to Commissioner Gimenez' inquiry, County Attorney Robert Cuevas stated they would not.*

*Commissioner Gimenez introduced Mr. Ernie Martinez, Chair of the Commission on Disability, to make his citizen's presentation before the Board.*

*Mr. Ernie Martinez, Chair of the Commission on Disability Issues (CODI), appeared before the Board and expressed his appreciation to Commissioner Barreiro for appointing him to CODI and giving him the opportunity to help the community. He also thanked Commissioner Gimenez for providing him this opportunity to present issues concerning a class of people that was continuously overlooked and underserved. Mr. Martinez thanked the full Board for creating CODI, whose purpose was as follows: to assist the Board in developing and improving public policy affecting people with disabilities in the County; to listen to the disability community to understand how public officials were doing and how to enhance services. He advised that he took his responsibilities seriously and pledged to keep the Commission informed; as well as to appear periodically to provide updates on the organization's efforts and services. He commended Commission for its support in preventing the firing of the Transit Department's Reservation System staff and retaining the current Special Transportation Services (STS) Para-transit provider. Mr. Martinez expressed concern that the County's Department of Emergency Management and the American Red Cross failed to serve the disabled community and noted the Red Cross refused to display, on its website, the services it provided to people with disabilities.*

*Commissioner Gimenez noted Mr. Martinez was very dedicated to his responsibilities with CODI and commended him for presenting his concerns and objectives before the Board, pledging his support.*

**1F      REPORTS OF OFFICIAL BOARDS**

**1G MOTION TO SET THE AGENDA AND "PULL LIST"**

**Report:** *Following his notice that Commissioner Diaz asked to be listed as co-sponsor on Item 11A2, County Attorney Cuevas noted the items to be considered on today's agenda would be those listed on the printed final agenda, with the additions, deferrals, withdrawals, and scrivener's errors noted in the County Manager's changes memorandum and the item just mentioned. He advised that the Commission would approve all of those items by a single vote, setting the agenda, except the two Mayoral appointments in Items 2B1 and 2B2; items specially set by the Chair's Order of the Day: 5D, 6B1, 11A1, 11A1 Alternate, and 11A3; Ordinances on First Reading, including Item 14A4; Public Hearings, including Item 5D; Policy Matters for County Commission Discussion under Item 6B1; Ordinances on Second Reading; and the following Pull List items: 8A1A and Supplement, 8F1A and Supplement, 8L1B, 8O1A, 8O1B, 8O1C, 8O1D and Supplement, 8R1A, 11A1, 11A1 Alternate, 11A2, 11A3, 12A1, 12A2, 12A4, 12A5, 14A1 and Supplement, 14A2 and Supplement, 14A3, and 14A4.*

*It was moved by Commissioner Diaz that today's (5/18) agenda be approved with the changes requested by the County Manager in his memorandum entitled "Changes for the May 18th BCC Meeting," dated May 18, 2010, and the additional changes requested by individual Commission members; and that today's Pull List be accepted as presented by County Attorney Cuevas. This motion was seconded by Chairman Moss, followed by a request by Commissioner Jordan to be listed as co-sponsor of Item 11A2.*

*Hearing no further requests for additional changes to today's agenda and Pull List, the Board proceeded to vote, and upon being put to a vote, the motion passed by a vote of 10-0 (Commissioners Barreiro and Heyman were absent).*

**1H OFFICE OF COMMISSION AUDITOR****1I OFFICE OF INTERGOVERNMENTAL AFFAIRS****2 MAYORAL ISSUES****2A MAYORAL VETOES****2B MAYORAL REPORTS**

2B1

|                                       |               |                                 |
|---------------------------------------|---------------|---------------------------------|
| <b>101229</b>                         | <b>Report</b> | <b>Mayor</b>                    |
| APPOINTMENT OF THE AGENDA COORDINATOR |               | <i>Accepted</i>                 |
|                                       |               | <i>Mover: Barbara J. Jordan</i> |
|                                       |               | <i>Seconder: Dennis C. Moss</i> |
|                                       |               | <i>Vote: 12- 0</i>              |
|                                       |               | <i>Absent: Heyman</i>           |

**Report:** *First Assistant County Attorney Abigail Price-Williams introduced the foregoing appointment into the record.*

*County Mayor Carlos Alvarez announced his appointment of Mr. Eugene Love as the Agenda Coordinator. He described Mr. Love’s vocational and educational backgrounds, as well as his priorities as Agenda Coordinator.*

*Mr. Eugene Love, Agenda Coordinator, expressed his appreciation to the County Mayor Manager for appointing him Agenda Coordinator. He recognized and expressed his appreciation to his wife, the OAC staff, and others for their support, hard work, and dedication.*

*Hearing no objections, the Board proceeded to vote.*

2B2

|  |               |                                |
|--|---------------|--------------------------------|
| <b>101252</b>  | <b>Report</b> | <b>Mayor</b>                   |
| APPOINTMENT OF DIRECTOR, ENTERPRISE TECHNOLOGY SERVICES DEPARTMENT |               | <i>Accepted</i>                |
|  |               | <i>Mover: Jose "Pepe" Diaz</i> |
|  |               | <i>Seconder: Rebeca Sosa</i>   |
|  |               | <i>Vote: 12- 0</i>             |
|  |               | <i>Absent: Heyman</i>          |

**Report:** *First Assistant County Attorney Abigail Price-Williams introduced the foregoing appointment into the record.*

*County Mayor Carlos Alvarez announced his appointment of Mr. Angel Petisco as the Director of the Enterprise Technology Services Department. He noted Mr. Petisco’s experience and excellent leadership as the department’s Interim Director.*

*Mr. Angel Petisco, Enterprise Technology Services Department Director, expressed his sincere appreciation to the County Mayor and Manager for their confidence in his leadership and to the County Commission for their support. He expressed his gratitude to the ETSD department’s staff for their dedication and hard work, and acknowledged his family their support.*

*Hearing no objections, the Board proceeded to vote.*

2B3

|                                       |               |                                 |
|---------------------------------------|---------------|---------------------------------|
| <b>101258</b>                         | <b>Report</b> | <b>Mayor</b>                    |
| APPROVAL OF DEPARTMENTAL AGENDA ITEMS |               | <i>Approved</i>                 |
|                                       |               | <i>Mover: Jose "Pepe" Diaz</i>  |
|                                       |               | <i>Seconder: Rebeca Sosa</i>    |
|                                       |               | <i>Vote: 11- 0</i>              |
|                                       |               | <i>Absent: Heyman, Barreiro</i> |

**2C      OTHER ISSUES**

2C1

**101191      Special Presentation**

SOUTH FLORIDA REGIONAL PLANNING COUNCIL: US  
HUD SUSTAINABLE COMMUNITIES INITIATIVE GRANT  
(SEE AGENDA ITEM NO. 12A1) (County Manager)

*Presented***Report:** *(See report under Agenda Item 12A1; Legislative File No. 100843.)***3      CONSENT ITEMS****4      ORDINANCES FOR FIRST READING**

4A

**101061      Ordinance**

ORDINANCE CREATING AND ESTABLISHING A SPECIAL  
TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA,  
KNOWN AND DESCRIBED AS JACKSON SOUTH  
COMMUNITY HOSPITAL 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)

*Deferred to June 3, 2010**Mover: Jose "Pepe" Diaz**Seconder: Rebeca Sosa**Vote: 11- 0**Absent: Heyman, Barreiro*

**Report:** *During consideration of changes to today's (5/18) agenda, the Board deferred the foregoing proposed ordinance submitted for first reading to the June 3, 2010, Board meeting as recommended and requested by the County Manager in his memorandum dated May 18, 2010, entitled, "Changes for the May 18, 2010 BCC Meeting."*

4B

**101027      Ordinance**

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

*Adopted on first reading**Public Hearing: June 15, 2010**Mover: Dorrin D. Rolle**Seconder: Katy Sorenson**Vote: 12- 0**Absent: Heyman*

**Report:** *The foregoing proposed ordinance was adopted on first reading and set for public hearing before the County Commission on June 15, 2010, at 9:30 a.m.*

4C

**101028 Ordinance**

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS LIL ABNER 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: June 15, 2010  
Mover: Dorrin D. Rolle  
Seconder: Katy Sorenson  
Vote: 12- 0  
Absent: Heyman*

**Report:** *The foregoing proposed ordinance was adopted on first reading and set for public hearing before the County Commission on June 15, 2010, at 9:30 a.m.*

4D

**101224 Ordinance Bruno A. Barreiro**

ORDINANCE RELATING TO THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AMENDING SECTION 2-341 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ESTABLISHING COUNTY POLICY THAT FOR PROSPECTIVE FISCAL YEARS RETAIL WATER AND WASTEWATER RATES SHALL BE ADJUSTED BASED ON CONSUMER PRICE INDEX; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

*Adopted on first reading  
Public Hearing: June 8, 2010  
Mover: Bruno A. Barreiro  
Seconder: Katy Sorenson  
Vote: 11- 1  
No: Souto  
Absent: Heyman*

**Report:** *The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Government Operations Committee on June 8, 2010, at 9:30 a.m.*

4E

**101161 Ordinance Joe A. Martinez**

ORDINANCE AMENDING SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY TO EXEMPT CERTAIN TRANSACTIONS AND PURCHASES FROM COUNTY VENDOR AFFIDAVIT AND REGISTRATION REQUIREMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (Procurement Management Department)

*Adopted on first reading  
Public Hearing: June 8, 2010  
Mover: Dorrin D. Rolle  
Seconder: Katy Sorenson  
Vote: 12- 0  
Absent: Heyman*

**Report:** *The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Budget, Planning and Sustainability Committee on June 8, 2010, at 2:00 p.m.*

