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, October 2, 2012
9:30 AM, Commission Chambers

Harvey Ruvin, Clerk
Board of County Commissioners

Christopher Agrippa, Director
Clerk of the Board Division

Judy Marsh, Commission Reporter, (305) 375-1967

Members Present: Bruno Barreiro; Lynda Bell; Jose "Pepe" Diaz; Audrey M. Edmonson; Sally A. Heyman; Barbara J. Jordan; Joe A. Martinez; Jean Monestime; Dennis C. Moss; Rebeca Sosa; Javier D. Souto; Xavier L. Suarez

Members Absent: Esteban L. Bovo, Jr.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Judy Marsh, Commission Reporter, (305) 375-1967*

1A ROLL CALL

Report: *Chairman Martinez called the meeting to order at 10:03 a.m.*

The following staff members were present: Mayor Carlos Gimenez; Deputy Mayor Russell Benford; County Attorney Robert Cuevas, First Assistant County Attorney Abigail Price-Williams and Assistant County Attorney Dennis Kerbel; and Deputy Clerks Christopher Agrippa and Judy Marsh.

1B MOMENT OF SILENCE

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

1C PLEDGE OF ALLEGIANCE

1D SPECIAL PRESENTATIONS

1E CITIZEN'S PRESENTATIONS (5 MINUTES MAXIMUM)

1F REPORTS OF OFFICIAL BOARDS

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

Report: *In addition to the changes noted in the Chairman's memorandum entitled, "Changes for the October 2, 2012, BCC Meeting," County Attorney Robert Cuevas advised that Agenda Item 4E, if adopted on First Reading, must be set for public hearing and second reading before the County Commission on October 23, 2012, and Agenda Item 15B1 would need to be amended to that effect. He noted Commissioner Jordan, sponsor, requested that Agenda Item 4F be deferred to October 23, 2012; Commissioner Sosa requested to be added as a co-sponsor to Agenda Item 7B; Commissioner Jordan requested to be shown as pulling Agenda Item 11A5; Commissioner Souto requested to be added as a co-sponsor to Agenda Item 11A15; the sponsor requested a deferral of Agenda Item 11A17, but it was pulled by Commissioner Heyman (Chairman Martinez asked that it be deferred); Commissioners Souto and Diaz requested to be shown as pulling Agenda Item 11A21; Commissioner Monestime requested to be shown as pulling Agenda Item 11A22; and Agenda Items 18A1, 18A2 and 18A3 were ratification items and would be considered upon approval of the agenda.*

County Attorney Cuevas announced that the items to be considered at today's meeting would be those listed in the printed final agenda with the additions, deferrals, withdrawals, and scrivener's errors noted in the Chairman's memorandum entitled "Changes Sheet" and to include those items he previously mentioned. The Board would vote on all of these items by single vote to set the agenda except for ordinances on first reading, public hearings, ordinances on second reading, and those items listed in the final Pull List as follows: 8B1, 8C1, 8K2 and Supplement, 8K3, 8L7, 8M2, 8M4, 8M5, 11A4, 11A5, 11A21, 11A22, 11A25, 13A3, 13A4, 13A5, 13A7, 14A1, 14A2, 14A3, 14A4, 14A5, 14A6, 14A7, 14A8, 14A9, 14A10, 14A11, 14A12, 14A13 and 14A14.

County Attorney Cuevas noted a motion to set the agenda as stated was in order.

It was moved by Commissioner Heyman that the County Commission members approve today's (10/2) agenda along with the changes requested in the Chairman's memorandum entitled, "Changes Sheet," and the additional changes noted by the County Attorney. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 8-0; (Commissioners Bovo, Diaz, Moss, Souto and Suarez were absent).

County Attorney Cuevas advised that Commissioner Bell was releasing Agenda Items 8K2 and 8K2 Supplement from the Pull List. He noted Commissioner Bell was also releasing her portion of Agenda Item 11A5; and requested to be added as a co-sponsor to Agenda Item 11A13.

Later in the meeting, County Attorney Cuevas advised that Commissioner Souto wanted to be shown as a co-sponsor to Agenda Item 11A5, not 11A15; and Commissioner Diaz wanted to be shown as pulling Agenda Item 14A13.

1H OFFICE OF COMMISSION AUDITOR

1I OFFICE OF INTERGOVERNMENTAL AFFAIRS

2 MAYORAL ISSUES

2A MAYORAL VETOES

2B MAYORAL REPORTS

2C OTHER ISSUES

3 CONSENT ITEMS

4 ORDINANCES FOR FIRST READING

4A

121852 **Ordinance** **Bruno A. Barreiro**

ORDINANCE PERTAINING TO CODE ENFORCEMENT; AMENDING SECTION 8CC-7 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CLARIFYING REQUIREMENTS FOR ATTACHMENT OF CODE ENFORCEMENT LIENS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: November 15, 2012
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Suarez, Bovo, Jr.

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

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Infrastructure and Land Use Committee on Thursday, November 15, 2012 at 2:00 p.m.

4B

121832 **Ordinance** **Lynda Bell**

ORDINANCE RELATING TO ZONING; MODIFYING RESTRICTIONS RELATING TO CIRCUSES AND CARNIVALS; AMENDING SECTION 33-13 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: November 15, 2012
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Suarez, Bovo, Jr.

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

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Infrastructure and Land Use Committee on Thursday, November 15, 2012 at 2:00 p.m.

4C

121833 **Ordinance** **Lynda Bell**

ORDINANCE RELATING TO ZONING; MODIFYING RESTRICTIONS RELATING TO DONATION COLLECTION BINS; AMENDING SECTION 33-19 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: November 15, 2012
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Suarez, Bovo, Jr.

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

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Infrastructure and Land Use Committee on Thursday, November 15, 2012 at 2:00 p.m.

4D

121837 **Ordinance** **Jose "Pepe" Diaz, Audrey M. Edmonson**

ORDINANCE PERTAINING TO ANIMALS; PROHIBITING THE KEEPING OF DOGS ON ROOFTOPS; CREATING SECTION 5-21.1 AND AMENDING SECTION 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: November 14, 2012
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Suarez, Bovo, Jr.

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

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Public Safety and Healthcare Administration Committee on Wednesday, November 14, 2012 at 9:30 a.m.

9/20/2012 *Requires Municipal Notification by the Board of County Commissioners to the Public Safety & Healthcare Admin Cmte*

4E

121926 **Ordinance** **Joe A. Martinez, Lynda Bell**

ORDINANCE AMENDING RULE 3.01 OF THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS PERTAINING TO REGULAR MEETINGS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: October 23, 2012
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Suarez, Bovo, Jr.

Report: *The public hearing and second reading for the foregoing proposed ordinance has been waived to the October 23, 2012 County Commission meeting.*

4F

121883 **Ordinance** **Barbara J. Jordan**

ORDINANCE AMENDING ORDINANCE NO. 11-06 CREATING THE COMMUNITY AFFORDABLE HOUSING STRATEGIES ALLIANCE TO PROVIDE SUNSET PROVISION UNTIL DECEMBER 31, 2013

Deferred to October 23, 2012
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Suarez, Bovo, Jr.

Report: *The foregoing proposed ordinance was deferred to October 23, 2012 during consideration of changes to today's (10/2) agenda at the request of the sponsor.*

4G

121824 **Ordinance** **Dennis C. Moss, Lynda Bell**

ORDINANCE AMENDING SECTION 2-1799 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATED TO EXPENDITURES OF CONTINGENCY RESERVE FUNDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: November 14, 2012
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Suarez, Bovo, Jr.

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

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Internal Management and Fiscal Responsibility Committee on Wednesday, November 14, 2012 at 2:00 p.m.

9/18/2012 *Tentatively scheduled for a public hearing by the Board of County Commissioners to the Internal Mgmt. & Fiscal Responsibility Committee*

4H

121895 **Ordinance** **Jose "Pepe" Diaz**

ORDINANCE RELATING TO PLANNING AND ZONING; REQUIRING THE BOARD OF COUNTY COMMISSIONERS TO RETAIN JURISDICTION TO MODIFY OR DELETE COVENANTS OR DECLARATIONS OF RESTRICTIONS ACCEPTED IN CONNECTION WITH COMPREHENSIVE DEVELOPMENT MASTER PLAN AMENDMENT APPLICATIONS OR ZONING APPLICATIONS, WHEN THE AREA THAT IS THE SUBJECT OF THE COVENANT OR DECLARATION OF RESTRICTION HAS BEEN ANNEXED OR INCORPORATED; AMENDING SECTION 20-26 AND CREATING SECTION 20-8.8 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: November 15, 2012
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Suarez, Bovo, Jr.

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

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Infrastructure and Land Use Committee on Thursday, November 15, 2012 at 2:00 p.m.

9/20/2012 *Requires Municipal Notification by the Board of County Commissioners to the Infrastructure and Land Use Committee*

4I

121910 **Ordinance** **Jean Monestime**

ORDINANCE AMENDING SECTION 2-2014 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA CONCERNING THE COMMUNITY PERIODICAL ADVERTISING PROGRAM; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: November 14, 2012
Mover: Jean Monestime
Seconder: Audrey M. Edmonson
Vote: 9- 2
No: Heyman, Bell
Absent: Suarez, Bovo, Jr.

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

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Internal Management and Fiscal Responsibility Committee on Wednesday, November 14, 2012 at 2:00 p.m.

4J

121915 **Ordinance** **Lynda Bell, Rebeca Sosa**

ORDINANCE AMENDING SECTION 2-11.2.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO PROCEDURE AND REQUIREMENTS FOR DISPOSITION OF COUNTY SURPLUS PROPERTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: November 15, 2012
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Suarez, Bovo, Jr.

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

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Economic Development and Social Services Committee on Thursday, November 15, 2012 at 9:30 a.m.

4K

121869 **Ordinance**

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN ACTING UPON SMALL-SCALE AMENDMENT APPLICATIONS FILED IN APRIL 2012 CYCLE TO AMEND, MODIFY, ADD TO OR CHANGE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE (Regulatory and Economic Resources)

Adopted on first reading
Public Hearing: November 8, 2012
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 11- 0
Absent: Suarez, Bovo, Jr.

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

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Comprehensive Development Master Plan meeting on Thursday, November 8, 2012 at 9:30 a.m.

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

5A

121802 **Resolution** **Jean Monestime**

RESOLUTION DECLARING COUNTY-OWNED PROPERTIES LOCATED IN DISTRICT 2 SURPLUS; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO INCLUDE SAID PROPERTIES IN THE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM TO BUILD AFFORDABLE HOUSING UNITS IN ACCORDANCE WITH IMPLEMENTING ORDER NO. 3-44; REVISING THE INVENTORY LIST OF AFFORDABLE HOUSING SITES; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SET A PRICE BASED ON A BONA-FIDE APPRAISAL WITH A MAXIMUM PURCHASE PRICE OF $175,000; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MAKE SUCH PROPERTIES AVAILABLE TO THE LIST OF BOARD-APPROVED INFILL HOUSING DEVELOPERS; AUTHORIZING THE CONVEYANCE OF THE COUNTY SURPLUS PROPERTIES IN THE AMOUNT OF TEN DOLLARS ($10.00); AUTHORIZING THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE COUNTY DEEDS FOR SAID PURPOSE; AND WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-376-11

Adopted
Resolution R-763-12
Mover: Jean Monestime
Seconder: Audrey M. Edmonson
Vote: 10- 0
Absent: Suarez, Souto, Bovo, Jr.

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

Chairman Martinez opened the public hearing on the foregoing resolution.

Ms. Renita Holmes, Miami-Dade County resident, appeared before the County Commission in opposition to the foregoing proposed resolution. She asked that the resolution be deferred as the community had not yet had an opportunity to determine how the proposed infill housing lots would affect the neighborhood strategy; and their impact on the Comprehensive Development Master Plan (CDMP). Ms. Holmes commented on the surplus of houses in her community which needed to be rehabilitated, and the refusal of certain developers to hire area residents. She noted subcontractors like herself wanted to build, and asked that residents be notified and be allowed to participate and review the infill houses.

Dr. Mae Christian, 4824 N.W. 15 Court, representing the Model City Advisory Board (MCAB) for Districts 2 and 3, a Neighborhood Strategy Revitalization Area (NSRA), appeared before the County Commission in opposition to this proposed resolution. She requested that the resolution be deferred, noting the community, and the MCAB had a right to provide input. Dr. Christian noted she believed this resolution was discriminatory and violated Citizen's Participation and Civil Rights. She said the 2007 Infill Developer List was discriminatory; and $175,000 for the proposed homes was not considered to be a low-income cost and was high for the area. Dr. Christian pointed out that an eligible and ineligible list of developers from 2007 existed. She commented on the high unemployment and noted many developers were not hiring area residents.

Hearing no one else wishing to speak, Chairman Martinez closed the public hearing.

Commissioner Monestime questioned the inclusiveness of the Developer's List; whether this List represented the County's population; and the rationale for removing a developer from the List.

Responding to Commissioner Monestime, Deputy Mayor Russell Benford explained that the County conducted a procurement process for infill housing developers every five years; however, any affordable housing developer who wanted to be added to the list of approved developers should contact staff. He noted the list represented developers who applied. Deputy Mayor Benford said staff would research the reason for removing a developer from the list and provide Commissioner Monestime with a response.

In response to Commissioner Monestime's inquiry as to whether individuals could also apply, Mr. Greg Fortner, Director, Public Housing and Community Development Department, noted anyone who believed they could be a qualified infill developer could apply.

Commissioner Heyman expressed concern that some of the parcels listed under Exhibit "A" had significant value. She questioned what safeguards existed to ensure that the single-family homes built would be affordable, if a for-profit developer developed the land. Commissioner Heyman also expressed concerns regarding some of the land values, and inquired whether individually, anything had been done to determine whether they could be sold separately from this.

Mr. Fortner said he could provide Commissioner Heyman with a list of qualified developers.

Concerning Commissioner Heyman's inquiry regarding affordability, Deputy Mayor Benford advised that once the properties were developed, the homes could be sold for no more than $175,000.

In response to Commissioner Edmonson's question regarding the advertising process for potential developers to apply to build infill houses, Mr. Fortner said the list was advertised through the County's normal solicitation process used to advertise any opportunities for the general public and was always open for people to apply. He noted for-profit entities had to be vetted in order to qualify for the Infill Program; however, non-profit entities were not required to be on a pre-qualified list.

Pursuant to Commissioner Edmonson's question as to whether numerous agencies were denied, Mr. Fortner said he was unaware of the number of agencies outside of the non-profit organizations that had requested to be on the list. He noted he would provide Commissioner Edmonson with the number of people who applied over the last five years since the general solicitation was advertised; the number who were rejected; and those who were denied.

Commissioner Jordan asked, and Mr. Fortner confirmed, that lots could be removed from the Infill program.

Commissioner Moss noted area residents in disadvantaged neighborhoods should be given an opportunity to work on projects.

In response to Commissioner Heyman's inquiry regarding whether there was a timeframe for developers to begin working on the properties, Mr. Fortner noted he believed developers had one year in which to develop the property.

Commissioner Jordan asked Mr. Fortner to provide her with the development guidelines for County-owned properties that were transferred to an entity.

Commissioner Edmonson noted she concurred with Commissioner Moss' comments and asked Mr. Fortner to provide her with the list of agencies or individuals who had applied to be infill developers and were denied; and the reason for the denial.

Commissioner Monestime asked Mr. Fortner to ensure that the infill developer list was appropriately advertised so that residents within the proposed development area were informed of the properties to be developed.

9/12/2012 2F *Forwarded to BCC with a favorable recommendation from the Economic Development & Social Services Committee*

5B

121582 **Ordinance**

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS DORAL PUBLIC WORKS FACILITY 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 & Waste Management)

Adopted
Ordinance 12-75
Mover: Jose "Pepe" Diaz
Seconder: Rebeca Sosa
Vote: 10- 0
Absent: Suarez, Souto, Bovo, Jr.

9/4/2012 *Scheduled for a public hearing by the Board of County Commissioners before the Board of County Commissioners*

9/6/2012 4C *Adopted on first reading by the Board of County Commissioners*

5B1

121584 **Resolution**

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

Adopted
Resolution R-764-12
Mover: Jose "Pepe" Diaz
Seconder: Rebeca Sosa
Vote: 10- 0
Absent: Suarez, Souto, Bovo, Jr.

5C

121586 **Ordinance**

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS VINTAGE ESTATES 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 & Waste Management)

Adopted
Ordinance 12-76
Mover: Jose "Pepe" Diaz
Seconder: Rebeca Sosa
Vote: 10- 0
Absent: Suarez, Souto, Bovo, Jr.

9/4/2012 *Scheduled for a public hearing by the Board of County Commissioners before the Board of County Commissioners*

9/6/2012 4D *Adopted on first reading by the Board of County Commissioners*

5C1

121588 **Resolution**

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

Adopted
Resolution R-765-12
Mover: Jose "Pepe" Diaz
Seconder: Rebeca Sosa
Vote: 10- 0
Absent: Suarez, Souto, Bovo, Jr.

5D

121782 **Resolution**

RESOLUTION APPROVING THE WAIVER OF PLAT OF BASE DEVELOPMENT CORPORATION, D-23271, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 57 SOUTH, RANGE 39 EAST (BOUNDED ON THE NORTH BY SW 304 STREET, ON THE EAST BY SW 117 AVENUE, ON THE SOUTH APPROXIMATELY 1950 FEET NORTH OF SW 312 STREET, AND ON THE WEST BY THE HOMESTEAD AIR RESERVE BASE) (Regulatory and Economic Resources)

Adopted
Resolution R-766-12
Mover: Dennis C. Moss
Seconder: Lynda Bell
Vote: 10- 0
Absent: Suarez, Souto, Bovo, Jr.

5E

121783 **Resolution**

RESOLUTION APPROVING THE PLAT OF HEMINGWAY POINT, LOCATED IN THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 56 SOUTH, RANGE 39 EAST (BOUNDED ON THE NORTH BY SW 248 STREET, ON THE EAST BY SW 118 AVENUE, ON THE SOUTH BY STATE ROAD 821 (FLORIDA'S TURNPIKE EXTENSION), AND ON THE WEST BY SW 122 AVENUE) (Regulatory and Economic Resources)

Adopted
Resolution R-767-12
Mover: Dennis C. Moss
Seconder: Lynda Bell
Vote: 10- 0
Absent: Suarez, Souto, Bovo, Jr.

6A CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

6B POLICY MATTERS FOR DISCUSSION BY THE BOARD

7 ORDINANCES SET FOR SECOND READING

7A

121923 **Ordinance** **Jose "Pepe" Diaz,**
Esteban L. Bovo, Jr.,
Sally A. Heyman,
Barbara J. Jordan,
Rebeca Sosa

ORDINANCE PERTAINING TO ANIMALS; EXPANDING DEFINITION OF ACTS DEEMED CRUELTY TO ANIMALS; AMENDING REGULATIONS PERTAINING TO DANGEROUS DOGS; CREATING DANGEROUS DOG REGISTRY; CREATING REGULATIONS FOR AGGRESSIVE DOGS; CREATING RESTRICTIONS ON IRRESPONSIBLE DOG OWNERS; INCREASING PENALTIES FOR FIGHTING OF DOGS OR OTHER ANIMALS; INCREASING PENALTIES FOR INJURIES CAUSED BY DOGS; AMENDING SECTIONS 5-4, 5-22, 5-23 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING SECTIONS 5-23.1 AND 5-23.2 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 121371)[SEE AGENDA ITEM NO. 7D] ***Amended***

Report: *(See Agenda Item 7A Amended; Legislative File No. 122294)*

9/11/2012 1F1 AMENDED *Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Public Safety & Healthcare Admin Cmte*

7A Amended

122294 **Ordinance** **Jose "Pepe" Diaz,**
Esteban L. Bovo, Jr.,
Sally A. Heyman,
Barbara J. Jordan

ORDINANCE PERTAINING TO ANIMALS; EXPANDING DEFINITION OF ACTS DEEMED CRUELTY TO ANIMALS; AMENDING REGULATIONS PERTAINING TO DANGEROUS DOGS; CREATING DANGEROUS DOG REGISTRY; CREATING REGULATIONS FOR AGGRESSIVE DOGS; CREATING RESTRICTIONS ON IRRESPONSIBLE DOG OWNERS; INCREASING PENALTIES FOR FIGHTING OF DOGS OR OTHER ANIMALS; INCREASING PENALTIES FOR INJURIES CAUSED BY DOGS; AMENDING SECTIONS 5-4, 5-22, 5-23 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING SECTIONS 5-23.1 AND 5-23.2 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 121923]

Adopted as amended
Ordinance 12-77
Mover: Jose "Pepe" Diaz
Seconder: Sally A. Heyman
Vote: 9- 1
No: Bell
Absent: Barreiro, Souto, Bovo, Jr.

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

It was moved by Commissioner Diaz that the foregoing proposed ordinance be adopted. This motion was seconded by Commissioner Heyman. Commissioner Sosa requested to be shown as a co-sponsor.

Commissioner Diaz provided an overview of this proposed ordinance, noting the impetus for this legislation was an individual who was attacked by a dog in public because of an irresponsible dog owner. He pointed out that the differences between the existing regulations relating to designation of a dangerous dog and this proposed ordinance were the increased fines from $500.00 to $1,000.00 for a dog that endangered, attacked or bit an individual; and from $1,000.00 to $2,000.00 for a second occurrence. Commissioner Diaz noted dog fighting and individuals who trained dogs for fighting were added under the definition of cruelty to animals. He stated that the proposed Registry would inform residents about dangerous dogs in their neighborhood, and noted he was working with the Animal Services Director on the cost associated with these issues.

Commissioner Diaz said that dog activists had expressed concerns regarding dogs approaching in a menacing fashion and he asked the Animal Services Director to address this issue. He noted concerns were also expressed regarding police officers whose dogs attacked an individual. Commissioner Diaz pointed out that police officers' home addresses were not made public and he recommended that a provision be included specifying that police officers' home addresses would not be listed.

Chairman Martinez clarified that the home address of anyone protected under Chapter 119 of the state law was not listed.

Mr. Alex Munoz, Director, Animal Services Department, noted the criteria for designation of a dangerous dog outlined in Section 4(c), handwritten page 8, of the foregoing ordinance as follows: when unprovoked, endanger, attack or bite a human; when unprovoked and while off the responsible party's property, severely injure or kill a domestic animal; and when unprovoked, chase or approach a human in a menacing fashion. He noted this provision would be carefully and consistently applied by staff.

Commissioner Diaz clarified that this criteria referred to dogs that were off the responsible party's property, or in common areas.

Pursuant to Chairman Martinez' request, Assistant County Attorney Dennis Kerbel read the following proposed amendment relating to Chapter 119 into the record: Handwritten page 10, the end of Subsection (i): Nothing herein shall require the disclosure of personal identifying information that is exempt or confidential under state law. The Mayor shall develop appropriate procedures to ensure protection of identifying information that is exempt or confidential under State law.

Commissioner Diaz said he accepted this proposed amendment.

In response to Commissioner Bell's inquiry regarding the difference between existing regulations relating to dangerous dogs and this proposed ordinance, Mr. Munoz said except for the Dangerous Dog Registry, information on dangerous dogs was on file. He noted the difference was that the Registry was posted online and could be viewed by the public to determine the address of a

dangerous dog. Mr. Munoz said this ordinance also created a new designation for an irresponsible dog owner.

Commissioner Bell said while she appreciated the intent of this ordinance, she believed that the department was currently performing a good job, and perceived that this proposal could result in additional work and expenditure for the department; as well as potential abuse.

Commissioner Jordan inquired whether language regarding filing a frivolous complaint could be included in this proposed ordinance; and whether this proposal would apply to individuals who owned a dangerous dog and were protected by Chapter 119.

Chairman Martinez noted laws regarding filing a false report already existed, and this was a criminal offense.

In response to Commissioner Jordan, Assistant County Attorney Kerbel noted all of the processes by which a dog could be declared dangerous would be applicable. Also relevant would be if someone was bitten after the dog was declared dangerous.

Following questions to Assistant County Attorney Kerbel regarding enhanced penalties under previous legislation, Commissioner Heyman recommended that the foregoing ordinance be amended to require that dogs previously declared dangerous, who were involved in a repeat violation, be subject to penalties under the existing Code.

Commissioner Diaz said he accepted this amendment.

In response to Commissioner Monestime's inquiry, Mr. Munoz said he did not believe additional resources needed to be allocated due to the workload associated with this proposed ordinance or Agenda Item 7D.

Responding to Commissioner Moss' question regarding unpaid assessed fines, Mr. Munoz said that the department sent a reminder to the responsible party and worked with the Collections Section of the Finance Department to collect payment.

Commissioner Moss expressed concern regarding dogs that were attacked by other dogs. He noted in some cases it appeared as if an aggressive approach was not taken by enforcement officers concerning these situations and asked that this be addressed.

Commissioner Sosa asked, and Mr. Munoz confirmed, that a sworn affidavit of an incident could not be an anonymous complaint and the department verified all complaints regarding dangerous dogs.

Regarding Chairman Martinez' comments that the department was not sufficiently staffed, Mr. Munoz acknowledged that the service time could be improved. He expressed appreciation to the County Commission for adding an officer to his staff this year.

Chairman Martinez commented that more emphasis was being placed on animals versus dangerous people.

Commissioner Diaz pointed out that the Dangerous Dog Registry was already in existence, and the only difference with this proposed ordinance was that the

department was seeking to improve the service. He noted this ordinance addressed serious bodily injury or death. Commissioner Diaz said information on severe dog bites should be retroactive; however, new fines should only be imposed under this proposed ordinance prospectively.

Commissioner Jordan recommended that service animals not be declared dangerous.

Mr. Munoz noted he concurred with the recommendation.

Commissioner Bell expressed concern regarding the language in Section 5-22 (c) (3), which designates a dog as dangerous as follows: "... when unprovoked, chase or approach a human in a menacing fashion or apparent attitude of attack upon the streets, sidewalks, or any other public property . . ." She noted this was subjective and determined by the person who made the complaint, as there was no evidence of a bite or attack. Commissioner Bell also expressed concern regarding Section 5-23 (a), relating to additional regulations for dangerous dogs.

Mr. Munoz pointed out that the section referenced by Commissioner Bell was existing legislation.

Assistant County Attorney Kerbel advised that the language referenced by Commissioner Bell was the existing standard under state law.

Commissioner Jordan noted she was inclined to withdraw her recommendation that service animals not be declared dangerous as it was her understanding that there was no true definition of service dogs.

Ms. Kathy Labrada, Chief, Operations and Enforcement, Animal Services Department, said a service dog was defined as a dog that performed a specific task to mitigate a person's disability. She noted federal law did not require any registration process or any specific training; therefore, it was difficult to determine what was considered a service animal.

Commissioner Jordan withdrew her recommendation that service animals not be declared dangerous.

Assistant County Attorney Kerbel advised that as it related to penalties for repeat violations, the foregoing proposed ordinance was amended to add the following language to handwritten page 8, Section 4 (k); and handwritten page 10, Section 5 (j): Notwithstanding the foregoing, for dogs that were declared dangerous prior to the effective date of this ordinance, the provisions of Section 8CC-4 governing repeat or continuing violations shall continue to govern.

Upon being put to a vote, the County Commission adopted the foregoing proposed ordinance with the amendments noted by Assistant County Attorney Kerbel.

7B

121369 **Ordinance** **Audrey M. Edmonson,**
Jean Monestime,
Sally A. Heyman,
Joe A. Martinez,
Dennis C. Moss,
Rebeca Sosa,
Sen. Javier D. Souto

ORDINANCE AMENDING SECTION 32-92 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO ALLOW TENANTS TO RECEIVE WATER AND SEWER SERVICE THROUGH A BRIDGE ACCOUNT NOT TO EXCEED ONE YEAR WHERE MULTI-UNIT PROPERTY IS SERVED BY ONE METER AND PROPERTY OWNER'S ACCOUNT IS TERMINATED FOR NONPAYMENT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 121252)

Adopted
Ordinance 12-78
Mover: Audrey M. Edmonson
Seconder: Rebeca Sosa
Vote: 10- 0
Absent: Suarez, Souto, Bovo, Jr.

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

There being no discussion, the County Commission adopted the foregoing proposed ordinance, as presented.

7/3/2012	4A SUBSTITUTE	*Adopted on first reading by the Board of County Commissioners*
9/12/2012	1F1	*Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

7C

121466 **Ordinance** **Audrey M. Edmonson,**
Lynda Bell,
Barbara J. Jordan,
Joe A. Martinez,
Dennis C. Moss

ORDINANCE AMENDING ORDINANCE NO. 11-76 RELATING TO TASK FORCE ON SCRAP METAL AND COPPER WIRE THEFT; AMENDING COMPOSITION OF THE TASK FORCE TO INCREASE REPRESENTATIVES OF INDUSTRY AND COMMUNITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 121411)

Adopted
Ordinance 12-79
Mover: Audrey M. Edmonson
Seconder: Joe A. Martinez
Vote: 10- 0
Absent: Barreiro, Suarez, Bovo, Jr.

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

There being no discussion, the County Commission adopted the foregoing proposed ordinance, as presented.

7/17/2012	4A SUBSTITUTE	*Adopted on first reading by the Board of County Commissioners*
9/12/2012	1F2	*Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

7D

121935 **Ordinance** **Sally A. Heyman,**
Esteban L. Bovo, Jr.,
Jose "Pepe" Diaz,
Barbara J. Jordan

ORDINANCE PERTAINING TO ANIMALS; AMENDING REGULATIONS PERTAINING TO DANGEROUS DOGS, ADOPTION OF ANIMALS FROM THE DEPARTMENT, AND PET CARE CENTERS; AMENDING SECTIONS 5-2, 5-5, 5-9, 5-13, 5-22, 5-23 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 121358) [SEE AGENDA ITEM NO. 7(A)]

Amended

Report: *(See Agenda Item 7D Amended; Legislative No. 122299)*

9/11/2012	1F2 AMENDED	*Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Public Safety & Healthcare Admin Cmte*

7D Amended

122299 **Ordinance** **Sally A. Heyman,**
Esteban L. Bovo, Jr.,
Jose "Pepe" Diaz,
Barbara J. Jordan

ORDINANCE PERTAINING TO ANIMALS; AMENDING REGULATIONS PERTAINING TO DANGEROUS DOGS, ADOPTION OF ANIMALS FROM THE DEPARTMENT, AND PET CARE CENTERS; AMENDING SECTIONS 5-2, 5-5, 5-9, 5-13, 5-22, 5-23 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 121935]

Adopted as amended
Ordinance 12-80
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 8- 2
No: Bell, Martinez
Absent: Barreiro, Souto, Bovo, Jr.

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

It was moved by Commissioner Heyman that the foregoing proposed ordinance be adopted. This motion was seconded by Commissioner Diaz.

Commissioner Heyman provided an overview of this proposed ordinance which she noted enhanced the existing dangerous dog section of the County Code; provided greater owner accountability; clarified aggressive acts and provocation; provided greater protection for other animal owners and people who may come under assault; increased the fines, but paralleled them with those listed in Agenda Item 7A; addressed registration of a dog after a dog had been designated as dangerous, or a dangerous dog designation was upheld on appeal; provided for conspicuous signage indicating that a dangerous dog was on the property; and provided for exceptions to confinement requirement.

Commissioner Heyman recommended that Section 5-23(6) be deleted. She noted this proposed ordinance was in compliance with state statutes.

In response to Commissioner Edmonson's inquiry as to whether police officers were equipped to handle dangerous dogs, Mr. Alex Munoz, Director, Animal Services Department, said this ordinance allowed police officers to confiscate dangerous dogs; however, the officers normally contacted his department immediately for assistance. He noted if a police report was available relating to an incident, this could assist the department in initiating an investigation.

Chairman Martinez noted he could not support this proposed ordinance as many of the provisions related to the presence of a dangerous dog on the property.

Commissioner Moss informed Mr. Munoz of the increased complaints regarding pit bulls in District 9.

Upon being put to a vote, the County Commission adopted the foregoing proposed ordinance as amended to delete Section 5-23(6).

7E

121930 **Ordinance** **Barbara J. Jordan,**
Lynda Bell,
Rebeca Sosa

ORDINANCE RELATING TO PLANNING; MODIFYING VOTE REQUIREMENTS TO DELETE OR MODIFY DECLARATIONS OF RESTRICTIONS PREVIOUSLY ACCEPTED IN CONNECTION WITH APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN ("CDMP"); AMENDING SECTION 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 121175] ***Amended***

Report: *(See Agenda Item 7E Amended; Legislative File No. 122301)*

9/12/2012 1F3 Amended *Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Infrastructure and Land Use Committee*

7E Amended

122301 **Ordinance** **Barbara J. Jordan,**
Lynda Bell,
Rebeca Sosa

ORDINANCE RELATING TO PLANNING; MODIFYING VOTE REQUIREMENTS TO DELETE OR MODIFY DECLARATIONS OF RESTRICTIONS PREVIOUSLY ACCEPTED IN CONNECTION WITH APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN ("CDMP"); AMENDING SECTION 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 121930]

Adopted as amended
Ordinance 12-81
Mover: Barbara J. Jordan
Seconder: Jean Monestime
Vote: 10- 0
Absent: Barreiro, Diaz, Bovo, Jr.

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

It was moved by Commissioner Jordan that the foregoing proposed ordinance be adopted. This motion was seconded by Commissioner Monestime.

First Assistant County Attorney Price-Williams advised that Vice Chairwoman Edmonson had requested to be removed as a co-sponsor on this item; and that Commissioner Jordan had a proposed amendment to this item.

Commissioner Jordan noted the development community had pointed out that it was virtually impossible to have 13 County Commission members present; therefore, she recommended that this proposed ordinance be amended to require two-thirds of the members present, if it was acceptable to the co-sponsors.

Assistant County Attorney Dennis Kerbel advised that Comprehensive Development Master Plan (CDMP) applications required an affirmative seven votes to adopt a standard amendment.

Upon being put to a vote, the County Commission adopted the foregoing proposed ordinance as amended to require that any decision to make amendments, modifications, additions, or changes to a declaration of restrictive covenants that was accepted in connection with a prior application to amend the CDMP shall require a two-thirds vote of the members present, but not less than seven affirmative votes.

7F

121410 **Ordinance** **Rebeca Sosa**

ORDINANCE AMENDING SECTION 2-2034 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE FREQUENCY OF MEETINGS OF THE AIRCRAFT NOISE ABATEMENT ADVISORY BOARD FOR MIAMI INTERNATIONAL AIRPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted
Ordinance 12-82
Mover: Rebeca Sosa
Seconder: Jose "Pepe" Diaz
Vote: 10- 0
Absent: Barreiro, Suarez, Bovo, Jr.

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

There being no discussion, the County Commission adopted the foregoing proposed ordinance, as presented.

7/17/2012	4C	*Adopted on first reading by the Board of County Commissioners*
9/10/2012	1F1	*Forwarded to BCC with a favorable recommendation from the Regional Transportation Committee*

7G

121477 **Ordinance** **Sen. Javier D. Souto**

ORDINANCE CREATING SECTION 2-1150 OF THE CODE OF MIAMI-DADE COUNTY; ESTABLISHING THE RONALD REAGAN EQUESTRIAN CENTER COUNCIL; PROVIDING FOR MEMBERSHIP, PURPOSE, ORGANIZATION, AND PROCEDURE, APPOINTMENT AND TENURE, POWERS, DUTIES, AND FUNCTIONS OF THE COUNCIL, AND STAFF SUPPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 121412)

Adopted
Ordinance 12-83
Mover: Sen. Javier D. Souto
Seconder: Rebeca Sosa
Vote: 10- 0
Absent: Barreiro, Diaz, Bovo, Jr.

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

There being no discussion, the County Commission adopted the foregoing proposed ordinance, as presented.

7/17/2012	4D SUBSTITUTE	*Adopted on first reading by the Board of County Commissioners*
9/10/2012	1F1	*Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee*

7H

121628 **Ordinance** **Sen. Javier D. Souto, Barbara J. Jordan, Joe A. Martinez, Rebeca Sosa**

ORDINANCE AMENDING SECTIONS 8C-1, 8C-2 AND 8CC-10 AND CREATING SECTION 8C-6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING THE INSTALLATION OF GUARDRAILS AND OTHER TRAFFIC BARRIERS FOR PARKING LOTS ADJACENT TO OR ABUTTING BODIES OF WATER IN UNINCORPORATED MIAMI-DADE COUNTY; PROVIDING RETROACTIVITY AND PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 121292)

Adopted
Ordinance 12-84
Mover: Sen. Javier D. Souto
Seconder: Joe A. Martinez
Vote: 10- 0
Absent: Barreiro, Suarez, Bovo, Jr.

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

There being no discussion, the County Commission adopted the foregoing proposed ordinance, as presented.

9/12/2012	1F4 SUB	*Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

7I

121286 **Ordinance** **Audrey M. Edmonson**

ORDINANCE RELATING TO COMMUNITY COUNCILS; CLARIFYING PROCEDURES FOR APPOINTMENTS TO THE COMMUNITY COUNCILS; AMENDING SECTION 20-43 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Regulatory and Economic Resources)

Adopted
Ordinance 12-85
Mover: Audrey M. Edmonson
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Barreiro, Suarez, Bovo, Jr.

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

There being no discussion, the County Commission adopted the foregoing proposed ordinance, as presented.

7/3/2012	4D	*Adopted on first reading by the Board of County Commissioners*
7/3/2012		*Tentatively scheduled for a public hearing by the Board of County Commissioners to the Infrastructure and Land Use Committee*
9/12/2012	1F6	*Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

7J

121804 **Ordinance** **Audrey M. Edmonson,**
Lynda Bell,
Jean Monestime

ORDINANCE PERTAINING TO ZONING; AMENDING ARTICLE XXXIII(K) OF THE CODE OF MIAMI-DADE COUNTY (CODE); AMENDING SECTIONS 33-284.82 THROUGH 33-284.92 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 121353] (Regulatory and Economic Resources) ***Amended***

Report: *(See Agenda Item 7J Amended; Legislative File No. 122042).*

9/12/2012 1F7 SUB *Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

7J Amended

122042 **Ordinance** **Audrey M. Edmonson, Lynda Bell, Jean Monestime**

ORDINANCE PERTAINING TO ZONING; AMENDING ARTICLE XXXIII(K) OF THE CODE OF MIAMI-DADE COUNTY (CODE); AMENDING SECTIONS 33-284.82 THROUGH 33-284.92 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [PLEASE SEE ORIGINAL ITEM UNDER FILE NO. 121804] (Regulatory and Economic Resources)

Adopted as amended
Ordinance 12-86
Mover: Audrey M. Edmonson
Seconder: Lynda Bell
Vote: 11- 0
Absent: Suarez, Bovo, Jr.

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

Commissioner Heyman recommended that the foregoing proposed ordinance be amended to require one 12-foot sign in lieu of two six-foot signs.

Mr. Eric Silva, Assistant Director, Regulatory and Economic Resources Department, noted this proposed amendment would allow for one 12-foot monument sign in lieu of two six-foot monument signs and would only apply on corner parcels. He noted two street frontages would be required to accomplish this. Mr. Silva said this proposed amendment would only apply to urban centers and to those non-conforming structures that were approved under the old zoning districts. He noted 30-foot signs were allowed in the old zoning districts.

Mr. Silva noted the following language would be added to Section 6 of the foregoing ordinance pertaining to Signs, under 4a, after the words "monument signs;"

". . . except, for signs associated with non-conforming structures located on corner parcels fronting major or minor roads identified on the Land Use Plan, one monument sign may be constructed at a maximum height of twelve (12) feet above grade to top of sign in lieu of two six-foot signs;"

The County Commission adopted the foregoing proposed ordinance as amended to add the following language to Section 6, pertaining to Signs, under 4a, after the words "monument signs;" . . . except, for signs associated with non-conforming structures located on corner parcels fronting major or minor roads identified on the Land Use Plan, one monument sign may be constructed at a maximum height of twelve (12) feet above grade to top of sign in lieu of two six-foot signs;"

8 DEPARTMENTAL ITEMS

8A AVIATION DEPARTMENT

8A1

121572 **Resolution** **Rebeca Sosa**

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; RATIFYING ACTION OF MAYOR'S DESIGNEE IN APPROVING AND EXECUTING, PURSUANT TO THE PROVISIONS OF SECTION 2-285(6) OF THE CODE OF MIAMI-DADE COUNTY, A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION UNDER FINANCIAL PROJECT NUMBER 42587419401 FOR A GRANT IN THE AMOUNT OF $2,176,578 TO OFFSET THE COST OF THE PAVEMENT REHABILITATION PROJECT OF RUNWAY 12-30 AND ASSOCIATED TAXIWAYS "P", "Q", AND "R" (Aviation Department)

Adopted
Resolution R-768-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/10/2012 3A *Forwarded to BCC with a favorable recommendation from the Regional Transportation Committee*

8A2

121574 **Resolution** **Rebeca Sosa**

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; RATIFYING ACTION OF MAYOR OR MAYOR'S DESIGNEE IN APPROVING AND EXECUTING, PURSUANT TO THE PROVISIONS OF SECTION 2-285(6) OF THE CODE OF MIAMI-DADE COUNTY, A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION UNDER FINANCIAL PROJECT NUMBER 42048319401 FOR A GRANT IN THE AMOUNT OF $1,580,786 TO PARTIALLY OFFSET THE FINAL COST OF THE RUNWAY 8 RIGHT/26 LEFT PAVEMENT REHABILITATION PROJECT (Aviation Department)

Adopted
Resolution R-769-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/10/2012 3B *Forwarded to BCC with a favorable recommendation as corrected from the Regional Transportation Committee*

8A3

121892 **Resolution** **County Attorney**

RESOLUTION APPROVING THE SETTLEMENT AGREEMENT OF THE LAWSUIT BETWEEN WRIGHT WAY FARMS CORPORATION AND MIAMI-DADE COUNTY IN THE AMOUNT OF $225,000.00; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND TO ENFORCE ALL TERMS THEREIN (Aviation Department)

Adopted
Resolution R-770-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

8B CORRECTIONS AND REHABILITATION DEPARTMENT

8B1

121575 **Resolution** **Jose "Pepe" Diaz**

RESOLUTION RESCINDING ADMINISTRATIVE ORDER 7-20 AND AUTHORIZING IMPLEMENTING ORDER 7-20: DISPOSAL OF UNCLAIMED PERSONAL PROPERTY (Corrections & Rehabilitation Department)

Adopted
Resolution R-771-12
Mover: Barbara J. Jordan
Seconder: Rebeca Sosa
Vote: 10- 0
Absent: Barreiro, Suarez, Bovo, Jr.