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



5C

**100785 Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO USE MIAMI-DADE WATER AND SEWER DEPARTMENT'S SERVICES, EMPLOYEES AND EQUIPMENT TO INSTALL NEW 16-INCH WATER MAIN ALONG SW 192 AVENUE FROM SW 352 STREET TO SW 376 STREET AND A 12 INCH WATER MAIN ALONG SW 352 STREET FROM SW 192 AVENUE TO SW 187 AVENUE IN AN AMOUNT NOT TO EXCEED \$1.84 MILLION; WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-120-83 (Water & Sewer Department)

*Adopted  
Resolution R-564-10  
Mover: Katy Sorenson  
Seconder: Barbara J. Jordan  
Vote: 10- 0  
Absent: Sosa, Martinez, Seijas*

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

*Chairman Moss opened the public hearing and called for persons wishing to be heard. He closed the public hearing when no one appeared.*

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

**4/13/2010** *Forwarded to BCC with a favorable recommendation from the Government Operations Committee*

5D

**101235 Ordinance County Commission**

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COMMISSION TO TAKE ASSISTIVE MEASURES IF SPECIFIED CONDITIONS PERTAINING TO THE FINANCIAL STATUS OF THE PUBLIC HEALTH TRUST HAVE OCCURRED OR WILL LIKELY OCCUR, INCLUDING IMPOSING MANAGEMENT WATCH, REQUIRING RECOVERY PLAN, AUTHORIZING AUDIT, PROVIDING TECHNICAL ASSISTANCE AND FORMATION OF A FINANCIAL RECOVERY BOARD; PROVIDING CERTAIN ACTIONS OF THE RECOVERY BOARD SHALL BE SUBJECT TO VETO BY THE COUNTY COMMISSION; WAIVING THE PROCEDURES FOR CREATION AND REVIEW OF COUNTY BOARDS OF ARTICLE IB OF THE CODE FOR ANY OVERSIGHT BOARD ESTABLISHED UNDER AUTHORITY OF THIS ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 100960)

*Amended*

**Report:** *(SEE AGENDA ITEM 5D AMENDED; LEGISLATIVE FILE NO. 101270.)*

**5/3/2010** *Adopted on first reading as amended by the Board of County Commissioners*

5D AMENDED

**101270**

**Ordinance**

**County Commission**

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COMMISSION TO TAKE ASSISTIVE MEASURES IF SPECIFIED CONDITIONS PERTAINING TO THE FINANCIAL STATUS OF THE PUBLIC HEALTH TRUST HAVE OCCURRED OR WILL LIKELY OCCUR, INCLUDING IMPOSING MANAGEMENT WATCH, REQUIRING RECOVERY PLAN, AUTHORIZING AUDIT, PROVIDING TECHNICAL ASSISTANCE AND FORMATION OF A FINANCIAL RECOVERY BOARD; PROVIDING CERTAIN ACTIONS OF THE RECOVERY BOARD SHALL BE SUBJECT TO VETO BY THE COUNTY COMMISSION; WAIVING THE PROCEDURES FOR CREATION AND REVIEW OF COUNTY BOARDS OF ARTICLE IB OF THE CODE FOR ANY FINANCIAL RECOVERY BOARD ESTABLISHED UNDER AUTHORITY OF THIS ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 101235)

*Adopted as amended*

*Ordinance 10-32*

*Mover: Jose "Pepe" Diaz*

*Seconder: Audrey M. Edmonson*

*Vote: 8- 5*

*No: Rolle, Barreiro, Sorenson,  
Souto, Martinez*

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

*Chairman Moss opened the public hearing and called for persons wishing to be heard. The following individuals appeared:*

- 1) Ms. Martha Turner Heath, 15900 S.W. 95th Avenue, Registered Nurse, Jackson South;*
- 2) Ms. Carol Robley, 3713 N.E. 19th Avenue, Nurse Practitioner, JMH*
- 3) Ms. Cathy Martin, 6330 S.W. 34th Street, Nurse Practitioner, JMH;*
- 4) Ms. Chiffon Holiday, 14130 S.W. 31st Street, Nurse Practitioner, JMH;*
- 5) Ms. Karen Chamuel, 7634 N.W. 105th Avenue, Nurse Practitioner, JMH;*
- 6) Ms. Martha Baker, 18441 N.W. 2nd Avenue, Registered Nurse, JMH; and President SEIU Local 1991; and*
- 7) Rev. Abraham J. Thomas, 17320 N.W. 17th Avenue, stated the health of a community was a tender situation and noted Jackson Memorial Hospital (JMH) was greatly needed for the services it provided to those who were in need, as well as for the employment of those working there.*

*Seeing no one else appear wishing to be heard, Chairman Moss closed the public hearing.*

*It was moved by Vice-Chairman Diaz that the foregoing proposed ordinance be adopted. This motion was seconded by Commissioner Edmonson, followed by discussion.*

*Discussion ensued between Commissioner Sorenson and Ms. Martha Baker regarding Ms. Baker's belief that this ordinance would resolve the Public Health Trust's (PHT) problems being based on her understanding that this would allow the County Commission to replace the PHT with an advisory board which gave the County Commission control to the reach to operations.*

*In response to Commissioner Sorenson's inquiry of whether Ms. Baker's interpretation of what this ordinance did was correct, County Attorney Cuevas stated that was one of the assistive measures were the Commission to create a financial advisory board. He pointed out that any actions that advisory board took would be subject to veto of this Commission, allowing more direct involvement by the Commission.*

*Further discussion ensued between Commissioner Sorenson and Ms. Baker regarding the union's relationship with management being influenced by the union's concerns with layoffs, and the union's unsuccessful attempts to meet with management to discuss those issues.*

*In response to Commissioner Rolle's request for clarification as to whether staff was recommending approval to create an oversight board to govern the PHT, Mayor Carlos Alvarez affirmed that it was, contingent upon the occurrence of certain trigger mechanisms. He indicated that, at this point, no triggers had yet occurred.*

*Commissioner Rolle requested clarification as to whether the PHT or the Board of County Commissioners was authorized to close nursing homes. He also noted the clinics appeared to be moving toward generating revenue with respect to the federal clinic being initiated by JHS. Commissioner Rolle also requested clarification on the type of bumping system being followed at JMH during its restructuring and noted he did not support the foregoing proposed ordinance.*

Commissioner Jordan expressed concern that JMH was not applying the exemption policy that protected employees trained for specialized areas, from being bumped out of their positions. She explained that this policy was adopted by the County and urged the union representatives to investigate this issue. Additionally, she noted further concern with JMH issuing contracts to private companies to perform work that could be and had been done by its own employees. Commissioner Jordan noted she supported this ordinance, but objected to the composition of the proposed board and to the total elimination of the PHT. She noted she was in favor of retaining the PHT without the special appointments of the Legislature, the union, and the County Commission.

In response to Commissioner Edmonson's request for an explanation of the bumping process relative to the medical profession, County Attorney Cuevas advised that a pending lawsuit existed regarding the layoff and bumping issue. He further advised that a request for preliminary injunction to enjoin the PHT from implementing the layoffs was denied by the Court.

Commissioner Seijas read into the record language from the foregoing ordinance providing that "...if specified conditions pertaining to the financial status of the PHT have occurred or are likely to occur..." to clarify the misunderstanding that the PHT would be eliminated today.

Commissioner Barreiro expressed his opposition to this ordinance and recommended the PHT be allowed to make the decisions to straighten out the hospital and health systems. He stated that if that failed and the PHT could not function, then the Commission should take control and make it a department of the County.

In response to Commissioner Sosa's question regarding the function of this ordinance to have a plan in case the management watch failed to resolve the issue, County Attorney Cuevas concurred that this item was prospective in its application. He stated, however, the ordinance, as currently drafted, did not address the consequence in the event the Mayor reported back to this Board that the management watch was not working. Mr. Cuevas noted he could suggest language that could be used as an additional trigger mechanism, if the Board so desired.

Commissioner Sosa expressed concern that she did not have ample time to fully review this ordinance and commented that the County had laid off 125 employees who were unable to bump into a position. She spoke in opposition to repeating the past measure of having JMH as a County department and pointed out that the PHT was created due to the County's inability to deal with JMH. Commissioner Sosa recommended the Board look at existing models around the country, to see what made public hospitals work.

Commissioner Diaz stated, as maker of the motion, that he accepted the language referenced by County Attorney Cuevas, as an additional trigger mechanism.

County Attorney Cuevas read, into the record, the following language as amendment to the foregoing ordinance under Subsection (a), handwritten page 5, to be item (7); "...The Mayor reports that PHT management and/or the Board of Trustees are not making acceptable progress in developing and implementing a corrective action plan to address managerial and financial deficiencies in accordance with the letter agreement, dated March 23, 2010, entered into pursuant to resolution No. R-323-10..."