9/11/2012 3A *Forwarded to BCC with a favorable recommendation from the Public Safety & Healthcare Admin Cmte*

8B2

121578 **Resolution**

RESOLUTION AUTHORIZING AN AFFILIATING AGREEMENT WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS FOR THE PROVISION OF EDUCATIONAL CLASSES FOR JUVENILES IN THE CUSTODY OF THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN (Corrections & Rehabilitation Department)

Adopted
Resolution R-772-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/11/2012 3B *Forwarded to BCC with a favorable recommendation from the Public Safety & Healthcare Admin Cmte*

8C CULTURAL AFFAIRS DEPARTMENT

8C1

121788 **Resolution** **Dennis C. Moss**

RESOLUTION APPROVING THE RE-APPOINTMENT OF MAYOR MATTIE HERRERA BOWER, COMMISSIONER MICHELLE SPENCE-JONES, GEORGE M. COZONIS AND OLGA M. RAMUDO FOUR (4) MEMBERS TO THE TOURIST DEVELOPMENT COUNCIL INCLUDING WAIVING TERM LIMITS WHERE APPLICABLE BY A 2/3 VOTE [SEE ORIGINAL ITEM UNDER FILE NO. 121449] (Department of Cultural Affairs)

Adopted
Resolution R-773-12
Mover: Dennis C. Moss
Seconder: Joe A. Martinez
Vote: 8- 1
No: Martinez
Absent: Suarez, Souto, Diaz, Bovo, Jr.

Report: *Chairman Martinez commented on two-year term versus four-year term appointments.*

9/10/2012 3A Substitute *Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee*

8D FINANCE DEPARTMENT

8D1

121560 **Resolution** **Internal Mgmt. & Fiscal Responsibility Committee**

RESOLUTION APPROVING EXTENSION OF 2012 REAL AND PERSONAL PROPERTY TAX ROLLS AND ISSUANCE OF TAX BILLS PRIOR TO COMPLETION OF THE VALUE ADJUSTMENT BOARD HEARINGS (Finance Department)

Adopted
Resolution R-774-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/11/2012 3A *No action taken due to lack of a quorum by the Internal Mgmt. & Fiscal Responsibility Committee*

9/25/2012 *Forwarded to the full BCC by the BCC Chairman from the Internal Mgmt. & Fiscal Responsibility Committee*

8E FIRE RESCUE DEPARTMENT

8E1

121767 **Resolution**

RESOLUTION RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND $30,536 IN GRANT FUNDS FROM THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT, BUREAU OF PREPAREDNESS TO SUPPORT HAZARDOUS MATERIALS SITE ANALYSIS IN FISCAL YEARS 2011-12 AND 2012-13; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND AMEND SUCH CONTRACTS AND AGREEMENTS AS REQUIRED; TO APPLY FOR, RECEIVE AND EXPEND ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE UNDER THIS STATE PROGRAM; AND TO FILE AND EXECUTE ANY NECESSARY AMENDMENTS TO ANY APPLICATION AND AGREEMENT; AND TO EXERCISE THE CANCELLATION PROVISION CONTAINED THEREIN (Miami-Dade Fire and Rescue Department)

Adopted
Resolution R-775-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/11/2012 3H *Forwarded to BCC with a favorable recommendation from the Public Safety & Healthcare Admin Cmte*

8E2

121768 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND $197,645 IN GRANT FUNDS FROM THE EMERGENCY MEDICAL SERVICES GRANT AWARD FUNDS FOR IMPROVED AND EXPANDED PRE-HOSPITAL EMERGENCY MEDICAL SERVICES PROGRAM IN FISCAL YEAR 2011-12; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND AMEND SUCH CONTRACTS AND AGREEMENTS AS REQUIRED; TO APPLY FOR, RECEIVE AND EXPEND ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE UNDER THIS PROGRAM; AND TO FILE AND EXECUTE ANY NECESSARY AMENDMENTS TO ANY APPLICATION AND AGREEMENT; AND TO EXERCISE THE CANCELLATION PROVISION CONTAINED THEREIN (Miami-Dade Fire and Rescue Department)

Adopted
Resolution R-776-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/11/2012 3I *Forwarded to BCC with a favorable recommendation from the Public Safety & Healthcare Admin Cmte*

8F INTERNAL SERVICES DEPARTMENT

8F1

121378 **Resolution** **Audrey M. Edmonson**

RESOLUTION APPROVING TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF AN AMENDMENT TO THE LEASE AGREEMENT WITH THE CITY OF MIAMI, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, AND A MODEL ACKNOWLEDGEMENT OF CONDITIONS FOR MITIGATION OF PROPERTY IN A SPECIAL FLOOD HAZARD AREA WITH FEMA GRANT FUNDS FOR COUNTY-OWNED PROPERTY LOCATED AT 1000 N.W. 62 STREET, MIAMI, FLORIDA, UTILIZED BY THE CITY OF MIAMI AS A NORTH DISTRICT POLICE SUB-STATION, WITH NO FISCAL IMPACT TO THE COUNTY; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY CANCELLATION PROVISIONS AND ALL OTHER RIGHTS CONTAINED THEREIN; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE NOTICE REQUIRED BY THE MODEL ACKNOWLEDGEMENT AS REQUIRED BY RESOLUTION NO. R-974-09 (Internal Services)

Adopted
Resolution R-777-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/11/2012 3D *No action taken due to lack of a quorum by the Internal Mgmt. & Fiscal Responsibility Committee*

9/25/2012 *Forwarded to the full BCC by the BCC Chairman from the Internal Mgmt. & Fiscal Responsibility Committee*

8F2

121298 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT IN THE AGGREGATE AMOUNT OF UP TO $825,000 WITH ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC. TO OBTAIN BROKER AND RELATED SERVICES TO ASSIST THE COUNTY IN OBTAINING A PROPERTY INSURANCE PROGRAM FOR THE MIAMI-DADE WATER & SEWER DEPARTMENT PROPERTIES; AUTHORIZING PAYMENT OF THE INSURANCE PREMIUM COSTS THROUGH THE BROKER; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY; AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS; AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN (Internal Services)

Adopted
Resolution R-755-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

8G (No items were submitted for this section.)

8H PARKS, RECREATION AND OPEN SPACES DEPARTMENT

8H1

121667 **Resolution** **Sally A. Heyman**

RESOLUTION REQUESTING LEASE OF LAND FROM THE STATE OF FLORIDA FOR UPLANDS WITHIN THE TOWN OF SURFSIDE AND BAL HARBOR VILLAGE (Parks, Recreation and Open Spaces)

Adopted
Resolution R-778-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/10/2012 3B *Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee*

8H2

121662 **Resolution** **Dennis C. Moss**

RESOLUTION RETROACTIVELY EXTENDING THE EXPIRATION DATE OF THREE GRANT AGREEMENTS AWARDED TO THE PARKS, RECREATION AND OPEN SPACES DEPARTMENT IN 2005 UNDER THE SAFE NEIGHBORHOOD PARKS BOND PROGRAM (Parks, Recreation and Open Spaces)

Adopted
Resolution R-779-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/10/2012 3C *Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee*

8H3

121717 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF LEASE AGREEMENTS WITH US SOCCER 5, LLC TO DEVELOP AND OPERATE MINI-SOCCER COMPLEXES AT MIAMI-DADE AMELIA EARHART AND TROPICAL PARKS, WHICH AGREEMENTS WILL GENERATE ESTIMATED REVENUES OF $1,196,000 TO THE COUNTY OVER INITIAL TEN-YEAR TERMS, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AGREEMENTS FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND ALL OTHER RIGHTS CONTAINED IN LEASE AGREEMENT NOS. 797A AND 797B (Parks, Recreation and Open Spaces)

Adopted
Resolution R-780-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/10/2012 3F *Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee*

8H4

121720 **Resolution**

RESOLUTION AUTHORIZING EXECUTION OF LICENSE AGREEMENTS WITH MIAMI WAKE BOARD CABLE COMPLEX, D/B/A MIAMI WATERSPORTS COMPLEX TO DEVELOP AND OPERATE A WATER SPORTS COMPLEX AT AMELIA EARHART PARK FOR A MINIMUM FEE OF $840,000 TO THE COUNTY OVER A TWENTY-YEAR PERIOD, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND ALL OTHER RIGHTS CONTAINED IN LICENSE AGREEMENT NO. 803 (Parks, Recreation and Open Spaces)

Adopted
Resolution R-781-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/10/2012 3G *Forwarded to BCC with a favorable recommendation from the Recreation & Cultural Affairs Committee*

8I MIAMI-DADE POLICE DEPARTMENT

8I1

121573 **Resolution**

RESOLUTION RETROACTIVELY RATIFYING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE ACTION TO APPLY FOR, RECEIVE, AND EXPEND GRANT FUNDS IN THE AMOUNT OF $12,600 FROM THE STATE FARM SAFETY GRANT PROGRAM; AND FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE AND EXECUTE SUCH CONTRACTS, AGREEMENTS, MEMORANDA OF UNDERSTANDING, MODIFY OR AMEND THE APPLICATION IN ORDER TO RECEIVE ADDITIONAL FUNDS OR TO EXTEND THE PERFORMANCE PERIOD AS REQUIRED IF AWARDED (Miami-Dade Police Department)

Adopted
Resolution R-782-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/11/2012 3F *Forwarded to BCC with a favorable recommendation from the Public Safety & Healthcare Admin Cmte*

8I2

121718 **Resolution**

RESOLUTION RETROACTIVELY RATIFYING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE ACTION TO APPLY FOR, RECEIVE, AND EXPEND GRANT FUNDS IN THE AMOUNT OF $50,000 AND TO APPLY FOR AND RECEIVE EQUIPMENT FROM THE FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES GRANT PROGRAM FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION; AND FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE AND EXECUTE SUCH CONTRACTS, AGREEMENTS, MEMORANDA OF UNDERSTANDING, MODIFY OR AMEND THE APPLICATION IN ORDER TO RECEIVE ADDITIONAL FUNDS OR TO EXTEND THE PERFORMANCE PERIOD AS REQUIRED IF AWARDED (Miami-Dade Police Department)

Adopted
Resolution R-783-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/11/2012 3G *Forwarded to BCC with a favorable recommendation from the Public Safety & Healthcare Admin Cmte*

8I3

121781 **Resolution** **Jose "Pepe" Diaz**

RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA, THE METROPOLITAN POLICE DEPARTMENT OF WASHINGTON, D.C. AND MIAMI-DADE COUNTY THROUGH THE MIAMI-DADE POLICE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE ACTION TO EXECUTE AMENDMENTS, RENEWALS, AND EXTENSIONS AND TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN (Miami-Dade Police Department)

Adopted
Resolution R-784-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

8J (No items were submitted for this section.)

8K PUBLIC HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT

8K1

121362 **Resolution** **Audrey M. Edmonson**

RESOLUTION ACCEPTING CONVEYANCE OF VACANT LAND FROM HABITAT FOR HUMANITY OF GREATER MIAMI, INC. FOR TEN DOLLARS ($10.00); DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO REMOVE THE VACANT LAND FROM THE INFILL HOUSING INITIATIVE PROGRAM; DECLARING THE VACANT LAND AS SURPLUS COUNTY OWNED PROPERTY; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DISPOSE OF SAID PROPERTY IN ACCORDANCE WITH FLORIDA STATUTE 125.35; AUTHORIZING THE WAIVER OF ADMINISTRATIVE ORDER NO. 8-4 AS IT PERTAINS TO THE PLANNING ADVISORY BOARD; AND AUTHORIZING EXECUTION OF COUNTY DEED BY THE BOARD OF COUNTY COMMISSIONERS ACTING BY THE CHAIRPERSON OR VICE CHAIRPERSON OF THE BOARD FOR SUCH PURPOSE (Public Housing and Community Development)

Adopted
Resolution R-785-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 3E *Forwarded to BCC with a favorable recommendation from the Economic Development & Social Services Committee*

8K2

121692 **Resolution** **Audrey M. Edmonson, Sally A. Heyman**

RESOLUTION APPROVING A SUBSTANTIAL AMENDMENT TO THE FY 2008 ACTION PLAN PREVIOUSLY APPROVED FOR THE NEIGHBORHOOD STABILIZATION PROGRAM TO RECAPTURE $1.8 MILLION FROM THE ADMINISTRATION AND PLANNING ACTIVITY AND REALLOCATE TO THE ACQUISITION AND REHABILITATION OF MULTI-FAMILY RESIDENTIAL PROPERTIES (Public Housing and Community Development)

Adopted
Resolution R-786-12
Mover: Lynda Bell
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 3F *Forwarded to BCC with a favorable recommendation from the Economic Development & Social Services Committee*

8K2 SUPPLEMENT

121981 **Supplement**

SUPPLEMENTAL INFORMATION RE: NEIGHBORHOOD STABILIZATION PROGRAM (NSP) SUBSTANTIAL AMENDMENT ADDING PUBLIC COMMENTS RECEIVED AFTER THE SEPTEMBER 12, 2012 EDSS COMMITTEE MEETING

Accepted

8K3

121685 **Resolution** **Audrey M. Edmonson, Barbara J. Jordan**

RESOLUTION AUTHORIZING CONVEYANCE OF TEN (10) SINGLE FAMILY HOME SITES LOCATED IN THE NORTHWEST QUADRANT OF MIAMI-DADE COUNTY TO HOUSING PROGRAMS, INC., A NOT-FOR-PROFIT FLORIDA CORPORATION, FOR INFILL HOUSING DEVELOPMENT AT A PRICE OF TEN DOLLARS ($10.00); AUTHORIZING THE WAIVER OF ADMINISTRATIVE ORDER 3-44 AS IT RELATES TO THE SECTION ENTITLED AVAILABILITY OF COUNTY PROPERTY; AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED (Public Housing and Community Development)

Amended

Report: *(See Agenda Item 8K3 Amended; Legislative File No. 130078)*

9/12/2012 3G *Forwarded to BCC with a favorable recommendation from the Economic Development & Social Services Committee*

8k3 Amended

130078 **Resolution** **Audrey M. Edmonson, Barbara J. Jordan**

RESOLUTION AUTHORIZING CONVEYANCE OF EIGHT (8) SINGLE FAMILY HOME SITES LOCATED IN THE NORTHWEST QUADRANT OF MIAMI-DADE COUNTY TO HOUSING PROGRAMS, INC. A NOT-FOR-PROFIT, FLORIDA CORPORATION, FOR INFILL HOUSING DEVELOPMENT AT A PRICE OF TEN DOLLARS ($10.00); AUTHORIZING THE WAIVER OF ADMINISTRATIVE ORDER 3-44 AS IT RELATES TO THE SECTION ENTITLED AVAILABILITY OF COUNTY PROPERTY; AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED [SEE ORIGINAL ITEM UNDER FILE NO. 121685] (Public Housing and Community Development)

Adopted as amended
Resolution R-787-12
Mover: Audrey M. Edmonson
Seconder: Barbara J. Jordan
Vote: 10- 0
Absent: Barreiro, Suarez, Bovo, Jr.

Report: *It was moved by Commissioner Jordan that the foregoing proposed resolution be bifurcated in order to exclude the two properties located in District 1. This motion was seconded by Commissioner Edmonson, and upon being put to a vote, passed by a vote of 10-0, (Commissioners Barreiro, Bovo and Suarez were absent).*

The County Commission adopted the foregoing proposed resolution as amended to exclude the two properties located in District 1. This motion was seconded by Commissioner Jordan, and upon being put to a vote, passed by a vote of 10-0, (Commissioners Barreiro, Bovo and Suarez were absent).

It was moved by Commissioner Jordan that the two properties excluded from the foregoing resolution be deferred to no date certain. This motion was seconded by Commissioner Diaz and upon being put to a vote, passed by a vote of 10-0, (Commissioners Barreiro, Bovo and Suarez were absent).

8L PUBLIC WORKS & WASTE MANAGEMENT DEPARTMENT

8L1

121581 **Resolution** **Lynda Bell**

RESOLUTION REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO CONVEY AT NO COST TO THE COUNTY A SURPLUS PROPERTY ALONG SW 92 AVENUE AND SW 144 STREET, ALSO KNOWN AS PARCEL 104 (PART) IN MIAMI-DADE COUNTY FOR PUBLIC PURPOSES AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE ACCEPTANCE OF SAID CONVEYANCE ON BEHALF OF MIAMI-DADE COUNTY (Public Works & Waste Management)

Adopted
Resolution R-788-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 3A *Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

8L2

121647 **Resolution**

RESOLUTION AUTHORIZING THE EXECUTION OF AN OFF-SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF IMPROVEMENTS ALONG SW 184 STREET FROM SW 170 AVENUE TO 200 FEET EAST OF SW 154 PLACE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS THEREIN (Public Works & Waste Management)

Adopted
Resolution R-789-12
Mover: Sally A. Heyman
Seconder: Lynda Bell
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 3C *Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

8L3

121585 **Resolution**

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF $96,146.84 TO LEYRAM CONSTRUCTION, INC. FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED RAMPS AND CONNECTORS (PROJECT MCC 7040 PLAN – CICC 7040-0/07, REQUEST FOR PRICE QUOTATION NO. 20120045) AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (Public Works & Waste Management)

Adopted
Resolution R-790-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 3B *Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

8L4

121738 **Resolution**

RESOLUTION APPROVING EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE THE COUNTY WITH UP TO $1,319,213 IN TRANSPORTATION ENHANCEMENT PROGRAM FUNDS FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE OLD CUTLER TRAIL BICYCLE ROUTE FROM SW 136 STREET/SW 63 AVENUE TO CARTAGENA PLAZA; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS THEREIN; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (Public Works & Waste Management)

Adopted
Resolution R-791-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/10/2012 3E *Forwarded to BCC with a favorable recommendation from the Regional Transportation Committee*

8L5

121739 **Resolution**

RESOLUTION APPROVING EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE THE COUNTY WITH FUNDING UP TO $6,720,517 FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ALONG NW 74 STREET FROM NW 114 AVENUE TO NW 107 AVENUE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS THEREIN; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (Public Works & Waste Management)

Adopted
Resolution R-792-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/10/2012 3F *Forwarded to BCC with a favorable recommendation from the Regional Transportation Committee*

8L6

121846 **Resolution**

RESOLUTION APPROVING EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF MIAMI TO PROVIDE THE COUNTY WITH FUNDING IN AN AMOUNT UP TO $600,000 FOR THE CONSTRUCTION OF ROAD IMPROVEMENTS ALONG SW 17 AVENUE, FROM US-1 TO FLAGLER STREET; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS THEREIN; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS [PLEASE SEE ORIGINAL ITEM UNDER FILE NO. 121743] (Public Works & Waste Management)

Adopted
Resolution R-793-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 3J Amended *Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Infrastructure and Land Use Committee*

8L7

121427 **Resolution**

RESOLUTION AWARDING CONTRACT 9594-0/13, TRUCK TRACTORS, TO PALM PETERBILT TRUCK CENTERS, INC, IN A TOTAL AMOUNT OF $1,408,000 FOR THE ONE-YEAR TERM, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MODIFY THE CONTRACT, EXERCISE CANCELLATION AND RENEWAL PROVISIONS CONTAINED THEREIN, AND EXERCISE ANY OTHER RIGHTS IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT ON BEHALF OF MIAMI-DADE COUNTY (Public Works & Waste Management)

Adopted
Resolution R-794-12
Mover: Sally A. Heyman
Seconder: Audrey M. Edmonson
Vote: 10- 0
Absent: Barreiro, Suarez, Bovo, Jr.

Report: *Commissioner Jordan expressed concern regarding specifications being written and designed for specific bidders. She noted of the two bids received for the purchase of ten truck tractors for the Public Works and Waste Management Department, one of the offers was a "no bid" because of the size specifications in the solicitation. Commissioner Jordan said that she had received complaints from companies that wanted to bid on County contracts, but believed the specifications appeared to be written by other companies to prevent competition.*

Mr. Lester Sola, Director, Internal Services Department, acknowledged Commissioner Jordan's concern; however, he noted the bid that was determined to be a "no bid" resulted from the bidder not meeting the requirements, or not accessing another avenue to meet additional requirements.

Commissioner Jordan noted she understood that the bidder did not submit a proposal, but she reiterated her concern that the specifications appeared as if they were designed to eliminate certain manufacturers.

Mr. Sola said the specifications on the truck that was a "no bid" did not meet the requirements and staff believed that there would have been a safety risk, if they had allowed that firm's proposal to be evaluated.

Commissioner Bell noted she concurred with Commissioner Jordan's comments.

The County Commission proceeded to vote on the foregoing resolution as presented.

9/11/2012	3S	*No action taken due to lack of a quorum by the Internal Mgmt. & Fiscal Responsibility Committee*
9/25/2012		*Forwarded to the full BCC by the BCC Chairman from the Internal Mgmt. & Fiscal Responsibility Committee*

8M REGULATORY & ECONOMIC RESOURCES

8M1

121751 **Resolution** **Audrey M. Edmonson**

RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE'S TO EXECUTE THE UNITED STATES DEPARTMENT OF ENERGY'S BETTER BUILDINGS CHALLENGE COMMUNITY PARTNERSHIP AGREEMENT AND AMENDMENTS THERETO; EXERCISE TERMINATION PROVISIONS AND ALL OTHER RIGHTS PROVIDED THEREIN; AND APPLY FOR, RECEIVE, AND EXPEND GRANT FUNDS THAT MAY BECOME AVAILABLE AS PART OF THIS AGREEMENT (Regulatory and Economic Resources)

Adopted
Resolution R-795-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 3H *Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

8M2

121879 **Resolution** **Rebeca Sosa**

RESOLUTION AMENDING RESOLUTION NO. R-992-11 RELATED TO CONFIDENTIAL PROJECT NO. 12-00052; APPROVING CONFIDENTIAL PROJECT NO. 12-00052 AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO FLORIDA STATUTE 288.106; CONFIRMING THAT THE COMMITMENTS OF LOCAL FINANCIAL SUPPORT NECESSARY FOR CONFIDENTIAL PROJECT NO. 12-00052 EXIST; AND PROVIDING AN APPROPRIATION OF UP TO $82,800 FROM GENERAL REVENUE FUNDS AS LOCAL PARTICIPATION IN THE STATE OF FLORIDA QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM FOR FISCAL YEARS 2013 THROUGH 2021, INCLUSIVE, OR OVER A TIME PERIOD AS DETERMINED BY THE STATE OF FLORIDA IN ITS APPROVAL OF CONFIDENTIAL PROJECT NO. 12-00052 APPLICATION WITH THE PROVISION THAT ANY TAX ABATEMENT GRANTED TO CONFIDENTIAL PROJECT NO. 12-00052 UNDER FLORIDA STATUTE 196.1995 REDUCES ANY QUALIFIED TARGET INDUSTRY TAX REFUND TO CONFIDENTIAL PROJECT NO. 12-00052 BY THE AMOUNT OF ANY SUCH TAX ABATEMENT GRANTED, IN COMPLIANCE WITH FLORIDA STATUTE 288.106(6)(D); AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MAKE MODIFICATIONS INCLUDING CHANGES TO DATES FOR JOB CREATION AND DISBURSEMENT OF INCENTIVE AWARDS IF IN THE BEST INTEREST OF THE COUNTY AND EXECUTE ALL CONTRACTS, AGREEMENTS, AND AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE (Regulatory and Economic Resources)

Adopted
Resolution R-796-12
Mover: Rebeca Sosa
Seconder: Joe A. Martinez
Vote: 10- 0
Absent: Barreiro, Suarez, Bovo, Jr.

Report: *Commissioner Sosa asked Deputy Mayor Russell Benford to ensure that a representative from the Beacon Council meet with Commissioner Bell regarding the reduction in the number of new jobs to be created from Confidential Project No. 12-00052.*

8M3

121589 **Resolution** **Sally A. Heyman**

RESOLUTION WAIVING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM'S ADMINISTRATIVE RULES FOR PURPOSE OF DISBURSING BOND FUNDS IN THE AMOUNT OF $1,980,900.25 AS LOCAL GOVERNMENT MATCH TO U.S. ARMY CORPS OF ENGINEERS RELATING TO BBC GOB PROJECT NO. 52 - "BEACH EROSION MITIGATION AND RENOURISHMENT PROJECT"; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE FOREGOING (Regulatory and Economic Resources)

Adopted
Resolution R-797-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 3D *Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

8M4

121669 **Resolution** **Rebeca Sosa**

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO 537 MAJORCA AVENUE, CORAL GABLES, FLORIDA PURSUANT TO SECTION 196.1997, AND 196.1998 FLORIDA STATUTE AND SECTION 16A-18, MIAMI-DADE COUNTY CODE (Regulatory and Economic Resources)

Adopted
Resolution R-798-12
Mover: Lynda Bell
Seconder: Audrey M. Edmonson
Vote: 10- 1
No: Bell
Absent: Suarez, Bovo, Jr.

Report: *Commissioner Bell noted her support for the foregoing proposed resolution; however, she stated for the record that the County gave back a small amount of money as a County in order for people to spend large sums of money for historic properties.*

9/12/2012 3F *Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

8M5

121759 **Resolution** **Xavier L. Suarez**

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO 313 SARTO AVENUE, CORAL GABLES, FLORIDA PURSUANT TO SECTION 196.1997, AND 196.1998 FLORIDA STATUTE AND SECTION 16A-18, MIAMI-DADE COUNTY CODE (Regulatory and Economic Resources)

Adopted
Resolution R-799-12
Mover: Lynda Bell
Seconder: Audrey M. Edmonson
Vote: 10- 1
No: Bell
Absent: Suarez, Bovo, Jr.

Report: *(See notes under Agenda Item 8M4; Legislative File No. 121669)*

9/12/2012 3I *Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

8M6

121579 **Resolution**

RESOLUTION APPROVING APPLICATION FOR TWO (2) CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO RAD MEDICAL TRANSPORTATION, INC. TO PROVIDE COMBINATION WHEELCHAIR AND STRETCHER NONEMERGENCY MEDICAL TRANSPORTATION SERVICES (Regulatory and Economic Resources)

Adopted
Resolution R-800-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/10/2012 1F2 *Forwarded to BCC with a favorable recommendation from the Regional Transportation Committee*

8M7

121884 **Resolution** **Jean Monestime**

RESOLUTION SUPPORTING CONFIDENTIAL PROJECT NO. 13-00055 FOR A STATE OF FLORIDA BROWNFIELD REDEVELOPMENT BONUS REFUND PURSUANT TO FLORIDA STATUTES § 288.107 WHILE OPTING OUT OF THE LOCAL MATCH AND FURTHER PROVIDING FOR AN EFFECTIVE DATE (Regulatory and Economic Resources)

Adopted
Resolution R-801-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

8N (No items were submitted for this section.)

8O WATER & SEWER DEPARTMENT

8O1

121648 **Resolution** **Barbara J. Jordan**

RESOLUTION AUTHORIZING THE EXECUTION OF AN EIGHTEEN FOOT WIDE NON-EXCLUSIVE TEMPORARY GRANT OF EASEMENT TO WILLIAMS ISLAND VENTURE, LLC FOR INGRESS THERETO AND EGRESS THEREFROM ON PROPERTY LOCATED AT 19400 NORTHEAST 10 AVENUE, MIAMI, FLORIDA 33179 (Water & Sewer Department)

Adopted
Resolution R-802-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 3G *Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

9 ADDITIONAL DEPARTMENTAL ITEMS

9A1

121665 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A STANDARD MEMORANDUM OF AGREEMENT WITH THE COMMUNITY HUMAN SERVICE FOUNDATION, INC. DBA COMMUNITY ACTION AGENCY FOUNDATION, INC., FOR THE LEASE OF ONE NEW 2012 DISABLED EQUIPPED AND WHEEL CHAIR ACCESSIBLE MINI-BUS FOR $1.00 PER YEAR FOR A PERIOD OF FIVE YEARS (Community Action and Human Services)

Adopted
Resolution R-803-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 3B *Forwarded to BCC with a favorable recommendation from the Economic Development & Social Services Committee*

9A2

121668 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A STANDARD MEMORANDUM OF AGREEMENT WITH THE COMMUNITY HUMAN SERVICE FOUNDATION, INC. DBA COMMUNITY ACTION AGENCY FOUNDATION, INC., FOR THE LEASE OF TWO DISABLED EQUIPPED AND WHEEL CHAIR ACCESSIBLE MINI-BUSES FOR $1.00 PER YEAR FOR A PERIOD OF TWO YEARS (Community Action and Human Services)

Adopted
Resolution R-804-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 3C *Forwarded to BCC with a favorable recommendation from the Economic Development & Social Services Committee*

10 AUTHORITIES, BOARDS, COUNCILS AND TRUSTS

10A1

121735 **Resolution**

RESOLUTION APPROVING ISSUANCE OF MIAMI-DADE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY INDUSTRIAL DEVELOPMENT REVENUE BONDS IN AN AMOUNT NOT TO EXCEED $15,500,000 AND IN ONE OR MORE SERIES TO FINANCE OR REFINANCE ALL OR A PART OF THE COSTS OF A CAPITAL PROJECT BENEFITING UNITED WAY OF MIAMI-DADE, INC., FOR PURPOSES OF AND PURSUANT TO SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED (Industrial Development Authority)

Adopted
Resolution R-805-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/11/2012 3T *No action taken due to lack of a quorum by the Internal Mgmt. & Fiscal Responsibility Committee*

9/25/2012 *Forwarded to the full BCC by the BCC Chairman from the Internal Mgmt. & Fiscal Responsibility Committee*

11 COUNTY COMMISSION

11A RESOLUTIONS

11A1

121907 **Resolution** **Joe A. Martinez**

RESOLUTION APPROVING ALLOCATION OF FY 2012-13 DISTRICT 11 OFFICE BUDGET FUNDS

Adopted
Resolution R-806-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

11A2

121689 **Resolution** **Bruno A. Barreiro**

RESOLUTION APPROVING AGREEMENTS RELATED TO DISTRICT 5 GRANT FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 249 – "PRESERVATION OF AFFORDABLE HOUSING UNITS AND EXPANSION OF HOME OWNERSHIP" TO CARRFOUR SUPPORTIVE HOUSING INC. IN AMOUNT OF $276,179 FOR DEVELOPMENT OF VILLA AURORA AFFORDABLE HOUSING PROJECT; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND DELIVER SUCH AGREEMENTS ON BEHALF OF COUNTY

Adopted
Resolution R-807-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 2B *Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

11A3

121894 **Resolution** **Jean Monestime**

RESOLUTION APPROVING ALLOCATIONS OF FY 2012-13 DISTRICT 2 OFFICE BUDGET FUNDS AND RESCINDING PRIOR FY 2011-12 OFFICE BUDGET ALLOCATIONS

Adopted
Resolution R-808-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

11A4

121627 **Resolution** **Jean Monestime, Barbara J. Jordan**

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EVALUATE OPPORTUNITIES TO EXTEND THE PROPOSED ENHANCED BUS SERVICE ALONG NORTHWEST 27TH AVENUE INTO BROWARD COUNTY IN ONE SEAMLESS SYSTEM AND FURTHER DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EVALUATE OPPORTUNITIES TO ACCELERATE THE DEVELOPMENT OF BUS RAPID TRANSIT ALONG THIS CORRIDOR

Adopted
Resolution R-809-12
Mover: Lynda Bell
Seconder: Audrey M. Edmonson
Vote: 10- 0
Absent: Barreiro, Suarez, Bovo, Jr.

Report: *Commissioner Bell stated for the record that the Broward County Metropolitan Planning Organization was already reviewing this issue and commencing an alternative analysis to extend the routes.*

9/10/2012 2B *Forwarded to BCC with a favorable recommendation as corrected from the Regional Transportation Committee*

11A5

121467 **Resolution** **Dennis C. Moss, Audrey M. Edmonson, Sen. Javier D. Souto**

RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO CONDUCT A FEASIBILITY STUDY ON ESTABLISHING A COUNTYWIDE PROGRAM TO PROVIDE FUNDING FOR HOME REHABILITATION PROJECTS FOR LOW-INCOME, ELDERLY, VETERAN, AND DISABLED HOMEOWNERS TO BE ADMINISTERED BY REBUILDING TOGETHER MIAMI-DADE, INC.; THE STUDY SHALL EXAMINE THE FEASIBILITY OF FUNDING THE PROGRAM THROUGH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, COUNTYWIDE GENERAL REVENUE FUNDS, OR OTHER ELIGIBLE SOURCES

Amended

Report: *(See Agenda Item 11A5 Amended; Legislative File No. 122065)*

9/12/2012 2A *Forwarded to BCC with a favorable recommendation from the Economic Development & Social Services Committee*

11A5 Amended

122065 **Resolution** **Dennis C. Moss,**
Audrey M. Edmonson,
Sen. Javier D. Souto

RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO CONDUCT A FEASIBILITY STUDY ON ESTABLISHING A COUNTYWIDE PROGRAM TO PROVIDE FUNDING FOR HOME REHABILITATION PROJECTS FOR LOW-INCOME, ELDERLY, VETERAN, AND DISABLED HOMEOWNERS TO BE ADMINISTERED BY REBUILDING TOGETHER MIAMI-DADE, INC.; THE STUDY SHALL EXAMINE THE FEASIBILITY OF FUNDING THE PROGRAM THROUGH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, COUNTYWIDE GENERAL REVENUE FUNDS, OR OTHER ELIGIBLE SOURCES [SEE ORIGINAL ITEM UNDER FILE NO. 121467]

Adopted as amended
Resolution R-810-12
Mover: Dennis C. Moss
Seconder: Barbara J. Jordan
Vote: 11- 0
Absent: Suarez, Bovo, Jr.

Report: *Commissioner Jordan said the Community Action Agency (CAA) conducted a program similar to the one being requested in the foregoing proposed resolution. She expressed concern that although the resolution was requesting a feasibility study, it also opened up all funding sources, including those that fund programs administered by the CAA. Commissioner Jordan noted she could not support this item if that was the intent.*

Commissioner Moss explained that the intent was not to impact currently funded County programs. He noted Rebuilding Together recruited contractors who volunteered their time and equipment to make repairs; while the CAA's focus was on weatherization. Commissioner Moss offered to amend the proposed resolution to receive Commissioner Jordan's support.

Commissioner Jordan noted she would appreciate an amendment that would exclude sources that fund CAA programs.

First Assistant County Attorney Abigail Price-Williams advised that sources that fund CAA programs would be excluded.

The County Commission adopted the foregoing proposed resolution as amended to exclude sources that fund programs administered by the CAA.

11A6

121470 **Resolution** **Rebeca Sosa**

RESOLUTION JOINING THE MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST IN RECOGNIZING OCTOBER 12, 2012 AS "ETHICAL GOVERNANCE DAY" IN MIAMI-DADE COUNTY

Adopted
Resolution R-811-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/11/2012 2A *Forwarded to BCC with a favorable recommendation from the Public Safety & Healthcare Admin Cmte*

11A7

121542 **Resolution** **Rebeca Sosa**

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO REPORT ON CITIZEN PARTICIPATION IN THE DEVELOPMENT OF THE COUNTY'S FY 2013-2017 CONSOLIDATED PLAN

Deferred to no date certain

9/12/2012 2D *Forwarded to BCC with a favorable recommendation from the Economic Development & Social Services Committee*

11A8

121880 **Resolution** **Rebeca Sosa, Lynda Bell**

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO REPORT ON THE INVESTMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, NEIGHBORHOOD STABILIZATION PROGRAM, HOME INVESTMENT PARTNERSHIP PROGRAM, EMERGENCY SOLUTIONS GRANT PROGRAM, STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM AND LOCAL DOCUMENTARY SURTAX FUNDS AND THE IMPACT OF THOSE INVESTMENTS THROUGHOUT THE COUNTY [SEE ORIGINAL ITEM UNDER FILE NO. 121543]

Adopted
Resolution R-812-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 2B Amended *Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Economic Development & Social Services Committee*

11A9

121563 **Resolution** **Rebeca Sosa**

RESOLUTION WAIVING TERM LIMITS FOR THE RE-APPOINTMENT OF RAYMOND MCDONALD TO THE FIRE PREVENTION AND SAFETY APPEALS BOARD

Adopted
Resolution R-813-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/11/2012 2B *Forwarded to BCC with a favorable recommendation from the Public Safety & Healthcare Admin Cmte*

11A10

121564 **Resolution** **Rebeca Sosa**

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO CONDUCT AN EDUCATIONAL CAMPAIGN TO INFORM THE PUBLIC ABOUT MIAMI-DADE COUNTY'S CURRENT REGULATIONS RELATED TO LITTER, GRASS CLIPPINGS AND YARD TRASH

Adopted
Resolution R-814-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 2D *Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

11A11

121877 **Resolution** **Rebeca Sosa, Lynda Bell**

RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO PREPARE A REPORT DETAILING THE SOURCES AND USES OF THE COUNTY'S DOCUMENTARY SURTAX FUNDS AND TRACKING THE OUTCOME OF DOCUMENTARY SURTAX SPENDING; FURTHER DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO SUBMIT THAT REPORT TO THE BOARD OF COUNTY COMMISSIONERS WITHIN SIXTY (60) DAYS [SEE ORIGINAL ITEM UNDER FILE NO. 121565]

Adopted
Resolution R-815-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 2C Amended *Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Economic Development & Social Services Committee*

11A12

121690 **Resolution** **Rebeca Sosa**

RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO REVIEW THE FEBRUARY 2006 RECOMMENDATIONS OF THE ELDER ABUSE TASK FORCE AND TO ADVISE THE BOARD OF COUNTY COMMISSIONERS ON WHAT HAS BEEN IMPLEMENTED FROM THE RECOMMENDATIONS OF THE ELDER ABUSE TASK FORCE, AND TO ADVISE THE BOARD OF COUNTY COMMISSIONERS ON WHAT PORTIONS OF THE RECOMMENDATIONS HAVE BEEN IMPLEMENTED BY THE STATE OF FLORIDA; FURTHER DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO PROVIDE ADDITIONAL RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS FOR ACCOMPLISHING THE MISSION OF THE TASK FORCE

Adopted
Resolution R-816-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/11/2012 2C *Forwarded to BCC with a favorable recommendation from the Public Safety & Healthcare Admin Cmte*

11A13

121703 **Resolution** **Rebeca Sosa, Lynda Bell, Audrey M. Edmonson, Sally A. Heyman, Dennis C. Moss**

RESOLUTION SUPPORTING THE CENTRAL EVERGLADES PLANNING PROJECT FOR THE RESTORATION OF THE CENTRAL EVERGLADES

Adopted
Resolution R-817-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 2E *Forwarded to BCC with a favorable recommendation from the Infrastructure and Land Use Committee*

11A14

121785 **Resolution** **Rebeca Sosa**

RESOLUTION APPROVING HEAD START PROGRAM PROCEDURES CONCERNING RESOLUTION OF IMPASSES WITH THE HEAD START POLICY COUNCIL, COMMUNICATION PROTOCOLS, AND THE COMPOSITION AND ELECTION OF THE HEAD START POLICY COUNCIL

Adopted
Resolution R-818-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 2E *Forwarded to BCC with a favorable recommendation from the Economic Development & Social Services Committee*

11A15

121430 **Resolution** **Sen. Javier D. Souto**

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO DEVELOP A PROGRAM TO ENCOURAGE THE ADOPTION OF ANIMALS FROM THE COUNTY ANIMAL SHELTER AS COMPANIONS FOR THE ELDERLY

Adopted
Resolution R-819-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/11/2012 2D *Forwarded to BCC with a favorable recommendation from the Public Safety & Healthcare Admin Cmte*

11A16

121937 **Resolution** **Sen. Javier D. Souto, Lynda Bell**

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO DEVELOP A PROGRAM FOR MONTHLY EVENTS AT COUNTY PARKS TO PROMOTE ADOPTION OF PETS FROM THE COUNTY ANIMAL SHELTER (SEE ORIGINAL ITEM UNDER FILE NO. 121539)

Adopted
Resolution R-820-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/11/2012 2E AMENDED *Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Public Safety & Healthcare Admin Cmte*

11A17

121818 **Resolution** **Joe A. Martinez**

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO WORK WITH FLORIDA INTERNATIONAL UNIVERSITY AND THE DR. ANTONIO JORGE SOCIAL ECONOMIC DEVELOPMENT COUNCIL TO DEVELOP A PLAN TO CONDUCT A COMPREHENSIVE ECONOMIC STUDY IN FY 2013-2014 TO HELP THE COUNTY CREATE FOCUSED STRATEGIES TO SPREAD ECONOMIC VALUE AND TO INCREASE JOB GROWTH AND TO BRING THAT PLAN BEFORE THE BOARD OF COUNTY COMMISSIONERS WITHIN THIRTY (30) DAYS OF THE ADOPTION OF THIS ITEM

Deferred to no date certain
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/18/2012 11A9 *Deferred by the Board of County Commissioners*

11A18

121866 **Resolution** **Esteban L. Bovo, Jr.**

RESOLUTION APPROVING THE CITY OF HIALEAH'S CHANGE TO THE CODESIGNATION OF THE WEST SIDE OF THE INTERSECTION OF PALM AVENUE AND 64 STREET FROM "JASON'S WAY" TO "JASON VALDES WAY"

Adopted
Resolution R-821-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

11A19

121912 **Resolution** **Jose "Pepe" Diaz, Lynda Bell, Sally A. Heyman, Jean Monestime, Rebeca Sosa**

RESOLUTION URGING CONGRESS TO PASS THE VETERANS JOB CORPS ACT OF 2012, S. 3457, OR SIMILAR LEGISLATION THAT WOULD PUT UNEMPLOYED VETERANS TO WORK IN CONSERVATION, RESOURCE MANAGEMENT AND HISTORIC PRESERVATION PROJECTS ON PUBLIC LANDS AND PROVIDE GRANTS TO HIRE VETERANS AS FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS

Adopted
Resolution R-822-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

11A20

121835 **Resolution** **Barbara J. Jordan,**
Sally A. Heyman,
Jean Monestime,
Rebeca Sosa

RESOLUTION URGING THE FLORIDA LEGISLATURE TO RESTORE SCHOOL READINESS FUNDING TO THE EARLY LEARNING COALITION OF MIAMI-DADE/MONROE THAT RECENTLY HAS BEEN REDUCED AS A RESULT OF A NEW STATEWIDE FUNDING FORMULA; IDENTIFYING THIS ISSUE AS A CRITICAL COUNTY PRIORITY FOR THE 2013 SESSION

Adopted
Resolution R-823-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

11A21

121909 **Resolution** **Barbara J. Jordan**

RESOLUTION URGING THE U.S. CONGRESS TO REINSTATE THE FEDERAL ASSAULT WEAPONS BAN; URGING THE FLORIDA LEGISLATURE TO IMPOSE A STATE ASSAULT WEAPONS BAN; AND ALTERNATIVELY URGING THE FLORIDA LEGISLATURE TO LIFT THE PREEMPTION ON LOCAL GOVERNMENTS' REGULATING ASSAULT WEAPONS IN FLORIDA AND ALLOW LOCAL GOVERNMENTS TO IMPOSE AN ASSAULT WEAPONS BAN

Motion to adopt resulted in tie vote

Report: *It was moved by Commissioner Jordan that the foregoing proposed resolution be adopted. This motion was seconded by Commissioner Moss.*

Chairman Martinez said the issue of assault weapons was divided between party lines in Washington. He commented on the frequent use of these weapons in Districts 2 and 3, and noted this was not about the right to bear arms. Chairman Martinez pointed out that no one in the Inner City with an AK-47 would be using it for hunting purposes.