*In response to Chairman Moss' request for clarification, Mr. Cuevas stated that if the Mayor brought back a negative report, the proposed amendment would serve as an additional trigger that would allow the Board to take any of the assistive measures deemed necessary.*

*Commissioner Diaz noted he accepted this amendment as presented by County Attorney Cuevas.*

*Commissioner Souto pointed out that the Miami-Dade Home Rule Charter empowered the County Commission, not the Mayor, to create and manage a public health system for this County. He expressed concern that this was a Charter issue and noted he would not support this ordinance.*

*Mayor Alvarez reminded Commission members that this Board placed JMH under management watch and commented that progress was being made. He advised that this ordinance simply provided a tool for use in the event the current corrective measures were not working. Mayor Alvarez pointed out that the provisions of this ordinance might never be used.*

*Chairman Moss noted this proposed ordinance was the result of considerable debate and discussion on behalf of this Board. He advised that adoption of this ordinance would not automatically impose an oversight board over the PHT; rather, this provided the Board with the opportunity to use that mechanism if needed. Chairman Moss noted he was displeased with the community's claims that the County Commission was impeded the PHT's and JHS' ability to perform collections and maximize revenues. He explained that the Commission became deeply involved this process because of the current financial crisis; otherwise, the County had approved all PHT/JMH requests for financial items, including budgets, union contracts, bonds, etc., for the past five years.*

*Commissioner Heyman expressed concern with JMH's continued processing of individuals from other countries, with no Medicaid or medical insurance, and questioned whether management watch would address this issue. She commented that she supported an oversight board being established as a last resort.*

*County Attorney Cuevas advised that a scrivener's error existing in the foregoing ordinance needed to be corrected to read "financial recovery board" rather than "oversight board," in the following three (3) instances: handwritten page 3, 3rd from last line of the title; and handwritten page 6, lines 7 and 10 under subsection (2) Recovery Plan. He noted he discussed an amendment with Commissioner Sosa to address the issue of the County Mayor and the PHT Chief Executive Officer (CEO) being non-voting members of the PHT and subject to the sunshine law. He continued, one amendment discussed was to immediately temporarily remove the County Mayor and the PHT CEO as non-voting ex-officio members of the PHT, followed by staff being instructed to make that amendment to Chapter 25A on a permanent basis. County Attorney Cuevas clarified that the Board could perform this action today on a temporary basis and have staff prepare a permanent ordinance to bring back for approval.*

*Chairman Moss noted the Board would vote on the foregoing ordinance as amended to correct the scrivener's errors today, and take up the issue of the Mayor and PHT CEO in future legislation on an emergency basis.*

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

*The Board adopted the foregoing ordinance as amended to insert the following language under Subsection (a) Conditions; as paragraph (7) on handwritten page 5: "The Mayor reports that PHT management and/or the Board of Trustees are not making acceptable progress in developing and implementing a corrective action plan to address managerial and financial deficiencies in accordance with the letter agreement (dated March 23, 2010) entered into pursuant to Resolution R-323-10;" and to correct a scrivener's error on handwritten page 3, 3rd from the last line of the title and on handwritten page 6, Subsection (2), lines 7 and 10, to change "Oversight Board" to "Financial Recovery Board."*

5D SUPPLEMENT

**101244**

**Supplement**

SUPPLEMENTAL INFORMATION REGARDING ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COMMISSION TO TAKE ASSISTIVE MEASURES IF SPECIFIED CONDITIONS PERTAINING TO THE FINANCIAL STATUS OF THE PUBLIC HEALTH TRUST HAVE OCCURRED OR WILL LIKELY OCCUR

*Presented*

**6 CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS**

**6A RESOLUTIONS**

**6B POLICY MATTERS FOR DISCUSSION BY THE BOARD**

6B1

|  |                        |                       |
|--|------------------------|-----------------------|
| <b>101196</b>  | <b>Discussion Item</b> | <b>Dennis C. Moss</b> |
| DISCUSSION ITEM: UPDATE FROM ADMINISTRATION<br>REGARDING THE PHT/JMH |                        | <i>Presented</i>      |

**Report:** County Manager George Burgess provided a brief update on the Public Health Trust's/Jackson Memorial Hospital's progress, and noted the four (4) County employees assigned to work physically at JMH, to address various issues, were present at today's meeting. He advised that the significant issues before the Administration concerned PHT's operations and administration/management, rather than governance. Mr. Burgess further advised that the immediate concern was cash, in terms of whether the PHT would run out of money; however, he noted a plan was progressing favorably to improve the cash position. He stated the management team at JMH was forecasting a cash position at the end of the year of approximately \$140 million, and noted that position improved significantly because of the funding from the State of Florida. He further noted JMH's initial budget was received and pointed out that it would be refined and presented in July 2010. Mr. Burgess explained that the initial budget presupposes success on a number of fronts, including a success rate of 90 percent with the cash stabilization plan initiative; and 70 percent on initiatives identified through the initial 30-day engagement of Price Waterhouse Cooper (PWC) and in strategic sourcing. He noted the PHT was currently in the process of providing voluminous amounts of materials to the Securities and Exchange Commission on their reviews to determine whether investors were properly informed of the hospital's financial situation. Mr. Burgess stated the issues involving revenue, inventory, procurement, satellite hospitals, and every aspect of the system were being addressed and cautioned this process would take time.

Commissioner Souto noted the JHS issue was very complicated and expressed the need for the Commission to be highly involved in it. He spoke about the large amount of revenue that flowed through JMH and the need to keep a close eye on everything that transpired at this hospital. He stressed the importance of the health care issue and concurred with the issue Commissioner Martinez was bringing forth that required the PHT to come before the Board. Commissioner Souto expressed his concern that the PHT lacked respect for the County Commission and appeared to be against the Home Rule Charter. He noted the Board needed to place more control over the entire PHT system.

**7      ORDINANCES SET FOR SECOND READING**

**8      DEPARTMENTAL ITEMS**

**8A     AVIATION DEPARTMENT**

8A1A

**092874                      Resolution**

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND H. J. ROSS & ASSOCIATES, INC. FOR THE UTILITIES MASTER PLAN (DRAINAGE) FOR THE MIAMI-DADE AVIATION DEPARTMENT, PROJECT NO. E08-MDAD-05A; IN AN AMOUNT NOT TO EXCEED \$1,728,750; AND AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE ANY OPTIONS TO RENEW AND TERMINATION PROVISIONS CONTAINED THEREIN (SEE ORIGINAL ITEM UNDER FILE NO. 092329) (Aviation Department)

*Directions given by motion*

**Report:** County Attorney Cuevas read the foregoing proposed resolution into the record simultaneously with companion item 8A1A Supplement.

Commissioner Jordan asked the County Manager to provide Commission members with a report on the current status of the collection of race and gender data regarding County contractors and their employees, by the Departments of Procurement Management (DPM) and Finance (FIN), pursuant to Resolution R-869-09. She questioned why the selection process for the foregoing resolution had not been reviewed by DPM staff. She explained the circumstances surrounding this scoring process that caused the scores to be skewed by panel members. Commissioner Jordan moved that the skewed scores be eliminated and that staff be directed to re-rank the firms based on the new system's guidelines.

County Attorney Cuevas explained that the new process recently adopted, did not apply to this particular consultant selection. He advised that the Board would need to reject the County Manager's recommendation and direct that the selection process for consultants for this project be put out again under the new process.

Mr. George Navarette, Office of Capital Improvements Director, advised that a new solicitation for this project, which was originally advertised in February 2009, would cause an additional four to six months delay. He noted proposals for three other solicitations that used the same selection process existing at the time they were advertised, had been received. Mr. Navarette pointed out that a 33 percent threshold was in place to trigger skewing of any ranking.

Responding to Commissioner Jordan's inquiry of whether the Board could ask the County Manager to reopen negotiations with both firms for the subject contract, County Attorney Cuevas answered no. He explained that the Board reserved the right to accept or reject the County Manager's recommendation. With respect to Commissioner Jordan's question of whether the County Manager could conduct oral presentations based on the obvious scoring flaw, and bring back an appropriate recommendation, Mr. Cuevas answered yes.

County Manager Burgess stated, for the record, that staff had already reviewed this process thoroughly and had found no inconsistencies.

Mr. Jose Abreu, Miami-Dade Aviation Department, expressed his concurrence with the County Manager's assessment, and noted he also felt this process was skewed; which could also occur with the new process.

It was moved by Commissioner Jordan that the County Manager be instructed to conduct a thorough review of the firms ranked number 1 and number 2, in connection with the foregoing proposed resolution, taking into consideration all issues, including those raised in today's meeting, and bring back his recommendation on the award of this contract, whether it remained the same or not, at the next meeting of the Board of County Commissioners. This motion was seconded by Commissioner Rolle, and upon being put to a vote, passed by a vote 9-0 (Commissioners Heyman, Diaz, Edmonson and Seijas were absent).

Following clarification that the review would be based on the procedures in place at the time the subject contract was advertised for bid, Commissioner Jordan asked that during the review process, the County Manager look carefully at possible relationships between individuals in either company, with

individual members of the selection committee, as it related to their scoring of these companies on previous awards.

**10/15/2009** Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Airport and Seaport Committee

**11/3/2009** Deferred by the Board of County Commissioners

**5/4/2010** Deferred by the Board of County Commissioners

8A1A SUPPLEMENT

**101041 Supplement**

SUPPLEMENTAL INFORMATION FOR AWARD RECOMMENDATION, PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND H. J. ROSS & ASSOCIATES, INC. FOR UTILITIES MASTER PLAN (DRAINAGE) (PROJECT NO. E08-MDAD-05A), IN THE AMOUNT OF \$1,728,750.00

*Directions given by motion*

**Report:** (SEE REPORT UNDER AGENDA ITEM 8A1A; LEGISLATIVE FILE NO. 092874.)

**5/4/2010** Deferred by the Board of County Commissioners

**8B thru 8E** **(No items were submitted for these sections.)**

**8F** **GENERAL SERVICES ADMINISTRATION**

8F1A

**100724 Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO LEASE AGREEMENT AT COUNTY-OWNED PROPERTY LOCATED AT 6060 S.W. 66 STREET, SOUTH MIAMI, WITH ST. ALBAN'S DAY NURSERY, INC., TRANSFERRING PROPERTY MAINTENANCE RESPONSIBILITIES FROM THE COUNTY TO THE TENANT; INCORPORATING ADDITIONAL ARTICLES IN THE LEASE AS OF THE EFFECTIVE DATE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (General Services Administration)

*Amended*

**Report:** (SEE AGENDA ITEM 8F1A AMENDED; LEGISLATIVE FILE NO. 101277.)

**4/13/2010** Forwarded to BCC with a favorable recommendation from the Government Operations Committee

**5/4/2010** Deferred by the Board of County Commissioners

8F1A AMENDED

**101277 Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO LEASE AGREEMENT AT COUNTY-OWNED PROPERTY LOCATED AT 6060 S.W. 66 STREET, SOUTH MIAMI, WITH ST. ALBAN’S DAY NURSERY, INC., TRANSFERRING PROPERTY MAINTENANCE RESPONSIBILITIES FROM THE COUNTY TO THE TENANT; INCORPORATING ADDITIONAL ARTICLES IN THE LEASE AS OF THE EFFECTIVE DATE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 100724] (General Services Administration)

*Adopted as amended  
Resolution R-566-10  
Mover: Carlos A. Gimenez  
Seconder: Barbara J. Jordan  
Vote: 7- 0  
Absent: Edmonson, Heyman,  
Barreiro, Sorenson, Souto, Seijas*

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

*Commissioner Gimenez provided a brief overview of the status of the transfer of property maintenance responsibilities from the County to St. Alban’s Day Nursery, Inc. He advised the Board members that he requested representatives from General Services Administration Department to complete existing repairs so the building would be in good condition at time of transfer.*

*There being no further questions or comments, the Board adopted the foregoing resolution as amended to correct a scrivener’s error on handwritten page 6 at the end of the “Now Therefore” clause to insert the language “...and authorized the Mayor or County Mayor’s designee to exercise any and all other rights conferred therein...”*

8F1A SUPPLEMENT

**101256 Supplement**

SUPPLEMENTAL INFORMATION RE: LEASE AGREEMENT WITH ST. ALBAN'S NURSERY, INC.

*Presented*

**8G (No items were submitted for these sections.)**

**thru  
8K**

**8L OFFICE OF STRATEGIC BUSINESS MANAGEMENT**

8L1A

**100775                      Resolution**

RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2009-10 FOR THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY (Office of Strategic Business Management)

*Deferred to no date certain*  
*Mover: Jose "Pepe" Diaz*  
*Seconder: Rebeca Sosa*  
*Vote: 11- 0*  
*Absent: Heyman, Barreiro*

**Report:** *During consideration of changes to today's (5/18) agenda, the Board deferred the foregoing proposed resolution to no date certain as recommended and requested by the County Manager in his memorandum dated May 18, 2010, entitled, "Changes for the May 18, 2010 BCC Meeting."*

**4/14/2010**    *Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee*

**5/4/2010**    *Deferred by the Board of County Commissioners*

8L1B

**101215 Resolution**

RESOLUTION CALLING FOR A SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATE PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE MIAMI-DADE COUNTY HOME RULE CHARTER BE AMENDED TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS (BOARD) TO GRANT A FRANCHISE OR AMEND A FRANCHISE AGREEMENT UPON APPROVAL OF A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT WITHOUT REQUIRING SUBSEQUENT APPROVAL OF THE PROPOSED FRANCHISE OR AMENDMENT BY A MAJORITY OF THE ELECTORATE (Office of Strategic Business Management)

*Deferred to June 3, 2010*

*Mover: Jose "Pepe" Diaz*

*Seconder: Rebeca Sosa*

*Vote: 8- 0*

*Absent: Jordan, Rolle, Heyman, Barreiro, Souto*

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

*In response to Commissioner Gimenez' inquiry of whether Miami-Dade municipalities held elections for this type process or had it approved by their respective commissions, Ms. Jennifer Glazer-Moon advised that according to staff's research, every other municipality did not require a referendum. She further noted, the research found no other county that required a referendum process for approval of a proposed franchise.*

*County Manager Burgess explained the reason Miami-Dade County required an election/referendum process for franchise approval.*

*Commissioner Sosa expressed concern that the question posed to the voters would be unclear and portray a message of there being a power struggle between commissioners. She requested the language be clarified by the County Attorney to inform the community of this item's purpose for being on the ballot.*

*Assistant County Attorney Oren Rosenthal advised that language could be added to the ballot question to explain the purpose behind the question. He noted, however, that ballot questions should generally be drafted as neutral to avoid as much challenge as possible.*

*Commissioner Diaz concurred with Commissioner Sosa's remarks that the intent of this question being on the ballot needed to be clearly stated on the ballot.*

*Mr. Burgess stated this item did not need to have the Board's action today, however, it would need to be acted upon at the next meeting to fit in the window for the election in August. He proposed that staff would prepare language that was clearer and better explained and bring back to this Board at the next Commission Meeting.*

*There being no further questions or comments, the Board voted to defer the foregoing proposed resolution.*

**8M**        **(No items were submitted for these sections.)**  
**and**  
**8N**

**80**        **PROCUREMENT MANAGEMENT DEPARTMENT**

801A

**101171**        **Resolution**

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

*Adopted*  
**Resolution R-567-10**  
**Mover: Natacha Seijas**  
**Seconder: Audrey M. Edmonson**  
**Vote: 9- 0**  
**Absent: Jordan, Rolle, Heyman,**  
**Barreiro**

**Report:** *Note: The Board considered the foregoing proposed resolution simultaneously with Agenda Item 801C.*

*Commissioner Seijas noted the language in the titles of Agenda Items 801A and 801C did not appropriately reflect the information that the Board would be voting on, such as the number of contracts, as did the body of the resolution.*

*In response to Commissioner Seijas' concern, Assistant County Attorney Hugo Benitez advised that the referenced items were presented to cover a wide range of contracts. He noted the County Attorney's Office was willing to work with Commissioner Seijas to develop a more finite description that would narrow the scope of the authorization in the title.*

*Commissioner Seijas' noted she accepted Mr. Benitez' response as what this was needed to resolve this issue.*

*Hearing no further questions or comments, the Board proceeded to vote on Agenda Items 801A and 801C, simultaneously.*

801B

**100919                      Resolution**

RESOLUTION APPROVING A LEASE AGREEMENT WITH FUEL MIAMI, LLC TO LEASE THE SOUTH FAÇADE OF THE COUNTY'S CENTRAL SUPPORT FACILITY FOR THE PURPOSE OF MURAL ADVERTISING SERVICES, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH LEASE AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN CONTRACT NO. RFP702 (Procurement Management Department)

*Amended*

**Report:** (SEE AGENDA ITEM 801B AMENDED; LEGISLATIVE FILE NO. 101294.)

**4/13/2010**    Forwarded with a favorable recommendation from the Budget, Planning and Sustainability Committee

**5/4/2010**    Deferred by the Board of County Commissioners

801B AMENDED

**101294                      Resolution**

RESOLUTION APPROVING A LEASE AGREEMENT WITH FUEL MIAMI, LLC TO LEASE THE SOUTH FAÇADE OF THE COUNTY'S CENTRAL SUPPORT FACILITY FOR THE PURPOSE OF MURAL ADVERTISING SERVICES, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH LEASE AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN CONTRACT NO. RFP702 (SEE LEGISLATIVE FILE NO. 100919) (Procurement Management Department)

*Adopted as amended  
Resolution R-568-10  
Mover: Natacha Seijas  
Seconder: Carlos A. Gimenez  
Vote: 7- 3  
No: Jordan, Sorenson, Souto  
Absent: Heyman, Barreiro,  
Martinez*

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

Assistant County Attorney Monica Rizo noted read into the record amended language to replace the current language on handwritten page 40, under Subsection C. Graphics, in response to Commissioner Sorenson's concern.

In response to Commissioner Edmonson's inquiry as to whether this bid award was offered to the second highest bidder, Ms. Miriam Singer, Department of Procurement Management Director (DPM), answered yes. Pertaining to Commissioner Edmonson's question of whether the recommended vendor's mailing address was in New York, Ms. Singer noted Fuel Miami, LLC was the recommended vendor, whose address was 2610 N. Miami Avenue, Miami, FL, and its principal was Sergio Fernandez de Cordova.

County Manager George Burgess responded to Commissioner Edmonson's concerns regarding how the mural would affect the building, and noted this would improve the building's image and overall aesthetics of the area.

Pertaining to Commissioner Edmonson's concern with the potential for traffic accidents caused by the mural's lighting, Ms. Wendy Norris, General Services Administration (GSA) Director clarified that the only lighting was to illuminate the sign, not directed towards traffic.

Commissioner Gimenez asked the County Manager to meet with other advertising companies to identify other revenue generating options available to the County, through the advertising industry and to submit his recommendations to the Board. Additionally, Commissioner Gimenez asked the County Attorney to review the County Manager's recommendations on additional revenue generating options for legal sufficiency.

Commissioner Diaz concurred with Commissioner Gimenez' opinion that staff should look at other available options and asked if the proposed offer was the best deal the County could negotiate.

In response to Commissioner Diaz' concern regarding the best deal, Ms. Singer advised that this proposed offer was a very good deal for the County and a good revenue source.

Mr. Burgess indicated staff was confident this was a good opportunity and was pleased with this deal

Commissioner Jordan spoke in opposition and indicated she felt this would be the beginning of the end, as the County would be unable to stop this from escalating.

Hearing no further questions or comments, the Board adopted the foregoing resolution as amended on handwritten page 40, to delete the title and language reflected as "Subsection C," and to insert in its place, the following language:

**C. Advertising Content and Appearance**

The County, seeking to raise and maximize revenue for the County, is contracting for the services contained in the lease agreement. The services requested are specifically limited to building mounted wall murals. The County intends that its wall space constitutes a non-public forum that is subject to the viewpoint neutral restrictions set forth below:

1. No non-commercial advertising shall be allowed. The term advertising shall mean advertising not intended to directly or indirectly promote products, goods or services.
2. No advertising shall be allowed that includes advertisement of tobacco and tobacco products.
3. No advertising shall be allowed that contains false, misleading or deceptive materials or that contains libelous material.
4. No advertising shall be allowed that contains material that is obscene. The County shall review all advertisements for compliance with the requirements set forth herein, and may reject any advertisement that violates any of the restrictions contained in this Subsection. All advertisements shall be submitted to the County's project manager for review no less than ten (10) business days in advance of the scheduled mural installation date. If the County's project manager determines that a proposed advertisement should be rejected because such advertisement violates any of the restrictions set forth in this Subsection, the County's project manager shall forward its recommendation for advertisement rejection to the County Manager. The County Manager after consultation with the County Attorney's Office, shall issue a final determination on the matter. If the County has not approved or rejected a proposed advertisement within ten (10) business days of submittal, that advertisement shall be deemed approved for all purposes under this Subsection C."