Commissioner Heyman said that she had been on record against assault weapons in urban areas even while serving in the Legislature, noting this issue should also include armor-piercing bullets. Commissioner Heyman said assault weapons should be restricted to the military and law enforcement as they had no legitimate use in an urban area. However, she noted, she could not support the foregoing proposed resolution as it affected four levels of government.

Commissioner Jordan said she had sponsored an item regarding armor-piercing bullets. She asked that the Miami-Dade Police Department Director provide a report covering the last three years by district, outlining the number of times an assault weapon had been used throughout Miami-Dade County, and the number of casings found as a result of the use of such assault weapons. Commissioner Jordan pointed out that this issue affected tourism.

Commissioner Bell read the definition of an assault weapon. She noted she could not support this proposed resolution as any semiautomatic weapon was considered an assault weapon.

Commissioner Diaz said he concurred with Commissioner Bell's comments. He noted he understood Chairman Martinez' comments; however, he also had the right to bear arms. Commissioner Diaz said it was the actions of the person behind the weapon that were important.

Upon being put to a vote, the motion to adopt the foregoing proposed resolution as moved by Commissioner Jordan and seconded by Commissioner Moss, resulted in a 5-5 tie vote as follows: Commissioners Sosa, Souto, Bell, Diaz and Heyman voted "No"; Chairman Martinez and Commissioners Monestime, Moss, Jordan and Edmonson voted "Yes"; and Commissioners Barreiro, Bovo and Suarez were absent).

11A22

121911 **Resolution** **Barbara J. Jordan, Lynda Bell**

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION REINSTATING LANGUAGE PROHIBITING CERTAIN MUNICIPAL WATER AND SEWER UTILITIES FROM IMPOSING A SURCHARGE ON CONSUMERS LOCATED OUTSIDE THE CITY AS "TAXATION WITHOUT REPRESENTATION"

Adopted
Resolution R-824-12
Mover: Barbara J. Jordan
Seconder: Joe A. Martinez
Vote: 7- 4
No: Monestime, Heyman, Sosa, Diaz
Absent: Barreiro, Bovo, Jr.

Report: *Commissioner Heyman spoke in opposition to the foregoing proposed resolution. She suggested that commissioners in the cities of Hialeah, North Miami, North Miami Beach and Homestead consider the impact of this proposal on their municipal water services.*

Commissioner Sosa also suggested that the impact on the City of West Miami be considered.

Commissioner Monestime spoke in opposition to this proposed resolution. He noted he agreed that this proposal would hurt municipalities as it provided for the depletion of funds from the municipalities' capital programs.

Commissioner Sosa recommended that the sponsor of this proposed resolution work with the municipalities and come back to the Commission. She noted the municipalities already approved most of their budgets and were providing a service that would be costly to the County.

Chairman Martinez spoke in support of this proposal, noting it was a question of equity and fairness. He said the County sold water to the municipalities at the rate that unincorporated residents paid and the municipalities sometimes doubled and tripled the rates for their residents.

Commissioner Jordan said a surcharge was added to the water and sewer charges for City of Miami Gardens residents, and her community did not have an opportunity to vote on the elected officials who were making these decisions. She pointed out that the City of Homestead had agreed not to apply the surcharge any more. Commissioner Jordan said she presented this proposal to the League of Cities to ensure that the cities were aware of this item, and she had a representative in the Legislature who would present this issue to the State Legislature. She noted this issue constituted "taxation without representation."

Commissioner Heyman noted the cities had a Public Utilities Committee at which residents could be represented.

Commissioner Diaz said the municipalities were not aware that this item was on today's (10/2) agenda; had they known they would have been present. He noted he could not support this proposal without additional details.

Commissioner Monestime pointed out that the municipalities not only maintained the water treatment plants but paid for the bonds that financed these plants. He noted it was not truly "taxation without representation" as the individuals within the municipalities would be required to pay for everything if the cities did not have the capital for repairs and maintenance of the plants.

Commissioner Moss spoke in support of the foregoing proposed resolution; however, he noted he believed further discussion on this issue was needed. He said an additional charge may be required but he suggested the possibility of the cost being borne by everyone in the service area, including city residents, to lower the burden on consumers outside of the city. Commissioner Moss noted this would achieve a sense of fairness. He suggested that the County Commission review the issue of the bonds.

Commissioner Bell spoke in support of this proposed resolution. She noted the surcharge should be spread evenly among the perimeter of the customer base.

Commissioner Jordan said she would not have a problem with the surcharge if everyone within the municipalities were paying the same. She pointed out that the City of North Miami was not using its money for any infrastructure or bonds.

The County Commission proceeded to vote on the foregoing resolution, as presented.

Upon conclusion of the foregoing item, Chairman Martinez announced that the Comprehensive Development Master Plan meeting would be held tomorrow (10/3).

11A23

121830 **Resolution** **Rebeca Sosa, Lynda Bell, Audrey M. Edmonson, Sally A. Heyman**

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT COMPREHENSIVE LEGISLATION DURING THE 2013 SESSION TO PROTECT THE ELDERLY AND OTHER VULNERABLE POPULATIONS THAT RESIDE IN ASSISTED LIVING FACILITIES, FURTHER URGING FLORIDA'S GOVERNOR AND APPLICABLE STATE AGENCIES TO TAKE ALL REGULATORY AND ENFORCEMENT ACTIONS NECESSARY TO ENSURE THE HEALTH AND SAFETY OF RESIDENTS OF ASSISTED LIVING FACILITIES

Adopted
Resolution R-825-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

11A24

121831 **Resolution** **Rebeca Sosa, Audrey M. Edmonson, Sally A. Heyman**

RESOLUTION URGING CONGRESS AND THE FEDERAL GOVERNMENT TO INCREASE FUNDING FOR HEAD START AND EARLY HEAD START TO REDUCE THE NUMBER OF CHILDREN ON WAITING LISTS

Adopted
Resolution R-826-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

11A25

121931 **Resolution** **Joe A. Martinez**

RESOLUTION DIRECTING THE MAYOR TO TAKE ALL NECESSARY ACTIONS TO IMPLEMENT THE 401(A) PLAN RECOMMENDED IN HIS JULY 3, 2012, REPORT INCLUDING ISSUING A SOLICITATION FOR A COMPETITIVE SELECTION PROCESS WITHIN 60 DAYS TO PROVIDE COUNTY EMPLOYEES WITH THE OPPORTUNITY TO PARTICIPATE IN A 401(A) PLAN FOR TERMINAL LEAVE PAYOUTS

Deferred to no date certain
Mover: Joe A. Martinez
Seconder: Rebeca Sosa
Vote: 10- 0
Absent: Barreiro, Suarez, Bovo, Jr.

Report: *In response to Commissioner Heyman's inquiry, Mr. Lester Sola, Director, Internal Services Department, said he was unaware of how the foregoing proposed resolution would affect the Union contracts. He noted any plan that would be offered to the Unions was a bargainable item which staff would need to discuss with the Unions. Mr. Sola requested an opportunity to meet with the Unions at a future date to determine how many members would be interested in such a plan. He noted any new plan component could be introduced during Union negotiations.*

Commissioner Heyman said she would vote against this proposed resolution. She noted her support for discussion, but not implementation, of the proposed 401(a) plan.

Chairman Martinez said the proposed plan would be voluntary once it was bargained. He noted the original report he received from the Administration indicated that this would be beneficial to employees and to the County.

Mr. Sola acknowledged that the County could achieve potential savings on social security taxes; however, this impact was not known. He noted it would also depend on employee participation. Mr. Sola explained the bargaining process for offering this proposed plan and noted the Unions would have to inform the Administration of the amount of employee participation and kind of participation criteria they were seeking. He pointed out that the County could choose to offer different types of plans to the Unions.

Pursuant to Chairman Martinez' request, Mr. Sola read a portion of the County Mayor's July 3, 2012 memorandum regarding the proposed plan.

Mayor Gimenez said the memorandum stated that this type of employee benefit was subject to collective bargaining. He noted the report from Gallagher Benefits Services, Inc. indicated that there were numerous options to consider; therefore, a recommendation was not being made to implement the plan at this time. Mayor Gimenez said he believed that the County should proceed and the Administration could advise the Unions of the benefits. He noted it was his understanding that if the bargaining units voted for this proposal as an option, employees must participate in the plan upon retirement.

Mr. Paul Hibbert, Gallagher Benefits Services, said in order to achieve tax savings through one of these types of vehicles, the employees' converted leave would have to be a mandatory employer contribution made to one of these structured plans. He noted it was not an employee option to elect to participate or not participate in the plan.

It was moved by Chairman Martinez that the foregoing proposed resolution be deferred. This motion was seconded by Commissioner Sosa.

Discussion ensued among Commissioner Moss, Chairman Martinez, Mayor Gimenez and Mr. Hibbert regarding whether employees would be allowed to roll over their retirement benefits to a tax deferred plan; and whether the 401 (a) plan would be beneficial for the employees and the County.

Ms. Mary Lou Rizzo, Assistant Director, Internal Services Department, explained that the existing 457(b) Deferred Compensation Program provided an opportunity to defer a portion of leave at the time that an individual separated from the County, up to the limits established by the IRS Code. She noted in order to afford that benefit to the workforce a formalized, qualified

plan would need to be established. Ms. Rizzo said in order to implement this option under a 401(a) plan, the County must adhere to established guidelines, one of them being, if this opportunity was offered, it would have to be offered to employees in a non-discretionary way and offered to employees by group.

Upon being put to a vote, the County Commission deferred the foregoing proposed resolution.

11A26

121941 **Resolution** **Dennis C. Moss**

RESOLUTION URGING CONGRESS, THE FLORIDA LEGISLATURE, THE FLORIDA SECRETARY OF STATE AND OTHER APPLICABLE FEDERAL AND STATE AGENCIES TO PROVIDE FUNDING FOR THE RESTORATION OF NAVAL AIR STATION RICHMOND BUILDING NO. 25 AS THE MIAMI MILITARY MUSEUM

Adopted
Resolution R-827-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

11B ADDITIONAL BUDGET ALLOCATIONS

11B1

122018 **Report**

ALLOCATION OF (FY) 2012/13 OFFICE BUDGET FUNDS (DISTRICT 1)

Approved
Mover: Sen. Javier D. Souto
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Barreiro, Suarez, Bell, Diaz, Bovo, Jr.

Report: *The following funding allocations were made from fiscal year (FY) 2012/13 District 1 Office Budget Funds as requested by Commissioner Jordan:*

$500 to Miami Gardens Commission for Women (In support of the First Annual Breast Awareness Campaign)
$800 to Greater Miami Service Corps (In support of the 3rd Annual Golf Classic & Awards)

11B2

122019 **Report**

ALLOCATION OF (FY) 2012/13 OFFICE BUDGET FUNDS (DISTRICT 3)

Approved
Mover: Sen. Javier D. Souto
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Barreiro, Suarez, Bell, Diaz, Bovo, Jr.

Report: *The following funding allocations were made from fiscal year (FY) 2012/13 District 3 Office Budget Funds as requested by Commissioner Edmonson:*

$1,500 to Miami Northwestern Alumni Association
$1,250 to Borinquen Medical Center of Miami Dade (Re: Borinquen's 40th Anniversary Gala)
$1,000 to Citizens' Crime Watch of Miami-Dade County, Inc. (Re: 37th Annual Awards Ceremony)
$1,000 to St. John Community Development Corporation (Re: 13th Annual Things are Cooking in Overtown Gala)

11B3

122020 **Report**

ALLOCATION OF (FY) 2012/13 OFFICE BUDGET FUNDS (DISTRICT 4)

Approved
Mover: Sen. Javier D. Souto
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Barreiro, Suarez, Bell, Diaz, Bovo, Jr.

Report: *The following funding allocations were made from fiscal year (FY) 2012/13 District 4 Office Budget Funds as requested by Commissioner Heyman:*

$100 to American Cancer Society (Relay for Life: SIB/Golden Beach/Aventura
$1,000 to Amaranthine, Inc.

11B4

122021 **Report**

ALLOCATION OF (FY) 2012/13 OFFICE BUDGET FUNDS (DISTRICT 8)

Approved
Mover: Sen. Javier D. Souto
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Barreiro, Suarez, Bell, Diaz, Bovo, Jr.

Report: *The following funding allocations were made from fiscal year (FY) 2012/13 District 8 Office Budget Funds as requested by Commissioner Bell:*

$5,000 to South Dade Garden Club for their upcoming events and support at the Fruit & Spice Park that help stimulate knowledge and love of gardening in all its phases.
$500 to THIS IS FOR THE KIDS, INC., for their Homestead Rock'n Rib Fest that will help raise money to local charity organizations that focus on children.
$1,000 to Making Strides Against Breast Cancer.

11B5

122022 **Report**

ALLOCATION OF (FY) 2012/13 OFFICE BUDGET FUNDS (DISTRICT 9)

Approved
Mover: Sen. Javier D. Souto
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Barreiro, Suarez, Bell, Diaz, Bovo, Jr.

Report: *The following funding allocations were made from fiscal year (FY) 2012/13 District 9 Office Budget Funds as requested by Commissioner Moss:*

$500 to South Dade Soil & Water Conservation District to support the "Pride In Gardening" for low-income areas and poor performing schools program.
$500 to South Kendall Optimist Club, Inc., to support the youth of South Dade with a positive leaderhip sports program.
$2,500 to Caribbean Artistic & Cultural Events for our Community, Inc., to support their 15th Anniversary Celebration "La Florida, an Island of Discovery"
$1,000 to American Cancer Society's "Making Strides Against Breast Cancer"

12 COUNTY MANAGER

13 COUNTY ATTORNEY

13A1

121625 **Resolution**

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $350,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR THE CONSTRUCTION OF THE MIAMI INTERMODAL CENTER (MIC) EARLINGTON HEIGHTS EXTENSION OF THE METRORAIL AUTHORIZING THE ACQUISITION OF AN ADDITIONAL CONTIGUOUS PARCEL OF LAND AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (County Attorney's Office)

Adopted
Resolution R-828-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

13A2

121626 **Resolution**

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $2,187,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR THE CONSTRUCTION OF THE MIAMI INTERMODAL CENTER (MIC) EARLINGTON HEIGHTS EXTENSION OF THE METRORAIL AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (County Attorney's Office)

Adopted
Resolution R-829-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

13A3

121842 **Resolution**

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $173,370.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE CONSTRUCTION OF A NEW PARK AND RIDE FACILITY ADJACENT TO THE NORTH SIDE OF SOUTHWEST 344TH STREET BETWEEN NORTHWEST 2ND AVENUE AND NORTHWEST 3RD AVENUE IN FLORIDA CITY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (County Attorney's Office)

Adopted
Resolution R-830-12
Mover: Lynda Bell
Seconder: Audrey M. Edmonson
Vote: 8- 1
No: Martinez
Absent: Suarez, Souto, Diaz, Bovo, Jr.

13A4

121843 **Resolution**

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $55,047.50 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE CONSTRUCTION OF A NEW PARK AND RIDE FACILITY ADJACENT TO THE NORTH SIDE OF SOUTHWEST 344TH STREET BETWEEN NORTHWEST 2ND AVENUE AND NORTHWEST 3RD AVENUE IN FLORIDA CITY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (County Attorney's Office)

Adopted
Resolution R-831-12
Mover: Lynda Bell
Seconder: Audrey M. Edmonson
Vote: 8- 1
No: Martinez
Absent: Suarez, Souto, Diaz, Bovo, Jr.

13A5

121844 **Resolution**

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $108,685.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE CONSTRUCTION OF A NEW PARK AND RIDE FACILITY ADJACENT TO THE NORTH SIDE OF SOUTHWEST 344TH STREET BETWEEN NORTHWEST 2ND AVENUE AND NORTHWEST 3RD AVENUE IN FLORIDA CITY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (County Attorney's Office)

Adopted
Resolution R-832-12
Mover: Lynda Bell
Seconder: Audrey M. Edmonson
Vote: 8- 1
No: Martinez
Absent: Suarez, Souto, Diaz, Bovo, Jr.

13A6

121845 **Resolution**

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $65,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 37 FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 27 AVENUE FROM US 1 TO SOUTH BAYSHORE DRIVE AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (County Attorney's Office)

Adopted
Resolution R-833-12
Mover: Lynda Bell
Seconder: Audrey M. Edmonson
Vote: 8- 1
No: Martinez
Absent: Suarez, Souto, Diaz, Bovo, Jr.

13A7

121850 **Resolution**

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $78,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 157TH AVENUE FROM SW 152ND STREET TO SW 184TH STREET AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (County Attorney's Office)

Adopted
Resolution R-834-12
Mover: Lynda Bell
Seconder: Audrey M. Edmonson
Vote: 8- 1
No: Martinez
Absent: Suarez, Souto, Diaz, Bovo, Jr.

13A8

121851 **Resolution**

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $50,750.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE CONSTRUCTION OF A NEW PARK AND RIDE FACILITY ADJACENT TO THE NORTH SIDE OF PALM AVENUE BETWEEN NORTHWEST 2ND AVENUE AND NW 3RD AVENUE IN FLORIDA CITY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (County Attorney's Office)

Adopted
Resolution R-835-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

14 ITEMS SUBJECT TO 4-DAY RULE

14A1

121984 **Resolution** **Lynda Bell**

RESOLUTION DELEGATING TO THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE THE RIGHT TO ENTER INTO THE SETTLEMENT AND RELEASE OF CLAIMS AGAINST WACHOVIA BANK, N.A. RELATING TO ITS CONDUCT IN THE MUNICIPAL BOND DERIVATIVES MARKET IF CERTAIN CONDITIONS ARE SATISFIED; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH SUCH PURPOSES INCLUDING EXECUTION OF ALL RELATED DOCUMENTS (Finance Department)

Adopted
Resolution R-756-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 9- 0
Absent: Barreiro, Suarez, Diaz, Bovo, Jr.

14A2

121929 **Resolution**

RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED $550,000,000 AGGREGATE ORIGINAL PRINCIPAL AMOUNT OF MIAMI-DADE COUNTY, FLORIDA SUBORDINATE SPECIAL OBLIGATION REFUNDING BONDS, IN ONE OR MORE SERIES, PURSUANT TO SECTION 209 OF 1997 ORDINANCE, TO REFUND ALL OR PORTION OF OUTSTANDING 1997 AND 2005A BONDS, WITH ESTIMATED NET PRESENT VALUE SAVINGS OF 9.80%, ESTIMATED COSTS OF ISSUANCE OF $3,790,000 AND ESTIMATED FINAL MATURITY OF OCTOBER 1, 2037; MAKING NECESSARY FINDINGS FOR EXTENSION OF MATURITIES; PROVIDING FOR CERTAIN DETAILS OF BONDS AND THEIR SALE BY NEGOTIATION; AUTHORIZING MAYOR OR MAYOR'S DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, TO FINALIZE DETAILS, TERMS AND OTHER PROVISIONS OF BONDS, THEIR NEGOTIATED SALE AND REFUNDING OF REFUNDED BONDS; APPROVING FORMS OF AND AUTHORIZING EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS; PROVIDING CERTAIN COVENANTS; AUTHORIZING COUNTY OFFICIALS TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH ISSUANCE, SALE, EXECUTION AND DELIVERY OF BONDS AND REFUNDING OF REFUNDED BONDS; AND PROVIDING SEVERABILITY (Finance Department)

Adopted
Resolution R-757-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 9- 0
Absent: Barreiro, Suarez, Diaz, Bovo, Jr.

14A3

121641 **Resolution**

RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED $910,000,000 OF AVIATION REVENUE REFUNDING BONDS, IN ONE OR MORE SERIES, PURSUANT TO SECTION 211 OF AMENDED AND RESTATED TRUST AGREEMENT FOR PURPOSES OF CURRENT REFUNDING OR REDEEMING CERTAIN OUTSTANDING AVIATION REVENUE BONDS WITH ESTIMATED NET PRESENT VALUE SAVINGS OF 10.775%, ESTIMATED COSTS OF ISSUANCE OF $2,750,000 AND ESTIMATED FINAL MATURITY OF OCTOBER 1, 2032, FUNDING RESERVE ACCOUNT, IF NECESSARY; PROVIDING FOR CERTAIN DETAILS OF BONDS AND THEIR SALE BY NEGOTIATION; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, TO FINALIZE DETAILS, TERMS AND OTHER PROVISIONS OF BONDS; PROVIDING CERTAIN COVENANTS; APPROVING FORMS OF AND AUTHORIZING EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS; AUTHORIZING COUNTY OFFICIALS TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH ISSUANCE, SALE AND DELIVERY OF BONDS; AND PROVIDING SEVERABILITY (Aviation Department)

Adopted
Resolution R-836-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 9- 0
Absent: Barreiro, Suarez, Diaz, Bovo, Jr.

9/11/2012 3C *Forwarded to BCC without a recommendation due to lack of quorum from the Internal Mgmt. & Fiscal Responsibility Committee*

14A4

121958 **Resolution** **Sen. Javier D. Souto**

RESOLUTION AWARDING, APPROVING AND AUTHORIZING THE EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF A CONTRACT IN THE AMOUNT OF $5,496,584, FUNDED BY BUILDING BETTER COMMUNITIES GOB FUNDS, BETWEEN MIAMI-DADE COUNTY AND LEMARTEC ENGINEERING AND CONSTRUCTION CORPORATION FOR CONSTRUCTION OF THE TROPICAL PARK EQUESTRIAN COMPLEX; INCLUDING ALTERNATES 1, 2 AND 3; PROJECT NO. 402202-05-005 GOB ESP; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY TERMINATION AND RENEWAL PROVISIONS CONTAINED THEREIN (Parks, Recreation and Open Spaces)

Amended

Report: *(See Agenda Item 14A4 Amended; Legislative File No. 130235)*

14A4 Amended

130235 **Resolution** **Sen. Javier D. Souto**

RESOLUTION AWARDING, APPROVING AND AUTHORIZING THE EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF A CONTRACT IN THE AMOUNT OF $5,496,584, FUNDED BY BUILDING BETTER COMMUNITIES GOB FUNDS, BETWEEN MIAMI-DADE COUNTY AND LEMARTEC ENGINEERING AND CONSTRUCTION CORPORATION FOR CONSTRUCTION OF THE TROPICAL PARK EQUESTRIAN COMPLEX; INCLUDING ALTERNATES 1, 2 AND 3; PROJECT NO. 402202-05-005 GOB ESP; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY TERMINATION AND RENEWAL PROVISIONS CONTAINED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 121958] (Parks, Recreation and Open Spaces)

Adopted as amended
Resolution R-837-12
Mover: Sen. Javier D. Souto
Seconder: Rebeca Sosa
Vote: 9- 1
No: Martinez
Absent: Barreiro, Suarez, Bovo, Jr.

Report: *It was moved by Commissioner Souto that the foregoing proposed resolution be adopted. This motion was seconded by Commissioner Sosa.*

Mr. Jason Molder, representing Lemartec Engineering and Construction Corporation, appeared before the County Commission and requested to be the last speaker.

Mr. Alan Geffin, Hermelee Geffin, attorney representing four other bidders, appeared in opposition to the foregoing proposed resolution. He said the County Commission should not vote on this item today as several of his clients filed a bid protest with the Clerk of the Board's office yesterday (10/1) at 3:17 p.m. Additionally, Mr. Geffin noted the County was aligned with his clients on this position, and this matter ought to proceed before the protest. He submitted for the record, a copy of the Notice of Intent to Protest a Formal Bid. Mr. Geffin explained that his clients had expressed concerns regarding the sole source requirement in the bid documents for the proposed Tropical Park – Equestrian Complex project. He noted the Department Director for Parks, Recreation and Open Spaces (PROS) concurred that the specifications were flawed as originally crafted; and recommended that a new set of bid specifications be created and re-advertised. Mr. Geffin indicated that the bids were rejected and the specifications revised to avoid any appearance of impropriety and any sole source designations. He noted Lemartec then filed a protest of the rejection and the matter proceeded before a Hearing Officer; however, his clients were not afforded an opportunity to be present. Mr. Geffin said that based on the Hearing Officer's report, a Notice of Intent to recommend the award was issued and his clients were protesting that Notice. He noted the proposed contract should not be awarded to Lemartec as it was procured through a disregard of the Miami-Dade County Code and the sole source requirements. Mr. Geffin requested three minutes for rebuttal.

In response to Chairman Martinez' inquiry regarding Mr. Geffin's statements that his clients were not afforded an opportunity to be present at the Hearing, County Attorney Robert Cuevas noted Mr. Geffin's clients were advised by the County Attorney's office that the process was ongoing; were invited to appear and chose not to attend.

Mr. Geffin noted the question was whether his clients were afforded a meaningful opportunity to attend, and why they would attend when they were aligned with the County.

Chairman Martinez inquired, and Assistant County Attorney Monica Rizo affirmed, that the County Attorney's office defended the County's position.

Mr. Jason Molder, attorney representing Lemartec Engineering and Construction Corporation, appeared in support of the foregoing proposed resolution. He noted the protestors had an opportunity to express their objections; and the Hearing Examiner had inquired about the protestors' whereabouts. Mr. Molder said the protest that was filed yesterday (10/1) was premised on Administrative Order (A.O.) 3-38; however, this A.O. did not apply to construction contracts. He pointed out that the four bidders were unified because they were not the low bidder. Mr. Molder said this process had already been decided by a Special Hearing Examiner; Mr. Geffin's clients chose not to be present at the Hearing; and they were collaterally prevented from being present at today's (10/2) Commission meeting and had waived their rights. He pointed out that the second low bidder was not part of the bid protest. Mr. Molder said there was no basis for the bid protest and read the contract award recommendation from Ms. Lisa Martinez, Senior

Advisor, Office of the Mayor. He noted the County was aligned with Lemartec, and the judge had decided in Lemartec's favor.

Mr. Geffin reappeared in rebuttal. He noted his clients brought a matter of impropriety to the County's attention and were not required to be at the final Hearing. Mr. Geffin said his clients sought to champion the County's suggestion to reject all bids, change the specifications and re-advertise this proposed project for bid.

In response to Commissioner Jordan's inquiry as to whether the County Commission could hear this item today inasmuch as the commissioners were just provided with a copy of the notice of intent to file a bid protest, County Attorney Cuevas advised that the item could be heard and resolved today by the Commission.

Commissioner Moss inquired about the portion that was redacted in Mr. Geffin's letter regarding the bid protest.

Mr. Geffin said the letter originally included the name of a contractor who was not an original bidder who sought to be a bidder once this project was correctly and appropriately re-advertised for bid; and therefore, had to be revised. He noted the letter was not filed timely as it appeared that the County decided to take a fast-track approach to this matter. Mr. Geffin said he received the Notice of Intent to Award three days ago.

Commissioner Moss inquired whether Mr. Geffin's clients had waived their right to protest this award, based on the timeframe that was allotted for bid protests to be filed.

County Attorney Cuevas said he believed that Mr. Geffin's clients were precluded from having a second hearing before a hearing examiner. He noted the issues raised in Mr. Geffin's letter were heard and presented to the Hearing Examiner. County Attorney Cuevas advised that the Commission could take final action to award the contract; or to reject all bids and rebid the contract.

In response to questions from Commissioner Moss regarding Thornton Construction Company, the No. 2 ranked firm, Mr. Geffin said he did not represent Thornton Construction Company; and there would have been no reason for Thornton to protest initially. He noted the County correctly determined that this project needed to be re-advertised, and in effect, Thornton had prevailed.

Assistant County Attorney Monica Rizo noted Thornton Construction had not objected, protested or contacted the County Attorney's office.

Commissioner Sosa said the Commission had a deadline and needed to ensure that the Tropical Park Equestrian Complex was ready for 2013. She noted she believed the procurement process was followed.

Commissioner Jordan inquired about the bid protest procedures. She questioned whether any company that had an interest in the Hearing Examiner's decision, was part of the process.

Assistant County Attorney Rizo advised that the applicable Code and Implementing Order required that all other bidders be notified and be copied regarding the protest. She noted the protest was publicly noticed on the

14A8

121976 **Resolution**

RESOLUTION APPROVING AND RATIFYING EXECUTION OF ARTICLE 35 WAGES OF THE 2011-14 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE MIAMI DADE COUNTY POLICE BENEVOLENT ASSOCIATION (PBA), RANK AND FILE UNIT (Internal Services)

Adopted
Resolution R-760-12
Mover: Rebeca Sosa
Seconder: Jean Monestime
Vote: 9- 1
No: Barreiro
Absent: Suarez, Souto, Bovo, Jr.

14A9

121977 **Resolution**

RESOLUTION APPROVING AND RATIFYING EXECUTION OF ARTICLE 28 WAGES OF THE 2011-14 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), MIAMI-DADE COUNTY WATER AND SEWER EMPLOYEES LOCAL 121 (Internal Services)

Adopted
Resolution R-761-12
Mover: Rebeca Sosa
Seconder: Jean Monestime
Vote: 9- 1
No: Barreiro
Absent: Suarez, Souto, Bovo, Jr.

14A10

121979 **Resolution**

RESOLUTION APPROVING AND RATIFYING EXECUTION OF ARTICLE 42 WAGES AND ARTICLE 56 GROUP HEALTH INSURANCE OF THE 2011-14 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), MIAMI-DADE COUNTY GENERAL EMPLOYEES LOCAL 199 (Internal Services)

Adopted
Resolution R-762-12
Mover: Rebeca Sosa
Seconder: Jean Monestime
Vote: 9- 1
No: Barreiro
Absent: Suarez, Souto, Bovo, Jr.

14A11

121652 **Resolution**

RESOLUTION AUTHORIZING AWARD AND REJECTION OF COMPETITIVE CONTRACTS, AND, WHERE AWARDED, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER FOR PURCHASE OF GOODS AND SERVICES [SEE AMENDED ITEM UNDER FILE NO. 122040] (Internal Services)

Amended

Report: *(See Agenda Item 14A11 Amended; Legislative File No. 122040)*

9/11/2012 3N *Forwarded to BCC without a recommendation due to lack of quorum from the Internal Mgmt. & Fiscal Responsibility Committee*

14A11 Amended

122040 **Resolution**

RESOLUTION AUTHORIZING AWARD AND REJECTION OF COMPETITIVE CONTRACTS, AND, WHERE AWARDED, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER FOR PURCHASE OF GOODS AND SERVICES [SEE ORIGINAL ITEM UNDER FILE NO. 121652] (Internal Services)

Adopted as amended
Resolution R-839-12
Mover: Rebeca Sosa
Seconder: Lynda Bell
Vote: 9- 0
Absent: Barreiro, Suarez, Diaz, Bovo, Jr.

Report: *County Attorney Robert Cuevas advised that Item 1.2, Mailing Services, needed to be removed from the package, as there was a bid protest.*

There being no objection, the County Commission bifurcated the foregoing proposed resolution in order to exclude Item 1.2 – Mailing Services from the package.

The County Commission adopted the foregoing proposed resolution as amended to exclude Item 1.2.

It was moved by Commissioner Bell that Item 1.2, Contract No. 8058-0/17 pertaining to Mailing Services be deferred to October 23, 2012. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 9-0; (Commissioners Barreiro, Bovo, Diaz and Suarez were absent).

122063 **Resolution**

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT NO. 8058-0/17 IN THE AMOUNT OF $6,450,000 FOR THE PROCUREMENT OF MAILING SERVICES AND, WHERE AWARDED, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE MODIFICATIONS, AND EXTENSIONS ESTABLISHED THEREUNDER (SEE ORIGINAL ITEM UNDER FILE NO. 121652) (Internal Services)

Part of item 14A11 Deferred

Report: *NOTE: See the Report under Agenda Item 14A11 Amended, Legislative File No. 122040.*

14A12

121899 **Resolution**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTION-TO-RENEW PERIODS FOR CERTAIN COMPETITIVE CONTRACTS DESCRIBED IN THE ITEM, SUBJECT TO THE MONETARY LIMITATIONS SET FORTH THEREIN, AWARDED UNDER THE COUNTY MAYOR OR THE COUNTY MAYOR DESIGNEE'S DELEGATED AUTHORITY FOR THE PURCHASE OF GOODS AND SERVICES (Internal Services)

Adopted
Resolution R-840-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 9- 0
Absent: Barreiro, Suarez, Diaz, Bovo, Jr.

14A13

121715 **Resolution**

RESOLUTION AUTHORIZING COMPETITIVE CONTRACT MODIFICATIONS AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER FOR PURCHASE OF GOODS AND SERVICES (Internal Services)

Amended

Report: *(See Agenda Item 14A13 Amended; Legislative File No. 122092)*

9/11/2012 3O *Forwarded to BCC without a recommendation due to lack of quorum from the Internal Mgmt. & Fiscal Responsibility Committee*

14A13 Amended

122092 **Resolution**

RESOLUTION AUTHORIZING COMPETITIVE CONTRACT MODIFICATIONS AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER FOR PURCHASE OF GOODS AND SERVICES [SEE ORIGINAL ITEM UNDER FILE NO. 121715] (Internal Services)

Adopted as amended
Resolution R-841-12
Mover: Jose "Pepe" Diaz
Seconder: Rebeca Sosa
Vote: 10- 0
Absent: Barreiro, Suarez, Bovo, Jr.

Report: *Commissioner Diaz requested that the foregoing proposed resolution be amended to provide that the additional time requested for Item 10, Electrical Power Systems' (Pre-Qualification of Bidder) contract, be modified for an additional 24 months, rather than 60 months, to obtain newer technology.*

The County Commission adopted the foregoing resolution with the amendment noted by Commissioner Diaz.

14A14

122009 **Resolution** **Rebeca Sosa,**
Lynda Bell,
Jose "Pepe" Diaz,
Audrey M. Edmonson,
Sally A. Heyman,
Barbara J. Jordan,
Dennis C. Moss

RESOLUTION WAIVING RULE 9.02(A) REQUIRING NAMING OF A COUNTY FACILITY BE CONSIDERED AT A PUBLIC HEARING, AND NAMING THE FEDERAL INSPECTION SERVICES DEPARTURE AREA AT MIAMI INTERNATIONAL AIRPORT AS "THE PETER J. DOLARA WORLD GATEWAY"

Adopted
Resolution R-842-12
Mover: Rebeca Sosa
Seconder: Jose "Pepe" Diaz
Vote: 10- 0
Absent: Barreiro, Suarez, Bovo, Jr.

15 CLERK OF THE BOARD

15B REPORTS

15B1

121867 **Report**

PROPOSED PUBLIC HEARING DATES FOR ORDINANCES SUBMITTED FOR FIRST READING ON OCTOBER 2, 2012 (Clerk of the Board)

Accepted as amended

Report: *It was moved by Commissioner Heyman that the foregoing report be accepted as amended to reflect that the public hearing date for Item 4E be waived to October 23, 2012. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 8-0, (Commissioners Bovo, Diaz, Moss, Souto and Suarez were absent).*

15B2

121868 **Report**

COUNTY COMMISSION MINUTES FOR APPROVAL BY THE BOARD
MARCH 8, 2012 (REGULAR BCC MEETING) (Clerk of the Board)

Approved
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

15B3

121875 **Report**

RESOLUTION NO. 2012-55 OF THE VILLAGE OF PINECREST, FLORIDA, EXPRESSING OPPOSITION TO THE MIAMI-DADE METROPOLITAN PLANNING ORGANIZATION'S PROPOSED US 1 EXPRESS PROJECT; PROVIDING FOR AN EFFECTIVE DATE (Clerk of the Board)

Accepted
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

15C COUNTY ADVISORY BOARD APPOINTMENTS

15C1

122070 **Report**

APPOINTMENT OF ALFONSO M. LEON III AND MICHELLE DUNAJ LUCKING TO THE COMMISSION FOR HUMAN RIGHTS

Appointed

Report: *The Board of County Commissioners accepted, and the Clerk of the Board of County Commissioners received the appropriate memoranda for the foregoing appointment by Chairman Martinez.*

15C2

122072 **Report**

APPOINTMENT OF VIVIANA A. JORDAN TO THE COMMISSION FOR WOMEN — ***Appointed***

Report: *The Board of County Commissioners accepted, and the Clerk of the Board of County Commissioners received the appropriate memorandum for the foregoing appointment by Chairman Martinez.*

15C3

122073 **Report**

REAPPOINTMENT OF ROGER LORENZO, JUAN CARLOS NISTAL AND ELMA PENA TO THE FONTAINEBLEAU MAC — ***Appointed***

Report: *The Board of County Commissioners accepted, and the Clerk of the Board of County Commissioners received the appropriate memorandum for the foregoing reappointments by Commissioner Souto.*

15C4

122074 **Report**

APPOINTMENT OF JESUS CARCASSES, OSCAR CUETO AND LUIS GONZALEZ TO THE FONTAINEBLEAU MAC — ***Appointed***

Report: *The Board of County Commissioners accepted, and the Clerk of the Board of County Commissioners received the appropriate memorandum for the foregoing appointments by Commissioner Souto.*

15C5

122075 **Report**

APPOINTMENT OF JESUS R. VAZQUEZ TO THE PLANNING ADVISORY BOARD — ***Appointed***
Mover: Sen. Javier D. Souto
Seconder: Rebeca Sosa
Vote: 9- 1
No: Martinez
Absent: Barreiro, Suarez, Bovo, Jr.

Report: *At the request of Commissioner Souto, the Board of County Commissioners waived the County's residency requirements in order to appoint Jesus R. Vazquez to the Planning Advisory Board.*

The Board of County Commissioners accepted, and the Clerk of the Board of County Commissioners received the appropriate memorandum for the foregoing appointment by Commissioner Souto.

15C6

122076 **Report**

APPOINTMENT OF ISIS CLARK TO THE YOUTH COMMISSION — ***Appointed***

Report: *The Board of County Commissioners accepted, and the Clerk of the Board of County Commissioners received the appropriate memorandum for the foregoing appointment by Commissioner Montestime.*

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

18 RATIFICATION

18A1

121452 **Resolution** **Rebeca Sosa**

RESOLUTION RATIFYING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE ACTION TO APPROVE AND EXECUTE A STANDARD MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES AND MIAMI-DADE COUNTY FOR LIMITED COUNTY ACCESS TO FLORIDA SYSTEM DATA FOR THE PURPOSE OF REVIEWING, APPROVING AND REIMBURSING SHARED MEDICAID COSTS TO THE STATE OF FLORIDA; AND FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPROVE AND EXECUTE ANY OTHER AGREEMENTS THAT MAY ARISE FOR THIS PURPOSE (Community Action and Human Services)

Adopted
Resolution R-843-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/12/2012 3A *Forwarded to BCC with a favorable recommendation from the Economic Development & Social Services Committee*

18A2

121629 **Resolution**

RESOLUTION RATIFYING THE ACTION OF THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE OF APPLYING FOR, RECEIVING, AND EXPENDING FUNDS IN THE AMOUNT OF $768,134 FROM THE STATE OF FLORIDA DEPARTMENT OF LAW ENFORCEMENT ANTI DRUG ABUSE FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH CONTRACTS, AGREEMENTS, MEMORANDA OF UNDERSTANDING, AND AMENDMENTS AFTER APPROVAL BY THE COUNTY ATTORNEY'S OFFICE; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE, AND EXPEND ADDITIONAL FUNDS THAT MAY BECOME AVAILABLE (Office of Management and Budget)

Adopted
Resolution R-844-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/11/2012 3P *No action taken due to lack of a quorum by the Internal Mgmt. & Fiscal Responsibility Committee*

9/25/2012 *Forwarded to the full BCC by the BCC Chairman from the Internal Mgmt. & Fiscal Responsibility Committee*

18A3

121631 **Resolution**

RESOLUTION RATIFYING THE ACTIONS OF THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE, DISBURSE AND EXPEND FUNDS FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES IN THE AMOUNT OF $26 MILLION DOLLARS FOR COMPREHENSIVE HEALTH AND SOCIAL SERVICES FOR LOW INCOME PEOPLE LIVING WITH HIV/AIDS; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO RECEIVE AND EXPEND ADDITIONAL FUNDS WHICH MAY BECOME AVAILABLE; AUTHORIZING CONTRACTS THEREOF; AND AUTHORIZING THE MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE AMENDMENTS, MODIFICATIONS, CANCELLATION OR TERMINATION CLAUSES OF ANY CONTRACTS AND AGREEMENTS WITH SERVICE PROVIDERS (Office of Management and Budget)

Adopted
Resolution R-845-12
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 8- 0
Absent: Suarez, Moss, Souto, Diaz, Bovo, Jr.

9/11/2012 3Q *No action taken due to lack of a quorum by the Internal Mgmt. & Fiscal Responsibility Committee*

9/25/2012 *Forwarded to the full BCC by the BCC Chairman from the Internal Mgmt. & Fiscal Responsibility Committee*

19 ADJOURNMENT

Report: *There being no further business to come before the County Commission, the meeting was adjourned at 1:46 p.m.*

Note: These minutes were archived without the Chairman's signature because the Chairman's term of office expired before acquiring his signature.