801C

**101174 Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTION-TO-RENEW PERIODS FOR COMPETITIVE CONTRACTS AWARDED UNDER THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE'S DELEGATED AUTHORITY FOR THE PURCHASE OF GOODS AND SERVICES AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS FOR THE PURCHASE OF GOODS AND SERVICES (Procurement Management Department)

**Adopted**  
**Resolution R-569-10**  
**Mover: Natacha Seijas**  
**Seconder: Audrey M. Edmonson**  
**Vote: 9- 0**  
**Absent: Jordan, Rolle, Heyman, Barreiro**

**Report:** (See report under agenda item 801A; Legislative File No. 101171.)

801D

**101053                      Resolution**

RESOLUTION APPROVING AWARD OF CONTRACT NO. 9245-0/12: MODEL YEAR 2010/2011 MOTOR VEHICLES FOR THE MIAMI-DADE POLICE DEPARTMENT, TO ATLANTIC COAST AUTOMOTIVE, INC., DON REID FORD, INC., AND AUTO HOLDINGS, LLC, IN THE AMOUNT OF \$5,900,000; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE CONTRACTS AND TO EXERCISE ANY RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN (Procurement Management Department)

*Adopted*

*Resolution R-570-10*

*Mover: Jose "Pepe" Diaz*

*Seconder: Dennis C. Moss*

*Vote: 12- 0*

*Absent: Heyman*

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

*In response to Commissioner Sosa's inquiry of whether this item could be deferred until the budget was balanced, County Manager George Burgess explained that the mileage on half the cars in the department's exceeded a hundred thousand miles. He emphasized the importance of ensuring the safety of the equipment driven by the officers and noted this request was essential. Regarding Commissioner Sosa's concern that this would precipitate the layoff of police officers, Mr. Burgess informed her that the purchase of vehicles had nothing to do with personnel issues.*

*Commissioner Sosa referenced the language in this resolution reflecting that the entire purchase was technically funded by the General Fund and noted this was her concern. She asked if the foregoing resolution was a matter of safety for the life of police officers, to which Mr. Burgess answered "absolutely."*

*Commissioner Sorenson suggested that the County urge vehicle manufacturers to equip hybrid vehicles with the proper devices so they may be used by the police departments.*

*Commissioner Souto inquired about the large amount of County vehicles being stored at the Earlington Heights Metrorail Station. He expressed concern that these vehicles were vulnerable to theft, vandalism, and/or other random acts of violence.*

*Ms. Wendy Norris, General Services Administration (GSA) Director, noted a resolution approved by the Board last month that detailed a series of questions by Commissioner Souto that would speak these concerns.*

*In response to Commissioner Souto's comment that he was dissatisfied with Ms. Norris' explanation for those vehicles being stored at that location, Chairman Moss advised that a report was forthcoming on that issue. Chairman Moss asked the County Manager to work with the Transit Department Director and all other parties involved, to ensure that the Earlington Heights Metrorail was properly connected to Miami Inter-Modal Center (MIC).*

*County Manager noted parts of the Earlington Heights Station garage had been used for staging vehicles because of the previous underutilization of that area.*

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

*Basing her concern on the recent tragic accident involving a patrolman, Commissioner Jordan inquired about a safety feature existing, that protected gas tanks and prevented fires existed and whether these were installed on the subject new vehicles.*

*Following discussion regarding the recent police fatality, Chairman Moss asked the General Services Administration Director to bring back a report, to this Board, on the safety feature for vehicles that prevented gas tanks from exploding on impact.*

Chairman Moss asked the General Services Administration Director to bring back a report, to this board, on the safety feature for vehicles that prevented gas tanks from exploding on impact. He noted he had concerns with using General Fund dollars to fund this procurement; however, he noted he would support the item to ensure safety of the police officers.

5/11/2010 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Budget, Planning and Sustainability Committee

801D SUPPLEMENT

**101234 Supplement**

SUPPLEMENT TO AWARD RECOMMENDATION FOR CONTRACT NO. 9245-0/12: MODEL YEAR 2010/2011 MOTOR VEHICLES FOR THE MIAMI-DADE POLICE DEPARTMENT

*Presented*

5/11/2010 Presented by the Budget, Planning and Sustainability Committee

**8P and 8Q (No items were submitted for these sections.)**

**8R WATER AND SEWER DEPARTMENT**

8R1A

**101042 Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE A 60-DAY EXTENSION OF TIME TO RECOMMEND FOR PURPOSES OF PUBLICATION ACCEPTANCE OR REJECTION OF THE UNSOLICITED PROPOSAL FOR A DESIGN/BUILD PROJECT OF AN ON-SITE CHLORINE GENERATION AND EMERGENCY GENERATOR SYSTEM AT THE JOHN E. PRESTON AND ALEXANDER ORR JR. WATER TREATMENT PLANTS (Water & Sewer Department)

*Adopted  
Resolution R-571-10  
Mover: Natacha Seijas  
Second: Dorrin D. Rolle  
Vote: 12- 0  
Absent: Heyman*

**Report:** Commissioner Seijas asked that in the process of constructing the chlorine and emergency generator system, the Water and Sewer Department Director find ways to upgrade the John E. Preston Water Treatment Plant and to improve the aesthetics this facility.

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

5/11/2010 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Government Operations Committee

**9 ADDITIONAL DEPARTMENTAL ITEMS**

**10 AUTHORITIES, BOARDS, COUNCILS AND TRUSTS**

**11 COUNTY COMMISSION**

**11A RESOLUTIONS**

11A1

**101187**

**Resolution**

**Barbara J. Jordan**

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO RETURN TO THE COUNTY COMMISSION AND THE COUNTY MANAGER, AS OF NOVEMBER 2012, CERTAIN POWERS AND RESPONSIBILITIES PREVIOUSLY TRANSFERRED TO THE MAYOR

*The motion that this Resolution be Adopted failed.*

*Mover: Barbara J. Jordan*

*Seconder: Audrey M. Edmonson*

*Vote: 4- 7*

*No: Barreiro, Sosa, Gimenez, Sorenson, Martinez, Diaz, Seijas*

*Absent: Heyman, Souto*

**Report:** *NOTE: The Board considered agenda items 11A1 and 11A1 Alternate simultaneously.*

*Chairman Moss provided a brief overview of the issues surrounding the foregoing proposed resolution. He invited the respective sponsors of Items 11A1 (Commissioner Jordan) and 11A1 Alternate (Commissioner Gimenez) to explain their positions on these items.*

*Commissioner Jordan noted she felt the Commission had been handicapped in its efforts to carry out its responsibilities over the past two years with the current form of government. She advised that if this item passed, it would go into effect in 2012, when the current Mayor's tenure would expire. Commissioner Jordan expressed concern with the way the recent budget process transpired and the Commission's lack of a mechanism to perform County business.*

*Commissioner Gimenez explained that he was not opposed to this question before the voters on a regularly scheduled County Commission vote. He noted he was opposed to a strong mayor form of government because of his fear of the wrong person taking the job and the incredible amount of power that person would have unchecked by the County Commission. Commissioner Gimenez stated that, unlike Congress having the ability to remove the President of the United States, this Commission would not be able to remove the strong mayor. He noted he disagreed with Commissioner Jordan's proposed effective date of 2012, and recalling that the strong mayor form of government took effect midterm, noted he felt this change should take effect immediately. Commissioner Gimenez advised that if either of the two proposed resolutions (Item 11A1 or 11A1 Alternate) was adopted by this Board, he would withdraw Agenda Item 11A3, which concerned the County Manger's position.*

*County Mayor Carlos Alvarez responded to some of the issues raised by Commissioner Gimenez regarding the Commission's ability to remove a strong mayor from office. He advised that any citizen of Miami-Dade County can, through a referendum, place a question on the ballot to have the strong mayor removed at any time. Additionally, Mayor Alvarez noted, if it was during the strong mayor's first term, the voters could vote the mayor out of office for the second term. He recalled that many commissioners were opposed to the strong mayor form of government and pointed out that this new form of government had been in place for only three years. Mayor Alvarez explained that this was a new system of government and that the Commission and County staff needed to get accustomed to it. He noted this system had not been given an opportunity to work, particularly in challenging times as were being currently experienced.*

*Regarding Commissioner Gimenez' concern regarding the strong mayor's power being unchecked by the Commission in the event of a problem, Mayor Alvarez stated the County Commission will always be the governing body. He noted that, with the exception of personnel issues, the Commission controlled most of the decisions the mayor made. Mayor Alvarez stated he felt that a real checks and balances structure was in place and that this new system should be given more time before it was removed.*

*Commissioners Diaz and Sorenson spoke in opposition and noted they would vote no on both items.*

*Commissioner Martinez noted he was not in favor of Commissioner Jordan's*

proposal to make the effective date in 2012 because that was being selective. He emphasized that this issue was about a form of government, not a person. Commissioner Martinez further noted the Mayor had the authority to hire and fire department heads through the County Manager, and could fire the County Manager as well. He noted the only change was what Commissioner Jordan stated that the County Manager was not as responsive to the Commission as he was pre-strong mayor government. Commissioner Martinez commented that the County Manager did not have to be responsive to the Commission and noted he concurred with the County Manager, who stated he did not work for the County Commission but for the Mayor. Commissioner Martinez clarified that the staff member(s) had not attended the budget hearing referenced by Commissioner Jordan due to a mistake.

Commissioner Edmonson spoke in support of Commissioner Jordan's resolution and explained that she was in favor of the 2012 effective date because the electors voted for a strong mayor for this term. She noted she also had a fear of putting that much power in one person's hands and things not working out. Commissioner Edmonson noted she would second Commissioner Jordan's motion when it was made.

Commissioner Seijas noted she originally opposed the strong mayor form of government and fought the issue in court several time; however, when the mayor prevailed in court, she accepted the change. She noted she understood Commissioner Jordan's position but would abstain from voting on this issue.

Chairman Moss noted he would support Item 11A1, which made the proposed change effective in 2010, because although he was opposed to a strong mayor form of government, he felt the current Mayor should be allowed to complete his term. He stated he would not support 11A1 Alternate.

Following closing remarks by Commissioner Jordan, the Board proceeded to conduct a roll call vote on Agenda Item 11A1, with failed to carry.

Subsequently, Commissioner Gimenez withdrew Agenda Item 11A1 Alternate.

11A1 ALTERNATE

|  |                   |                          |
|--|-------------------|--------------------------|
| <b>101218</b>  | <b>Resolution</b> | <b>Carlos A. Gimenez</b> |
| RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO RETURN TO THE COUNTY COMMISSION AND THE COUNTY MANAGER CERTAIN POWERS AND RESPONSIBILITIES PREVIOUSLY TRANSFERRED TO THE MAYOR (SEE ORIGINAL ITEM UNDER FILE NO. 101187) |                   | <b>Withdrawn</b>         |

**Report:** Commissioner Gimenez, the sponsor withdrew the foregoing proposed resolution.

**NOTE:** See Report under Agenda Item 11A1, Legislative File No. 101187.

11A2

**101223**

**Resolution**

**Katy Sorenson,  
Jose "Pepe" Diaz,  
Sally A. Heyman,  
Rebeca Sosa,  
Barbara J. Jordan,  
Dennis C. Moss**

RESOLUTION SUPPORTING THE CONTINUATION OF THE FEDERAL MORATORIUM ON OFFSHORE OIL AND GAS DRILLING TO PROTECT FLORIDA'S COAST AND TOURISM-RELATED INDUSTRY; URGING CONGRESS NOT TO ALLOW FOR SUCH OFFSHORE DRILLING; OPPOSING ANY EFFORT BY THE FLORIDA LEGISLATURE TO ALLOW FOR OFFSHORE DRILLING NEAR THE FLORIDA COAST

*Adopted*  
*Resolution R-572-10*  
*Mover: Katy Sorenson*  
*Seconder: Rebeca Sosa*  
*Vote: 10- 2*  
*No: Barreiro, Martinez*  
*Absent: Heyman*

**Report:** *In response to Commissioner Diaz' question regarding whether the County and other counties were combining resources to address this oil emergency, County Manager George Burgess noted the County's Department of Emergency Management staff was in constant contact with state and federal officials regarding this issue. He noted current efforts were focused on monitoring and tracking the activity in the Gulf.*

*Chairman Moss asked the County Manager to prepare a report for placement on the next BCC meeting agenda, under discussion item(s) instructing the Administration to provide full briefings on the status of the Gulf Oil Spill and the potential impact to Miami-Dade County.*

*Mr. Curtis Sommerhoff, Department of Emergency Management Director, noted his staff was working with the U. S. Coast Guard, Miami-Dade Department of Environmental Resources Management, National Oceanic and Atmospheric Administration (NOAA), and other state/local partners. He advised that there was a Sector Miami Area Contingency Plan in place that addressed hazardous materials and oil spills. Mr. Sommerhoff noted the plan included an Area Committee, consisting of the aforementioned entities, which had engaged weekly since the occurrence of the oil spill to address concerns. He provided a brief overview of the Area Committee's efforts and noted potential impacts to South Florida Beaches.*

*Commissioner Martinez asked the County Manager to collaborate with the Office of Intergovernmental Affairs Director and the County's lobbyists to develop strategies to ensure that the County received as much assistance as possible from the \$25 million pledged to the State Of Florida by the British Petroleum Oil Company (BP).*

*Commissioner Gimenez asked the County Manager to research and include in the report, requested by Chairman Moss, the similarities and differences between the 1979 explosion at the Ixtoc Oil Well and the April 24, 2010, Deepwater Horizon explosion, both in the Gulf of Mexico. He asked that this report also include information regarding how the 1979 oil spill was managed, the impact of that spill on this community, and, whether or not it infiltrated the Gulf Stream.*

*Discussion ensued among Commission members and staff regarding concerns with oil drilling in the Gulf Coast and off the coast of Florida and the current moratorium.*

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

11A3

**101181**                      **Resolution**                      **Carlos A. Gimenez**

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO ELIMINATE THE OFFICE OF THE COUNTY MANAGER

*Amended*

**Report:** (SEE AGENDA ITEM 11A3 AMENDED; LEGISLATIVE FILE NO. 101527.)

**5/11/2010**      Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Government Operations Committee

11A3 AMENDED

**101527**                      **Resolution**                      **Carlos A. Gimenez**

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO ELIMINATE THE OFFICE OF THE COUNTY MANAGER (SEE ORIGINAL ITEM UNDER FILE NO. 101181)

*Adopted as amended  
Resolution R-573-10  
Mover: Carlos A. Gimenez  
Seconder: Rebeca Sosa  
Vote: 7- 4  
No: Jordan, Rolle, Sorenson,  
Seijas  
Absent: Heyman, Souto*

**Report:** The Board adopted the foregoing resolution as amended to insert the following language on handwritten page 4, line 1 of the proposed ballot question after the word "amended": "...effective November 2012..."

11A4

**101212**                      **Resolution**                      **Joe A. Martinez**

RESOLUTION APPROVING THE ALLOCATIONS OF UNEXPENDED DISTRICT 11 DISCRETIONARY RESERVE FUNDS, AND RESCINDING PRIOR ALLOCATION FROM DISTRICT 11 DISCRETIONARY RESERVE FUNDS

*Adopted  
Resolution R-574-10  
Mover: Jose "Pepe" Diaz  
Seconder: Rebeca Sosa  
Vote: 11- 0  
Absent: Heyman, Barreiro*

11A5

**101225**                      **Resolution**                      **Dennis C. Moss**

RESOLUTION APPROVING ALLOCATIONS OF FY 2009-10 DISTRICT 9 OFFICE FUNDS, OFFICE OF THE CHAIR FUNDS AND OFFICE OF THE CHAIR DIVISION POOL FUNDS TO FUND VARIOUS PROGRAMS

*Adopted  
Resolution R-575-10  
Mover: Jose "Pepe" Diaz  
Seconder: Rebeca Sosa  
Vote: 11- 0  
Absent: Heyman, Barreiro*

11A6

**101209 Resolution Dorrin D. Rolle**

RESOLUTION RESCINDING PRIOR ALLOCATION FROM DISTRICT 2 OFFICE BUDGET FUNDS AND REALLOCATING SAID FUNDS TO REDDY ICE, CORP.

*Adopted  
Resolution R-576-10  
Mover: Jose "Pepe" Diaz  
Seconder: Rebeca Sosa  
Vote: 11- 0  
Absent: Heyman, Barreiro*

**11B ADDITIONAL BUDGET ALLOCATIONS**

11B1

**101297 Report**

REIMBURSEMENT OF P-CARD WITH SPONSORSHIP DOLLARS (DISTRICT 1)

*Approved  
Mover: Jose "Pepe" Diaz  
Seconder: Dennis C. Moss  
Vote: 11- 0  
Absent: Heyman, Sorenson*

**Report:** *For the record, Commissioner Jordan asked that her P-Card be reimbursed with sponsorship dollars received as follows:*

*\$54.95 for purchase made for the 4th Annual Valentine Dance  
\$194.48 for purchases made for the 2010 Relay for Life Event*

11B2

**101298 Report**

REIMBURSEMENT FROM COMMUNITY BASED ORGANIZATIO - OFFICE ACCOUNT FUNDS (DISTRICT 4)

*Approved  
Mover: Jose "Pepe" Diaz  
Seconder: Dennis C. Moss  
Vote: 11- 0  
Absent: Heyman, Sorenson*

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

*\$2,500 from Informed Families  
\$50 from Humane Society of Greater Miami  
\$4,000 from Association for Retarded Citizens  
\$325 from Krop PTA*

11B3

**101299 Report**

ALLOCATION OF (FY) 2009/10 OFFICE FUNDS (DISTRICT 5)

*Approved**Mover: Jose "Pepe" Diaz**Seconder: Dennis C. Moss**Vote: 11- 0**Absent: Heyman, Sorenson*

**Report:** *The following funding allocation was made from fiscal year (FY) 2009/10 District 5 Office Funds as requested by Commissioner Barreiro.*

*\$2,500 to Cuban Mosaic*

11B4

**101300 Report**

ALLOCATION OF (FY) 2009/10 DISTRICT OFFICE BUDGET FUNDS (DISTRICT 12)

*Approved**Mover: Jose "Pepe" Diaz**Seconder: Dennis C. Moss**Vote: 11- 0**Absent: Heyman, Sorenson*

**Report:** *The following funding allocations were made from fiscal year (FY) 2009/10 District 12 Office Budget Funds as requested by Vice-Chairman Diaz.*

*\$2,300 to PBA Love Fund*

*\$2,500 to Radio Paz*

*\$500 to National MS Society c/o Betty Trueba*

*\$5,000 to Young Marines of Miami Dade*

**12****COUNTY MANAGER**

12A1

**100843 Resolution**

RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE'S ACTION TO APPLY FOR U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FUNDS AS PART OF A COLLABORATIVE REGIONAL PARTNERSHIP WITH SOUTH FLORIDA REGIONAL PLANNING COUNCIL AND THE TREASURE COAST REGIONAL PLANNING COUNCIL; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO RECEIVE, EXPEND, AND EXECUTE SUCH CONTRACTS, AGREEMENTS, AND MEMORANDA OF UNDERSTANDING, AND AMENDMENTS WITH REGIONAL PARTNERS AFTER APPROVAL BY THE COUNTY ATTORNEY; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND ADDITIONAL FUNDS THAT MAY BECOME AVAILABLE (SEE AGENDA ITEM NO. 2C1) (County Manager)

*Adopted  
Resolution R-577-10  
Mover: Katy Sorenson  
Seconder: Rebeca Sosa  
Vote: 11- 0  
Absent: Heyman, Barreiro*