Joe A. Martinez, Chairman

ATTEST: HARVEY RUVIN, CLERK

By: Christopher Agrippa, Deputy Clerk

Board of County Commissioners'
REGULAR MEETING
October 2, 2012

Prepared by: Judy Marsh

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	10/02/12		Order of the Day
2	10/02/12		Co-Sponsorships and Pull List
3	10/02/12		Changes Sheet
4	10/02/12	5A	Speaker's Cards
5	10/02/12	7A	Ord. re: Dangerous Dog Registry
6	10/02/12	7D	Ord. re: Dangerous Dogs
7	10/02/12	7E	Ord. Modifying Voting Requirements re: CDMP
8	10/02/12	7J	Ord. re: Zoning
9	10/02/12	8k2 Supp	Supplemental Info. Re: Neighborhood Stabilization Program
10	10/02/12	8K3	Reso. re: Ten (10) Single Family Home Sites
11	10/02/12	11A5	Reso. re: Rehab Funding Study for Naranja Lakes
12	10/02/12	11A7	Reso. re: County's FY 2013-2017 Consolidated Plan
13	10/02/12	11A17	Reso. re: Plan to Conduct a Comprehensive Economic Study
14	10/02/12	11A21	Reso. Urging Federal Assault Weapons Ban
15	10/02/12	11A25	Reso. re: 401(A) Plan for Terminal Leave Payouts
16	10/02/12	11B1	District 1 Office Allocations
17	10/02/12	11B2	District 3 Office Allocations
18	10/02/12	11B3	District 4 Office Allocations
19	10/02/12	11B4	District 8 Office Allocations
20	10/02/12	11B5	District 9 Office Allocations
21	10/02/12	14A4	Reso. re: Tropical Park Equestrian Complex

NO.	DATE	ITEM #	DESCRIPTION
22	10/02/12	14A4	Notice of Intent to Protest a Formal Bid
23	10/02/12	14A4	Speaker's Card
24	10/02/12	14A11	Reso. Authorizing Competitive Contract Awards and Rejections
25	10/02/12	14A13	Reso. Authorizing Competitive Contract Modifications
26	10/02/12	15B3	Resolution No. 2012-55 of the Village of Pinecrest
27	10/02/12	15C1	Appts to the Commission for Human Rights
28	10/02/12	15C2	Appt to the Commission for Women
29	10/02/12	15C3	Re-appts to the Fontainebleau MAC
30	10/02/12	15C4	Appts to the Fontainebleau MAC
31	10/02/12	15C5	Appt to the Planning Advisory Board
32	10/02/12	15C6	Appt to the Youth Commission

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS

ORDER OF THE DAY

Tuesday, October 2, 2012

9:30 a.m.	Call to Order Setting of Agenda
6:00 p.m.	Adjournment

RECEIVED
By the Clerk for the record.

OCT 0 2 2012

Item_____
Exhibit_____
Meeting_____

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS
Tuesday, October 2, 2012

CO- SPONSORSHIPS

4D	ORDINANCE PERTAINING TO ANIMALS; PROHIBITING THE KEEPING OF DOGS ON ROOFTOPS; CREATING SECTION 5-21.1 AND AMENDING SECTION 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE ***Commissioner: Edmonson***
4G	ORDINANCE AMENDING SECTION 2-1799 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATED TO EXPENDITURES OF CONTINGENCY RESERVE FUNDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE ***Commissioner: Bell***
11A4	RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EVALUATE OPPORTUNITIES TO EXTEND THE PROPOSED ENHANCED BUS SERVICE ALONG NORTHWEST 27TH AVENUE INTO BROWARD COUNTY IN ONE SEAMLESS SYSTEM AND FURTHER DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EVALUATE OPPORTUNITIES TO ACCELERATE THE DEVELOPMENT OF BUS RAPID TRANSIT ALONG THIS CORRIDOR ***Commissioner: Jordan***
11A8	RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO REPORT ON THE INVESTMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, NEIGHBORHOOD STABILIZATION PROGRAM, HOME INVESTMENT PARTNERSHIP PROGRAM, EMERGENCY SOLUTIONS GRANT PROGRAM, STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM AND LOCAL DOCUMENTARY SURTAX FUNDS AND THE IMPACT OF THOSE INVESTMENTS THROUGHOUT THE COUNTY [SEE ORIGINAL ITEM UNDER FILE NO. 121543] ***Commissioner: Bell***
11A11	RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO PREPARE A REPORT DETAILING THE SOURCES AND USES OF THE COUNTY'S DOCUMENTARY SURTAX FUNDS AND TRACKING THE OUTCOME OF DOCUMENTARY SURTAX SPENDING; FURTHER DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO SUBMIT THAT REPORT TO THE BOARD OF COUNTY COMMISSIONERS WITHIN SIXTY (60) DAYS [SEE ORIGINAL ITEM UNDER FILE NO. 121565] ***Commissioner: Bell***
11A13	RESOLUTION SUPPORTING THE CENTRAL EVERGLADES PLANNING PROJECT FOR THE RESTORATION OF THE CENTRAL EVERGLADES ***Commissioner: Moss, Edmonson***
11A16	RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO DEVELOP A PROGRAM FOR MONTHLY EVENTS AT COUNTY PARKS TO PROMOTE ADOPTION OF PETS FROM THE COUNTY ANIMAL SHELTER (SEE ORIGINAL ITEM UNDER FILE NO. 121539) ***Commissioner: Bell***

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Meeting_____

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS
Tuesday, October 2, 2012

11A19	RESOLUTION URGING CONGRESS TO PASS THE VETERANS JOB CORPS ACT OF 2012, S. 3457, OR SIMILAR LEGISLATION THAT WOULD PUT UNEMPLOYED VETERANS TO WORK IN CONSERVATION, RESOURCE MANAGEMENT AND HISTORIC PRESERVATION PROJECTS ON PUBLIC LANDS AND PROVIDE GRANTS TO HIRE VETERANS AS FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS ***Commissioner: Bell, Monestime***
11A20	RESOLUTION URGING THE FLORIDA LEGISLATURE TO RESTORE SCHOOL READINESS FUNDING TO THE EARLY LEARNING COALITION OF MIAMI-DADE/MONROE THAT RECENTLY HAS BEEN REDUCED AS A RESULT OF A NEW STATEWIDE FUNDING FORMULA; IDENTIFYING THIS ISSUE AS A CRITICAL COUNTY PRIORITY FOR THE 2013 SESSION ***Commissioner: Monestime***
11A22	RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION REINSTATING LANGUAGE PROHIBITING CERTAIN MUNICIPAL WATER AND SEWER UTILITIES FROM IMPOSING A SURCHARGE ON CONSUMERS LOCATED OUTSIDE THE CITY AS "TAXATION WITHOUT REPRESENTATION" ***Commissioner: Bell***
11A23	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT COMPREHENSIVE LEGISLATION DURING THE 2013 SESSION TO PROTECT THE ELDERLY AND OTHER VULNERABLE POPULATIONS THAT RESIDE IN ASSISTED LIVING FACILITIES, FURTHER URGING FLORIDA'S GOVERNOR AND APPLICABLE STATE AGENCIES TO TAKE ALL REGULATORY AND ENFORCEMENT ACTIONS NECESSARY TO ENSURE THE HEALTH AND SAFETY OF RESIDENTS OF ASSISTED LIVING FACILITIES ***Commissioner: Bell, Edmonson***
11A24	RESOLUTION URGING CONGRESS AND THE FEDERAL GOVERNMENT TO INCREASE FUNDING FOR HEAD START AND EARLY HEAD START TO REDUCE THE NUMBER OF CHILDREN ON WAITING LISTS ***Commissioner: Edmonson***

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS
Tuesday, October 2, 2012

PULL LIST

8B1	RESOLUTION RESCINDING ADMINISTRATIVE ORDER 7-20 AND AUTHORIZING IMPLEMENTING ORDER 7-20: DISPOSAL OF UNCLAIMED PERSONAL PROPERTY(Corrections & Rehabilitation Department) ***Commissioner: Jordan***
8C1	RESOLUTION APPROVING THE RE-APPOINTMENT OF MAYOR MATTIE HERRERA BOWER, COMMISSIONER MICHELLE SPENCE-JONES, GEORGE M. COZONIS AND OLGA M. RAMUDO FOUR (4) MEMBERS TO THE TOURIST DEVELOPMENT COUNCIL INCLUDING WAIVING TERM LIMITS WHERE APPLICABLE BY A 2/3 VOTE [SEE ORIGINAL ITEM UNDER FILE NO. 121449](Department of Cultural Affairs) ***Commissioner: Martinez***
8K2 & Supp.	RESOLUTION APPROVING A SUBSTANTIAL AMENDMENT TO THE FY 2008 ACTION PLAN PREVIOUSLY APPROVED FOR THE NEIGHBORHOOD STABILIZATION PROGRAM TO RECAPTURE $1.8 MILLION FROM THE ADMINISTRATION AND PLANNING ACTIVITY AND REALLOCATE TO THE ACQUISITION AND REHABILITATION OF MULTI-FAMILY RESIDENTIAL PROPERTIES(Public Housing and Community Development) ***Commissioner: Bell***
8K3	RESOLUTION AUTHORIZING CONVEYANCE OF TEN (10) SINGLE FAMILY HOME SITES LOCATED IN THE NORTHWEST QUADRANT OF MIAMI-DADE COUNTY TO HOUSING PROGRAMS, INC., A NOT-FOR-PROFIT FLORIDA CORPORATION, FOR INFILL HOUSING DEVELOPMENT AT A PRICE OF TEN DOLLARS ($10.00); AUTHORIZING THE WAIVER OF ADMINISTRATIVE ORDER 3-44 AS IT RELATES TO THE SECTION ENTITLED AVAILABILITY OF COUNTY PROPERTY; AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED(Public Housing and Community Development) ***Commissioner: Jordan***
8L7	RESOLUTION AWARDING CONTRACT 9594-0/13, TRUCK TRACTORS, TO PALM PETERBILT TRUCK CENTERS, INC, IN A TOTAL AMOUNT OF $1,408,000 FOR THE ONE-YEAR TERM, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MODIFY THE CONTRACT, EXERCISE CANCELLATION AND RENEWAL PROVISIONS CONTAINED THEREIN, AND EXERCISE ANY OTHER RIGHTS IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT ON BEHALF OF MIAMI-DADE COUNTY(Public Works & Waste Management) ***Commissioner: Bell, Jordan***

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Meeting_____

8M2	RESOLUTION AMENDING RESOLUTION NO. R-992-11 RELATED TO CONFIDENTIAL PROJECT NO. 12-00052; APPROVING CONFIDENTIAL PROJECT NO. 12-00052 AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO FLORIDA STATUTE 288.106; CONFIRMING THAT THE COMMITMENTS OF LOCAL FINANCIAL SUPPORT NECESSARY FOR CONFIDENTIAL PROJECT NO. 12-00052 EXIST; AND PROVIDING AN APPROPRIATION OF UP TO $82,800 FROM GENERAL REVENUE FUNDS AS LOCAL PARTICIPATION IN THE STATE OF FLORIDA QUALIFIED TARGET INDUSTRY TAX REFUND PROGRAM FOR FISCAL YEARS 2013 THROUGH 2021, INCLUSIVE, OR OVER A TIME PERIOD AS DETERMINED BY THE STATE OF FLORIDA IN ITS APPROVAL OF CONFIDENTIAL PROJECT NO. 12-00052 APPLICATION WITH THE PROVISION THAT ANY TAX ABATEMENT GRANTED TO CONFIDENTIAL PROJECT NO. 12-00052 UNDER FLORIDA STATUTE 196.1995 REDUCES ANY QUALIFIED TARGET INDUSTRY TAX REFUND TO CONFIDENTIAL PROJECT NO. 12-00052 BY THE AMOUNT OF ANY SUCH TAX ABATEMENT GRANTED, IN COMPLIANCE WITH FLORIDA STATUTE 288.106(6)(D); AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MAKE MODIFICATIONS INCLUDING CHANGES TO DATES FOR JOB CREATION AND DISBURSEMENT OF INCENTIVE AWARDS IF IN THE BEST INTEREST OF THE COUNTY AND EXECUTE ALL CONTRACTS, AGREEMENTS, AND AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE(Regulatory and Economic Resources) ***Commissioner: Bell***
8M4	RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO 537 MAJORCA AVENUE, CORAL GABLES, FLORIDA PURSUANT TO SECTION 196.1997, AND 196.1998 FLORIDA STATUTE AND SECTION 16A-18, MIAMI-DADE COUNTY CODE(Regulatory and Economic Resources) ***Commissioner: Bell***
8M5	RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION TO 313 SARTO AVENUE, CORAL GABLES, FLORIDA PURSUANT TO SECTION 196.1997, AND 196.1998 FLORIDA STATUTE AND SECTION 16A-18, MIAMI-DADE COUNTY CODE(Regulatory and Economic Resources) ***Commissioner: Bell***
11A4	RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EVALUATE OPPORTUNITIES TO EXTEND THE PROPOSED ENHANCED BUS SERVICE ALONG NORTHWEST 27TH AVENUE INTO BROWARD COUNTY IN ONE SEAMLESS SYSTEM AND FURTHER DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EVALUATE OPPORTUNITIES TO ACCELERATE THE DEVELOPMENT OF BUS RAPID TRANSIT ALONG THIS CORRIDOR ***Commissioner: Bell***
11A5	RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO CONDUCT A FEASIBILITY STUDY ON ESTABLISHING A COUNTYWIDE PROGRAM TO PROVIDE FUNDING FOR HOME REHABILITATION PROJECTS FOR LOW-INCOME, ELDERLY, VETERAN, AND DISABLED HOMEOWNERS TO BE ADMINISTERED BY REBUILDING TOGETHER MIAMI-DADE, INC.; THE STUDY SHALL EXAMINE THE FEASIBILITY OF FUNDING THE PROGRAM THROUGH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, COUNTYWIDE GENERAL REVENUE FUNDS, OR OTHER ELIGIBLE SOURCES ***Commissioner: Bell***
11A17	RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO WORK WITH FLORIDA INTERNATIONAL UNIVERSITY AND THE DR. ANTONIO JORGE SOCIAL ECONOMIC DEVELOPMENT COUNCIL TO DEVELOP A PLAN TO CONDUCT A COMPREHENSIVE ECONOMIC STUDY IN FY 2013-2014 TO HELP THE COUNTY CREATE FOCUSED STRATEGIES TO SPREAD ECONOMIC VALUE AND TO INCREASE JOB GROWTH AND TO BRING THAT PLAN BEFORE THE BOARD OF COUNTY COMMISSIONERS WITHIN THIRTY (30) DAYS OF THE ADOPTION OF THIS ITEM ***Commissioner: Heyman***

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS
Tuesday, October 2, 2012

11A21	RESOLUTION URGING THE U.S. CONGRESS TO REINSTATE THE FEDERAL ASSAULT WEAPONS BAN; URGING THE FLORIDA LEGISLATURE TO IMPOSE A STATE ASSAULT WEAPONS BAN; AND ALTERNATIVELY URGING THE FLORIDA LEGISLATURE TO LIFT THE PREEMPTION ON LOCAL GOVERNMENTS' REGULATING ASSAULT WEAPONS IN FLORIDA AND ALLOW LOCAL GOVERNMENTS TO IMPOSE AN ASSAULT WEAPONS BAN ***Commissioner: Heyman, Bell***
11A22	RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION REINSTATING LANGUAGE PROHIBITING CERTAIN MUNICIPAL WATER AND SEWER UTILITIES FROM IMPOSING A SURCHARGE ON CONSUMERS LOCATED OUTSIDE THE CITY AS "TAXATION WITHOUT REPRESENTATION" ***Commissioner: Heyman***
11A25	RESOLUTION DIRECTING THE MAYOR TO TAKE ALL NECESSARY ACTIONS TO IMPLEMENT THE 401(A) PLAN RECOMMENDED IN HIS JULY 3, 2012, REPORT INCLUDING ISSUING A SOLICITATION FOR A COMPETITIVE SELECTION PROCESS WITHIN 60 DAYS TO PROVIDE COUNTY EMPLOYEES WITH THE OPPORTUNITY TO PARTICIPATE IN A 401(A) PLAN FOR TERMINAL LEAVE PAYOUTS ***Commissioner: Heyman, Martinez***
13A3	RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $173,370.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE CONSTRUCTION OF A NEW PARK AND RIDE FACILITY ADJACENT TO THE NORTH SIDE OF SOUTHWEST 344TH STREET BETWEEN NORTHWEST 2ND AVENUE AND NORTHWEST 3RD AVENUE IN FLORIDA CITY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS(County Attorney's Office) ***Commissioner: Martinez***
13A4	RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $55,047.50 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE CONSTRUCTION OF A NEW PARK AND RIDE FACILITY ADJACENT TO THE NORTH SIDE OF SOUTHWEST 344TH STREET BETWEEN NORTHWEST 2ND AVENUE AND NORTHWEST 3RD AVENUE IN FLORIDA CITY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS(County Attorney's Office) ***Commissioner: Martinez***
13A5	RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $108,685.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE CONSTRUCTION OF A NEW PARK AND RIDE FACILITY ADJACENT TO THE NORTH SIDE OF SOUTHWEST 344TH STREET BETWEEN NORTHWEST 2ND AVENUE AND NORTHWEST 3RD AVENUE IN FLORIDA CITY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS(County Attorney's Office) ***Commissioner: Martinez***
13A7	RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF $78,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 157TH AVENUE FROM SW 152ND STREET TO SW 184TH STREET AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS(County Attorney's Office) ***Commissioner: Martinez***

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS
Tuesday, October 2, 2012

14A1	RESOLUTION DELEGATING TO THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE THE RIGHT TO ENTER INTO THE SETTLEMENT AND RELEASE OF CLAIMS AGAINST WACHOVIA BANK, N.A. RELATING TO ITS CONDUCT IN THE MUNICIPAL BOND DERIVATIVES MARKET IF CERTAIN CONDITIONS ARE SATISFIED; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH SUCH PURPOSES INCLUDING EXECUTION OF ALL RELATED DOCUMENTS(Finance Department) ***Commissioner:***
14A2	RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED $550,000,000 AGGREGATE ORIGINAL PRINCIPAL AMOUNT OF MIAMI-DADE COUNTY, FLORIDA SUBORDINATE SPECIAL OBLIGATION REFUNDING BONDS, IN ONE OR MORE SERIES, PURSUANT TO SECTION 209 OF 1997 ORDINANCE, TO REFUND ALL OR PORTION OF OUTSTANDING 1997 AND 2005A BONDS, WITH ESTIMATED NET PRESENT VALUE SAVINGS OF 9.80%, ESTIMATED COSTS OF ISSUANCE OF $3,790,000 AND ESTIMATED FINAL MATURITY OF OCTOBER 1, 2037; MAKING NECESSARY FINDINGS FOR EXTENSION OF MATURITIES; PROVIDING FOR CERTAIN DETAILS OF BONDS AND THEIR SALE BY NEGOTIATION; AUTHORIZING MAYOR OR MAYOR'S DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, TO FINALIZE DETAILS, TERMS AND OTHER PROVISIONS OF BONDS, THEIR NEGOTIATED SALE AND REFUNDING OF REFUNDED BONDS; APPROVING FORMS OF AND AUTHORIZING EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS; PROVIDING CERTAIN COVENANTS; AUTHORIZING COUNTY OFFICIALS TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH ISSUANCE, SALE, EXECUTION AND DELIVERY OF BONDS AND REFUNDING OF REFUNDED BONDS; AND PROVIDING SEVERABILITY(Finance Department) ***Commissioner:***
14A3	RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED $910,000,000 OF AVIATION REVENUE REFUNDING BONDS, IN ONE OR MORE SERIES, PURSUANT TO SECTION 211 OF AMENDED AND RESTATED TRUST AGREEMENT FOR PURPOSES OF CURRENT REFUNDING OR REDEEMING CERTAIN OUTSTANDING AVIATION REVENUE BONDS WITH ESTIMATED NET PRESENT VALUE SAVINGS OF 10.775%, ESTIMATED COSTS OF ISSUANCE OF $2,750,000 AND ESTIMATED FINAL MATURITY OF OCTOBER 1, 2032, FUNDING RESERVE ACCOUNT, IF NECESSARY; PROVIDING FOR CERTAIN DETAILS OF BONDS AND THEIR SALE BY NEGOTIATION; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, TO FINALIZE DETAILS, TERMS AND OTHER PROVISIONS OF BONDS; PROVIDING CERTAIN COVENANTS; APPROVING FORMS OF AND AUTHORIZING EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS; AUTHORIZING COUNTY OFFICIALS TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH ISSUANCE, SALE AND DELIVERY OF BONDS; AND PROVIDING SEVERABILITY(Finance Department) ***Commissioner:***
14A4	RESOLUTION AWARDING, APPROVING AND AUTHORIZING THE EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF A CONTRACT IN THE AMOUNT OF $5,496,584, FUNDED BY BUILDING BETTER COMMUNITIES GOB FUNDS, BETWEEN MIAMI-DADE COUNTY AND LEMARTEC ENGINEERING AND CONSTRUCTION CORPORATION FOR CONSTRUCTION OF THE TROPICAL PARK EQUESTRIAN COMPLEX; INCLUDING ALTERNATES 1, 2 AND 3; PROJECT NO. 402202-05-005 GOB ESP; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY TERMINATION AND RENEWAL PROVISIONS CONTAINED THEREIN(Parks, Recreation and Open Spaces) ***Commissioner:***
14A5	RESOLUTION APPROVING AND RATIFYING EXECUTION OF ARTICLE 35 WAGES OF THE 2011-14 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE MIAMI DADE COUNTY POLICE BENEVOLENT ASSOCIATION (PBA), SUPERVISORY UNIT(Internal Services) ***Commissioner:***

14A6	RESOLUTION APPROVING AND RATIFYING EXECUTION OF ARTICLE 41 WAGES AND ARTICLE 51 GROUP HEALTH INSURANCE OF THE 2011-14 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), MIAMI-DADE COUNTY SOLID WASTE EMPLOYEES LOCAL 3292(Internal Services) ***Commissioner:***
14A7	RESOLUTION APPROVING AND RATIFYING EXECUTION OF ARTICLE 32 GROUP HEALTH INSURANCE OF THE 2011-14 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), MIAMI-DADE COUNTY AVIATION EMPLOYEES LOCAL 1542(Internal Services) ***Commissioner:***
14A8	RESOLUTION APPROVING AND RATIFYING EXECUTION OF ARTICLE 35 WAGES OF THE 2011-14 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE MIAMI DADE COUNTY POLICE BENEVOLENT ASSOCIATION (PBA), RANK AND FILE UNIT(Internal Services) ***Commissioner:***
14A9	RESOLUTION APPROVING AND RATIFYING EXECUTION OF ARTICLE 28 WAGES OF THE 2011-14 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), MIAMI-DADE COUNTY WATER AND SEWER EMPLOYEES LOCAL 121(Internal Services) ***Commissioner:***
14A10	RESOLUTION APPROVING AND RATIFYING EXECUTION OF ARTICLE 42 WAGES AND ARTICLE 56 GROUP HEALTH INSURANCE OF THE 2011-14 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), MIAMI-DADE COUNTY GENERAL EMPLOYEES LOCAL 199(Internal Services) ***Commissioner:***
14A11	RESOLUTION AUTHORIZING AWARD AND REJECTION OF COMPETITIVE CONTRACTS, AND, WHERE AWARDED, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER FOR PURCHASE OF GOODS AND SERVICES(Internal Services) ***Commissioner:***
14A12	RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTION-TO-RENEW PERIODS FOR CERTAIN COMPETITIVE CONTRACTS DESCRIBED IN THE ITEM, SUBJECT TO THE MONETARY LIMITATIONS SET FORTH THEREIN, AWARDED UNDER THE COUNTY MAYOR OR THE COUNTY MAYOR DESIGNEE'S DELEGATED AUTHORITY FOR THE PURCHASE OF GOODS AND SERVICES(Internal Services) ***Commissioner:***
14A13	RESOLUTION AUTHORIZING COMPETITIVE CONTRACT MODIFICATIONS AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER FOR PURCHASE OF GOODS AND SERVICES(Internal Services) ***Commissioner:***

Office of the Chair

CHAIRMAN
JOE A. MARTINEZ

MIAMI-DADE BOARD OF COUNTY COMMISSIONERS

Memorandum

To: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

From: Joe A. Martinez, Chairman

Date: October 2, 2012

Re: Changes Sheet

Additions

8K2 SUPPLEMENT

121981 SUPPLEMENTAL INFORMATION RE: NEIGHBORHOOD STABILIZATION PROGRAM (NSP) SUBSTANTIAL AMENDMENT ADDING PUBLIC COMMENTS RECEIVED AFTER THE SEPTEMBER 12, 2012 EDSS COMMITTEE MEETING

11A26 Dennis C. Moss

121941 RESOLUTION URGING CONGRESS, THE FLORIDA LEGISLATURE, THE FLORIDA SECRETARY OF STATE AND OTHER APPLICABLE FEDERAL AND STATE AGENCIES TO PROVIDE FUNDING FOR THE RESTORATION OF NAVAL AIR STATION RICHMOND BUILDING NO. 25 AS THE MIAMI MILITARY MUSEUM

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Item_____
Exhibit_____
Meeting_____

Additions

14A1 Lynda Bell

121984 RESOLUTION DELEGATING TO THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE THE RIGHT TO ENTER INTO THE SETTLEMENT AND RELEASE OF CLAIMS AGAINST WACHOVIA BANK, N.A. RELATING TO ITS CONDUCT IN THE MUNICIPAL BOND DERIVATIVES MARKET IF CERTAIN CONDITIONS ARE SATISFIED; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH SUCH PURPOSES INCLUDING EXECUTION OF ALL RELATED DOCUMENTS (Finance Department)

14A2

121929 RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED $550,000,000 AGGREGATE ORIGINAL PRINCIPAL AMOUNT OF MIAMI-DADE COUNTY, FLORIDA SUBORDINATE SPECIAL OBLIGATION REFUNDING BONDS, IN ONE OR MORE SERIES, PURSUANT TO SECTION 209 OF 1997 ORDINANCE, TO REFUND ALL OR PORTION OF OUTSTANDING 1997 AND 2005A BONDS, WITH ESTIMATED NET PRESENT VALUE SAVINGS OF 9.80%, ESTIMATED COSTS OF ISSUANCE OF $3,790,000 AND ESTIMATED FINAL MATURITY OF OCTOBER 1, 2037; MAKING NECESSARY FINDINGS FOR EXTENSION OF MATURITIES; PROVIDING FOR CERTAIN DETAILS OF BONDS AND THEIR SALE BY NEGOTIATION; AUTHORIZING MAYOR OR MAYOR'S DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, TO FINALIZE DETAILS, TERMS AND OTHER PROVISIONS OF BONDS, THEIR NEGOTIATED SALE AND REFUNDING OF REFUNDED BONDS; APPROVING FORMS OF AND AUTHORIZING EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS; PROVIDING CERTAIN COVENANTS; AUTHORIZING COUNTY OFFICIALS TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH ISSUANCE, SALE, EXECUTION AND DELIVERY OF BONDS AND REFUNDING OF REFUNDED BONDS; AND PROVIDING SEVERABILITY (Finance Department)

Additions

14A3

121641 RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED $910,000,000 OF AVIATION REVENUE REFUNDING BONDS, IN ONE OR MORE SERIES, PURSUANT TO SECTION 211 OF AMENDED AND RESTATED TRUST AGREEMENT FOR PURPOSES OF CURRENT REFUNDING OR REDEEMING CERTAIN OUTSTANDING AVIATION REVENUE BONDS WITH ESTIMATED NET PRESENT VALUE SAVINGS OF 10.775%, ESTIMATED COSTS OF ISSUANCE OF $2,750,000 AND ESTIMATED FINAL MATURITY OF OCTOBER 1, 2032, FUNDING RESERVE ACCOUNT, IF NECESSARY; PROVIDING FOR CERTAIN DETAILS OF BONDS AND THEIR SALE BY NEGOTIATION; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, TO FINALIZE DETAILS, TERMS AND OTHER PROVISIONS OF BONDS; PROVIDING CERTAIN COVENANTS; APPROVING FORMS OF AND AUTHORIZING EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS; AUTHORIZING COUNTY OFFICIALS TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH ISSUANCE, SALE AND DELIVERY OF BONDS; AND PROVIDING SEVERABILITY (Finance Department)

14A4 Sen. Javier D. Souto

121958 RESOLUTION AWARDING, APPROVING AND AUTHORIZING THE EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF A CONTRACT IN THE AMOUNT OF $5,496,584, FUNDED BY BUILDING BETTER COMMUNITIES GOB FUNDS, BETWEEN MIAMI-DADE COUNTY AND LEMARTEC ENGINEERING AND CONSTRUCTION CORPORATION FOR CONSTRUCTION OF THE TROPICAL PARK EQUESTRIAN COMPLEX; INCLUDING ALTERNATES 1, 2 AND 3; PROJECT NO. 402202-05-005 GOB ESP; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY TERMINATION AND RENEWAL PROVISIONS CONTAINED THEREIN (Parks, Recreation and Open Spaces)

Additions

14A5

121973 RESOLUTION APPROVING AND RATIFYING EXECUTION OF ARTICLE 35 WAGES OF THE 2011-14 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE MIAMI DADE COUNTY POLICE BENEVOLENT ASSOCIATION (PBA), SUPERVISORY UNIT (Internal Services)

14A6

121974 RESOLUTION APPROVING AND RATIFYING EXECUTION OF ARTICLE 41 WAGES AND ARTICLE 51 GROUP HEALTH INSURANCE OF THE 2011-14 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), MIAMI-DADE COUNTY SOLID WASTE EMPLOYEES LOCAL 3292 (Internal Services)

14A7

121975 RESOLUTION APPROVING AND RATIFYING EXECUTION OF ARTICLE 32 GROUP HEALTH INSURANCE OF THE 2011-14 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), MIAMI-DADE COUNTY AVIATION EMPLOYEES LOCAL 1542 (Internal Services)

14A8

121976 RESOLUTION APPROVING AND RATIFYING EXECUTION OF ARTICLE 35 WAGES OF THE 2011-14 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE MIAMI DADE COUNTY POLICE BENEVOLENT ASSOCIATION (PBA), RANK AND FILE UNIT (Internal Services)

Additions

14A9

121977 RESOLUTION APPROVING AND RATIFYING EXECUTION OF ARTICLE 28 WAGES OF THE 2011-14 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), MIAMI-DADE COUNTY WATER AND SEWER EMPLOYEES LOCAL 121 (Internal Services)

14A10

121979 RESOLUTION APPROVING AND RATIFYING EXECUTION OF ARTICLE 42 WAGES AND ARTICLE 56 GROUP HEALTH INSURANCE OF THE 2011-14 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), MIAMI-DADE COUNTY GENERAL EMPLOYEES LOCAL 199 (Internal Services)

14A11

121652 RESOLUTION AUTHORIZING AWARD AND REJECTION OF COMPETITIVE CONTRACTS, AND, WHERE AWARDED, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER FOR PURCHASE OF GOODS AND SERVICES (Internal Services)

14A12

121899 RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTION-TO-RENEW PERIODS FOR CERTAIN COMPETITIVE CONTRACTS DESCRIBED IN THE ITEM, SUBJECT TO THE MONETARY LIMITATIONS SET FORTH THEREIN, AWARDED UNDER THE COUNTY MAYOR OR THE COUNTY MAYOR DESIGNEE'S DELEGATED AUTHORITY FOR THE PURCHASE OF GOODS AND SERVICES (Internal Services)

Additions

14A13

121715 RESOLUTION AUTHORIZING COMPETITIVE CONTRACT MODIFICATIONS AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER FOR PURCHASE OF GOODS AND SERVICES (Internal Services)

Deferrals

11A17 Joe A. Martinez

121818 RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO WORK WITH FLORIDA INTERNATIONAL UNIVERSITY AND THE DR. ANTONIO JORGE SOCIAL ECONOMIC DEVELOPMENT COUNCIL TO DEVELOP A PLAN TO CONDUCT A COMPREHENSIVE ECONOMIC STUDY IN FY 2013-2014 TO HELP THE COUNTY CREATE FOCUSED STRATEGIES TO SPREAD ECONOMIC VALUE AND TO INCREASE JOB GROWTH AND TO BRING THAT PLAN BEFORE THE BOARD OF COUNTY COMMISSIONERS WITHIN THIRTY (30) DAYS OF THE ADOPTION OF THIS ITEM

Note: ***The Prime Sponsor has requested deferral to no date certain.***

Note: UPON THE ADOPTION OF ANY SUBSTITUTE OR ALTERNATE AGENDA ITEM, THE ACCOMPANYING SUBSTITUTES AND/OR ALTERNATES SHALL BE DEEMED WITHDRAWN.

AGAINST Speaker's Card (For Public Hearing Items Only)

Today's Date: 10/2/12 BCC Mtg. Date: _____ Agenda Item#: 5A

Subject: Infill Housing

Name: Dr. MAE Christian

Address: 4824 N.W. 15 ct.

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? ☑ Yes ☐ No

If yes, please list name: Model City Advisory Board (Model City Com. District 2-3)

Organization / Firm / Client

Have you registered with the Clerk of the Board? ☐ Yes ☑ No

Do you require an interpreter?

¿Necesita un intérprete? ☐ Spanish/*Español* *Èske w bezwen yon Entèprèt?* ☐ Creole/*Kreyol*

AGAINST Speaker's Card (For Public Hearing Items Only)

Today's Date: 10/2/2012 BCC Mtg. Date: _____ Agenda Item#: 5A

Subject: Transference of Public Property Infill

Name: Renita Holmes

Address: 5800 NW 7th Ave Ste 213

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? ☑ Yes ☐ No

If yes, please list name: Wanda / Our Homes

Organization / Firm / Client

Have you registered with the Clerk of the Board? ☑ Yes ☐ No

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Do you require an interpreter?

¿Necesita un intérprete? ☐ Spanish/*Español* *Èske w bezwen yon Entèprèt?* ☐ Creole/*Kreyol*

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to animals; expanding definition of acts deemed cruelty to animals; amending regulations pertaining to dangerous dogs

This item was amended at the Public Safety and Healthcare Administration Committee on 9-11-12 to eliminate the requirement that the Dangerous Dog Registry website be searchable.

The accompanying ordinance was placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz and Co-Sponsors Commissioner Esteban L. Bovo, Jr., Commissioner Sally A. Heyman and Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

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Item 7A
Exhibit
Meeting

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Amending Regulations Pertaining to Dangerous Dogs and Registry

---

The proposed ordinance calls for the creation of a Dangerous Dog Registry. The labor to develop and post the registry online is minimal and can be absorbed by existing resources. In addition, the ordinance proposes various increases in code enforcement fees that are estimated to generate approximately $44,000 for the department.

Alina T. Hudak
Deputy Mayor/County Manager

Fis9212

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(A)

10-2-12

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ANIMALS; EXPANDING DEFINITION OF ACTS DEEMED CRUELTY TO ANIMALS; AMENDING REGULATIONS PERTAINING TO DANGEROUS DOGS; CREATING DANGEROUS DOG REGISTRY; CREATING REGULATIONS FOR AGGRESSIVE DOGS; CREATING RESTRICTIONS ON IRRESPONSIBLE DOG OWNERS; INCREASING PENALTIES FOR FIGHTING OF DOGS OR OTHER ANIMALS; INCREASING PENALTIES FOR INJURIES CAUSED BY DOGS; AMENDING SECTIONS 5-4, 5-22, 5-23 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING SECTIONS 5-23.1 AND 5-23.2 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to encourage the humane treatment of dogs and other animals, to promote responsible pet ownership, and to protect people and their pets from irresponsible dog owners; and

WHEREAS, under Section 5-4(b) of the Code of Miami-Dade County, the use of an animal for fighting is an act of cruelty to animals, and this Board considers animal fighting to be especially heinous and intolerable and therefore desires to increase the penalty for this act of cruelty; and

WHEREAS, under Section 5-22(b) of the Code of Miami-Dade County, the owner of a dog is liable: if a dog, when unprovoked, endangers, attacks, or bites a person or severely injures or kills a pet; is used or trained for fighting; or menaces a person in a public area; and

WHEREAS, a recent judicial decision and an amendment to state law require Miami-Dade County to amend existing regulations for designating a dog as dangerous and subjecting a dog to additional restrictions applicable only to dangerous dogs; and

WHEREAS, this Board desires to keep a record of dogs that have injured other pets but that cannot be designated as dangerous under state law; and

WHEREAS, this Board wishes to create a Dangerous Dog Registry to inform the residents of Miami-Dade County about dangerous dogs in their neighborhoods; and

WHEREAS, this Board desires to create regulations for irresponsible dog owners and to increase the penalties for injuries caused by dogs,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 5-4 of the Code of Miami-Dade County is hereby amended to read as follows: [1]

Sec. 5-4. - Cruelty to animals.

* * * *

(b) *Acts deemed cruelty to animals.* It shall be unlawful to commit any act that constitutes cruelty to animals. The following acts shall be deemed cruelty to animals (see Sections 828.12, 828.13 and 828.16, Florida Statutes):

(1) To torture, torment, mutilate, kill, or unnecessarily overdrive any animal or to cause the same to be done.

>>(1.1) To engage in animal fighting,<< [[~~Using an animal for the purpose of fighting,~~]] including, without limitation, dog fighting or cock fighting [[~~, shall be deemed to be a violation of this provision~~]]. >>For purposes of this section, to be engaged in animal fighting means to instigate, promote, assist, hold, manage,

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

stage, conduct, be employed in connection with, be present for the preparation of, provide an animal for, allow one's own real or personal property to be used for, gamble on, be a spectator at, or profit from an exhibition, contest, or event featuring the fighting of an animal with another animal during which an animal may be injured, maimed, or killed.<<

* * * *

(c) Enforcement.

* * * *

>>(3) Notwithstanding the provisions of Section 8CC-4 governing the penalties for repeat or continuing violations, for enforcement by civil penalty in accordance with Chapter 8CC of this code, a second violation of this section shall carry a civil penalty of 2.5 times the penalty listed in Section 8CC-10, a third violation shall carry a civil penalty of 3 times the listed penalty, and each subsequent violation shall carry a civil penalty of 3.5 times the listed penalty.<<

Section 2. Section 5-20 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 5-20. - Regulations on dogs in public areas.

* * * *

>>(g) Notwithstanding the provisions of Section 8CC-4 governing the penalties for repeat or continuing violations, for enforcement by civil penalty in accordance with Chapter 8CC of this code, a second violation of this section shall carry a civil penalty of 2.5 times the penalty listed in Section 8CC-10, a third violation shall carry a civil penalty of 3 times the listed penalty, and each subsequent violation shall carry a civil penalty of 3.5 times the listed penalty.<<

Section 3. Section 5-21 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 5-21. - Tethering of dogs.

* * * *

(e) For a first-time violation, the Department shall issue a warning notice to the responsible party and shall wait at least thirty (30) days before taking any further enforcement action against the responsible party. Thereafter, each violation of this section shall be subject to enforcement in accordance with Section 5-2 of this chapter. >>Notwithstanding the provisions of Section 8CC-4 governing the penalties for repeat or continuing violations, or enforcement by civil penalty in accordance with Chapter 8CC of this code, a third violation shall carry a civil penalty of 2.5 times the penalty listed in Section 8CC-10, and each subsequent violation shall carry a civil penalty of 3 times the listed penalty.<< For all civil penalties for violations of this section collected pursuant to Chapter 8CC, 75% of the amount collected shall be paid to the Animal Services Trust Fund, created by Miami-Dade County Resolution No. R-1385-06, as may be amended from time to time.

Section 4. Section 5-22 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 5-22. - Dangerous dogs; authority to designate dog as dangerous; confiscation; appeal procedures.

(a) For purposes of this section >>,<< [[~~and~~]] § 5-23 >>, and § 5-23.1<< of this chapter, the following definitions shall apply:

(1) *Dangerous dog* means any dog that has been designated as dangerous by the Department pursuant to this section.

(2) *Unprovoked* means that the victim was acting peacefully and lawfully when encountering the dog and that the dog was not acting defensively or responding to a threat.

(3) *Severe injury* means any physical injury that results in: wounds from multiple bites; a deep puncture wound that requires drainage; a broken bone; or a disfiguring laceration requiring sutures or reconstructive surgery.

(4) *Proper enclosure of a dangerous dog* means that, while on the responsible party's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure, and shall also provide protection from the elements. The pen or structure

shall allow the dog to make normal postural movements and to walk around and shall also comply with the minimum standards for primary enclosures set forth in § 5-9(b)(1)-(3) of this chapter.

(b) The responsible party shall be liable [[~~if a dog commits~~]] >>for<< any of the following acts:

(1) >>His or her dog<< [[~~To~~]], when unprovoked, endanger>>s<<, attack>>s<<, or bite>>s<< a human;

(2) >>His or her dog<< [[~~To~~]], when unprovoked and while off the responsible party's property, >>attacks or bites<< [[~~severely injure or kill~~]] a domestic animal;

(3) >>He or she uses or trains a dog<< [[~~To have been used~~]] for dog fighting[[~~, or to be trained for dog fighting~~]]; or

(4) >>His or her dog<< [[~~To~~]], when unprovoked, chase>>s<< or approach>>es<< a human in a menacing fashion or apparent attitude of attack upon the streets, sidewalks, or any other public property or common area of a private building or development.

(c) The Director or designee shall designate a dog as dangerous if the dog commits one (1) or more of the [[~~acts specified in subsection (b) above.~~]] >>following acts:

(1) To, when unprovoked, endanger, attack, or bite a human;

(2) To, when unprovoked and while off the responsible party's property, severely injure or kill a domestic animal more than once;

(3) To, when unprovoked, chase or approach a human in a menacing fashion or apparent attitude of attack upon the streets, sidewalks, or any other public property or common area of a private building or development.<<

An individual desiring to have a dog designated as dangerous shall attest in a sworn affidavit to the incident giving rise to the request, but the Department may commence an investigation prior to receiving an affidavit. The Department shall not investigate anonymous complaints.

* * * *

>>(k) Notwithstanding the provisions of Section 8CC-4 governing the penalties for repeat or continuing violations, for enforcement by civil penalty in accordance with Chapter 8CC of this code, a second violation of this section shall carry a civil penalty of 2.5 times the penalty listed in Section 8CC-10, a third violation shall carry a civil penalty of 3 times the listed penalty, and each subsequent violation shall carry a civil penalty of 3.5 times the listed penalty.<<

Section 5. Section 5-23 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 5-23. - Additional regulations relating to dangerous dogs.

(a) Within fourteen (14) days after a dog has been designated as dangerous, or a dangerous dog designation is upheld on appeal, the responsible party shall obtain a certificate of registration for the dog from the Department. The responsible party shall renew the certificate annually. Certificates of registration and renewals thereof shall only be issued to competent persons who are at least eighteen (18) years of age and who present to the Department sufficient evidence that:

(1) The dog has been vaccinated in accordance with Section 5-6 of this chapter;

(2) The dog has been sterilized;

(3) The dog has been implanted with a microchip, the microchip has been registered with the national registry applicable to the microchip, and the microchip number and other identifying information have been provided to the Department;

(4) The dog shall be confined in a proper enclosure of a dangerous dog; and

(5) A clearly visible warning sign at all entry points informs both children and adults of the presence of a dangerous dog on the property.

>>(6) All information required for the Miami-Dade County Dangerous Dog Registry pursuant to subsection (i) below has been provided.<<

(b) Prior to issuance of the certificate of registration and renewals thereof, the responsible party shall pay the Department a fee set by implementing order approved by the Board of County Commissioners.

(c) The responsible party shall immediately notify the Department in writing:

(1) When a dangerous dog is loose or unconfined;

(2) When a dangerous dog has bitten a human or attacked another animal;

(3) Prior to a dangerous dog being sold or given away, or when a dangerous dog dies; or

(4) When a dangerous dog is moved to another address.

(d) If a dangerous dog is sold or given away, the former responsible party shall provide the name, address, and telephone number of the new responsible party to the Department, shall update all relevant information with the national registry applicable to the microchip, and shall provide the Department with confirmation that the microchip information has been updated. The new responsible party shall comply with all of the

requirements of this chapter, even if the animal is later moved from this County to another county within the State. If a dog that has been designated by another jurisdiction as dangerous, aggressive, or similar classification is brought into Miami-Dade County, the responsible party shall immediately register the dog with the Department in accordance with this section.

* * * *

>>(i) *Dangerous Dog Registry.* The Department shall maintain a publicly<< >>accessible<<[2] [[~~searchable~~]] >>website, called the "Miami-Dade County Dangerous Dog Registry," of all dangerous dogs registered with the Department. At the time of registration under subsection (a) above, the responsible party shall provide the following information to the Department, to be posted on the Dangerous Dog Registry: the name and address of the owner of the dangerous dog; the address where the dangerous dog is maintained; the name, sex, age, weight, primary breed, secondary breed, and color and markings of the dangerous dog; a photograph of the dangerous dog; the most recent vaccination date of the dangerous dog and the expiration date of the vaccine; the microchip number of the dangerous dog; and the case numbers of any judicial or administrative proceedings concerning the matters that resulted in the dog being declared dangerous. The Dangerous Dog Registry entry for each dangerous dog shall also include a brief description of the incident or incidents that resulted in the dog being declared dangerous.

(j) Notwithstanding the provisions of Section 8CC-4 governing the penalties for repeat or continuing violations, for enforcement by civil penalty in accordance with Chapter 8CC of this code, a second violation of this section shall carry a civil penalty of 2.5 times the penalty listed in Section 8CC-10, a third violation shall carry a civil penalty of 3 times the listed penalty, and each subsequent violation shall carry a civil penalty of 3.5 times the listed penalty.<<

Section 6. Section 5-23.1 of the Code of Miami-Dade County is hereby created to read as follows:

---

[2] Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

Sec. 5-23.1. - Aggressive dogs; authority to designate dog as aggressive; appeal procedures; additional regulations on aggressive dogs.

(a) *Definitions.* "Aggressive dog" means any dog that has been designated as aggressive by the Department pursuant to this section.

(b) The Director or designee shall designate a dog as "aggressive" if the dog, when unprovoked and while off of the owner's property, severely injures or kills a domestic animal.

(1) An individual desiring to have a dog designated as aggressive shall attest in a sworn affidavit to the incident giving rise to the request, but the Department may commence an investigation prior to receiving an affidavit. The Department shall not investigate anonymous complaints.

(2) A dog that is the subject of an aggressive dog investigation shall not, without the prior written approval of the Director or designee, be relocated, sold, or given away pending the outcome of an investigation or any hearings related to the determination of an aggressive dog designation.

(c) *Procedures.* If the Director or designee determines that there is sufficient cause to designate the dog as aggressive, written notification of that determination shall be delivered to the responsible party by registered mail, certified hand delivery, or service of process in conformance with Chapter 48, Florida Statutes. That determination, and any related fines issued pursuant to Chapter 8CC of this Code, may be appealed by providing, within seven (7) calendar days of receipt of the written notification, a written request for an administrative hearing; the request shall be delivered to the address provided on the written notice. If a request for a hearing is received more than seven (7) calendar days from the receipt of the written notification, the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely.

(d) *Appeal procedures.* Upon receipt of a timely written request for an administrative hearing, the Director or designee shall schedule an administrative hearing to be held not later than 21 calendar days, and not sooner than 5 days, after receipt of the written request. The administrative hearing shall be conducted in accordance with the provisions set forth in Chapter 8CC of this Code. Determinations of aggressiveness and fines based on the same incident shall be heard at the same administrative hearing. No person aggrieved by a determination to designate a dog as aggressive may apply to the Court for relief unless he has first exhausted the remedies provided for herein and taken all available steps provided in this section. While an appeal is pending, the determination shall be stayed.

(e) *Registration.* Within 14 days after a dog has been designated as aggressive or an aggressive dog designation is upheld on appeal, the

responsible party shall obtain a certificate of registration for the dog from the Department. The responsible party shall renew the certificate annually. Certificates of registration and renewals thereof shall only be issued to a competent person who is at least 18 years of age and who presents to the department sufficient evidence that:

(1) The dog has been vaccinated in accordance with § 5-6 of this chapter;

(2) The dog has been licensed in accordance with § 5-7 of this chapter; and

(3) The dog has been implanted with a microchip, the microchip has been registered with the national registry applicable to the microchip, and the microchip number and other identifying information have been provided to the Department.

Prior to issuance of the certificate of registration and renewals thereof, the responsible party shall pay the Department a fee set by implementing order approved by the Board of County Commissioners.

(f) If a dog that has been designated by another jurisdiction as aggressive or similar classification is brought into Miami-Dade County, the responsible party shall immediately register the dog with the Department as an aggressive dog in accordance with this section.

(g) *Additional regulations on aggressive dogs.*

(1) The responsible party shall immediately notify the Department in writing when an aggressive dog has been moved to another address.

(2) If an aggressive dog is sold or given away, the former responsible party shall provide the name, address, and telephone number of the new responsible party to the Department, shall update all relevant information with the national registry applicable to the microchip, and shall provide the Department with confirmation that the microchip information has been updated. The new responsible party shall comply with all of the requirements of this chapter even if the animal is later moved from this County to another county within the State.

(3) The responsible party shall immediately notify the Department in writing when an aggressive dog has bitten a human or a domestic animal.

(4) *Restrictions on breeding.* It shall be unlawful to breed, or to permit another to use for breeding, an aggressive dog.

(h) If an aggressive dog severely injures or kills a domestic animal, it may be designated as "dangerous" pursuant to § 5-22 of this chapter.

(i) Notwithstanding the provisions of Section 8CC-4 governing the penalties for repeat or continuing violations, for enforcement by civil penalty in accordance with Chapter 8CC of this code, a second violation of this section shall carry a civil penalty of 2.5 times the penalty listed in

Section 8CC-10, a third violation shall carry a civil penalty of 3 times the listed penalty, and each subsequent violation shall carry a civil penalty of 3.5 times the listed penalty.

Section 7. Section 5-23.2 of the Code of Miami-Dade County is hereby created to read as follows:

Sec. 5-23.2. – Irresponsible Dog Owners.

(a) A person shall be designated as an "irresponsible dog owner" upon being found guilty, more than once, of (i) violating Sections 5-20, 5-21, 5-22, 5-23, or 5-23.1 of this code or (ii) committing upon a dog an act deemed cruelty to animals in violation of Section 5-4 of this code. For purposes of this section, "found guilty" means that a citation for such violation has been issued and either the citation has not been appealed or, if the citation is appealed, the action of the code enforcement officer has been affirmed on appeal. The designation shall take effect on the later of (i) the date that the time to appeal an enforcement action expires or (ii) the date a decision affirming the enforcement action is rendered.

(b) An irresponsible dog owner shall be prohibited from acquiring, owning, keeping, or harboring additional dogs for a period of 3 years after being so designated. Upon a subsequent violation of any of the provisions listed in Sub-section (a) above, an irresponsible dog owner shall be prohibited from acquiring, owning, keeping, or harboring additional dogs for a period of 5 years after being found guilty of the subsequent violation.

(c) An irresponsible dog owner may be required to surrender to the Department all the dogs he owns, keeps, or harbors upon designation or after subsequent violations. The Director is hereby authorized to institute appropriate proceedings in any court of competent jurisdiction to effectuate the seizure of the dogs.

Section 8. Section 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * * *

Code Section	*Description of Violation*	*Civil Penalty*
	* * * *	
5-4	Cruelty to animals	500.00
	>>Animal fighting or baiting	1,000.00<<
	* * * *	
5-22[[~~(b)(1)~~]]	Dog endangers, attacks, or bites a human	>>1,000.00<< [[~~500.00~~]]
[[~~5-22(b)(2)~~]]	Dog severely injures or kills domestic animal	>>1,000.00<< [[~~500.00~~]]
[[~~5-22(b)(3)~~]]	Dog used for or trained for dog fighting	>>1,000.00<< [[~~500.00~~]]
[[~~5-22(b)(4)~~]]	Dog chases or approaches human in menacing fashion	>>1,000.00<< [[~~500.00~~]]
[[~~5-22(e)~~]]	Failure to confine dog during dangerous dog investigation or hearings	>>200.00<< [[~~100.00~~]]
	Failure to provide address where the animal resides	>>200.00<< [[~~100.00~~]]
[[~~5-22(f)~~]]	Relocating dog during dangerousness investigation or hearing	>>200.00<< [[~~100.00~~]]
	Transfer of ownership during dangerousness investigation or hearing	>>200.00<< [[~~100.00~~]]
[[~~5-22(i)~~]]	Failure to confine dog pending resolution of appeal	>>500.00<< [[~~250.00~~]]
[[~~5-22(j)~~]]	Dog not previously classified as dangerous severely injures or kills human	>>1,000.00<< [[~~500.00~~]]
5-23[[~~(a)~~]]	Failure to register, or timely renew registration of, dangerous dog	>>1,000.00<< [[~~500.00~~]]
[[~~5-23(c)(1)~~]]	Failure to notify Department that dangerous dog is loose or unconfined	>>1,000.00<< [[~~500.00~~]]
[[~~5-23(c)(2)~~]]	Failure to notify Department that dangerous dog has bitten a human or attacked another animal	>>1,000.00<< [[~~500.00~~]]

Code Section	*Description of Violation*	*Civil Penalty*
[[~~5-23(c)(3)~~]]	Failure to notify Department that dangerous dog has been sold, given away, or died	>>1,000.00<< [[~~500.00~~]]
[[~~5-23(c)(4)~~]]	Failure to notify Department that dangerous dog has been moved to another address	>>1,000.00<< [[~~500.00~~]]
[[~~5-23(d)~~]]	Failure to notify Department of new owner of dangerous dog	>>1,000.00<< [[~~500.00~~]]
[[~~5-23(e)~~]]	Failure to muzzle dangerous dog	>>1,000.00<< [[~~500.00~~]]
	Failure to restrain dangerous dog	>>1,000.00<< [[~~500.00~~]]
[[~~5-23(f)~~]]	Dangerous dog attacks/bites human or domestic animal	>>1,000.00<< [[~~500.00~~]]
>>5-23.1	Failure to register, or timely renew registration of, aggressive dog	500.00
	Failure to notify Department that aggressive dog has been moved to another address	500.00
	Failure to notify Department that aggressive dog has bitten a human or domestic animal	500.00
	Failure to notify Department of new owner of aggressive dog	500.00
	Breeding of aggressive dog	1,000.00
5-23.2	Irresponsible owner acquires additional dog	500.00<<
	* * * *	

Section 9. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 10. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this

ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 11. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Jose "Pepe" Diaz
Co-sponsors: Commissioner Esteban L. Bovo, Jr.
Commissioner Sally A. Heyman
Commissioner Barbara J. Jordan

MEMORANDUM

Agenda Item No. 7(D)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining animals; amending regulations pertaining to dangerous dogs, adoption of animals from the department, and pet care centers

This item was amended at the Public Safety and Healthcare Administration Committee on 9-11-12 to specify that animal rescue groups that are registered with the County are not subject to the insurance requirement; and to increase the applicable civil penalties.

The accompanying ordinance was placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsors Commissioner Esteban L. Bovo, Jr., Commissioner Jose "Pepe" Diaz and Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

RECEIVED
By the Clerk for the record.

OCT 0 2 2012

Item 7D
Exhibit
Meeting

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Amending Regulations Pertaining to Dangerous Dogs

---

The proposed ordinance calls for the creation of a Dangerous Dog Registry. The labor to develop and post the registry online is minimal and can be absorbed by existing resources. The ordinance also codifies the ability of the Department to reduce fees for adopters. In addition, this ordinance also requires owners of dangerous dogs to provide evidence of financial ability to cover bodily injury up to $50,000. The implementation of this ordinance will not have a fiscal impact to the County.

Alina T. Hudak
Deputy Mayor/County Manager

Fis9312

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

✓ **6 weeks required between first reading and public hearing**

✓ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(D)

10-2-12

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ANIMALS; AMENDING REGULATIONS PERTAINING TO DANGEROUS DOGS, ADOPTION OF ANIMALS FROM THE DEPARTMENT, AND PET CARE CENTERS; AMENDING SECTIONS 5-2, 5-5, 5-9, 5-13, 5-22, 5-23 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 5-2 of the Code of Miami-Dade County is hereby amended to read as follows: [1]

Sec. 5-2. - Enforcement.

(a) The provisions of this chapter shall apply in the incorporated and unincorporated areas of Miami-Dade County. The Department, through Miami-Dade County Animal Control Officers, shall be responsible for enforcing the sections of this chapter. County and municipal law enforcement officers shall also be authorized to enforce the provisions of this chapter relating to cruelty to animals >>and confiscation of dangerous dogs and dogs subject to dangerous dog investigations<<. The Director shall have the authority to amend and modify the administration of the Department's operating procedures and to establish rules, procedures, and forms to carry out the Department's responsibilities pursuant to this chapter.

* * * *

(h) In addition to the foregoing, any person who violates a provision of this chapter or any lawful rule, regulation, or written order promulgated under this chapter is subject to the judicial imposition of a civil penalty for each offense of an amount not to exceed five thousand dollars ($5,000.00) per offense, >>except that violations of Sections 5-22 and 5-23 of this

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

chapter, related to dangerous dogs, are subject to the judicial imposition of a civil penalty for each offense of an amount not to exceed ten thousand dollars ($10,000) per offense<<. In assessing the penalty, the court may receive evidence in mitigation. Each day during any portion of which a violation occurs constitutes a separate offense.

* * * *

Section 2. Section 5-5 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 5-5. - Adoption of animals from the department; sterilization requirements; requirements for animal rescue organizations; authority to negotiate and enter into agreements.

(a) The Department shall encourage the adoption of animals in its custody. The Department may charge fees for transferring ownership of such animals and for vaccination, sterilization, and other medical care provided to such animals. Fees shall be fixed by implementing order approved by the Board of County Commissioners, provided that animal rescue organizations >>and other adopters<< acquiring ownership of animals may be charged reduced fees in accordance with this section.

* * * *

Section 3. Section 5-9 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 5-9. - Standards of care for kennels, pet dealers, and pet care centers.

In addition to complying with the provisions of Section 5-4 of this Code regarding cruelty to animals, all kennels, pet dealers, and pet care centers, >>including providers of mobile grooming services,<< located in or engaging in business in Miami-Dade County shall comply with the following minimum standards for the care of animals:

* * * *

Section 4. Section 5-13 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 5-13. - Kennel, pet dealer, pet care center, and hobby breeder license requirements; appeal procedures.

* * * *

(h) The Director may deny, suspend, or revoke a license or renewal where the applicant/licensee:

(1) Has refused to allow the Department to inspect the premises on which animals are kept >>, the mobile unit in which services are provided to animals,<< or the records required to be maintained by this chapter or by state law, provided that the first such refusal shall result in suspension of the license until inspection is allowed;

* * * *

Section 5. Section 5-22 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 5-22. - Dangerous dogs; authority to designate dog as dangerous; confiscation; appeal procedures.

(a) >>*Legislative Intent.* This section and Section 5-23 are intended to utilize the authority and powers of Miami-Dade County in order to secure for the citizens of this County the protection of their health, safety and welfare. It is intended to be applicable to dangerous dogs, which are defined herein. This section is designed to identify and regulate these dangerous dogs and to ensure responsible handling by their owners through confinement, registration, and liability insurance. Dangerous dogs have caused extensive damage to persons, other domestic animals, and property, and have been determined to require the special regulations and provisions contained within this section, which the County Commission hereby finds reasonable and necessary.<<

>>(b)<< For purposes of this section and Section 5-23 of this chapter, the following definitions shall apply:

(1) "Dangerous dog" means any dog that has been designated as dangerous by the Department pursuant to this section.

(2) "Unprovoked" means that the victim was acting peacefully and lawfully when encountering the dog and that the dog was not acting defensively or responding to a threat.

(3) "Severe injury" means any physical injury that results in: wounds from >>a bite or<< [[~~multiple~~]] bites; a deep puncture wound that requires drainage; a broken bone; or a disfiguring laceration requiring sutures or reconstructive surgery.

(4) "Proper enclosure of a dangerous dog" means that, while on the responsible party's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have >>four (4)<< secure sides >>, each at least six (6) feet high,<< and a secure top to prevent the dog from escaping over, under, or through the structure, and shall also provide protection from the elements. The pen or structure shall allow the dog to make normal postural movements and to walk around and shall also comply with the minimum standards for primary enclosures set forth in Section 5-9(d)(1)-(3) of this chapter.

[[~~(b)~~]] >>(c)<< The responsible party shall be liable [[~~if a dog commits~~]] >>for<< any of the following acts:

(1) >>His or her dog<< [[~~To~~]], when unprovoked, endanger>>s<<, attack>>s<<, or bite>>s<< a human;

(2) >>His or her dog<< [[~~To~~]], when unprovoked and while off the responsible party's property, >>attacks or bites<< [[~~severely injure or kill~~]] a domestic animal;

(3) >>He or she uses or trains a dog<< [[~~To have been used~~]] for dog fighting[[~~, or to be trained for dog fighting~~]]; or

(4) >>His or her dog<< [[~~To~~]], when unprovoked, chase>>s<< or approach>>es<< a human in a menacing fashion or apparent attitude of attack upon the streets, sidewalks, or any other public property or common area of a private building or development.

[[~~(c)~~]] >>(d)<< The Director or designee shall designate a dog as dangerous if the dog commits one (1) or more of the [[~~acts specified in subsection (b) above.~~]] >>following acts:

(1) To, when unprovoked, endanger, attack, or bite a human;

(2) To, when unprovoked and while off the responsible party's property, severely injure or kill a domestic animal more than once;

(3) To, when unprovoked, chase or approach a human in a menacing fashion or apparent attitude of attack upon the streets, sidewalks, or any other public property or common area of a private building or development.<<

>>(e)<< An individual desiring to have a dog designated as dangerous shall attest in a sworn affidavit to the incident giving rise to the request >>or shall file a police report and provide a copy of the police report to the Department<<, but the Department may commence an investigation prior to receiving an affidavit >>or police report<<. The Department shall not investigate anonymous complaints.

[[~~(d)~~]] >>(f)<< Notwithstanding any other provision of this section, the responsible party shall not be liable, and the dog shall not be designated as dangerous, if the threat, injury, or damage was sustained:

(1) By a human who, at the time, was unlawfully on the property of the responsible party; or

(2) By a human who, while lawfully on the property of the responsible party, was tormenting, abusing, or assaulting the dog, the responsible party, or another person lawfully on the property; or

(3) While the dog was protecting or defending a human within the immediate vicinity of the dog from an unjustified attack or assault; or

(4) By a human who was engaged in or attempting to engage in a criminal activity at the time of the attack; or

(5) While the dog was engaged in a legal hunt or in a legal sport or exhibition such as an obedience trial, conformation show, field trial, hunting/retrieving trial, or herding trial; or

(6) While the dog was engaged in law enforcement work under the direction of a law enforcement officer.

[[~~(e)~~]] >>(g)<< Confiscation and confinement. Animal Control Officers >>and law enforcement officers<< are hereby authorized to confiscate dogs that are the subject of dangerous dog investigations, and the Director is hereby authorized to institute appropriate proceedings in any court of competent jurisdiction if necessary to effectuate the seizure of the dog. The Animal Control Officer >>or law enforcement officer<< shall issue the responsible party a written notice of the confiscation. Any animal that is the subject of a dangerous dog investigation and that is not impounded by the Department shall be humanely and safely confined by the responsible party in a securely fenced or enclosed area, pending the outcome of the investigation and resolution of any hearings related to the dangerous dog designation. The address of where the animal resides shall be provided to the Department. The responsible party shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedures.

[[~~(f)~~]] >>(h)<< A dog that is the subject of a dangerous dog investigation shall not be relocated or have its ownership transferred pending the

outcome of an investigation or any hearings related to the determination of a dangerous dog designation >>, unless with the express written permission of the Department<<. In the event that a dog is to be euthanized, the dog shall not be relocated, and ownership of the dog shall not be transferred >>, unless with the express written permission of the Department.<<

[[~~(g)~~]] >>(i)<< If the Director or designee determines that there is sufficient cause to designate the dog as dangerous, written notification of that determination shall be delivered to the responsible party by registered mail, certified hand delivery, or service of process in conformance with Chapter 48, Florida Statutes. That determination, and any related fines issued pursuant to Chapter 8CC of this Code, may be appealed by providing, within seven (7) calendar days of receipt of the written notification, a written request for an administrative hearing; the request shall be delivered to the address provided on the written notice. If a request for a hearing is received more than seven (7) calendar days from the receipt of the written notification, the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely.

[[~~(h)~~]] >>(j)<< Appeal procedures. Upon receipt of a timely written request for an administrative hearing, the Director or designee shall schedule an administrative hearing to be held not later than 21 calendar days, and not sooner than 5 days, after receipt of the written request. The administrative hearing shall be conducted in accordance with the provisions set forth in Chapter 8CC of this Code. Determinations of dangerousness and fines based on the same incident shall be heard at the same administrative hearing. No person aggrieved by a determination to designate a dog as dangerous may apply to the Court for relief unless he has first exhausted the remedies provided for herein and taken all available steps provided in this section. While an appeal is pending, the determination shall be stayed; provided, however, that pending resolution of the appeal, the responsible party shall confine the dog in a securely fenced or enclosed area. If the Department has confiscated the dog, the responsible party shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the dog during any appeal procedures.

[[~~(i)~~]] >>(k)<< The responsible party shall be liable for failing to properly confine a dog pending an appeal.

[[(j)]] >>(*l*)<< The responsible party shall be liable if a dog that has not previously been declared dangerous attacks and causes severe injury or death to a human when unprovoked.

(1) The dog shall be immediately confiscated by the Department, placed in quarantine and impounded, held for ten (10) business days after the responsible party is given written notice of the confiscation and the determination of the Department to euthanize the dog, and thereafter euthanized in accordance with Section 5-24 of this chapter.

(2) The euthanasia determination, and any related fines issued pursuant to Chapter 8CC of this Code, may be appealed by providing, within the ten-day impoundment period, a written request for an administrative hearing; the request shall be delivered to the address provided on the confiscation notice. The administrative hearing shall be conducted in accordance with this section. If a request for a hearing is received after the expiration of the ten-day impoundment period, the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely.

Section 6. Section 5-23 of the Code of Miami-Dade County is hereby amended to read as follows:

Sec. 5-23. - Additional regulations relating to dangerous dogs.

(a) Within fourteen (14) days after a dog has been designated as dangerous, or a dangerous dog designation is upheld on appeal, the responsible party shall obtain a certificate of registration for the dog from the Department. The responsible party shall renew the certificate annually. >>The registration shall include the following: Name, address and telephone number of the dog's owner; the address where the dog is harbored, if different from the owner's address; a complete identification of the dog, including the dog's sex, color, and any other distinguishing physical characteristics; and a color photograph of the dog.<< Certificates of registration and renewals thereof shall only be issued to competent persons who are at least eighteen (18) years of age and who present to the Department sufficient evidence that:

(1) The dog has been vaccinated in accordance with Section 5-6 of this chapter;

(2) The dog has been sterilized;

(3) The dog has been implanted with a microchip, the microchip has been registered with the national registry applicable to the microchip, and the microchip number and other identifying information have been provided to the Department;

(4) >>Because of the danger posed to humans and animals alike by dangerous dogs running loose or while running together in a pack, the dog is at all times<< [[~~The dog shall be~~]] confined in a proper enclosure of a dangerous dog, >>except as otherwise provided in this section<<; [[~~and~~]]

(5) A clearly visible warning sign at all entry points >>conspicuously displaying the words "Dangerous Dog"<< informs both children and adults of the presence of a dangerous dog on the property >>; and

(6) The owner of the dog is financially responsible in accordance with the following. In order to protect the public and to afford relief from the severe harm and injury which is likely to result from a dangerous dog attack, every owner of a dangerous dog shall maintain and be able to provide evidence of the owner's financial ability to respond in damages up to and including the amount of fifty thousand dollars ($50,000.00) for bodily injury to or death of any person or damage to property which may result from the ownership, keeping or maintenance of such dog. Proof of ability to respond in damages shall be given by filing with the Department a certificate of insurance from an insurance company authorized to do business in the State, stating that the owner is and will be insured against liability for such damages; or by posting with the Department a surety bond conditioned upon the payment of such damages during the period of such registration; or by posting a personal bond secured by a mortgage in real property or security interest in personal property; or a sworn statement of the owner of his/her financial ability to respond in damages up to and including the amount of fifty thousand dollars ($50,000.00) .<< >>Animal rescue groups that have been registered with the Department in accordance with Section 5-5 of this chapter shall not be subject to the requirements of this paragraph.<<[2]

(b) Prior to issuance of the certificate of registration and renewals thereof, the responsible party shall pay the Department a fee set by implementing order approved by the Board of County Commissioners.

(c) The responsible party shall immediately notify the Department in writing:

(1) When a dangerous dog is loose or unconfined;

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[2] Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

(2) When a dangerous dog has bitten a human or attacked another animal;
(3) Prior to a dangerous dog being sold or given away, or when a dangerous dog dies; or
(4) When a dangerous dog is moved to another address.

(d) If a dangerous dog is sold or given away, the former responsible party shall provide the name, address, and telephone number of the new responsible party to the Department, shall update all relevant information with the national registry applicable to the microchip, and shall provide the Department with confirmation that the microchip information has been updated. The new responsible party shall comply with all of the requirements of this chapter, even if the animal is later moved from this County to another county within the State. If a dog that has been designated by another jurisdiction as dangerous, aggressive, or similar classification is brought into Miami-Dade County, the responsible party shall immediately register the dog with the Department in accordance with this section.

(e) >>*Exceptions to Confinement Requirement.*
(1) The dog is muzzled and restrained by a chain or leash and under the control of a competent person.<< It shall be unlawful for the responsible party to permit a dangerous dog to be outside a proper enclosure unless the dog is muzzled and restrained by a chain or leash, and under the control of a competent person. >>It is provided, however, that no dangerous dog may be walked within fifty (50) feet of any school ground nor enter onto such school ground even if restrained and muzzled.<< The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision >>,<< [[~~or~~]] respiration >>, or hydration<<, but will prevent it from biting any person or animal. When being transported, a dangerous dog shall be safely and securely restrained within a vehicle, provided, however, that nothing contained herein shall be construed to excuse a violation of Section 5-15 of this chapter.
>>(2)<< The responsible party may exercise the dog on the responsible party's property in a securely [[~~fenced or~~]] enclosed area that does not have a top, without a muzzle or leash, if >>the area is completely enclosed by fences or walls at least six (6) feet in height,<< the responsible party remains outside with the dog >>,<< and only members of the responsible party's immediate household or persons eighteen (18) years of age or older are allowed in the enclosure when the dog is present.

>>(3) A dangerous dog being used as a guard dog to protect vacant property may remain outside provided that (i) the owner provides to the Department certification from an animal training professional that the dog has been properly trained as a guard dog and (ii) the dog remains at all times in a securely enclosed area that is completely enclosed by fences or walls at least six (6) feet in height. The responsible party shall be liable if the dangerous dog escapes from the vacant property.

(4) A dangerous dog is in attendance at, and participating in, any lawful dog show, contest, or exhibition sponsored by a dog club, association, society, or similar organization, and the dog is supervised by a competent person.

(5) A dangerous dog is actually engaged in the sport of hunting in an authorized area and supervised by a competent person.<<

(f) The responsible party shall be liable if a dangerous dog attacks or bites a human or a domestic animal when unprovoked.

(1) The dog shall be immediately confiscated by the Department, placed in quarantine and impounded, held for ten (10) business days after the responsible party is given written notice of the confiscation and the determination of the Department to euthanize the dog, and thereafter euthanized in accordance with Section 5-24 of this chapter.

(2) The euthanasia determination, and any related fines issued pursuant to Chapter 8CC of this Code, may be appealed by providing, within the ten-day impoundment period, a written request for an administrative hearing; the request shall be delivered to the address provided on the confiscation notice. If a request for a hearing is received after the expiration of the ten-day impoundment period, the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely. The administrative hearing shall be conducted in accordance with Section 5-22 of this chapter.

(3) The Director is hereby authorized to institute appropriate proceedings in any court of competent jurisdiction if necessary to effectuate the seizure of a dog while a violation of this section is under investigation.

(4) Notwithstanding any other provision in this section, an attack or bite by a dangerous dog shall not be a violation of this section if the dog could not be designated as dangerous for the same conduct pursuant to Section 5-22(d) of this chapter.

(g) Upon the euthanasia of a dog based on a violation of Section 5-22 or of this section:

(1) The Department shall provide the responsible party written notice containing all costs and fees incurred by the Department in the confiscation, maintenance, quarantine and euthanasia of the dog, with a deadline of not less than thirty (30) days from receipt of the notice of payment of the costs and fees.

(2) Miami-Dade County may thereafter institute proceedings in a court of competent jurisdiction to compel payment of the fees and costs incurred by the Department in the confiscation, maintenance, quarantine and euthanasia of the dog. A certified copy of an order awarding the County its fees and costs may be recorded in the public records and thereafter shall constitute a lien against the land of the violator or, if the violator does not own the land, upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the sheriffs of this State, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After one (1) year from the filing of any such lien which remains unpaid, Miami-Dade County may foreclose on the lien.

(h) Nothing contained herein shall prevent any person from applying to a court of competent jurisdiction for the seizure, impoundment, or euthanasia of a dangerous dog based on the responsible party's failure to comply with the requirements of this section.

Section 7. Section 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * * *

Code Section	*Description of Violation*	*Civil Penalty*
	* * * *	
5-22 [[~~(b)(1)~~]]	Dog endangers, attacks, or bites a human	500.00

Code Section	*Description of Violation*	*Civil Penalty*
[[~~5-22(b)(2)~~]]	Dog severely injures or kills domestic animal	500.00
[[~~5-22(b)(3)~~]]	Dog used for or trained for dog fighting	500.00
[[~~5-22(b)(4)~~]]	Dog chases or approaches human in menacing fashion	500.00
[[~~5-22(e)~~]]	Failure to confine dog during dangerous dog investigation or hearings	100.00
	Failure to provide address where the animal resides	100.00
[[~~5-22(f)~~]]	Relocating dog during dangerousness investigation or hearing	100.00
	Transfer of ownership during dangerousness investigation or hearing	100.00
[[~~5-22(i)~~]]	Failure to confine dog pending resolution of appeal	250.00
[[~~5-22(j)~~]]	Dog not previously classified as dangerous severely injures or kills human	500.00
	>>Violation of 5-22 not specified above	>>$1,000.00<< [[~~500.00~~]]
5-23 [[~~(a)~~]]	Failure to register, or timely renew registration of, dangerous dog	500.00
[[~~5-23(c)(1)~~]]	Failure to notify Department that dangerous dog is loose or unconfined	500.00
[[~~5-23(c)(2)~~]]	Failure to notify Department that dangerous dog has bitten a human or attacked another animal	500.00
[[~~5-23(c)(3)~~]]	Failure to notify Department that dangerous dog has been sold, given away, or died	500.00
[[~~5-23(c)(4)~~]]	Failure to notify Department that dangerous dog has been moved to another address	500.00
[[~~5-23(d)~~]]	Failure to notify Department of new owner of dangerous dog	500.00
[[~~5-23(e)~~]]	Failure to muzzle dangerous dog	500.00
	Failure to restrain dangerous dog	500.00
[[~~5-23(f)~~]]	Dangerous dog attacks/bites human or domestic animal	500.00
	>>Violation of 5-23 not specified above	>>$1,000.00<< [[~~500.00~~]]

Code Section	*Description of Violation*	*Civil Penalty*
	* * * *	

Section 8. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 9. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 10. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency: APW

Prepared by: DAK

Dennis A. Kerbel

Prime Sponsor: Commissioner Sally A. Heyman
Co-sponsors: Commissioner Esteban L. Bovo, Jr.
Commissioner Jose "Pepe" Diaz
Commissioner Barbara J. Jordan

MEMORANDUM

Agenda Item No. 7(E)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:**	October 2, 2012
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance relating to planning; modifying vote requirements to delete or modify declarations of restrictions previously accepted in connection with applications to amend the Comprehensive Development Master Plan ("CDMP")

This item was amended at the Infrastructure and Land Use Committee on 9-12-12 to specify that applications currently pending in the October 2011 and April 2012 CDMP amendment cycles will continue to be governed by the procedures in effect at the time the applications were filed.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsors Commissioner Lynda Bell, Vice Chairwoman Audrey M. Edmonson, and Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

RECEIVED
By the Clerk for the record.

OCT 0 2 2012

Item 7E
Exhibit
Meeting

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance modifying voting requirements regarding the Comprehensive Development Master Plan

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The proposed ordinance amending Section 2-116.1 regarding any decision amending, modifying, adding or changing a declaration of restrictive covenants that was previously accepted in connection with a prior application to amend the Comprehensive Development Master Plan will require a vote of two-thirds (2/3) of the total membership of the County Commission. The implementation of this ordinance will not have a fiscal impact to the County.

Jack Osterholt
Deputy Mayor

Fis7212

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(E)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(E)
10-2-12

ORDINANCE NO. _____

ORDINANCE RELATING TO PLANNING; MODIFYING VOTE REQUIREMENTS TO DELETE OR MODIFY DECLARATIONS OF RESTRICTIONS PREVIOUSLY ACCEPTED IN CONNECTION WITH APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN ("CDMP"); AMENDING SECTION 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-116.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 2-116.1. - Amendment procedure for Comprehensive Development Master Plan.

* * * *

(3) *Procedure upon application; Director of Planning and Zoning, Community Councils, Planning Advisory Board (PAB), and Board of County Commissioners; applications pursuant to an emergency or a compliance agreement.*

* * * *

(g) The Board of County Commissioners shall hold one public hearing during November following the filing of April period applications and during May following the filing of October period applications. Hearing(s) held pursuant to this paragraph shall be advertised in accordance with Section 163.3184(15)(b) and (c), F.S., and shall be

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

held on a weekday not less than ten (10) days after the day that the advertisement is published. At these hearings the Department of Planning and Zoning shall present to the Board the listing of applications filed pursuant to Section 2-116.1(3)(b), Code of Miami-Dade County, and the Board shall consider the expedited adoption or adoption with change of any requested small-scale amendments and the transmittal of the standard amendment applications to the State land planning agency and any requested small-scale amendments not adopted. If any requested small-scale amendments will be considered for adoption at a public hearing conducted pursuant to this paragraph, the Department shall, prior to said hearing, submit to the Board of County Commissioners an ordinance for first reading providing for Commission action on said small-scale amendments. The action to adopt any small-scale amendment to the CDMP shall be by ordinance enacted only upon vote of the majority of the total membership of the County Commission then in office, except that any decision to include any additional land within the UDB, or to redesignate to an urban use any land located outside the UDB, >>or any decision to make amendments, modifications, additions, or changes to a declaration of restrictive covenants that was accepted in connection with a prior application to amend the CDMP<< shall require a vote of two-thirds (2/3) of the total membership of the County Commission then in office. The transmittal action shall be taken by resolution of the Board of County Commissioners. The resolution pertaining to transmittal shall also specify that the County requests the State land planning agency to review the transmitted proposed amendments pursuant to Section 163.3184(6), F.S. The decision to transmit shall be by affirmative vote of not less than a majority of the total membership of the County Commission then in office. Following the adoption of the resolution pertaining to transmittal, the Board may consider the approval on first reading of one (1) or more ordinances to subsequently take final action on the transmitted applications. The Board of County Commissioners hereby authorizes and directs the County Manager or his designee to transmit all documents and information required by Sections 163.3184(3) and (7), F.S., and Chapter 9J-11, Florida Administrative Code, following the hearing, on behalf of the Board.

* * * *

(4) *Procedures for final actions after transmittal to state review agencies.* After the County Manager or his designee transmits the applications instructed by the Board of County Commissioners pursuant to foregoing paragraph 3(g), subsequent County actions shall be as follows:

* * * *

(c) All public hearings conducted by the Board of County Commissioners pursuant to foregoing paragraph (4)(b) to take final action on applications to amend the CDMP shall be advertised in the manner required by Section 163.3184(15), F.S. All such hearings shall be held on a weekday approximately ten (10) days after the date that the advertisement is published. All amendments, modifications, additions or changes to the comprehensive development master plan shall be by ordinance enacted only upon vote of the majority of the total membership of the County Commission then in office, except that any decision to include any additional land within the Urban Development Boundary >>or any decision to make amendments, modifications, additions, or changes to a declaration of restrictive covenants that was accepted in connection with a prior application to amend the CDMP<< shall require a vote of two-thirds (2/3) of the total membership of the County Commission then in office. Findings, if any, made by the Board of County Commissioners which are not included in the ordinance adopting plan amendments and which provided the basis for adoption or determination not to adopt shall be transmitted to the State land planning agency with the adopted amendments. In addition, the Department of Planning and Zoning shall prepare for transmittal a statement in support of the Commission's actions indicating the relationship, if any, of the changes not previously reviewed by the State land planning agency to the comments, objections and recommendations submitted by said agency pursuant to Section 163.3184(6), F.S. The County Manager is hereby authorized and directed to transmit, on behalf of the Board, the adopted amendments, adopting ordinance and all other necessary information and documents required by Chapter 9J-11, Florida Administrative Code. Copies of adopted proposals shall be transmitted by the County Manager to said agency after adoption pursuant to Section 163.3184(7), F.S.

* * * *

>>**Section 2.** Applications that were filed in the October 2011 or April 2012 CDMP Amendment Cycles to modify, change, or amend existing CDMP covenants shall continue to be subject to the CDMP amendment procedures in effect as of their filing date. All future applications to modify, change, or amend any existing CDMP covenants, except as provided herein, shall be subject to the provisions of this ordinance.[2]<<

Section [[~~2.~~]] >>**3.**<< If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section [[~~3.~~]] >>**4.**<< It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

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[2] Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

Section [[~~4.~~]] >>**5.**<< This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Barbara J. Jordan
Co-Sponsors: Commissioner Lynda Bell
Vice Chairwoman Audrey M. Edmonson
Commissioner Rebeca Sosa

MEMORANDUM Agenda Item No. 7(J)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Ordinance pertaining to zoning; amending Article XXXIII(K) of the Code; amending Sections 33-284-82 through 33-284-92 of the Code

This items differs from the original version as stated in the Mayor's memorandum.

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Co-Prime Sponsors Vice Chairwoman Audrey M. Edmonson, Commissioner Lynda Bell, and Commissioner Jean Monestime.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

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Item 7J
Exhibit
Meeting

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Proposed Zoning Ordinance Comprehensively Updating the Standard Urban Center District Regulations

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This substitute ordinance differs from the original in that it: 1) restricts those uses enumerated in the BU-3 zoning district to the MCS and MCI urban center districts and requires compliance with the public hearing and spacing requirements outlined in the BU-3 district, 2) corrects errors and omissions on the footnote references on the table of permitted uses and building placement standards, 3) provides for package liquor stores in the Center Subdistrict, subject to restrictions, 4) amends the standards for the Rowhouse use to permit common parking facilities, and 5) amends the standards for monument signs to clarify that the permissible sign face area is calculated for each sign face rather than the cumulative total of all faces.

Recommendation
It is recommended that the Board of County Commissioners (Board) adopt the attached zoning ordinance comprehensively updating the County's Standard Urban Center District Regulations.

Scope
Areas zoned Urban Center and Urban Area District in unincorporated Miami-Dade.

Fiscal Impact/Funding Source
The proposed ordinance creates no fiscal impact on Miami-Dade County.

Track Record/Monitor
Not applicable.

Background
On July 7, 2007 the Board of County Commissioners (Board) adopted Ordinance 05-143 establishing Article XXXIII(K) of the Zoning Code, the County's Standard Urban Center District Regulations (SUCO). The Standard Urban Center District provides the regulatory framework that guides the development within the Comprehensive Development Master Plan (CDMP) designated urban centers and mixed-use corridors and that also constitutes the modern, form-based portion of the County's Zoning Code. The adoption of SUCO has been followed by the Board's establishment of the area-specific urban center districts which include those addressing the areas of Cutler Ridge, Goulds, Leisure City, Model City, Naranja, North Central, Ojus, Perrine, and Princeton.

This comprehensive update results from staff's experience evaluating site plans and public hearing items within the different urban center districts. It also addresses comments from developers that submitted plans since SUCO was adopted. In essence the ordinance seeks to, among other things:

1. Re-organize the Article and improve the graphics in order to make it more user-friendly.

2. Amend the Definitions section to provide for additional definitions (such as definitions for accessory building, accessory structure, building frontage, and community gardens) and update existing definitions.

3. Reformat and simplify the Uses section to establish generalized Land Use Groups and provide a user-friendly Table of Permitted Uses. The Uses Section also addresses temporary uses such as festivals and farmer's markets.

4. Update the Regulating Plans and Building Placement Standards.

5. Provide a building placement table indicating required building types and their permitted land uses.

6. Incorporate a frontage table to address building placement standards for the various street types.

7. Update the nonconforming section in order to address the diversity of nonconforming issues that have arisen upon the establishment of the Urban Center Districts. In general, this section allows existing nonconforming uses and structures to continue and remain viable while encouraging nonconformities to be brought into compliance through redevelopment. Provides a review procedure for administrative approval of building expansions that are less than fifty (50) percent of the existing structure.

This ordinance was developed with input from the development industry and is in compliance with the County's Comprehensive Development Master Plan.

Jack Osterholt
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(J)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(J)

10-2-12

ORDINANCE NO._____

ORDINANCE PERTAINING TO ZONING; AMENDING ARTICLE XXXIII(K) OF THE CODE OF MIAMI-DADE COUNTY (CODE); AMENDING SECTIONS 33-284.82 THROUGH 33-284.92 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-284.82 of the Code of Miami-Dade County, Florida, is hereby amended as follows:[1]

Sec. 33-284.82. Definitions.

Terms used throughout this article shall take their commonly accepted meaning unless otherwise defined in Chapters 18A, 28 or 33 of the Code of Miami-Dade County. Terms requiring interpretation specific to this article are as follows:

>>1. Accessory Building: An enclosed building that is subordinate to and not the main or principal building on a lot or parcel and that is used as a dwelling unit, garage, storage shed, or similar use.