**Report:** *First Assistant County Attorney Abigail Price-Williams read the foregoing proposed special presentation and related proposed resolution under Agenda Item 12A1 into the record, simultaneously.*

*Ms. Carolyn Dekle, Executive Director, South Florida Regional Planning Council (SFRPC), appeared before the Board and requested the County's participation in the Memorandum of Understanding to qualify the SFRPC for a federal grant through the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation (DOT), and the U.S. Environmental Protection Agency (EPA).*

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

**4/13/2010** *Forwarded with a favorable recommendation from the Budget, Planning and Sustainability Committee*

12A2

**101182 Resolution**

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT RESOLVING PENDING LITIGATION RELATED TO COUNTY-OWNED RIGHT-OF-WAY ABUTTING THE LAKES OF THE MEADOW SUBDIVISION ON SW 157TH AVENUE, MIAMI-DADE COUNTY, FLORIDA (County Attorney, County Manager)

*Adopted  
Resolution R-578-10  
Mover: Joe A. Martinez  
Seconder: Rebeca Sosa  
Vote: 12- 0  
Absent: Heyman*

12A3

**100806 Resolution**

RESOLUTION APPROVING THE STRATEGIC COMMUNITY PLAN FOR THE MIAMI CHILDREN'S INITIATIVE PURSUANT TO H.B. 381, SECTION 409.147 OF THE FLORIDA STATUTES AND COUNTY RESOLUTION 933-09; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO MOVE FORTH IN PROVIDING SUPPORT AND ASSISTANCE TO THE OUNCE OF PREVENTION FUND OF FLORIDA, INC. IN THE CREATION OF THE "MIAMI CHILDREN'S INITIATIVE, INC.", A NOT-FOR-PROFIT ENTITY [SEE ORIGINAL ITEM UNDER FILE NO. 100487] (County Manager)

*Adopted**Resolution R-579-10**Mover: Jose "Pepe" Diaz**Seconder: Rebeca Sosa**Vote: 11- 0**Absent: Heyman, Barreiro*

**3/25/2010** Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Housing & Community Development Committee

**4/20/2010** Deferred by the Board of County Commissioners

12A4

**101045 Resolution**

RESOLUTION APPROVING THE MIAMI-DADE COUNTY IDENTITY THEFT PREVENTION PROGRAM IN ACCORDANCE WITH THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003 (County Manager)

*Adopted**Resolution R-580-10**Mover: Jose "Pepe" Diaz**Seconder: Dorrin D. Rolle**Vote: 11- 0**Absent: Heyman, Seijas*

**Report:** In response to Commissioner Sosa's question of how these recurring costs affect the budget, Mr. Howard Piper, Special Assistant to the County Manager, advised that only \$4,160 for database maintenance would recur. He noted the \$8,100 was a one-time expenditure to roll out an online training program.

Commissioner Sosa requested the Administration to indicate in future items whether the request had already been approved by the Board and avoid Commission members needlessly pulling items. Additionally, she noted the Commission Auditor's attention should be directed to the recurring funds reflected in this resolution that would impact the upcoming budget.

Responding to Commissioner Diaz' inquiry regarding the departments involved in the program's initial process, Mr. Piper noted the Enterprise Technology Services and Finance Departments would take the lead in getting the program started. He indicated that Commissioner Diaz' interpretation that current County employees would be reassigned and no new staff would be hired for this project was correct.

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

**5/11/2010** Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Government Operations Committee

12A5

**101059 Resolution**

RESOLUTION AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT WITH BRUCE MATHESON (County Manager, County Attorney)

*Adopted  
Resolution R-581-10  
Mover: Carlos A. Gimenez  
Seconder: Joe A. Martinez  
Vote: 10- 2  
No: Barreiro, Sosa  
Absent: Heyman*

**Report:** *Commissioner Barreiro spoke in opposition to the proposed settlement request reflected in the foregoing proposed resolution. He pointed out that several incidents involving the subject property had occurred and objected to the County's tendency to always settle issues out of court.*

*It was moved by Commissioner Gimenez that the foregoing proposed resolution be adopted as presented. This motion was seconded by Commissioner Martinez for discussion.*

*County Manager Burgess responded to Commissioner Sosa's request for clarification on this resolution provided that the Matheson family, who were taxpayers, was alleging that the County had not adhered to the terms of the Crandon Park Master Plan. He provided a detailed overview of the legal process leading up to today's proposal.*

*Discussion ensued between Commission members and staff regarding the County's exposure with regard to the Master Plan and potential protective measures to eliminate this risk.*

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

**13 COUNTY ATTORNEY**

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

14A1

**100773 Resolution**

RESOLUTION APPROVING THE REDUCTION OF UNITS FOR THE 321-327 MICHIGAN AVENUE PROJECT; APPROVING THE NAME CHANGE FROM 321-327 MICHIGAN AVENUE TO STEVEN E. CHAYKIN APARTMENTS AND FURTHER AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS ON BEHALF OF MIAMI-DADE COUNTY (Department of Housing and Community Development)

*Adopted  
Resolution R-582-10  
Mover: Joe A. Martinez  
Seconder: Barbara J. Jordan  
Vote: 12- 0  
Absent: Heyman*

**4/14/2010** *Forwarded to BCC with a favorable recommendation from the Housing & Community Development Committee*

**5/7/2010** *Application signed by required number of commissioners for renewal by the Board of County Commissioners to the Housing & Community Development Committee*

**5/12/2010** *Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Housing & Community Development Committee*

14A1 SUPPLEMENT

**101169 Supplement**

SUPPLEMENTAL REPORT RE: STEVEN E. CHAYKIN  
APARTMENTS (FORMERLY 321-327 MICHIGAN AVENUE)  
AFFORDABLE HOUSING DEVELOPMENT

*Presented*

**5/12/2010** Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Housing & Community Development Committee

14A2

**101125 Resolution**

RESOLUTION APPROVING AMENDMENTS TO THE SUBSTANTIAL AMENDMENT TO THE 2008 ACTION PLAN PREVIOUSLY APPROVED FOR THE NEIGHBORHOOD STABILIZATION PROGRAM; AUTHORIZING THE SUBMISSION WITH U.S. HUD OF MIAMI-DADE COUNTY'S AMENDED FY 2008 ACTION PLAN WITH PROJECTED USES OF FUNDS ALLOCATED FOR THE NEIGHBORHOOD STABILIZATION PROGRAM AS AUTHORIZED BY TITLE III OF THE HOUSING AND ECONOMIC RECOVERY ACT OF 2008 FOR ACTIVITIES DESCRIBED AS SOFT SECOND MORTGAGES, ACQUISITION AND REHABILITATION OF SINGLE FAMILY AND MULTI-FAMILY RESIDENTIAL PROPERTIES, DEMOLITION OF BLIGHTED STRUCTURES, AND REDEVELOPMENT OF VACANT LAND; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MAKE NON-SUBSTANTIVE MODIFICATIONS TO THE AMENDED FY 2008 ACTION PLAN; AND EXECUTE ALL CONTRACTS, AGREEMENTS, AMENDMENTS, AND TO SHIFT FUNDS AWARDED FOR A PROJECT TO AN ENTITY CREATED FOR THE PURPOSE OF CARRYING OUT A PROJECT NECESSARY TO CARRY OUT THE NEIGHBORHOOD STABILIZATION PROGRAM ACTIVITIES (Department of Housing and Community Development)

*Adopted*  
**Resolution R-562-10**  
**Mover: Audrey M. Edmonson**  
**Second: Dennis C. Moss**  
**Vote: 12- 0**  
**Absent: Heyman**

**5/12/2010** Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Housing & Community Development Committee

14A2 SUPPLEMENT

**101257 Supplement**

SUPPLEMENTAL REPORT RE: AMENDMENT TO MIAMI-DADE COUNTY'S NEIGHBORHOOD STABILIZATION PROGRAM

*Presented*

14A3

**101247 Resolution**

**Rebeca Sosa**

RESOLUTION APPROVING THE ALLOCATION OF FY 2009-2010 DISTRICT 6 OFFICE BUDGET FUNDS

*Adopted*  
**Resolution R-565-10**  
**Mover: Joe A. Martinez**  
**Second: Barbara J. Jordan**  
**Vote: 12- 0**  
**Absent: Heyman**

14A4

**101255**

**Ordinance**

**Jose "Pepe" Diaz**

ORDINANCE AMENDING SECTIONS 2-207, 2-265, 2-535, 2-835, AND 2-1090 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT THE OFFICE OF THE CHAIRPERSON OF THE COUNTY COMMISSION, RATHER THAN THE COUNTY MAYOR AND COUNTY MANAGER, SHALL PROVIDE SUPERVISION OVER AND SUPPORT FOR THE COMMUNITY RELATIONS BOARD, THE COMMISSION FOR WOMEN, THE MIAMI-DADE COUNTY HISPANIC AFFAIRS ADVISORY BOARD, THE MIAMI-DADE COUNTY BLACK AFFAIRS ADVISORY BOARD, AND THE MIAMI-DADE COUNTY ASIAN-AMERICAN ADVISORY BOARD; AMENDING THE FISCAL YEAR 2009-10 COUNTYWIDE GENERAL FUND BUDGET; REMOVING APPROPRIATED FUNDING, REVENUE AND POSITIONS FROM THE OFFICE OF COMMUNITY ADVOCACY AND APPROPRIATING SAME FUNDING, REVENUE AND POSITIONS TO THE OFFICE OF THE CHAIR; RESCINDING ADMINISTRATIVE ORDER NO. 9-2 RELATING TO THE OFFICE OF COMMUNITY RELATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Adopted on first reading  
Public Hearing: July 8, 2010  
Mover: Dorrin D. Rolle  
Seconder: Katy Sorenson  
Vote: 12- 0  
Absent: Heyman*