2. Accessory Structure: An unenclosed structure that is subordinate to and not the main or principal building on a lot or parcel and that is used: as a garden feature, such as a fountain, gazebo or cabana; for recreation, such as a pool or hard courts; for the accommodation of mechanical equipment, such as a pump, a/c compressor or electrical generator units; or uses similar to the foregoing.<<

[[~~1~~]]>>3<<. Anchor point: The location depicted on the Open Space Plan on which some portion of a plaza, green, or square must be situated.

[[~~2~~]]>>4<<. Bike lane: A corridor dedicated specifically for bicycle use.

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

easement(s) or << [[public right-of-way or a]] >> designated open space(s)<<.

[[4]]>>6<<. Block face: The [[right-of-way line]] >>public street, private street<< or easement line that delineates a block edge.

[[5]]>>7<<. Boulevard: A [[roadway traversing a neighborhood]] >>public street, private street or easement<< [[,]] flanked with a>>landscaped median,<< sidewalks, on-street parking, street trees and buildings.

>>8. Building Frontage: The portion of the building required to be located along the build-to-line.<<

[[6]]>>9<<. Building placement diagrams: Diagrams that provide a schematic representation of the permissible footprints and profiles of structures by land use and Sub-district.

[[7]]>>10<<. Build-to line: A line parallel to the block face, along which a building shall be built. [[A forecourt may be used to vary the build-to line in the Core and Center Sub-districts.]]

[[8]]>>11<<. Busway: A [[limited]] >>restricted<< access right of way for the exclusive use of buses.

[[9. Civic use: a use that is open to the public and conducted within a community building, including without limitation, meeting halls, libraries, schools, child care centers, police stations, fire stations, post offices, clubhouses, religious buildings, museums, visual and performance arts buildings, and governmental facilities. The architecture of a civic use building shall reflect its civic nature.]]

[[10]]>>12<<. Clear zone: An area within the curb radius, which shall be kept clear of all objects to a prescribed height to provide vehicle clearance.

>>13. Close: A landscaped median divided street with a closed turning area in one end and an intersecting street on the other (see Fig. 1).<<

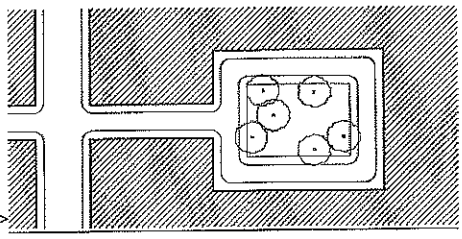
>> 

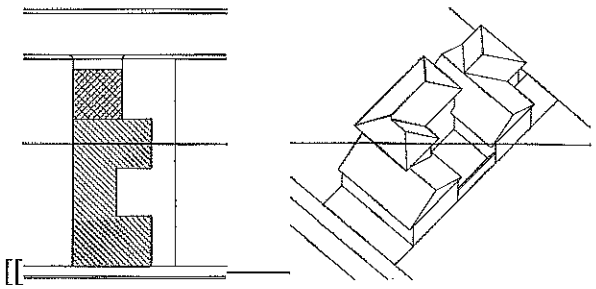
Fig. 1: Close<<

[[~~11~~]]>>14<<. Colonnade: A roofed structure, extending over a private walkway >>that is<< open to the street and sidewalk except for supporting columns or piers.

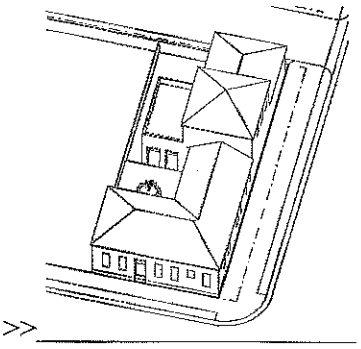
[[~~12. Cornice-line: a molded and projecting horizontal member that crowns an architectural composition.~~]]

>>15. Community Garden: Open space set aside for the cultivation and harvesting of produce such as flowers, fruits and vegetables.<<

[[~~13~~]]>>16<<. Courtyard House: A single-family dwelling [[~~distinguished by the provision of~~]] >>containing<< a court or atrium. The court shall be enclosed on at least three sides by habitable space and shall provide penetrable openings such as windows and doors between the interior of the dwelling and the court. A Courtyard house may occupy the full width of the lot >>(see Fig. 2).<<



[[~~Fig. 1: Courtyard House~~]]



>>Fig. 2: Courtyard House<<

[[~~14~~]]>>17<<. Designated open space: An outdoor, at-grade space including greens, squares, plazas and colonnades as indicated on the Designated Open Space Plan.

[[~~15. Designated urban center boundaries: the boundaries of a CDMP-designated urban center.~~]]

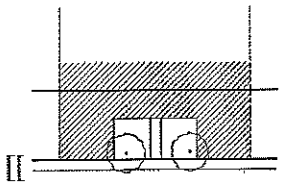
[[~~16~~]]>>18<<. Entertainment Center: An >>enclosed building or open lot area designated for<< amusement, entertainment, cultural, ecological,

or historical complex (or any combination thereof) that is open to the public, including without limitation: buildings for public assembly; mechanical rides; games and contests; exhibits and demonstrations; art exhibits and musical shows; retail sales; marketplaces, including second-hand sales; food services, including fast food restaurants; and water attractions.

[[~~17~~]]>>19<<. Fenestration: Design and position of windows, entrances, and other structural openings in a building.

[[~~18~~]]>>20<<. Floorplate: The shape and size of any given floor of a building. The floorplate that touches the ground is called the footprint, after the shape it leaves on the land.

[[~~19~~]]>>21<<. Forecourt: The >>front yard area defined by three sides of<< [[~~space between~~]] the principal building and >>a low garden wall parallel to<< the >>street<< [[~~right-of-way where the building façade is set back and replaced by a low wall at the build-to line. The forecourt is~~]] >>, making the space<< suitable for gardens and outdoor seating >>(see Fig. 3).<< [[~~and is required to be fronted by buildings on three sides~~]]. >>At street corners, the forecourt edges are defined by two (2) principal building walls and a low garden wall parallel to the street (see Fig. 4).<<



[[~~Fig. 2: Forecourt~~]]

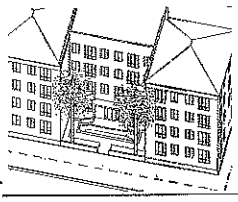


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Fig. 3: Interior Lot Forecourt

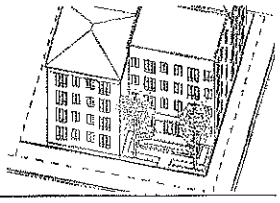
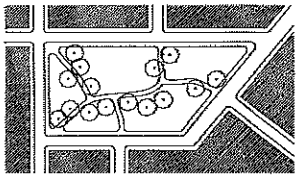


Fig. 4: Corner Lot Forecourt<<

[[~~20~~]]>>22<<. Front Property Line: The property line abutting the higher ranking street [[~~rights-of-way.~~]] >>in accordance with the urban centers Street Types Regulating Plan.<< For equal ranking [[~~street rights-of-way~~]] >>streets<<, either frontage may be designated as the front property line.

[[~~21~~]]>>23<<. Green: An outdoor open space [[~~, mostly surrounded by residential uses,~~]] that shall not be hard surfaced for more than [[~~20~~]] >>twenty (20)<< percent of the area exclusive of dedicated [[~~rights-of-way~~]] >>streets.<< The [[~~landscaping of~~

~~greens~~]] >>landscapes<< shall consist primarily of lawn, trees, and garden structures >>(see Fig. 5).



>>Fig. 5:<< Green

[[~~22~~]]>>24<<. Greenway or linear park: An outdoor open space along a natural edge, including without limitation, a river front, a canal, a scenic road, or other route. Greenways provide passage for pedestrians or bicycles and are used to link nature reserves, cultural features, other parks, and open spaces and/or historic sites.

[[~~23~~]]>>25<<. Habitable Space: Building space the use of which involves regular human presence. Habitable space shall not include areas devoted to [[~~the~~]] parking [[~~of vehicles in parking garage structures~~]], [[~~self-service~~]] storage [[~~facilities~~]], or warehouses.

[[~~24~~]]>>26<<. Home Office: A professional office use within a residential use, as provided in [[~~section~~]]>>Section<< 33-25.1 of this code.

[[~~25~~]]>>27<<. Irregularly shaped lot: A lot in areas designated Residential (R) and Residential Modified (RM) with an irregular shape due to its location on a corner or intersection or at the end of a grouping of single-family detached or attached units. The dimensions of the front yard of such lot shall be similar to the dimensions of the front yards of adjacent homes.

[[~~26. Live-work unit: a mixed-use building type with one single-family residential dwelling located above one work space.~~]]

[[~~27~~]]>>28<<. Live-work building: A mixed-use building type with residential dwellings located above work spaces.

[[~~28~~]]>>29<<. Main street: a vehicular and pedestrian thoroughfare lined primarily with mixed-use buildings, as depicted on the Street Types Regulating Plan.

[[~~29~~]]>>30<<. Minor street: a street that is predominantly residential in character as depicted on the Street Types Regulating Plan.

[[~~30~~]]>>31<<. Mixed-use building: A building that includes a combination of two or more vertically integrated uses, such as retail and/or office uses on the ground floor, with residential uses above.

[[~~31~~]]>>32<<. Off-street parking: Garage parking or surface parking not on a public or private street.

[[~~32~~]]>>33<<. On-street parking: Parking on a public or private street.

[[~~33~~]]>>34<<. Outdoor [[~~Produce~~]] Market: An outdoor commercial establishment where produce >>,<< [[~~and~~]] hand [[~~crafted~~]] >>-made<< >>crafts and other<< items are offered for sale.

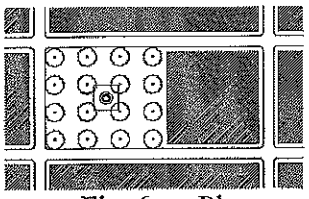
[[~~34~~]]>>35<<. Pedestal: The bottom portion of a building that creates the street frontage.

[[~~35~~]]>>36<<. Pedestrian passages: Interconnected paved walkways that provide pedestrian passage through blocks and that connect directly with the network of sidewalks and open spaces.

[[~~36~~]]>>37<<. Penthouse: Topmost built area of a building with a floorplate area less than that of the tower below.

>>38. Permeable Materials: Materials used for paving parking lot and roadway surfaces that allow storm-water run-off to infiltrate the ground, such as porous concrete, porous asphalt, concrete, brick, stone or similar materials.<<

[[~~37~~]]>>39<<. Plaza: An outdoor open space fronted by >>mixed-use,<< retail >>,<<and office uses. A minimum of >>fifty (50)<< [[~~50~~]] percent and a maximum of >>seventy-five (75)<< [[~~75~~]] percent of the plaza's area, exclusive of dedicated [[~~rights-of-way~~]]>>streets <<, shall be hard surfaced. The [[~~landscaping~~]] >>landscape<< of plazas shall consist primarily of hard-surfaced areas, permanent architecture or water-oriented features, and trees that are placed in an orderly fashion and that are regularly spaced as shown below >>(see Fig. 6).<<



>>Fig. 6:<< Plaza

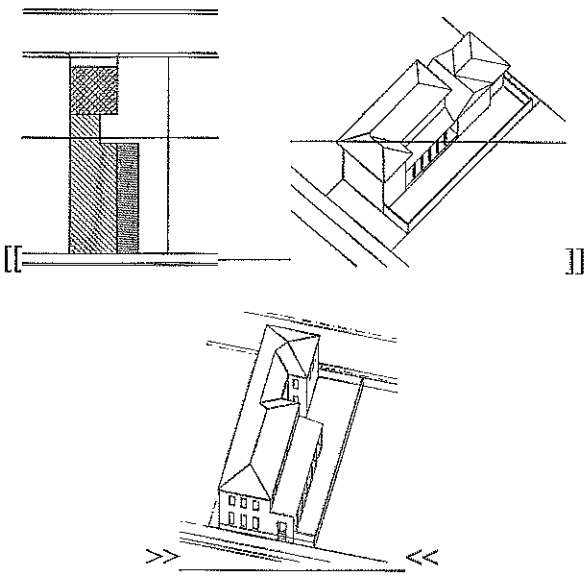
[[~~38~~]]>>40<<. Residential Building Type: One of the following residential building types permitted in the Urban Center >>or Area<< Districts: single-family detached; duplex; rowhouse; courtyard house; sideyard house; >>urban villa, <<and apartment.

[[~~39~~]]>>41<<. Rowhouse: A single-family attached dwelling unit of a group of [[~~3~~]]>>three (3)<< or more units, each separated from the adjoining unit by a common party fire wall. Each common party fire wall shall extend to the roof line or above the roof of units that it serves and shall have no openings therein. Each rowhouse unit shall be serviced with separate utilities and shall otherwise be independent of any other unit.

[[~~40~~]]>>42<<. Service road: A private or public vehicular passageway providing primary, secondary, or service access to the sides or rear of building lots.

>>43. Setback Area: The area between the street, either public or private, and the build-to-line.<<

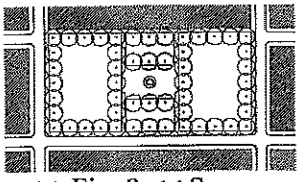
[[~~41~~]]>>44<<. Sideyard house: A single-family dwelling that provides an extensive porch oriented toward a side yard; the side yard is screened from the view of the street by a [[~~6~~]]>> six (6)<< foot masonry wall along the build-to-line >>(see Fig 7).<<

[[]]

>>Fig. 7:<< Sideyard house

>>45. Site Improvements: Improvements to a site including, but not limited to: buildings, walls, signage, paved areas and installed landscaping.<<

[[~~42~~]]>>46<<. Square: An outdoor open space that shall be flanked by streets on at least [[~~3~~]]>>three (3)<< sides and shall not be hard-surfaced for more than [[~~50~~]]>>fifty (50)<< percent of the area exclusive of dedicated [[~~rights-of-way~~]]>>streets<<. Squares shall be located according to the Designated Open Space Plan, and their [[landscaping]] >>landscapes<< shall consist primarily of hard-surfaced walks, lawns, and trees that are placed in an orderly fashion and that are regularly spaced >>(see Fig. 8).<<



>>Fig. 8:<< Square

[[43]]>>47<<. Storefront: The [[portion of a building at the]] >>first story portion<< of a mixed-use building consisting of habitable space [[to be]] used for business, office, or institutional purposes.

[[44]]>>48<<. Story: an enclosed floor level within a building containing habitable space.

>>49. Street: Any thoroughfare, such as a public street, private street, or easement that affords primary access to abutting property.<<

[[45]]>>50<<. Street network: a system of intersecting and interconnecting streets and service roads.

[[46]]>>51<<. Street Type Development Parameters: The design criteria that establish the required elements for the placement and size of the following: sidewalks; curbs and gutters; parking; medians; bike lanes; traffic lanes; street trees; and landscape strips in the [[public right of way]]>>street.<<

[[47]]>>52<<. Street vista: a view through or along a street centerline terminating with the view of a significant visual composition of an architectural structure or element. Street Vistas are indicated on the Open Space Regulating Plan by arrows; direction of the vista is indicated by the direction of the arrow. Garages and blank walls are not significant visual compositions.

[[48]]>>53<<. Tower: The middle portion of a building above the pedestal and below the penthouse.

[[49]]>>54<<. Urban Center District: a zoning district [[resulting from the implementation of an area plan for]] >>established for<< a CDMP-designated urban center [[that has been accepted by the Board of County Commissioners]]. >>A zoning district established for the unincorporated portion of a CDMP-designated urban center or for an area encompassing more than one CDMP-designated urban center, may also be referred to as an Urban Area District.<<

[[50]]>>55<<. Urban Villa: A single-family dwelling where the primary structure shall be built in close proximity to the front property line as depicted in the building placement diagrams in this article. Walled courts, patios or roof terraces may be used to

provide open space. Vehicular parking areas and driveways shall be screened from the view of the street by garage doors and/or walls.

[[~~51~~]]>>56<<. Weather Protection [[~~Elements~~]] >>Features<<: Architectural [[~~elements~~]] >>features<< that provide protection from the sun and [[~~the~~]] rain, including without limitation, colonnades, awnings, bus shelters, or projecting roofs.

[[~~52~~]]>>57<<. Work-force Housing Unit or WHU: A dwelling unit, the sale, rental or pricing which is restricted to households whose income is [[~~within the workforce housing target income range~~]] >>up to one-hundred forty (140) percent of the most recent median family income for the County reported by the U.S. HUD as maintained by the Department of Planning and Zoning.<<

[[~~53. Workforce housing target income range: Households whose income range is established at 65 percent up to 140 percent of the most recent median family income for the County reported by the U.S. HUD as maintained by the Department of Planning and Zoning.~~]]

Section 2. Section 33-284.83 of the Code of Miami-Dade County, Florida, is hereby deleted and replaced in its entirety as follows:

Sec. 33-284.83. Uses.

No land, body of water, or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, structurally altered, or maintained for any purpose in the Urban Center (UC) or Urban Area (UA) Districts, except as provided in this article. The uses delineated herein shall be permitted only in compliance with the Regulating Plans and standards provided in this article. The following regulations outline permitted uses in the R (Residential), RM (Residential Modified), MC (Mixed-Use Corridor), MM (Mixed-Use Main Street), MO (Mixed-Use Optional), MCS (Mixed-Use Special), MCI (Mixed-Use Industrial), ID (Industrial District) and I (Institutional) Land Use Areas.

A. Land Uses in General.

1. Outdoor uses/enclosed uses. All uses shall be conducted within completely enclosed buildings, except outdoor uses expressly permitted in this article. Materials and products shall be stored within an enclosed building or within an area completely enclosed within walls having a life expectancy of twenty (20) years or more from the date of installation. Storage shall not be visible above the height of the walls. Commercial vehicles shall be stored or parked within an enclosed building or an area

enclosed by a fence, wall, or hedge, and out of the view from adjacent properties.

2. Density Calculation.

   a. Density averaging shall be permitted when a unified development is located on one or more parcels, with different land uses or Sub-district designations, under the same ownership.

   b. A single accessory dwelling unit permitted with a single-family residence shall not count towards the minimum required and maximum permitted density thresholds.

3. Work-force Housing. Unless otherwise specified in the District regulations, all residential or mixed-use developments that: (a) are located within the Core or Center Sub-districts of an urban center district adopted by the Board or County Commissioners after July 10, 2007, and (b) have more than four (4) residential units, shall provide a minimum of twelve and a half (12.5) percent of their units as Work-force Housing Units.

4. Mixed Use. The vertical or horizontal integration of residential, business and office, and institutional uses shall be permitted as provided herein. Vertical integration allows any combination of primary uses, with business uses typically located on the ground floor and office and/or residential uses on the upper floors. Horizontal integration allows any combination of parcels with different primary uses within the same block.

5. Temporary Uses. Temporary uses including seasonal tent sales; stands for the sale of flowers, fruit and similar uses; and festivals and farmers' markets are permitted in the MC, MO, MM, MCS, MCI, ID and I categories, subject to the following conditions:

   a. Except for the following, no temporary use shall be permitted for more than fourteen (14) consecutive days and the time between temporary activities shall be at least three times as long as the duration of the last event.

      i. A temporary use for the sale of holiday related items such as holiday trees, fireworks, and similar items shall be permitted for thirty (30) consecutive days leading up to the holiday date.

ii. A temporary use that occurs on two (2) or less consecutive days shall be permitted weekly.

b. When applicable, a Zoning Improvement Permit (ZIP) and Certificate of Use shall be obtained. A site plan shall be submitted with the ZIP application indicating, at a minimum;

i. location of temporary activities and structures, which shall not be subject to the Building Placement Standards set forth in Section 33-284.85 of this article;

ii. anticipated number of patrons;

iii. location of parking facilities;

iv. temporary street closures;

v. hours of operation;

vi. location and description of lighting and amplification devices.

c. Outdoor festivals and farmers' markets shall be restricted to daylight hours unless written waivers of objection for the specific use and hours of operation are obtained from all property owners within five hundred (500) feet. The Director may reduce or expand the notification requirement based on potential visual, noise or traffic impacts to adjacent properties.

d. A carnival or circus, that involves an amusement ride, acrobatic apparatus, or trained animal, shall only be permitted if approved upon public hearing.

6. Unusual and New Uses. Except as expressly permitted in this article, unusual and new uses, as outlined in Section 33-13 of this chapter, shall only be permitted if approved upon public hearing.

B. Land Use Groups. The uses listed following each group in this section shall be permitted in the land use categories shown in Table (C) subject to the provisions noted for each land use category. Uses provided in Table (C) below not listed in this subsection shall be permitted subject to the provisions noted for each land use area. The Director shall have the authority to determine that a use not specifically enumerated below may

nevertheless be permitted in a land use category because it is similar to an enumerated use.

1. Accommodation Uses: Facilities that provide short-term lodging including hotels, motels, rooming houses, bed and breakfasts, and similar uses.

2. Automotive Uses: Establishments specializing in the service or repair of automobiles; automobile tire sales and replacement; automobile parts sales and installation; sales of new and used automobiles; and gas stations or other form of stations used for the powering/charging of automobile vehicles.

3. Child Care Facilities: Child care facilities shall be those defined in Article XA of this chapter and shall be subject to the requirements therein, as applicable; except that child care facilities shall provide recreation areas in accordance with Section 33-284.86(D)(2) of this article. Where conflicts exist, the provisions of this article shall apply.

4. Civic Uses: Uses that are accessible to the public and serves the religious, recreational, educational, cultural and/or governmental needs of the community. Civic uses include, but are not limited to: convention halls or meeting halls; private clubs; libraries; schools; police stations; fire stations; post offices; clubhouses; religious buildings; museums; athletic facilities; auditoriums theaters, movie theaters, and other visual and performance arts buildings; and governmental facilities. The architecture of a civic use building shall reflect its civic nature. The sale of alcohol, if provided, shall be ancillary to the primary civic use and shall comply with Article X of this Chapter.

5. Private Colleges/Universities: Facilities that serve the educational needs of the adult population. This group shall include universities; colleges; commuter colleges; trade schools; and similar uses.

6. Commercial Parking Garage: Structures that provide parking as the primary on-site use. These facilities offer short-term parking of vehicles and may charge a fee for such use. This group includes: shared parking facilities; shuttle parking facilities; and transit park-and-ride facilities. This group shall not include parking facilities that are ancillary to another on-site use.

7. Health Care Services: A facility that provides out-patient health care services to the local community.

These facilities shall include: clinics; doctor's office; dentist's offices; federally qualified health centers; urgent care facilities; diagnostic centers including sleep centers; and similar uses. These facilities shall not provide in-patient care.

8. Drive-Through Facilities: Drive-through facilities associated with a retail use, personal service establishment or restaurant.

9. Entertainment Use: Uses in this group shall include: nightclubs; arcades; movie theaters; performance theaters; radio, movie and/or television studios; billiard halls; skating rinks; bingo halls; piano bars; adult entertainment uses (as defined in Section 33-259.1 of this chapter); bowling alleys; and similar uses. The sale of alcohol, if provided, shall be ancillary to the primary entertainment use and shall comply with Article X of this chapter.

10. Food/Beverage Establishments: This group shall include: full service restaurants; fast food restaurants; bars and pubs; and similar uses. The sale of alcohol, if provided, shall comply with Article X of this chapter, except that full-service restaurants serving alcoholic beverages shall be exempt from Sections 33-150(A) and 33-150(B) of this chapter.

11. General Retail/Personal Service Establishments: Establishments that provide goods and services geared toward an individual consumer. This group shall include businesses such as: banks; beauty parlors; adult day care; bakeries; bookstores; apparel stores; grocery stores; pharmacies; tailor shops; health clubs; gift shops; indoor pet care centers/boarding and indoor kennels (soundproofed and air-conditioned building required); and similar uses. This group shall also include schools offering instruction in dance, music, martial arts and similar activities, but this group shall not include colleges/universities. >>Except as otherwise authorized in this Article, uses enumerated in the BU-3 zoning district shall only be permitted in the MCS and MCI categories and shall be subject to the public hearing and spacing requirements set forth in Section 33-255 of this chapter.<<[2]

[2] The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

12. Group Residential Home: A dwelling unit licensed by the State of Florida Department of Children and Families that serves resident clients and provides a living environment for unrelated residents who operate as a functional equivalent of a family. Uses in this group shall include: nursing homes, assisted living facilities; congregate living facilities; foster care facilities; community residential homes; group homes; and other similar uses. Services that support the daily operation of group homes are permitted and shall include dining facilities, doctor's offices, nurse's offices, staff offices, recreation rooms, and similar facilities and services.

13. Industrial Uses. The Industrial Use group shall include uses permitted in Section 33-259 of this chapter, unless specifically prohibited by this chapter. Residential spacing requirements shall not be required for uses in this group.

14. Live/work Units: An individual residential unit integrated with a general retail/personal service establishment, professional business office, or workshop.

15. Professional Business Offices: Facilities used primarily for the business of professionals with only limited transactions occurring on-site. This group shall include offices for: accountants; architects; appraisers; attorneys; consulates; financial firms; insurance adjusters; realtors; medical offices and other uses found by the Director to be similar.

16. Residential Uses: single-family detached homes, urban villas, courtyard houses, sideyard houses, duplexes, rowhouses, apartments (including student housing), and other similar uses. Home offices as provided in Section 33-25.1 of this Chapter shall be permitted.

17. Workshop: an enclosed workplace on the ground floor area of a building used as an office or for the manufacturing of artifacts and crafts utilizing only hand held and/or table mounted electrical tools.

C. Table of Permitted Uses. Unless the regulations for a specific urban center district provide otherwise, the Land Use Groups in paragraph (B) of this section shall be permitted in the R (Residential), RM (Residential Modified), MC (Mixed-Use Corridor), MM (Mixed-Use Main Street), MO (Mixed-Use Optional), MCS (Mixed-Use Special), MCI (Mixed-Use Industrial), ID (Industrial District) and I (Institutional) land use categories in accordance with the following table:

LAND USE GROUP	LAND USE CATEGORY								
	R[3][4]	RM[3][4]	MC[1][3]	MM[1][3]	MO[1][3]	MCS[1][3]	MCI[1][3]	ID	I
Residential Uses:									
Single-Family:	P	P							
Duplex:	P	P							
Multi-Family Apartments:		P	P[2]	P	P[2]	P[2]	P[2]	P[2]>>[5]<<	
Live/Work Units:							P[17]	P[17]	
Civic Uses:	P	P	P	P	P	P	P	P	P
Religious Facilities:	P	P	P	P	P	P	P	P	P
Schools (K-12):	P[7]	P[7]	P[7]	P[7]	P[7]	P[7]	P[7]	P[7]	P[7]
Hospitals:			SE	SE	SE	SE	SE		SE
Group Residential Home:	P[6]	P[6]	P[6]	P[6]	P[6]	P[6]	P[6]		
Health Care Services:	SE	SE	P	P	P	P	P	P	
General Retail/Personal Service Establishments:			P[8]	P[8]	P[8]	P[8]	P[8]	P[8]	
Liquor Package Stores:			P[11]	P[11]	P[11]	P[11]	P[11]		
Automotive Uses:						P	P	P	
Gas/Service Stations:						P[10]	P[10]	P[10]	
Professional Business Offices:			P	P	P	P	P	P	
Industrial Uses:							P	P	
Colleges and Universities:			P	P	P	P	P		P
Entertainment Uses:			P[16]	P[16]	P[16]	P[16]	P[16]	P[16]	
Accommodation Uses:		P[12]	P[12]	P[12]	P[12]	P[12]	P[12]	P[12]	
Child Care Facilities:	P[15]	P[15]	P	P	P	P	P		P
Food/Beverage Establishments:			P[13]	P[13]	P[13]	P[13]	P[13]	P[13]	
Drive-Through Facilities:			P[9]	P[9]	P[9]	P[9]	P[9]	P[9]	
Commercial Parking Garage:			P[14]	P[14]	P[14]	P[14]	P[14]		

P: Permitted Use, although specific uses may require approval as special exception
SE: Special Exception – only permitted if approved upon public hearing
[#] Footnote (as provided below)

Footnotes:

1. The vertical integration of uses shall be required in the MM category and shall be encouraged in the MC, MO, MCS, and MCI categories. When residential uses are provided in the MM category, uses other than residential shall be required on the first floor.

2. Residential uses shall be permitted in [[~~MO, MC, MCS and MCI~~]]>>noted<< categories, either alone or when vertically integrated with other lawful uses; except that developments with more than fifty (50) residential units shall provide a minimum of ten (10) square feet of retail space for each residential unit.

3. Accessory structures shall be permitted as ancillary to the noted uses.

4. For single-family homes in the R and RM categories, an accessory building may be used as a dwelling unit only if: (a) it contains a maximum of six-hundred (600) square feet of habitable space; and (b) it is maintained under the same ownership as the single family home.

5. The following limited residential uses shall be permitted in the ID category when fronting an "A" Street and when buffered from an industrial use by a street, a service road, or a live-work unit:

   a. in the Edge Sub-district, the residential uses permitted in the R category at a minimum density of six (6) dwelling units per net acre and a maximum density of eighteen (18) dwelling units per net acre.

   b. In the Center Sub-district, the residential uses permitted in the RM category at a minimum density of twelve (12) dwelling units per net acre and a maximum density of thirty-six (36) units per net acre.

6. In the R category, group residential homes shall meet the requirements outlined in Section 33-199(10) of this chapter. In the RM, MC, MM, MO, MCS, and MCI categories, group residential homes shall meet the following requirements:

   a. Three (3) occupants shall be deemed to be one (1) dwelling unit, and the maximum number of dwelling units allowed shall be equal to the permitted residential density.

   b. The proposed group residential home shall not be located within a radius of one thousand two hundred (1,200) feet of another existing, unabandoned, legally established group residential home. The 1,200-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use.

7. Schools shall be subject to the requirements of Article XA or XI of this chapter, as applicable; except that non-public educational facilities shall provide recreation areas in accordance with Section 33-284.86(D)(2) of this article. Where conflicts exist, the provisions of this article shall apply.

8. General retail and personal service establishment shall be limited to forty thousand (40,000) square feet of ground floor area; a greater ground floor area for such uses shall only be permitted if approved as a special exception. Indoor pet kennels shall be permitted subject to the following conditions: (i) all kennel buildings shall be soundproofed and air-conditioned; (ii) where outside exercise runs are provided, a landscaped buffer or decorative masonry wall shall enclose the runs, and use of the runs shall be restricted to use during daylight hours; (iii) where outside exercise runs are not provided, an outside area shall be designated for dogs (or cats) to relieve themselves, and that area shall be enclosed by a landscape buffer or masonry wall; (iv) an administrative site plan review (ASPR) shall be required, and the site plan shall show all fencing, berms, and soundproofing designed to mitigate the noise impact of the kennel on the surrounding properties.

The following uses shall only be permitted if approved as special exceptions: on-site storage of vehicles; and outdoor pet kennels subject to the conditions set forth in Section 33-255 (9.1) of this chapter, except that ASPR shall not be required if a site plan is approved upon public hearing.

9. Drive-through facilities shall be permitted in all Sub-districts, provided that such facilities are concealed from streets by buildings or walls. Said walls shall be six (6) feet in height (except that in the ID category, walls shall be eight (8) feet in height) and shall be placed at the build-to line.

10. Gas/Service stations shall:

    a. be permitted in the MCS category in all Sub-districts and in the MCI and Industrial (ID) categories in the Center and Edge Sub-districts; and

    b. be exempt from the minimum height requirements; and

    c. provide a continuous street façade consisting of buildings or walls along all streets except driveways. When provided, walls shall not exceed three and a half (3.5) feet in height and shall be a minimum of seventy-five (75) percent opaque. The main building shall provide a minimum of forty (40) percent of building frontage along the front property line.

11. Liquor package stores shall be permitted only in the Core >>and Center<< Sub-district and only in compliance with Article X of this chapter and all other applicable regulations of this code.

12. In the RM category, accommodation uses shall be permitted only in conjunction with an owner-occupied residence; the total number of units shall not exceed the density permitted by the land use designation. In the MM, MC, MO, MCS, MCI, and ID categories, hotel/motel uses shall not exceed seventy-five (75) units per net acre or the maximum density permitted by the land use category, whichever is greater. For all density calculations required by this subsection, one hotel room shall equal one dwelling unit.

13. Outdoor table service and outside walk-up window service in conjunction with restaurants and coffee houses may be provided subject to the following requirements:

    a. The restaurant furniture located on the sidewalk shall maintain a minimum five (5) foot wide obstacle-free corridor for pedestrian circulation along the sidewalk.

    b. Alcoholic beverages may be served outdoors only where such service is strictly incidental to the service of food.

14. Commercial parking garages shall meet the requirements of Section 33-284.86(F)(6) of this article.

15. In the R and RM categories, child care uses shall be subject to the requirements for such uses in the RU-1 District, as set forth in Section 33-199 of this chapter, except that the total number of children may exceed five (5) if approved as a special exception.

16. Adult entertainment uses, as defined in Section 33-259.1 of this chapter, shall be prohibited in all land use categories except MCI and ID. In the MCI and ID categories, such adult entertainment uses shall only be permitted if approved as special exceptions.

17. Only the following uses shall be permitted in connection with a residence in a live-work unit in the MCI and ID land use categories:

    a. antique shops
    b. art goods stores, artist studios, galleries
    c. artisanal use

d. bait and tackle shops
e. bakeries
f. cabinet shops
g. dance studios
h. dry cleaning and dyeing establishments
i. engines, sales and service
j. glass installation
k. health and exercise clubs
l. interior design shops
m. leather goods manufacturing, excluding tanning
n. locksmith shops, sharpening and grinding shops
o. mail order office, including storage of products
p. office uses
q. photography labs
r. pottery shops
s. printing shops
t. restaurants, excluding drive-through service
u. secondhand stores
v. shoe stores and shoe repair shops
w. upholstery and furniture shops
x. wholesale salesrooms
y. other similar uses as determined by the Director.

Section 3. Section 33-284.84 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-284.84. Regulating Plans.

A set of Regulating Plans shall be provided with each adopted Urban Center >>or Area<< District. The Regulating Plans shall consist of a series of controlling plans that include [[~~at least~~]] the following:

A. The Street Types Plan, which establishes a hierarchy of street types in existing and future locations that shall be provided and shown in all development plans.

B. The Sub-districts Plan, which delineates [[~~3~~]] >>three (3)<< sub-districts: Core, Center and Edge. These Sub-districts shall regulate the allowable intensity of development in accordance with the Comprehensive Development Master Plan and this article.

C. The Land Use Plan, which delineates the areas where specified land uses and development of various types and intensities shall be permitted.

D. The Building Heights Plan, which establishes the minimum and maximum allowable number of stories >>and permits developments to reach CDMP Urban Center intensity ranges<<.

>>1. Developments in Community Urban Centers shall meet the intensity range by:

a. Providing the required minimum/maximum number of stories; or

b. Providing a minimum of one (1) story and the following applicable minimum floor-area ratio:

i. in the Edge Sub-district, a minimum floor area ratio of one-half (0.5);

ii. in the Center Sub-district, a minimum floor area ratio of one (1); and

iii. in the Core Sub-district, a minimum of floor area ratio of one and one-half (1.5).

2. Developments in Metropolitan Urban Centers shall meet the intensity range by:

a. Providing the required minimum/maximum number of stories; or

b. Providing a minimum of one (1) story and the applicable minimum floor-area ratio:

i. in the Edge Sub-district, a minimum floor area ratio of one and one- half (1.5);

ii. in the Center Sub-district, a minimum floor area ratio of one and three-quarters (1.75); and

iii. in the Core Sub-district, a minimum floor area ratio of three (3). <<

E. The Designated Open Space Plan, which designates open spaces, which shall be shown in all development plans. The designated open spaces shall be controlled by anchor points.

F. The New Streets Plan, which shows the location and the number of new streets needed to create the prescribed network of streets within each Urban Center >>or Area<< District. All new A streets shall be required in the same general location as shown on the New Streets Plan. All B streets shall be located as provided in [[~~section~~]]>>Section<< 33-284.86[[(~~F~~)]] >>(C)<< of this >>article<< [[~~code~~]].

G. The Bike Route Plan, which depicts the designated bike routes, including the bike facility requirements if any, which shall be shown in all development plans.

Section 4. Section 33-284.85 of the Code of Miami-Dade County, Florida, is hereby deleted and replaced in its entirety as follows:

Sec. 33-284.85. Building Placement Standards.

A. The diagrams in paragraph (G) of this section establish the Building Placement Standards by land use category. Building frontage and setback areas shall be required as illustrated in the Building Placement Standards Diagrams.

B. Where Building Placement Standards Diagrams reference a Frontage Table, such table specific to each Urban Center or Area District shall be provided in the regulations for each individual District. It is provided, however, that colonnades may be placed on the property line regardless of any such frontage requirements. Unless otherwise provided, the colonnade height and width shall be in accordance with Section 33-284.86 (B) of this article. When a Frontage Table is not provided in the individual Urban Center or Area District regulations, building setbacks shall be required as set forth in the following table:

Standard Frontage Table:

STREET TYPE	DISTRICT REQUIREMENT		
	CORE (Build-to-line)	CENTER (Build-to-line)	EDGE (Build-to-line)
Major Roadway	10' *	10' *	15'
Minor Roadway	10' *	10' *	15'
Main Street	6' *	10' *	15'
Service Road	0' (min)	0' (min)	0' (min)
Pedestrian Passage	0' (min)	0' (min)	0' (min)
* Where a colonnade is provided, the build-to line shall be zero (0) feet.			

C. In all Sub-districts, mixed-use, non-residential, and multi-family developments shall comply with the following:

1. Minimum building frontage requirements may be met by a single building, multiple buildings or multi-phased developments, and such requirements shall apply along the front property line only.

2. Where a minimum number of stories is required, said stories above the second story may be set back further than the requirements set forth in the Building Placement Standards Diagrams.

3. To articulate the building façade, fifty (50) percent of the portion of the building required to be located along the build-to line may be recessed up to two (2) feet. Further, once the minimum building frontage requirement is met, the remainder of the building may be set back from the build-to line.

4. A portion of the building may be set back up to twenty-five (25) feet to accommodate a forecourt.

5. Belfries, chimneys, spires/steeples, and other such non-habitable structures shall comply with Section 33-55 of this chapter.

6. Accessory buildings shall follow parking and/or allowable building area setbacks provided in the Building Placement Standards Diagrams.

D. In all Sub-districts, accessory buildings for rowhouse, courtyard, sideyard, single-family detached, duplex and urban villa shall follow the accessory building/dwelling/parking area setbacks provided in the Building Placement Standards Diagrams.

E. In all Sub-districts, for all land use categories, accessory structures shall be permitted provided that they do not encroach on the front and side street setbacks:

F. The table below identifies the Building Placement Standards that apply to each Land Use Category:

BUILDING PLACEMENT STANDARD	LAND USE CATEGORY									
	Metro-politan Centers	Metropolitan and Community Centers								
	MM MC MCS MO	R	RM	MC	MM	MO	MCS	MCI	ID	I
1 Mixed Use, Multi-Family	X									
2 Mixed Use, Multi-Family				X	X	X	X	X		
3 Industrial								X	X	
4 Rowhouse, Multi-family		[[~~X~~]]	X							
5 Rowhouse		X	X							
6 Courtyard, Sideyard		X	X							
7 Single-family		X								
8 Single-family		X								
9 Duplex		X	X							
10 Duplex		X	X							
11 Civic	X	X	X	X	X	X	X	X	X	X
12 Urban Villa		X	X							
X: Standard is applicable in the indicated Land Use Category										

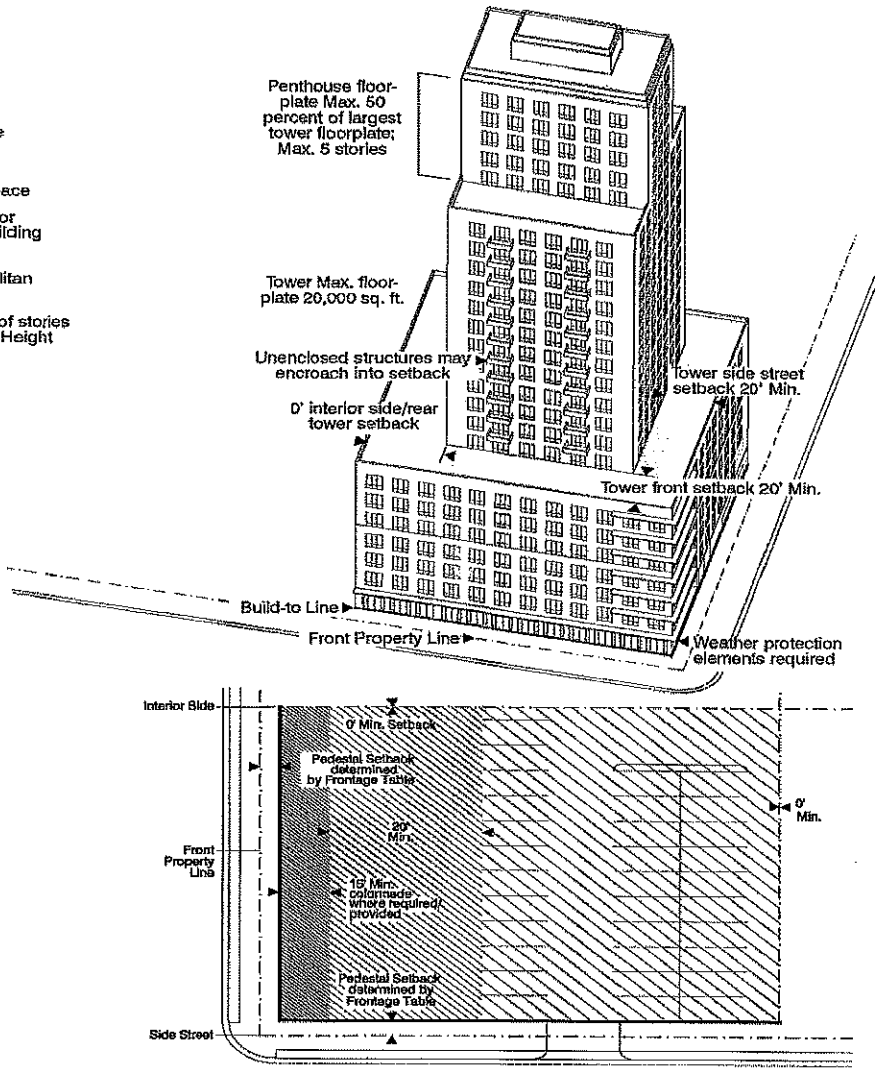
G. BUILDING PLACEMENT STANDARDS DIAGRAMS:

1. Mixed Use, Multi-family

Min: Minimum
Max: Maximum
Req: Required

Build to Line
Property Line
Colonnade
Habitable Space
Parking and/or allowable building area

- Applies to Metropolitan Urban Centers.
- Maximum number of stories limited by Building Height Regulating Plan.



a. Building Frontage Required: Seventy (70) percent minimum at build-to-line. Minimum frontage requirement applies along the front property line only.

b. Build-to-lines or street setback requirements shall be measured from the edge of sidewalk.

c. All on-site parking shall be accessed from a service road or the lowest ranking street.

d. The vehicular entry width permitted shall be a maximum of thirty-three (33) feet.

e. The minimum interior side/rear setback for the pedestal, tower, and penthouse shall be zero (0) feet.

f. Where a wall or fence is used to screen parking areas along streets, a five (5) foot landscape strip with a hedge shall be required in front of the wall or fence.

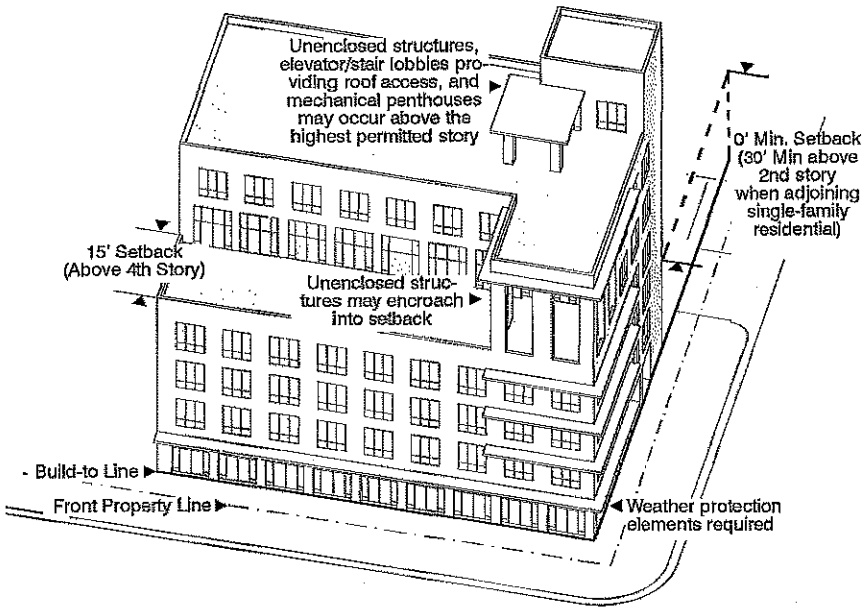
g. Colonnades shall be two (2) stories high and a minimum of fifteen (15) feet deep. The colonnade depth shall not exceed the colonnade height. The exterior of the colonnade shall be no closer than two (2) feet from the curb line.

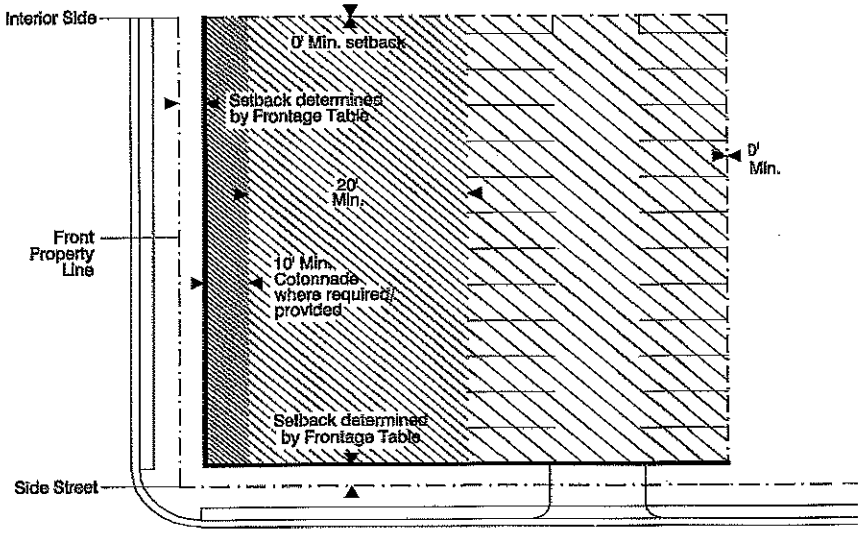
2. Mixed Use, Multi-Family

Min: Minimum
Max: Maximum
Req: Required

Build to Line
Property Line
Colonnade
Habitable Space
Parking and/or allowable building area

- Applies to Community Urban Centers.
- Maximum number of stories limited by Building Height Regulating Plan.





a. Building Frontage Required: Seventy (70) percent minimum at build-to line in all Sub-districts. Minimum frontage requirement applies along the front property line only.

b. Build-to-lines or street setback requirements shall be measured from the edge of sidewalk.

c. The interior side/rear setbacks shall be as shown above.

d. When provided, the front setback shall be hard surfaced and finished to match the adjoining sidewalk. A minimum of five (5) feet clear width within the setback shall be kept unobstructed for pedestrians.

e. All on-site parking shall be accessed from the service road or lowest ranking street.

f. Where a wall or fence is used to screen parking areas along streets, a five (5) foot landscape strip with a hedge shall be required in front of the wall or fence.

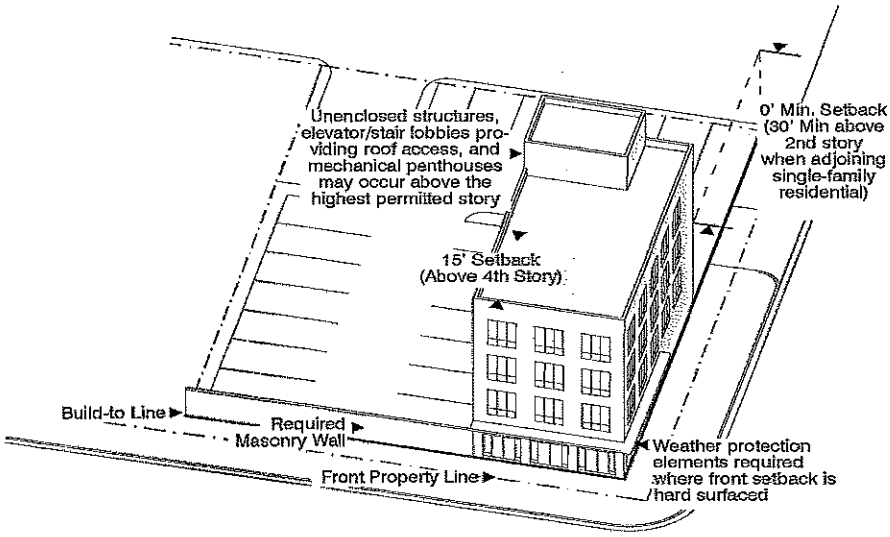
g. Above the fourth story the setback shall be from the property line.

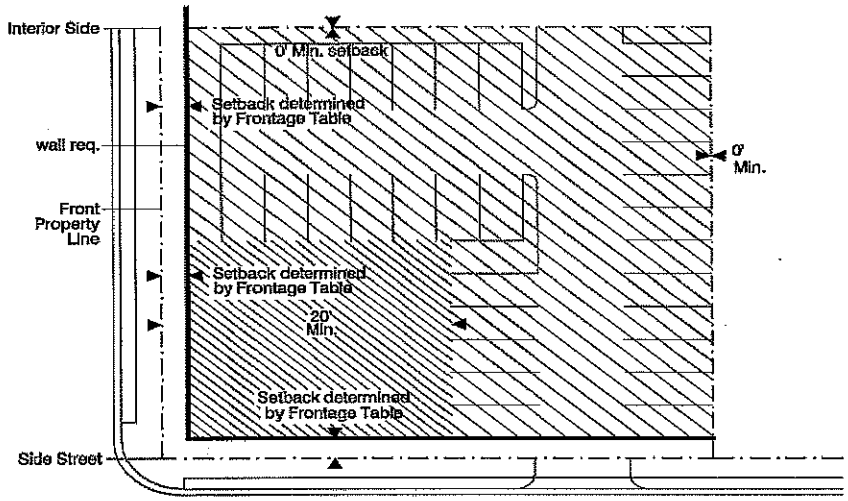
3. Industrial

Min: Minimum
Max: Maximum
Req: Required

Build to Line
Property Line
Habitable Space
Parking and/or allowable building area

- Applies to Metropolitan and Community Urban Centers.
- Maximum number of stories limited by Building Height Regulating Plan.





a. Building Frontage Required: Twenty-five (25) percent minimum at build-to line. Minimum frontage requirement applies along the front property line only.

b. Build-to-lines or street setback requirements shall be measured from the edge of sidewalk.

c. For industrial uses, any part of the build-to line not occupied by a building shall have an eight (8) foot high masonry wall, not pierced except to provide pedestrian and vehicular ingress/egress.

d. For all other uses permitted in the ID category, walls, fences and hedges shall be provided in accordance with Section 33-284.86(H) of this article, and where a wall or fence is used to screen parking areas along streets, a 5-foot landscape strip with a hedge shall be required in front of the wall or fence.

e. The interior side/rear setbacks shall be as shown above.

f. When provided, the front setback and side street setback shall be landscaped or hard surfaced and finished to match the adjoining sidewalk.

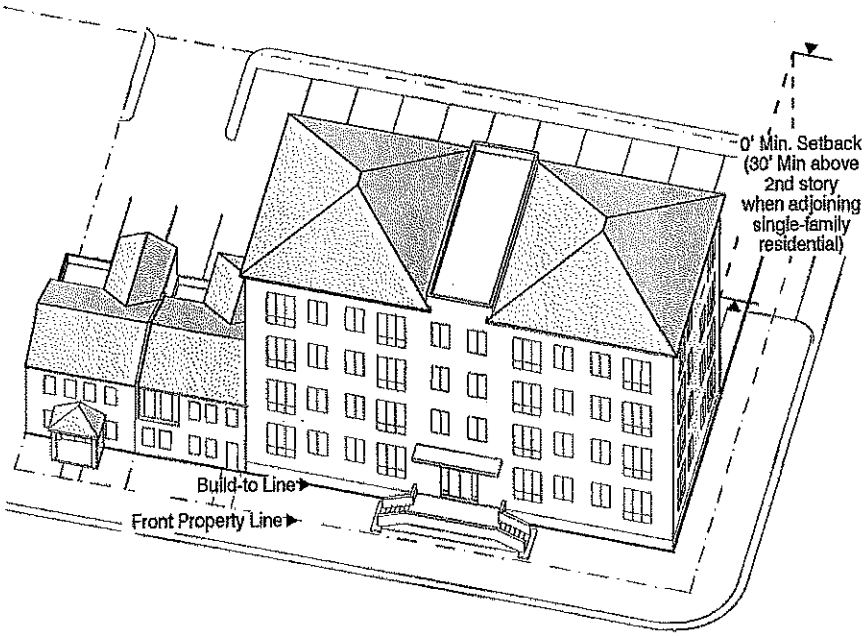
g. Above the fourth story the setback shall be from the property line.

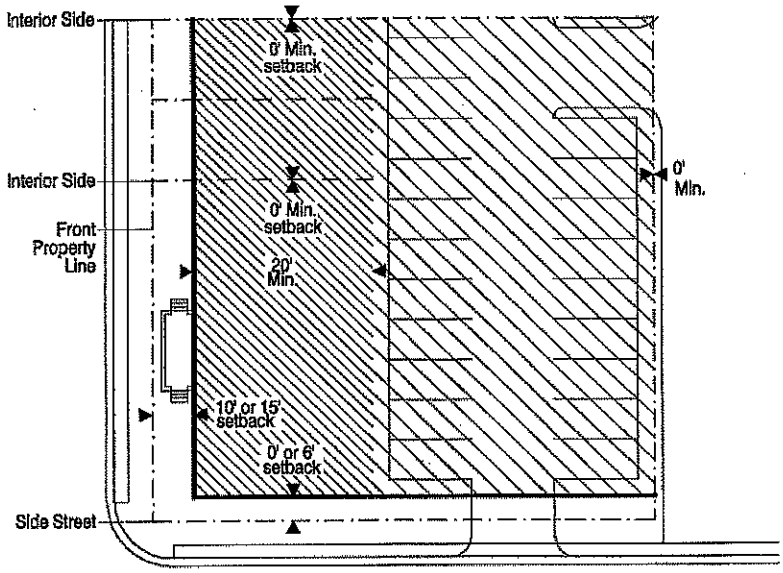
h. All on-site parking shall be accessed from a service road or from the lowest ranking street.

4. Rowhouse, Multi-family

Min: Minimum
Max: Maximum
Req: Required

Build to Line
Property Line
Habitable Space
Parking and/or allowable building area





a. Building Frontage Required: Seventy (70) percent minimum at build-to line. Minimum frontage requirement applies along the front property line only.

b. Front and side street setback requirements shall be measured from the edge of sidewalk.

c. All on-site parking shall be accessed from the service road or lowest ranking street.

d. The front setback and, when provided, the side street setback shall be landscaped.

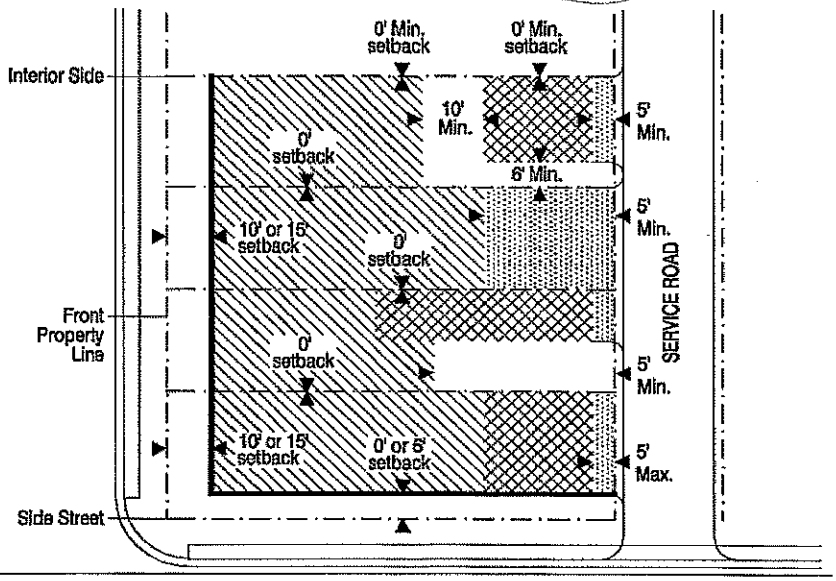
e. Where a wall or fence is used to screen parking areas along streets, a five (5) foot landscape strip with a hedge shall be required in front of the wall or fence.

f. Above the fourth story the setback shall be from the property line.

5. Rowhouse

Min: Minimum
Max: Maximum
Req: Required

Build to Line
Property Line
Habitable Space
Accessory Building/Dwelling/ Parking Area
Driveway



a. Building Frontage Required: One-hundred (100) percent at build-to line except at end of building groups. Minimum frontage requirement applies along the front property line only.

b. Front and side street setback requirements shall be measured from the edge of sidewalk.

c. For Rowhouses all on-site parking shall be accessed from the service road.

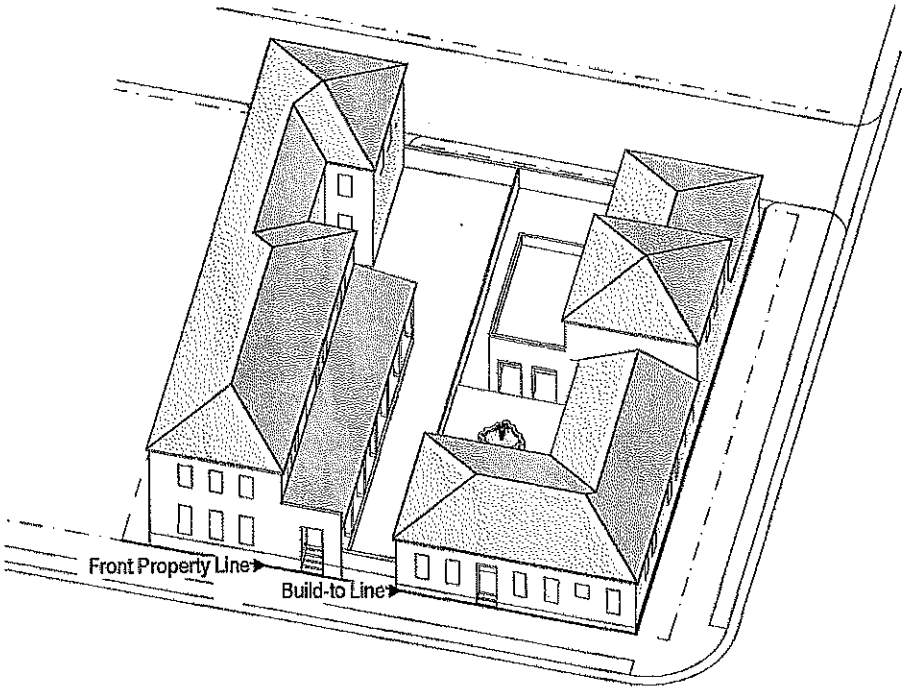
d. The front setback and, when provided, the side street setback shall be landscaped.

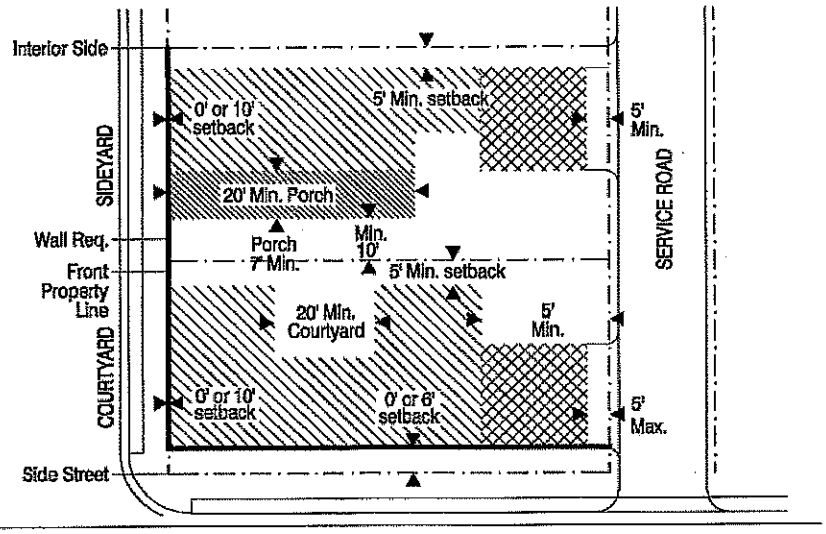
>>e. Common parking facilities shall be permitted.<<

6. Courtyard, Sideyard

Min: Minimum
Max: Maximum
Req: Required

Build to Line
Property Line
Required Porch
Habitable Space
Accessory Building/Dwelling/ Parking Area





a. For Sideyard and Courtyard Houses, all on-site parking shall be accessed from the service road.

b. Front and side street setback requirements shall be measured from the edge of sidewalk.

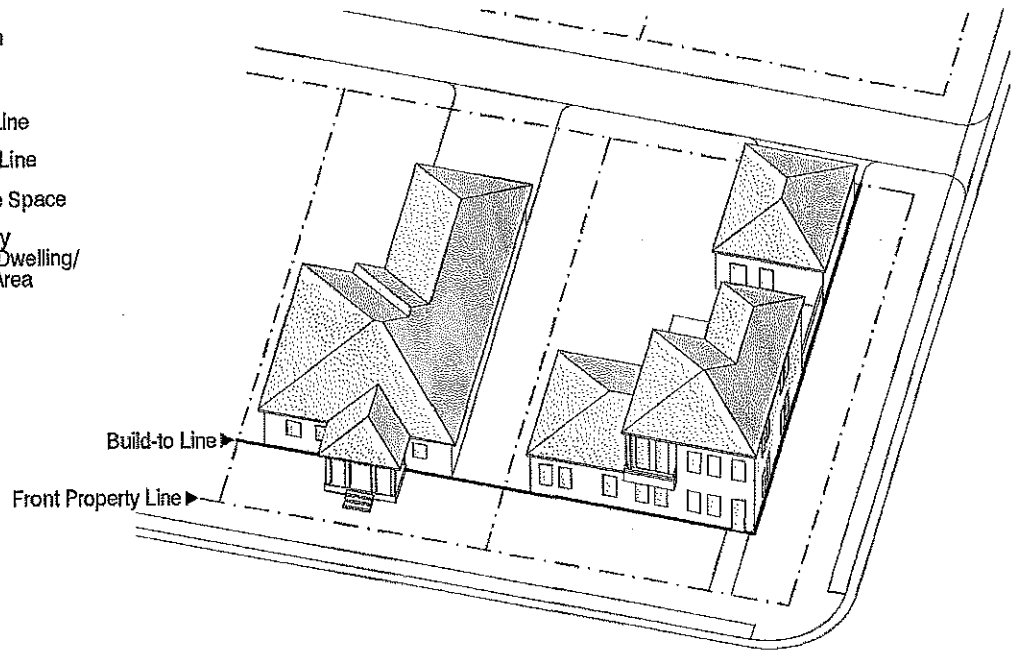
c. Any part of the build-to line not occupied by a building shall have a masonry wall with a minimum height of forty-two (42) inches and a maximum height of seventy-two (72) inches, not pierced except to provide pedestrian and vehicular ingress/egress.

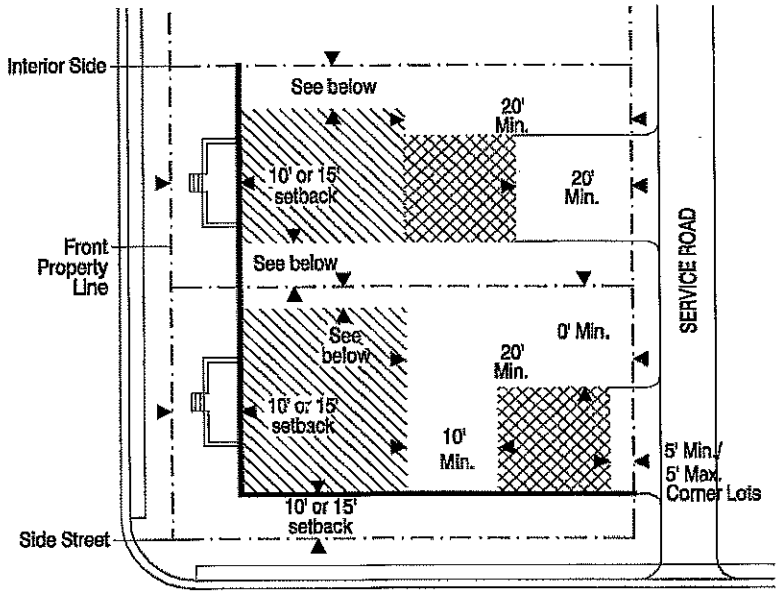
d. The front setback and, when provided, the side street setback shall be landscaped.

7. Single-family

Min: Minimum
Max: Maximum
Req: Required

Build to Line
Property Line
Habitable Space
Accessory Building/Dwelling/ Parking Area





a. All on-site parking shall be accessed from the service road, where provided.

b. Front and side street setback requirements shall be measured from the edge of sidewalk.

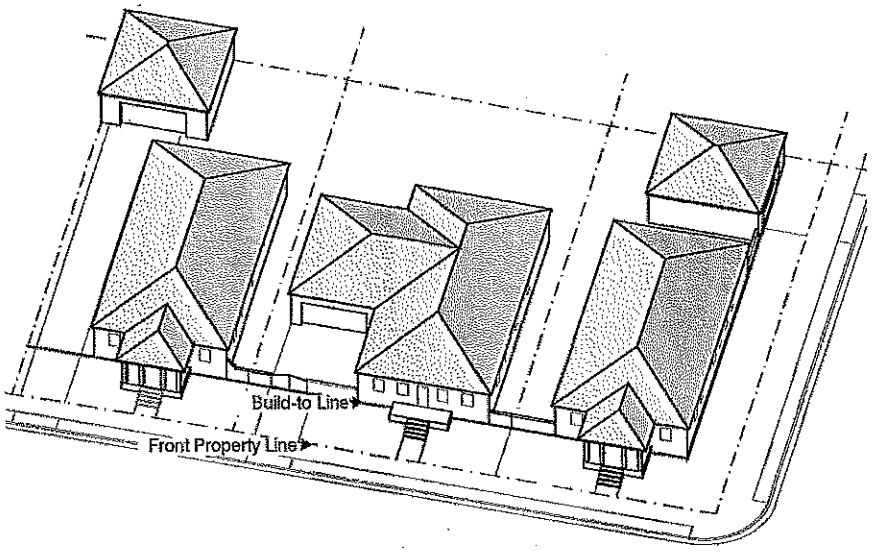
c. For lots with frontages between fifty (50) and seventy-five (75) feet, the minimum interior side setback shall be ten (10) percent of the lot frontage; for lots with frontage greater than seventy-five (75) feet, the interior side setback shall be a minimum of seven and a half (7.5) feet.

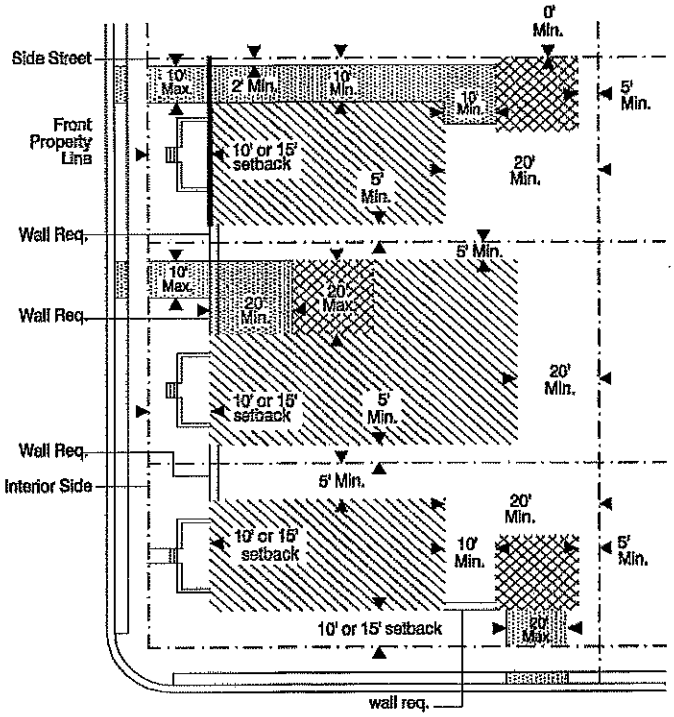
d. The front and side street setback shall be landscaped.

8. Single-family

Min: Minimum
Max: Maximum
Req: Required

Build to Line
Property Line
Habitable Space
Accessory Building/Dwelling/ Parking Area
Driveway





a. All on-site parking shall be accessed from the street as shown above.

b. Front and side street setback requirements shall be measured from the edge of sidewalk.

c. The front and side street setback shall be landscaped.

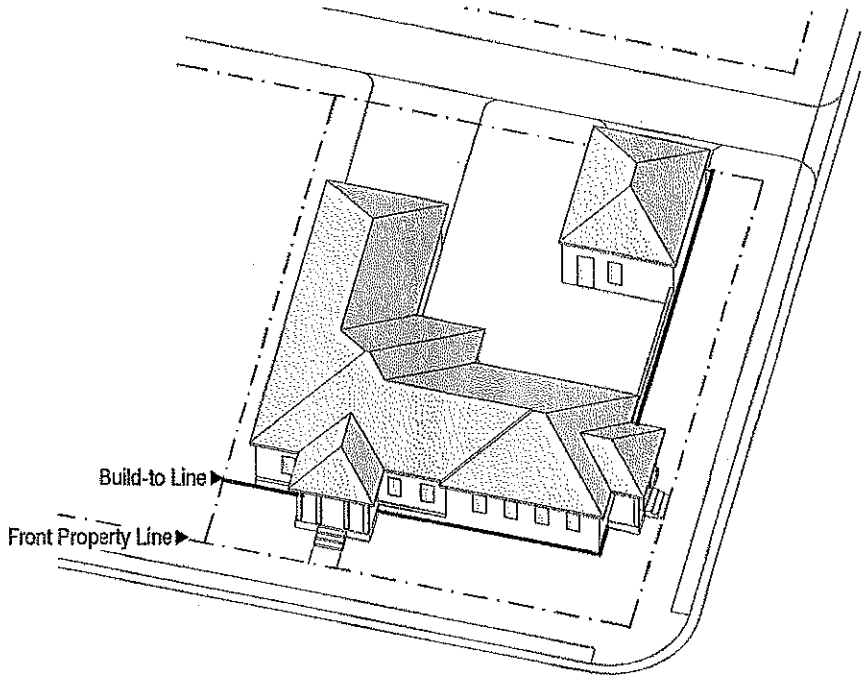
d. Any part of the build-to line not occupied by a building shall have a masonry wall with a minimum height of forty-two (42) inches and a maximum height of seventy-two (72) inches, not pierced except to provide pedestrian and vehicular ingress/egress.

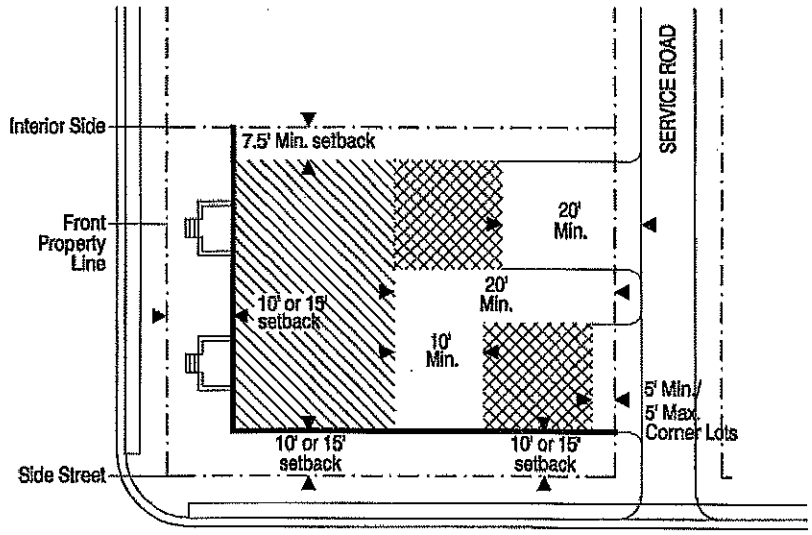
e. Driveways between the front property line and build-to line shall be a maximum of ten (10) feet wide.

9. Duplex

Min: Minimum
Max: Maximum
Req: Required

Build to Line
Property Line
Habitable Space
Accessory Building/Dwelling/ Parking Area





a. All on-site parking shall be accessed from the service road.

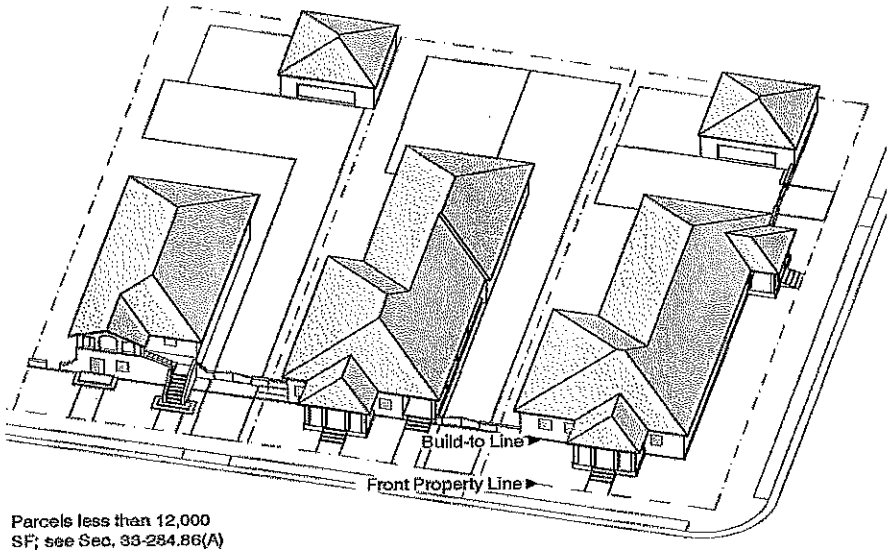
b. Front and side street setback requirements shall be measured from the edge of sidewalk.

c. The front and side street setback shall be landscaped.

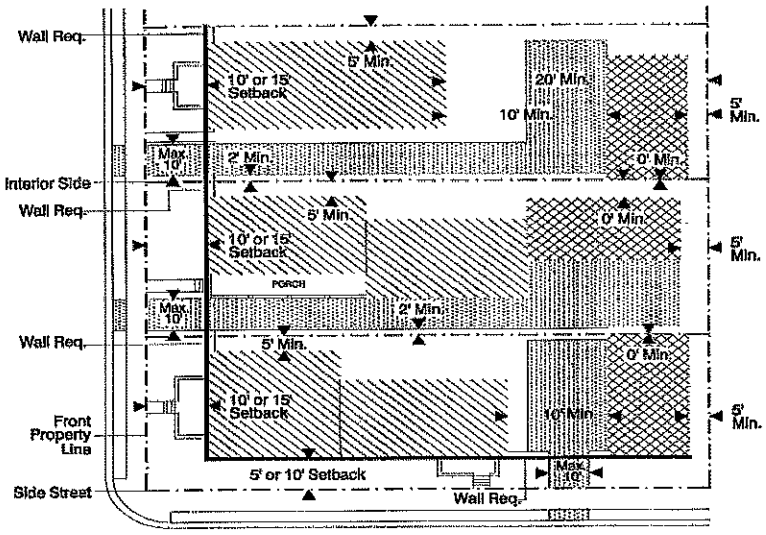
10. Duplex

Min: Minimum
Max: Maximum
Req: Required

Build to Line
Property Line
Habitable Space
Accessory Building/Dwelling/ Parking Area
Driveway



Parcels less than 12,000 SF; see Sec. 33-284.86(A)



a. This building standard shall only be permitted on existing platted lots less than twelve thousand (12,000) square feet in area.

b. Front and side street setback requirements shall be measured from the edge of sidewalk.

c. All on-site parking shall be accessed from the street as shown above.

d. Any part of the build-to line not occupied by a building shall have a masonry wall with a minimum height of forty-two (42) inches and a maximum height of seventy-two (72) inches, not pierced except to provide pedestrian and vehicular ingress/egress.

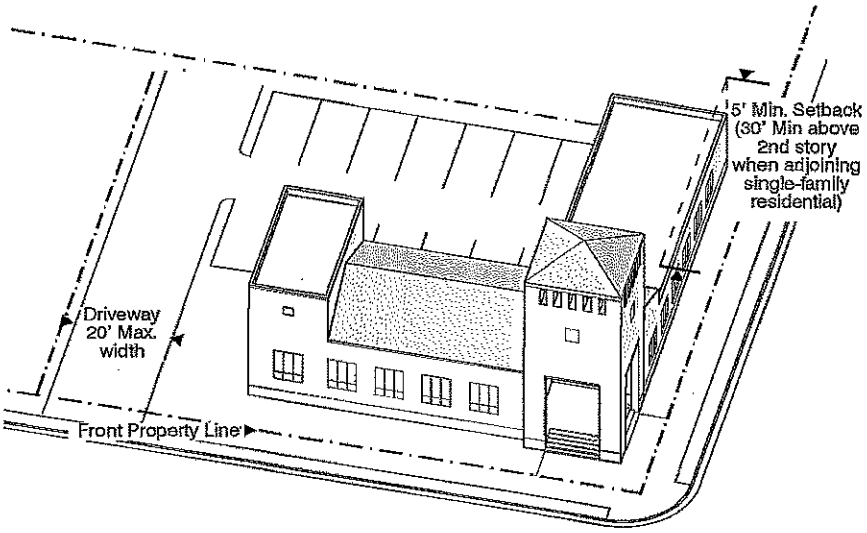
e. Driveways between the front or side street property lines and build-to line shall be a maximum of ten (10) feet wide.

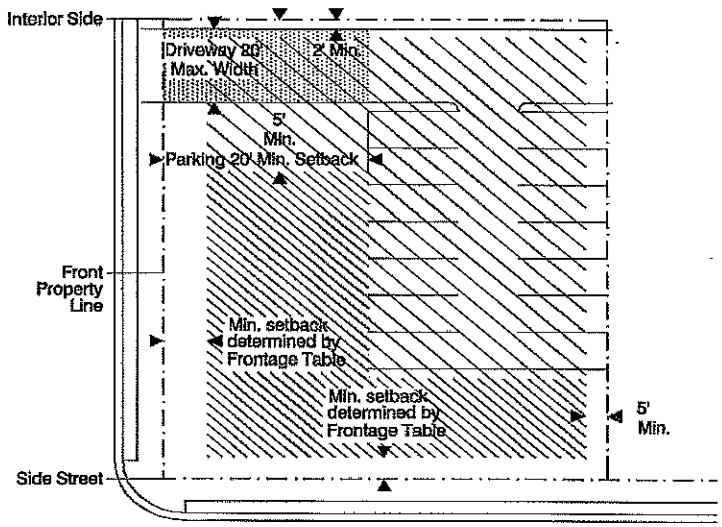
e. The front and side street setback shall be landscaped.

11. Civic

Min: Minimum
Max: Maximum
Req: Required

Build to Line
Property Line
Habitable Space
Driveway
Parking and/or allowable building area





a. All on-site parking shall be accessed from the service road, where provided. For properties without an adjoining service road, parking may be accessed from the street through a driveway as shown above.

b. Build-to-lines and street setback requirements shall be measured from the edge of sidewalk.

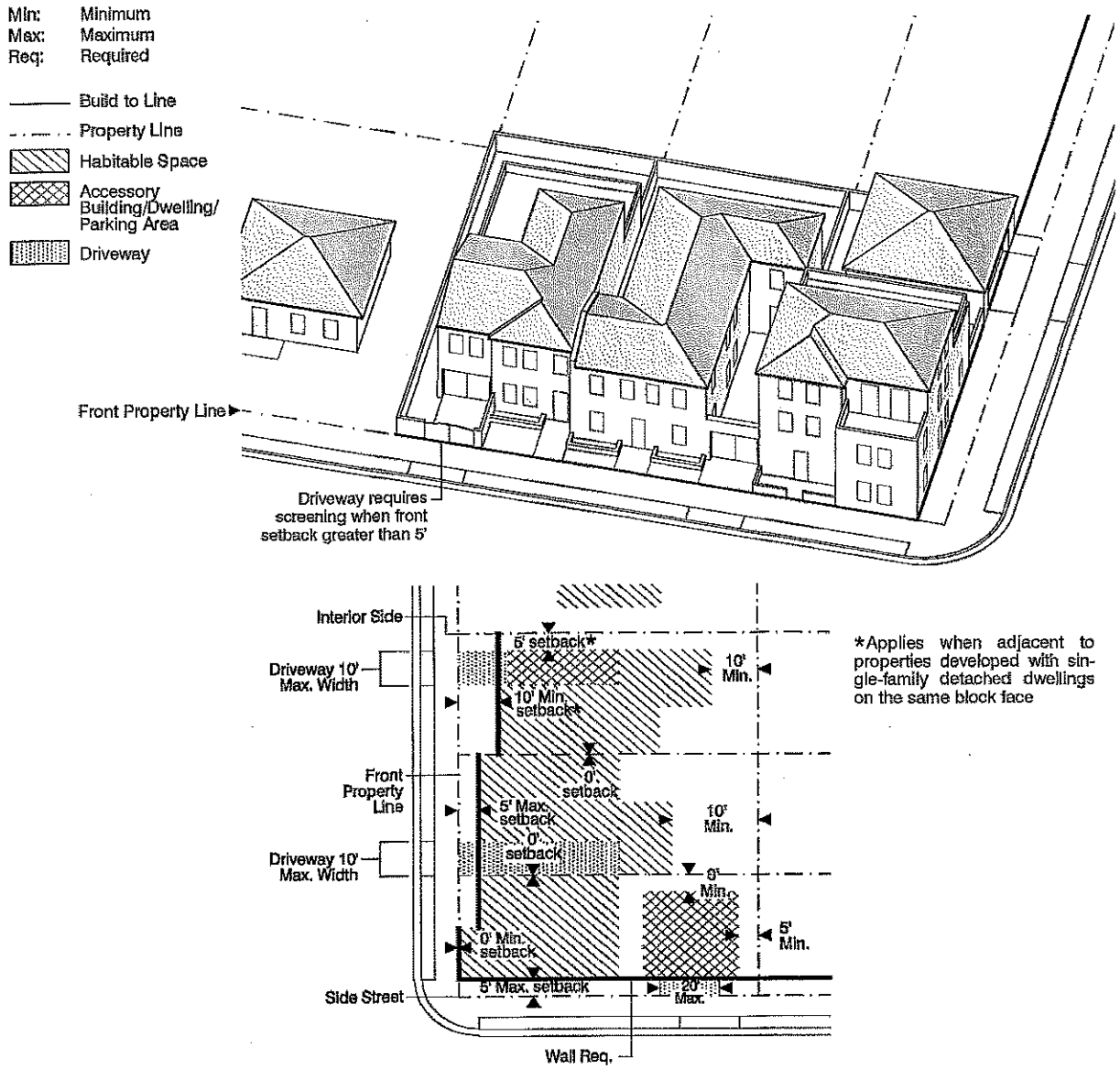
c. When on-site parking is provided, the off-street parking spaces shall be placed to the rear of the building.

d. Civic uses shall not be required to comply with height requirements indicated on the Building Heights Plan.

e. When provided, the front and side street setback areas shall be treated as a green or plaza. When treated as a plaza, the setback area shall not be required to be fronted by mixed-use, retail, or office uses. When treated as a plaza or green, the plaza or green shall be in addition to any designated open space required by the regulating plan.

f. Where a wall or fence is used to screen parking areas along streets, a five (5) foot landscape strip with a hedge shall be required in front of the wall or fence.

12. Urban Villa



a. Building Frontage Required. Eighty (80) percent minimum at build-to line. Minimum frontage requirement applies along the front property line only. At least fifty (50) percent of Urban Villas along a block face shall provide a walled court or patio between the front property line and the building face; maximum setback shall be fifteen (15) feet only where such court or patio is provided.

b. Front and side street setback requirements shall be measured from the edge of sidewalk.

c. Parking shall be accessed from the street as shown above. Garage entrances accessed from the front property line shall be a maximum of ten (10) feet in width and no further than ten (10) feet from the front property line. Walled courts or patios shall not be used for parking.

d. The minimum height for an Urban Villa shall be two (2) stories.

e. The front setback, and when provided, the side street setback, shall be landscaped.