**Report:** *The foregoing proposed ordinance was adopted on first reading and set for public hearing before the County Commission on July 8, 2010, at 9:30 a.m.*

**15 CLERK OF THE BOARD**

**15B REPORTS**

15B1

**101185**

**Report**

PROPOSED PUBLIC HEARING DATES FOR ORDINANCES SUBMITTED FOR FIRST READING ON MAY 18, 2010 (Clerk of the Board)

**Withdrawn**

**Report:** *See Agenda Item 15B1 Substitute, Legislative File No. 101259.*

15B1 SUBSTITUTE

**101259**

**Report**

PROPOSED PUBLIC HEARING DATES FOR ORDINANCES SUBMITTED FOR FIRST READING ON MAY 18, 2010 (Clerk of the Board)

**Accepted**  
**Mover: Jose "Pepe" Diaz**  
**Seconder: Rebeca Sosa**  
**Vote: 11- 0**  
**Absent: Heyman, Barreiro**

15B2

**101186 Report**

COUNTY COMMISSION MINUTES FOR APPROVAL BY THE BOARD  
 JANUARY 21, 2010 (BCC REGULAR MEETING) (Clerk of the Board)

*Approved*  
*Mover: Jose "Pepe" Diaz*  
*Seconder: Rebeca Sosa*  
*Vote: 11- 0*  
*Absent: Heyman, Barreiro*

**15C COUNTY ADVISORY BOARD APPOINTMENTS**

**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 am)**

16A1

**101195 Certificate of Dennis C. Moss**  
**Appreciation**

PRESENTATION OF A CERTIFICATE OF APPRECIATION TO JAY SOSNA

16A2

**101211 Service Awards Dennis C. Moss**

JACQUELIN REID-WILKINS- CAA- 30YRS.  
 ADAN H. SANDOVAL - GSA - 30YRS.  
 JOSE L. NICHOLS - MIAMI-DADE TRANSIT - 35YRS.  
 WILLIE MAE NOWELLS -MIAMI-DADE TRANSIT - 30YRS.  
 ROBERT L. MENGE - SWM - 30YRS.  
 IGNACIO DE ARMAS JR. - WATER AND SEWER - 35YRS.  
 JACQUELYN DUNWOODY - WATER AND SEWER - 35YRS.

16A3

**101232 Commendation Rebeca Sosa**

PRESENTATION OF COMMENDATIONS TO MR. TONY GOLDMAN AND MS. MARIA A. SASTRE *Presented*

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

**16C METROPOLITAN PLANNING ORGANIZATION AGENDA (Scheduled for 2:00 p.m.)**

**16D NON-AGENDA ITEMS REPORT**

16D1

**101274                      Resolution**

RECONSIDERATION: RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE A METHOD FOR DETERMINING A GREATER SALARY AND ESTABLISHING TERM LIMITS FOR COUNTY COMMISSIONERS

*The motion that this Resolution be Adopted failed.*

*Mover: Barbara J. Jordan*

*Seconder: Bruno A. Barreiro*

*Vote: 3- 9*

*No: Rolle, Edmonson, Sosa, Gimenez, Sorenson, Souto, Martinez, Diaz, Seijas*

*Absent: Heyman*

**Report: Special Item No. 6 from the May 3, 2010 BCC Special Meeting**

On Tuesday, May 4, 2010, the foregoing resolution was adopted as amended by the Board (See Meeting Key #2897; Legislative File No. 101190)

On May 18, 2010, the Board reconsidered its action on the foregoing resolution to consider the item as follows:

It was moved by Commissioner Martinez that the Board reconsider its action taken on the foregoing resolution which was Special Item No. 6 at the BCC Special Meeting of May 3, 2010, and was adopted by the Board of County Commissioners on May 4, 2010 and assigned Resolution No. R-557-10. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 7-5 (Commissioners Edmonson, Gimenez, Martinez, Rolle, Sorenson, Souto and Vice Chairman Diaz voted yes; Commissioners Barreiro, Jordan, Seijas, Sosa and Chairman Moss voted no; Commissioner Heyman was absent).

It was moved by Commissioner Jordan that the foregoing resolution be adopted. This motion was seconded by Chairman Moss.

County Attorney Robert Cuevas read the ballot question as contained in the foregoing proposed resolution as follows:

WHEREAS THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS DEVOTE FULL TIME SERVICE TO THE OFFICE OF COUNTY COMMISSIONER, SHALL THE CHARTER BE AMENDED TO PROVIDE THAT COMMISSIONERS SHALL NO LONGER RECEIVE THE SIX THOUSAND (\$6,000) ANNUAL SALARY ESTABLISHED IN 1957, BUT RECEIVE INSTEAD THE SALARY PROVIDED BY STATE STATUTORY FORMULA ADJUSTED ANNUALLY BY THE COUNTY'S POPULATION (CURRENTLY APPROXIMATELY 92,000) USED BY OTHER FLORIDA COUNTIES, INCLUDING BROWARD: YES NO

Commissioner Sorenson noted she was in favor of putting the question pertaining to full-time salaries before the voters; however, she expressed opposition to the language concerning full-time service because of its ambiguity. She explained that the language did not clarify for the voters that Commissioners were in agreement to become full-time employees without outside employment in exchange for receiving full-time salaries. Commissioner Sorenson proposed a friendly amendment to remove the language pertaining to full-time service.

Commissioner Jordan, as maker of the motion to adopt, did not accept Commissioner Sorenson's proposed amendment.

Upon the motion being put to a roll call vote, it failed to carry by a vote of 9-3 (Commissioners Edmonson, Gimenez, Martinez, Rolle, Seijas, Sorenson, Sosa, Souto and Chairman Diaz voted no; Commissioners Barreiro and Jordan and Chairman Moss voted yes; and Commissioner Heyman was absent).

It was moved by Commissioner Jordan that the Board adopt the foregoing resolution as amended to remove the language relating to the County Commissioners' reimbursement account.

County Attorney Cuevas read into the record the following language from Article 1, Section 1.06 of the Charter: "Each County Commissioner shall

*receive a salary of \$6,000 per year payable monthly and shall be entitled to be reimbursed for reasonable and necessary expenses as may be approved by the Board.” He explained his understanding of Commissioner Jordan’s motion was that this language be deleted from the Charter.*

*This motion was seconded by Commissioner Barreiro, and upon being put to a roll call vote, failed to carry by a vote of 10-2 (Commissioners Edmonson, Gimenez, Martinez, Rolle, Seijas, Sorenson, Sosa, Souto, Vice Chairman Diaz, and Chairman Moss voted No; Commissioners Barreiro and Jordan voted yes; and Commissioner Heyman was absent).*

*It was then moved by Commissioner Barreiro that the foregoing resolution be adopted as amended to provide that County Commissioners shall receive the full time salaries provided by the State Statutory Formula and shall have no outside jobs. This motion was seconded by Commissioner Jordan, and upon being put to a vote, failed to carry by a vote of 4-8 (Chairman Moss and Commissioners Sorenson, Barreiro and Jordan voted yes; Commissioners Seijas, Sosa, Souto, Edmonson, Gimenez, Martinez, Rolle, and Diaz voted No; and Commissioner Heyman was absent).*

16D2

**101273                      Report**

**NON-AGENDA ITEMS REPORT: MOTION TO SET DATES FOR THE FIRST AND SECOND BUDGET HEARINGS**

*Approved  
Mover: Katy Sorenson  
Seconder: Barbara J. Jordan  
Vote: 12- 0  
Absent: Heyman*

**Report:** *The Board approved the following dates for the County Commission's 2010 Budget Hearings:*

*First Budget Hearing - September 13, 2010  
Second Budget Hearing - September 23, 2010.*

16D3

**102578                      Report**

**SUMMER YOUTH PROGRAM**

*Presented*

**Report:** *Chairman Moss asked Commissioner Souto, as Chair of the Recreation, Culture, and Tourism Committee to look into the feasibility of adjusting the wages for the Summer Youth Program to accommodate additional children.*

16D4

**102579 Report**

ZONING HEARINGS CANCELLATIONS: MAY 20, 201 AND  
JUNE 17, 2010

*Approved*  
*Mover: Jose "Pepe" Diaz*  
*Seconder: Barbara J. Jordan*  
*Vote: 11- 0*  
*Absent: Heyman, Barreiro*

**Report:** *Chairman Moss informed members that the last Zoning Hearing was cancelled due to lack of a quorum and advised that, pursuant to Rule 3.01, a motion needed to be adopted by the members present to properly cancel the Zoning Hearings scheduled for May 20, 2010 and June 17, 2010, which had no applications or item deferrals scheduled.*

*It was moved by Commissioner Diaz that the Board of County Commissioners Zoning Hearings scheduled for May 20, 2010 and June 17, 2010 be cancelled. This motion was seconded by Commissioner Jordan, and upon being put to a vote, passed by a vote of 11-0 (Commissioners Heyman and Barreiro were absent).*

**16D5 SPECIAL RECOGNITION**

**Report:** *Commissioner Seijas recognized the Honorable Congresswoman Ileana Ros-Lehtinen, of Florida's 18th Congressional District in the United States House of Representatives, present at today's meeting.*

*Honorable Congresswoman Ros-Lehtinen appeared before the Board and expressed her appreciation to Commission members for the wonderful exhibit displaying her father's picture and honoring the history of the Cuban exile community.*

**19A ADJOURNMENT**

**Report:** *There being no further business to come before the Board, the meeting adjourned at 3:48 P.M.*

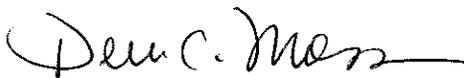
**FINAL OFFICIAL**

\_\_\_\_\_  
Dennis C. Moss, Chairman

ATTEST: HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Diane Collins, Acting, Deputy Clerk

FINAL OFFICIAL



Dennis C. Moss, Chairman

ATTEST: HARVEY RUVIN, CLERK



By: Diane Collins, Acting, Deputy Clerk