Section 5. Section 33-284.86 of the Code of Miami-Dade County, Florida, is hereby deleted and replaced in its entirety as follows:

Sec. 33-284.86 General Requirements.

A. Lots and blocks.

The following shall be required:

Minimum Lot Requirements		
	Size (Square Feet)	**Frontage (Feet)**
Rowhouse	1,200* 1,250*	20 18
Courtyard house and Sideyard house	3,000*	35
Single-family detached	5,000 ** 4,375 ***	50
Urban villa	3,000	30
Duplex	7,500	75
Duplex on parcels with less than 12,000 square feet ****	3,000	40
Live-work units	1,700	20 (max 40)
Irregularly shaped lots		15 (****)
All lots shall share a frontage line with a street or a designated open space		
(*) service roads are required in all Sub-districts when these types are provided. (**) when service roads are not provided. (***) when service roads are provided. (****) parcels established prior to the effective date of this ordinance.		
Block Requirements		
Unless otherwise provided in the Regulating Plans the perimeter of a block shall not exceed 1,600 feet, and the maximum length of a block shall be:		
In the Edge Sub-district	660 feet	
In the Core and Center Sub-districts	500 feet	

B. Buildings.

1. Storefronts shall be provided on the first floor of mixed-use buildings, and shall be directly accessible from a street frontage or a designated open space as follows:

   a. For properties with two or more frontages, storefronts shall be located on a minimum of two frontages, with priority given to frontages on a designated open space and the highest ranking street.

   b. Storefronts shall have a transparent clear glazed area of not less than seventy (70) percent of the facade area and shall be occupied by habitable uses that generate pedestrian activity and

provide surveillance of the street. Security enclosures, if any, shall be of the mesh type that pedestrians can see through, and shall be located behind storefront displays.

2. All colonnades shall comply with the following:

   a. Finished floor elevation of the colonnade shall match the adjoining sidewalk.

   b. Colonnades shall have a minimum unobstructed clear height of ten (10) feet and a minimum clear width of ten (10) feet. Awnings shall be permitted but shall not count towards the required colonnades. Colonnades shall not cause roof drainage into the street. Colonnades shall be attached to buildings. In no instance shall the depth of a colonnade exceed the colonnade's height.

   c. Free-standing colonnades shall not satisfy the build-to line requirement.

3. A minimum of thirty (30) percent of all building streetwalls shall be fenestrated with windows. Mirror type glass shall be prohibited. All glazing shall be of a type that permits view of human activities and spaces within the structure. Colonnade column spacing, windows, and doors shall be proportioned such that the height of each opening is greater than its width. At least fifty (50) percent of the area of security screens and gates shall be transparent.

4. The height of an accessory building shall not exceed the height of the principal building.

5. An open, covered, or paved connection between an accessory building and a single-family detached house, urban villa, courtyard house, sideyard house, duplex, or rowhouse may be built within the minimum required ten (10) foot spacing as shown in the Building Placement Standards set forth in Section 33-284.85 of this article.

6. Weather protection features shall be required when storefronts are provided in the MM, MC, MO, MCS, and MCI categories. In the ID category, weather protection features shall be required when the front setback is hard surfaced.

7. Awnings, balconies, stoops, stairs, open porches, and bay windows shall be permitted to extend into the minimum required setbacks, to a maximum of:

	Front, Rear, Side Street Setbacks		Interior Side
	In a setback of 10 feet or less	**In a setback greater than 10 feet**	
Bay windows	3 feet	3 feet	3 feet
Balconies	6 feet	6 feet	3 feet
Awnings	6 feet	6 feet	3 feet
Stoops	6 feet	6 feet	3 feet
Stairs	6 feet	8 feet	3 feet
Porches*	6 feet	8 feet	3 feet
* The encroachment of porches shall be permitted in conjunction with residential units, including multifamily residential developments. Ground floor porches provided for multifamily residential developments shall be enclosed on at least two (2) sides by a minimum three (3) foot high wall or metal fence.			

Roof eaves, chimneys, signs, and ramps may encroach into all setbacks. Porticoes, canopies, and colonnades shall be guttered, and drainage shall be deposited onsite.

8. Where a zero (0) foot setback is permitted, roof eaves, bay windows, and balconies may encroach beyond the property line a maximum of three (3) feet, except when abutting private property. In all Sub-districts, awnings may encroach into the street no more than six (6) inches from the face of the curb. All street encroachments shall be a minimum of eleven (11) feet above the sidewalk.

9. In the Edge Sub-district, accessory buildings shall be permitted to have balconies or bay windows that encroach a maximum of three (3) feet into the rear yard setback.

10. Service areas shall be located out of the view from adjacent properties or from the street and shall be screened by a wall or fence in accordance with Sub-section (H) below.

11. The primary entrance of a building shall provide access to a street or a designated open space. The primary entrance to the upper levels of a mixed-use building with colonnades shall be through the colonnaded area along the front property line.

12. Each story shall have a maximum height of sixteen (16) feet, as measured from floor to floor. Any height above sixteen (16) feet shall count as an additional story, except as follows:

    a. Buildings with less than six (6) stories may have a single story with a maximum height of thirty (30) feet, provided that no mezzanine area intended for commercial use exceeds ten (10) percent and no mezzanine area intended for residential use exceeds eighty (80) percent of the floor area of that story. Multiple levels of parking shall be permitted within this

single story provided that they are in compliance with Sub-Section (F)(6) below.

b. Buildings with six (6) or more stories, may have two stories with a maximum height of thirty (30) feet, provided that no mezzanine area intended for commercial use exceeds ten (10) percent and no mezzanine area intended for residential use exceeds eighty (80) percent of the floor area of a story. Multiple levels of parking shall be permitted within these two stories provided that they are in compliance with Sub-Section (F)(6) below.

13. Notwithstanding the building heights regulating plans, rowhouses may have up to three (3) stories.

14. A live-work unit shall have two components: a workshop and a residential unit. The workshop shall be located on the first floor and shall be directly accessible from the primary street frontage or a designated open space. The workshop's facade shall have a transparent clear glazed area of not less than seventy (70) percent of the façade. The residential component of a live-work unit shall connect internally with the work component.

15. Projects with fifty (50) or fewer single-family units shall have a minimum of three (3) substantially different front elevations. Projects with more than fifty (50) and up to one-hundred (100) single-family units shall have a minimum of five (5) substantially different front elevations and shall provide, within each block, a minimum of two (2) different single-family building types. Projects with more than one-hundred (100) single-family units shall have a minimum of five (5) substantially different front elevations and shall provide, within each block, a minimum of three (3) different single-family building types. Substantially different front elevations shall include variations in fenestration, material, and color.

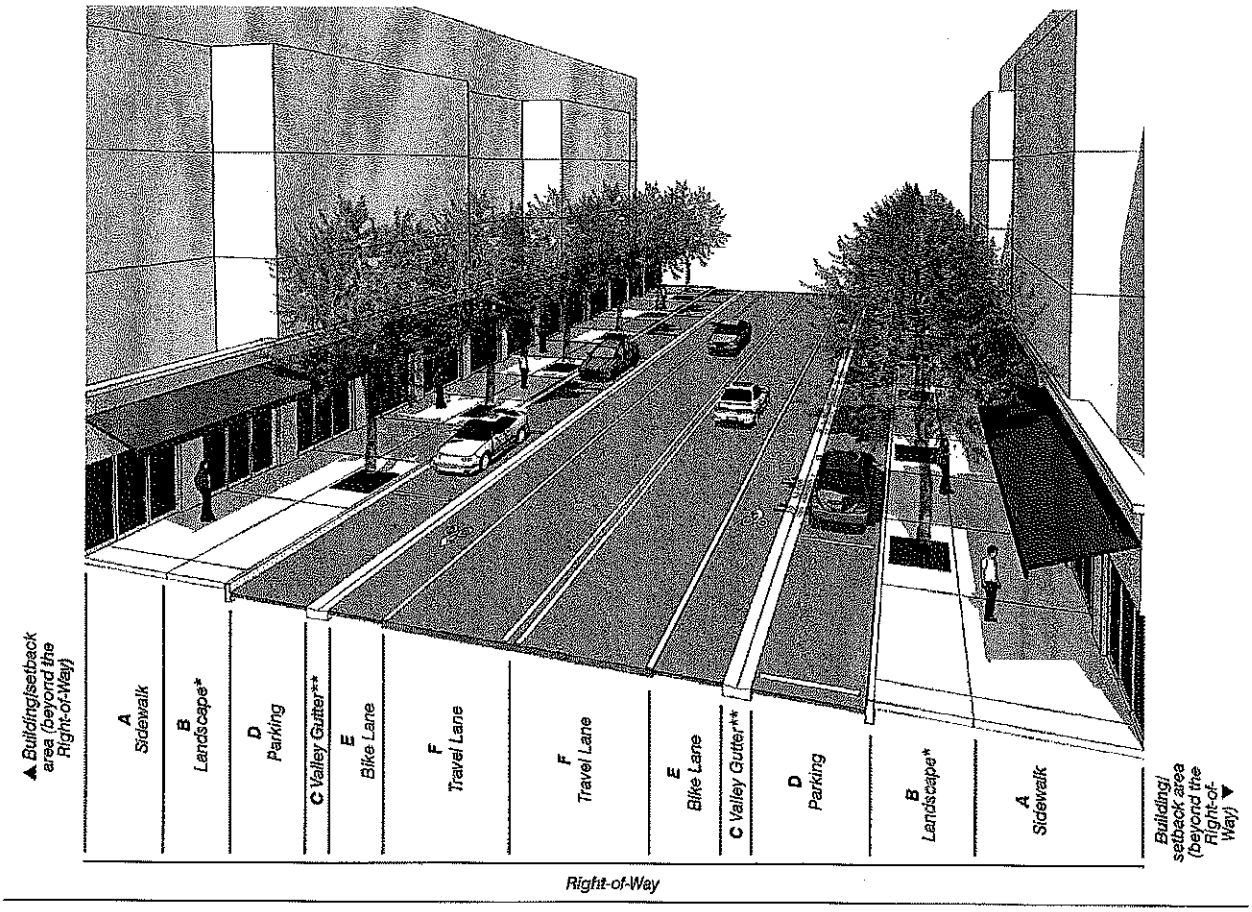
16. Rowhouses shall provide a minimum of fifteen (15) feet between building groups and the length of a building group shall not exceed two-hundred forty (240) feet.

17. Floorplates above eight (8) stories shall not exceed twenty-thousand (20,000) square feet. Cantilever balconies shall not count towards floor plate calculation.

18. Civic use designated parcels and lots with less than twenty-five thousand (25,000) square feet shall not be required to comply with the minimum height requirement on the Building Heights Plan.

C. Streets, Service Roads and Utilities. All streets and service roads shall comply with the Street Types parameters as set forth in this Section.

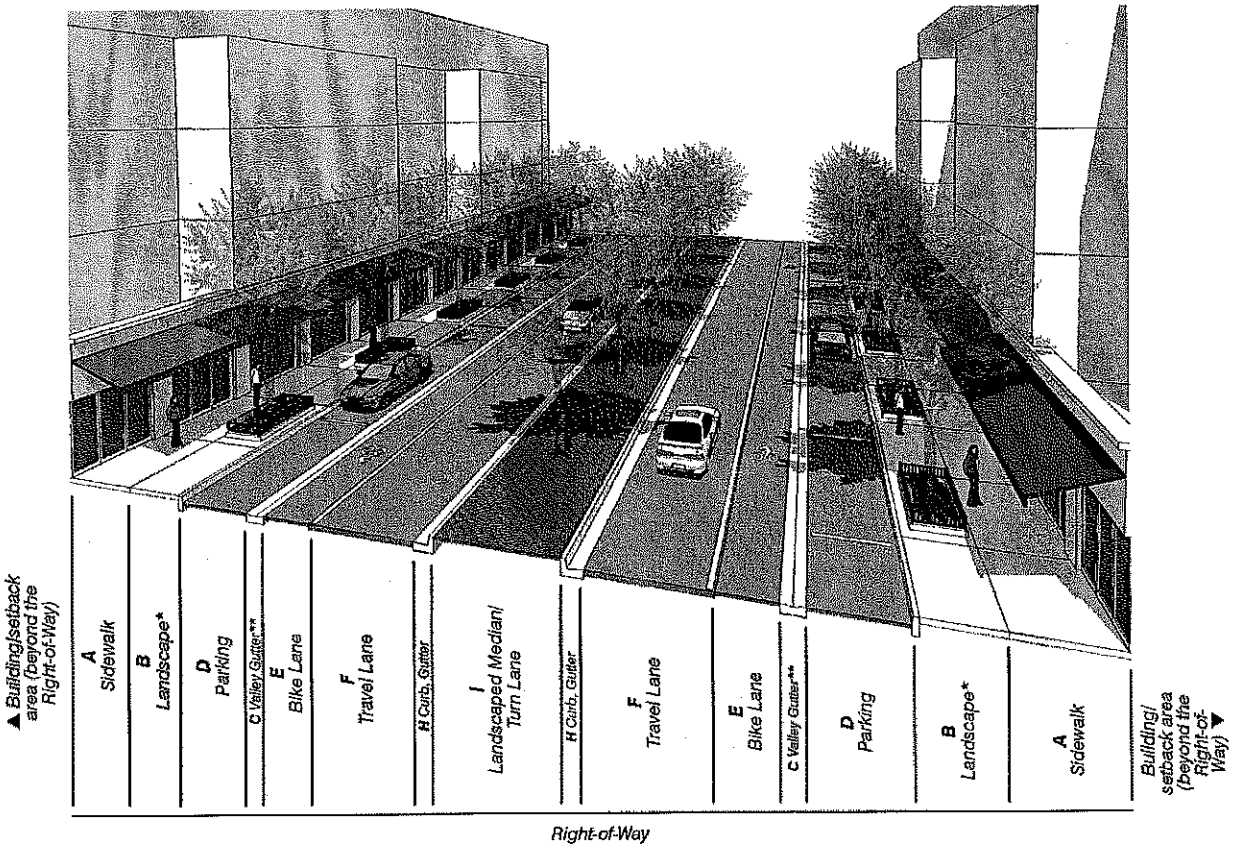
1. Typical Minor Street Illustration



* Refer to column B in the Street Types Table for required landscape elements.

** Curb and gutter between the sidewalk and parking/travel lanes may be utilized in place of the valley gutter illustrated.

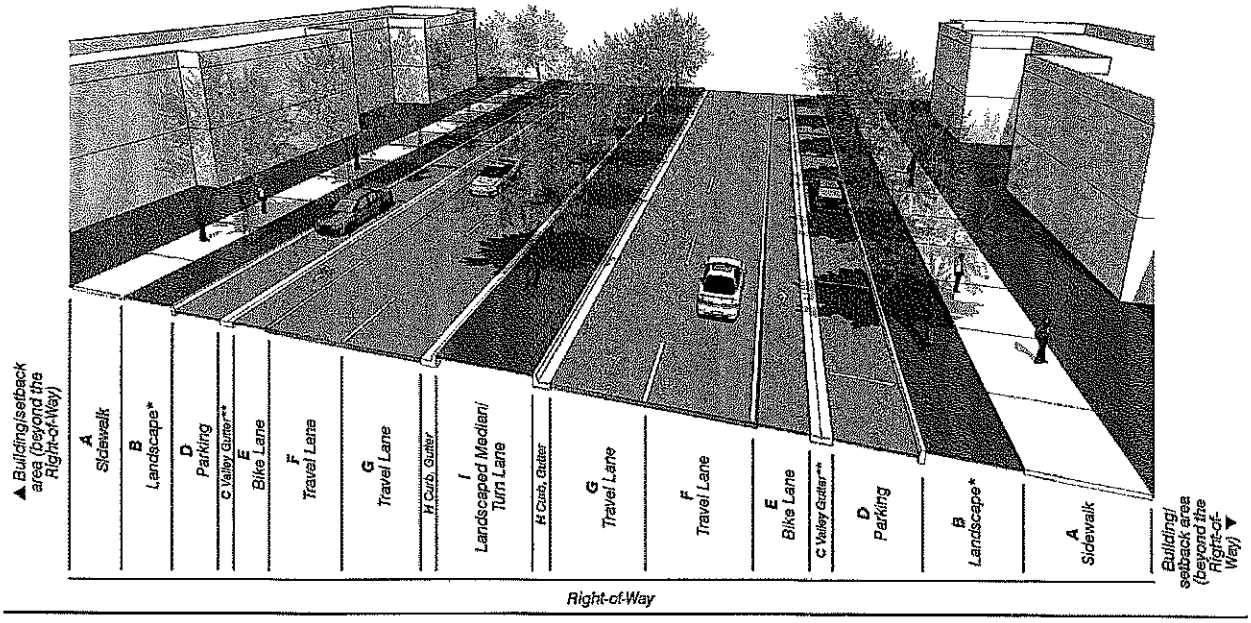
2. Typical Two-Lane Boulevard Street Illustration



* Refer to column B in Street Types Table for required landscape elements.

** Curb and gutter between the sidewalk and parking/travel lanes may be utilized in place of the valley gutter illustrated.

3. Typical Four-Lane Boulevard Street Illustration



* Refer to column B in Street Types Table for required landscape elements

** Curb and gutter between the sidewalk and parking/travel lanes may be utilized in place of the valley gutter illustrated

4. Street Types Development Parameters.

Street Type	Required Elements								
	A. Sidewalk (Min.) [a, h]	**B. Landscape [b, c, d]**	**C. Curb/ Gutter [e]**	**D. Parking Lane [f]**	**E. Bike Lane [g]**	**F. Travel Lanes [h]**	**G. Additional Travel/Turn Lanes (Min.)**	**H. Curb/ Gutter**	**I. Median (Min.)**
Type 1 Boulevard (Parking both sides) *Core/Center*	9' (Core) 8' (Center)	Tree grates; tree planters; continuous landscape strip (Center only)	2'	7'	Required where indicated on Bike Route Plan	11'	10' where provided	2'	6'
Type 1 Boulevard (Parking both sides) *Edge*	6'	Continuous landscape strip	2'	7'	Required where indicated on Bike Route Plan	11'	10' where provided	2'	6'
Type 2 Boulevard (No Parking) *Core/Center*	9' (Core) 8' (Center)	Tree grates; tree planters; continuous landscape strip (Center only)	2'	N/A	Required where indicated on Bike Route Plan	11'	10' where provided	2'	6'
Type 2 Boulevard (No Parking) *Edge*	6'	Continuous landscape strip	2'	N/A	Required where indicated on Bike Route Plan	11'	10' where provided	2'	6'
Type 3 Minor Street(Parking both sides) *Core/Center*	9' (Core) 8' (Center)	Tree grates; tree planters; continuous landscape strip (Center only)	2'	7'	Required where indicated on Bike Route Plan	10'	10' where provided	N/A	N/A
Type 3 Minor Street (Parking both sides) *Edge*	6'	Continuous landscape strip	2'	7'	Required where indicated on Bike Route Plan	10'	10' where provided	N/A	N/A
Type 4 Minor Street (Parking one side) *Core/Center/ Edge*	9' (Core) 8'(Center) 6' (Edge)	Tree grates, tree planters, continuous landscape strip (Center, Edge only)	2'	7' on one side	Required where indicated on Bike Route Plan	10'	10' where provided	N/A	N/A
Type 5 Minor Street (No Parking) *Core/Center*	9' (Core) 8' (Center)	Tree grates; tree planters; continuous landscape strip (Center only)	2'	N/A	Required where indicated on Bike Route Plan	10'	10' where provided	N/A	N/A

Street Type	Required Elements								
	A. Sidewalk (Min.) [a, h]	**B. Landscape [b, c, d]**	**C. Curb/ Gutter [e]**	**D. Parking Lane [f]**	**E. Bike Lane [g]**	**F. Travel Lanes [h]**	**G. Additional Travel/Turn Lanes (Min.)**	**H. Curb/ Gutter**	**I. Median (Min.)**
Type 5 Minor Street (No Parking) *Edge*	6'	Continuous landscape strip	N/A	N/A	Required where indicated on Bike Route Plan	10'	10' where provided	N/A	N/A
Type 6 Minor Street (Canal Side) *Core/Center*	9' (Core) 8'(Center)	Tree grates; tree planters; continuous landscape strip (Center only)	2'	7' on side opposite canal	Required where indicated on Bike Route Plan	10'	10' where provided	N/A	N/A
Type 6 Minor Street (Canal Side) *Edge*	6'	Continuous landscape strip	N/A	7' on side opposite canal	Required where indicated on Bike Route Plan	10'	10' where provided	N/A	N/A
Type 7 Service Road *Core/Center/ Edge*	N/A	N/A	N/A	N/A	N/A	10'	N/A	N/A	N/A
Type 8 Pedestrian Passage *Core/Center/ Edge*	10'	Tree grates; tree planters	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A: Not Applicable [#] Footnote (as provided below)									

Footnotes:

a. Landscape area is exclusive of the minimum sidewalk width.

b. Street trees shall have a minimum caliper of six (6) inches at time of planting.

c. Permanent irrigation is required.

d. Tree grates shall have a minimum area of twenty-four (24) square feet; tree planters shall have a minimum area of thirty-two (32) square feet; continuous landscape strips shall have a minimum width of six (6) feet in the Core and Center Sub-districts, eight (8) feet in the Edge Sub-district.

e. In all Sub-districts, curbs and gutters shall be provided at all intersections and roadway edges of arterials, boulevards and Main Street; in Core and Center Sub-districts, curbs and gutters shall be provided at all intersections and roadway edges of minor streets.

Footnotes (cont'd)

f. On-street parking shall count towards the minimum required parking.

g. Bike lanes shall be four (4) feet in width when adjacent to curb or swale; five (5) feet in width when adjacent to a parking lane.

h. The minimum required width of one-lane/one-way travel lanes shall be determined by the Department of Public Works and Waste Management and Fire Rescue Department on a case-by-case basis during the Administrative Site Plan Review process (ASPR).

i. The use of permeable materials to pave private street sidewalks, on-street parking, and vehicular drives is permitted. Use of permeable materials to pave public street sidewalks, on-street parking and vehicular drives shall require approval from the Director of the Department of Public Works and Waste Management.

5. All streets shall be located according to the New Streets Plan.

   a. All new A streets shall be in the same general location shown on the New Streets Plan and may be modified with respect to alignment, provided that the final re-alignment does not compromise street connectivity. No new A streets shall be deleted.

   b. B streets and service roads shown on the New Streets Plan are encouraged to promote connectivity and to conform with block length requirements. New B streets and service roads may be modified or deleted as provided in paragraph (6) below.

   c. All streets shall allow general public access. Privately built streets shall provide an approved plat restriction to allow general public access. No gates that impede through traffic are permitted along A or B streets.

6. The Director shall approve the modification of A or B streets or service road or the deletion of a B street if the following conditions are satisfied:

   a. The modification/deletion has been approved by the Director of the Public Works and Waste Management Department who shall review the proposed modification for traffic and safety issues.

b. The modification/deletion does not diminish the general size and location of an open space shown in the Designated Open Space Plan.

c. The modification/deletion maintains connectivity to the surrounding area.

d. The modification/deletion enhances pedestrian safety.

e. The modification/deletion is compatible with the surrounding area.

f. The modification/deletion allows for the appropriate use of private property.

7. The design of new streets and modifications of existing streets shall comply with the following requirements:

a. Streets shall be in accordance with the Street Types Development Parameters criteria set forth in this section.

b. All streets and service roads shall connect to other streets or service roads. Dead-end streets and T-turnarounds shall only be permitted temporarily for new streets when the adjacent property is not platted, not developed, or both. When the adjacent property is platted or developed, a street shall connect to existing development and the dead-end street or T-turnaround removed.

c. Cul-de-sacs shall be prohibited, except that a close shall be permitted when:

i. A street is interrupted by a natural barrier such as a river, protected land, or similar natural resource designated by Miami-Dade County or any government agency responsible for the protection of such natural resources; and

ii. such agency prohibits the street to continue through said natural resource; and

iii. existing development adjacent to or near the natural resource does not provide a means for the street to connect to the existing or proposed street network.

The median of such a close shall be landscaped. The landscaped area shall be maintained by a special taxing district, homeowner's association or other mechanism acceptable to the Department of Public Works and Waste Management to positively provide for the proper and continuous payment of maintenance without expense to general taxpayers.

d. All sidewalks shall provide the following:

i. Minimum width of six (6) feet, unless a different width is required by the Street Types Development Parameters set forth in this section;

ii. Minimum unobstructed area of sixty (60) inches;

iii. Where a colonnade is required, free and clear use of a continuous unobstructed area of at least sixty (60) inches within the colonnade; and

iv. No utility poles, fire hydrants or any other temporary or permanent structures within the unobstructed area.

e. Where on-street parking is provided, parking lanes shall be no closer than twenty-five (25) feet from the intersection measured from the outermost corner of the nearest corner property line.

f. Maximum curb radii at intersections shall not be larger than required for the safe travel of emergency and service vehicles.

g. Curbs and gutters shall be provided as follows:

i. All Sub-districts: At all intersections and roadway edges of arterials, boulevards and Main Street.

ii. Core and Center Sub-districts: At all intersections and roadway edges of minor streets.

iii. Edge Sub-district: Not required, except when indicated by the urban center street type development parameters.

h. Utilities other than fire hydrants shall run underground.

i. Buildings placed at the end of a Street Vista may provide one additional story above that otherwise permitted by the Building Heights Regulating Plan; such additional story shall occupy up to fifteen (15) percent of the floor area of the story immediately below.

j. Service roads may occur within buildings.

k. Service road access from the front property line shall be limited to one (1) point of access for every two-hundred fifty (250) feet of frontage.

D. Open Spaces and Recreation Areas.

1. Open spaces under this article shall be classified as (a) designated or (b) private open spaces.

a. Designated open spaces shall be subject to the following requirements:

i. The general location, area, and dimensions shall conform with the Designated Open Space Plan. The street area on the side adjoining the designated open space and consisting of the curb, street tree landscape strip and sidewalk shall count towards the square footage of the open space.

ii. Designated open spaces shall include the anchor point depicted on the Regulating Plan, and shall be provided at grade level.

iii. Provided that all other parameters on the Designated Open Space Plan are met and that an individual/developer owns the entire designated open space area and an adjacent area, the final location of the_designated open space may be pivoted around its anchor point onto such adjacent area, allowing the area previously designated as open space to be developed as permitted in the land use regulating plan.

iv. Designated open spaces shall be provided in the form of squares, greens,

or plazas as provided in the Designated Open Space Plan. Golf courses and parking lot buffers shall not count towards the designated open space requirement. Fifty (50) percent of an area designated as open space may contain a lake.

v. No replatting or other land subdivision shall divide property in such a way that required designated open space is avoided or its location changed.

vi. Designated open spaces shall be shaded, and their ground surface shall be a combination of paving materials, lawn, or ground cover.

vii. If a lot or group of lots is designated entirely as open space in the Designated Open Space Plan, half of the lot or group shall be developable in a contiguous pattern and at a density in compliance with its land use designation for the entire parcel. Two (2) additional stories above the number of stories permitted by the Sub-districts and Building Heights Plans shall be permitted. Under this circumstance, the developable portion shall not be required to comply with the private open space requirement for residential development provided herein.

viii. If a lot or group of lots is designated partially as open space in the Designated Open Space Plan, the portion not designated as open space shall be developable in a contiguous pattern at a density/intensity which will equal the density/intensity permitted by the land use designation for the entire parcel. Up to an additional two (2) stories above the number of stories permitted by the Sub-districts and Building Heights Plans shall be permitted to allow the increased density/intensity only.

ix. Around designated open spaces, the building's frontage, height and placement shall be in accordance with

the Building Placement Standards set forth in Section 33-284.85 of this article.

b. Private open spaces shall be subject to the following requirements:

i. Private open spaces shall be provided in the form of colonnades, courtyards, terraces, lawns, community gardens, and landscaped roof terraces/gardens on buildings or garage structures. Designated open spaces shall count towards the private open space requirement. Lakes, golf courses, and parking lot buffers shall not count towards the open space requirement.

ii. All residential developments, except for multi-family residential and live-work units, shall provide a minimum of four-hundred (400) square feet of private open space per lot, in the form of courtyards, terraces, or lawns.

iii. All multi-family residential, non-residential and mixed-use developments shall reserve a minimum of ten (10) percent of the site for common, private open space.

iv. Private open spaces shall be shaded, and their ground surface shall be a combination of paving materials, lawn, ground cover, flowers, fruits or vegetables. Enclosures of private open spaces shall comply with subsection H below.

c. Community gardens shall be permitted in all land use categories to satisfy private open space requirements, subject to the following restrictions:

i. Cultivated and harvested products may only be sold at permitted farmers markets and at grocery stores.

ii. The raising or sale of livestock or poultry is prohibited.

iii. Only hand held tools shall be permitted in the cultivation and harvesting

process. Use of heavy agriculture equipment is prohibited.

iv. All tools, equipment and products used to grow and harvest plant material shall be stored in an enclosed structure subject to the Building Placement Standards set forth in Section 33-284.85 of this article.

v. Gardens shall only be tended between sunrise and sunset.

2. Recreation Areas

Educational and child care facilities located within an Urban Center District shall be exempt from the outdoor recreation area requirements of Section 33-151.18(a) of this chapter and shall be required to provide indoor and/or outdoor recreation areas subject to the following requirements:

Categories	Required Recreation Area (**)
Child care/day nursery/ kindergarten and preschool and after-school care	22.5 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one (1) time.
Elementary school (grades 1-6)	250 square feet per student for the first 30 students; thereafter, 150 square feet per student.
Junior and senior high school (grades 7-12)	400 square feet per student for the first 30 students; 150 square feet per student for the next 300 students; thereafter, 75 square feet per student.
* Where there are category combinations, each classification shall be calculated individually ** Recreation Area consists of indoor and outdoor recreation areas. Indoor-recreation areas may consist of indoor playgrounds, indoor pools, gymnasiums and/or indoor ball courts and/or similar indoor recreation facilities. Outdoor recreation areas may include rooftop facilities.	

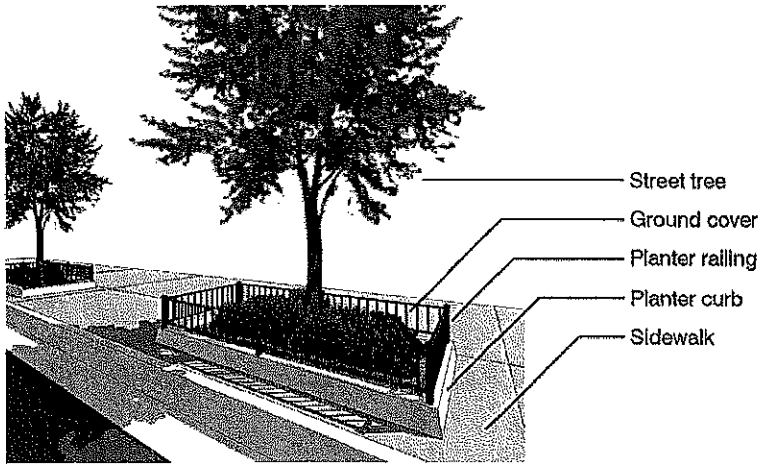
E. Landscape. Except as provided herein, landscape shall be provided as required by Chapter 18A of this code. In the Core and Center Sub-districts, landscape shall be provided as follows:

1. Street trees shall be planted at a maximum of twenty-five (25) feet average on center, with a minimum six (6) inch diameter at breast height. Unless otherwise indicated by the Urban Center District or Area street type parameters, street trees shall be planted in one or more of the following methods of installation as required by Section 33-284.86(C)(4) above;

a. Tree grates. Trees are planted within openings on the sidewalk. The openings shall be covered by permanently installed grates perforated to

permit natural irrigation. The grates shall be installed flush with the surrounding sidewalk.

b. Tree planters. Trees are planted within a raised planter located on the sidewalk. The planter shall be defined on all sides by a permanent masonry structure to consist of a minimum six (6) inch raised curb. The area within the planter, in addition to the required trees, shall be planted with ground cover, shrubs, or other appropriate plant material.



c. Continuous landscape strips. Trees are planted in the area between the curb or roadway edge and the sidewalk. This area, in addition to the required trees, shall be planted with grass.

2. For all land uses except for single-family or duplex, tree requirements for private property shall be based on sixteen (16) trees per net acre of lot area and, in addition to the placement on the lot, may be placed in greens, squares, plazas and medians within the Urban Center District or Area.

F. Parking. Except as provided herein, parking shall be provided as required by Section 33-124 of this chapter.

1. Multi-story parking garages, parking lots, and on-street parking shall count toward all parking requirements except for the parking requirements of detached single-

family residences, courtyard and sideyard houses, rowhouses, urban villa, or duplexes.

2. At a minimum, parking shall be provided as follows:

Single Family Residential (off-street):
single family detached: 2 spaces/unit
courtyard or sideyard house: 2 spaces/unit
rowhouse or urban villa: 2 spaces/unit
duplex: 2 spaces/unit
Multi-family Residential:
1 spaces/1 bedroom unit
1.5 spaces/2 bedroom unit
1.75 spaces/3 or more bedroom units
Housing for the elderly: 0.5 spaces/unit
Hotel/Motel: 1 space/first 40 guest rooms and 1 additional space/ every 2 guest rooms or suites thereafter
General Retail/Personal Services and Entertainment Uses: 1 space/250 square feet of gross floor area
Professional Business Offices and Health Care Services: 1 space/400 square feet of gross floor area
Food/Beverage Establishments: 1 space/ 50 square feet of patron area
Industrial: shall comply with Section 33-124 of this chapter.
Live-work units: (1) residential component: 2 spaces/unit, and (2) workshop component: 1 space/325 square feet of workshop area
Live-work buildings: (1) residential component: shall comply with the multi-family residential requirements described in this sub-section , and (2) work space, non-residential component: shall comply with Section 33-124, of this Chapter.
Civic uses: shall comply with Section 33-124 of this chapter.
All other uses shall comply with the parking standards provided in Section 33-124 of this chapter. Educational and child care facilities located within a mixed-use building shall be exempt from the auto-stacking requirements of Section 33-151.18(c) of this chapter.

3. Parking reduction. Development meeting certain criteria shall be permitted to reduce the number of parking spaces required. Specific use, location, and parcel requirements and permitted reductions are provided in the following table:

Use	Location, Parcel Requirement	Permitted reduction of required parking as otherwise provided in this section		
		Core	Center	Edge
Group 1: Work-force reduction				
Work-force housing units (WHU) as defined in this article	No location limitation	25%*	25%*	25%*
Group 2: Location reduction				
Non-residential, mixed-use, multi-family residential	Within five hundred (500) feet of a bus stop or rail station serviced by premium transit	50%	50%	N/A
Non-residential, mixed-use, multi-family residential	Within one-quarter (1/4) mile of a bus stop or rail station serviced by premium transit	30%	30%	N/A
Non-residential, mixed-use, multi-family residential	Within one-half (1/2) mile of a bus stop or rail station serviced by premium transit	10%	10%	N/A
Group 3: Parcel size reduction				
Mixed-use	Parcels less than fifteen-thousand (15,000) square feet	40%	40%	N/A
Mixed-use	Parcels between fifteen-thousand (15,000) and thirty-thousand (30,000) square feet	30%	30%	N/A
Mixed-use	Parcels greater than thirty-thousand (30,000) square feet	20%	10%	N/A
* Percentage reduction applies only to those spaces required by WHU restricted residential units N/A: Not Applicable				

Developments meeting more than one of the use, location, and parcel criteria shall be permitted to combine each permitted reduction; the combined reduction shall be calculated by reducing the first applicable criteria from each group in the order of the table above.

4. Mixed-use, multi-family residential, or non-residential developments in all Sub-districts may provide the required parking off-site, where the off-site parking is within seven-hundred fifty (750) feet of the development and in a land use designation that is similar to or higher intensity than the land use designation of the development being served. Any certificate of use for

mixed-use, multi-family residential, or non-residential development shall immediately terminate in the event such parking area is not available. An applicant for approval of a mixed-use, multi-family residential or non-residential development with off-site parking shall execute and record in the public records of this County a declaration of restrictions approved by the Director covenanting that such development shall cease and terminate upon the elimination of such parking area, and that no development requiring such parking shall be made of such property until the required parking area is available and provided.

5. Except for detached single-family homes, courtyard or sideyard houses, and duplexes, all parking may be in the form of parking garage structures or parking lots which shall be located in the rear or on one side of the building, and shall be screened from the street. Parking is not permitted in setback areas required along street frontages.

6. Parking garage structures shall be screened by a liner building containing a minimum depth of twenty (20) feet of habitable space for all stories along the primary frontage, and for parcels with three (3) or more frontages, on at least two (2) frontages. For all other frontages, architectural features of a parking structure shall appear consistent and harmonious with that of habitable space. On parcels having a lot depth at any one point of less than one-hundred fifty (150) feet, as measured from the front property line, a liner building shall only be required on the ground floor. No vehicles parked within the structure shall be visible from the street.

7. Mechanized parking shall be allowed for mixed-use, non-residential, and multi-family developments and, when provided, shall be exempt from the provisions of Section 33-122 of this code. For the purpose of this article, mechanized parking shall be defined as a mechanism with vertical and horizontal transport capability that provides for automobile storage and retrieval. A mechanized parking space shall be counted toward the parking requirements of this Section. When provided, mechanized parking shall comply with the following:

   a. A queuing analysis is submitted and approved during the Administrative Site Plan Review process.

8. Parking lots shall provide for vehicular connectivity to adjacent parking areas.

9. The use of permeable materials for paving parking lots shall be permitted in the urban center districts.

10. Parking for individuals with disabilities shall comply with the Florida Building Code.

11. Parking for persons transporting strollers shall comply with section 33-122.2 of this chapter.

12. Individual parking garages for single-family homes shall count towards the parking requirement.

13. In the Edge Sub-district, parking for detached single family homes and duplexes on platted lots of 12,000 sq. ft. or less shall be subject to the following:

    a. Where there is no service road, parking shall be in the form of individual garages or carports accessed through a driveway from the street. When provided, attached garages and carports shall be located as provided in the Building Placement Standards set forth in Section 33-284.85 of this article.

    b. Along the front property line the maximum width of the driveways in front of the build-to line shall be ten (10) feet. On any other frontage the maximum width of the driveway shall be twenty (20) feet.

    c. The parking area shall be screened at the build-to line through the use of walls, hedges, or fences in accordance with Sub-section (H) below and the Building Placement Standards set forth in Section 33-284.85 of this article.

    d. The sidewalk shall be continuous and remain at a constant level at all instances where a driveway intersects it.

14. Required parking for single family homes, courtyard or sideyard houses, duplexes, urban villas and rowhouses may be provided in a tandem configuration.

15. Where a wall or fence is used for screening parking areas along streets, a five (5) foot landscape strip with a hedge shall be required in front of the wall or fence.

16. The provisions of Section 33-131 of this chapter shall not apply to the required parking for mixed-use and non-residential developments.

G. Lighting.

1. Street lighting shall comply with the following:

a. Street lighting shall be provided in these areas: commercial and live-work unit driveways and parking areas, sidewalks and pedestrian passages, commercial establishment entryways, recreation areas, and multi-family residential common areas and entryways.

b. Outdoor lighting of these areas shall comply with Section 33-4.1 of this chapter.

c. All light fixtures shall be of a pedestrian scale, with a maximum height of eighteen (18) feet and a maximum spacing between fixtures of sixty (60) feet or such other spacing as may be required by the Department of Public Works and Waste Management, whichever is the most restrictive.

d. The type and spacing of light fixtures shall be approved by the Department of Public Works and Waste Management or its successor. Approval shall be based on uniformity of types, location, right-of-way width, and luminosity.

e. Weather and vandalism resistant covers shall protect all light fixtures.

f. Streetlamps shall be installed on both sides of streets.

g. Cobra-head lights shall not be permitted.

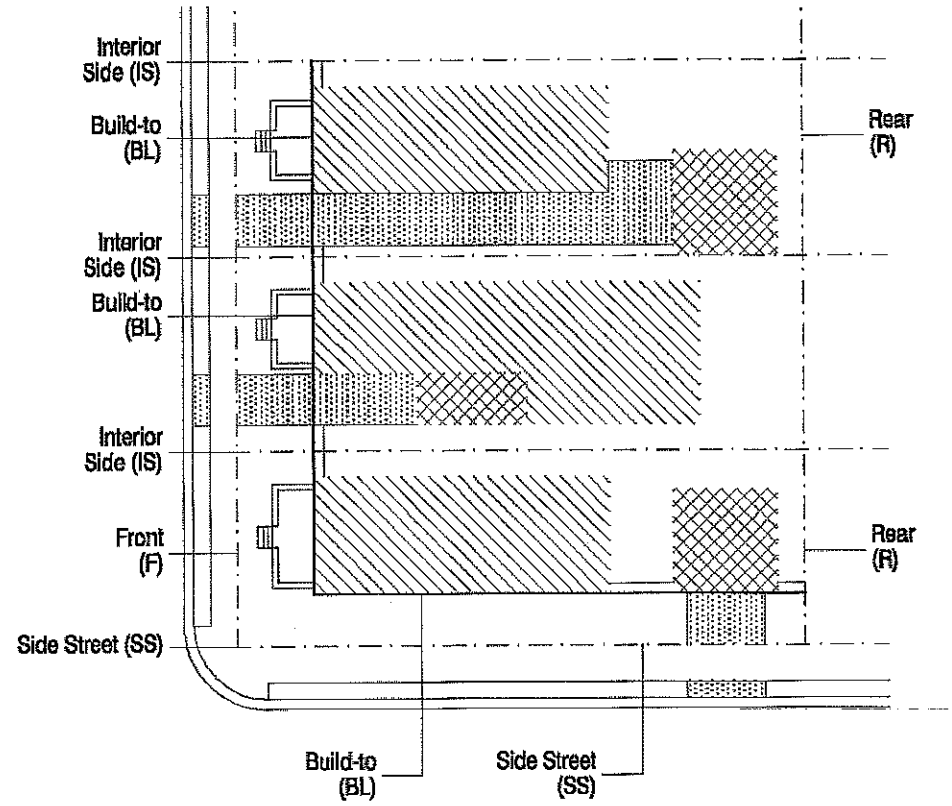
2. Open parking lot, access road, and service road lighting shall be provided as required in Section 8C-3 of this Code. Lighting fixtures in these areas shall have a maximum height of eighteen (18) feet above grade.

H. Walls, fences, and hedges.

The following shall be permitted:

Location	Type and Material	Spacing	Height
Around perimeter of designated open space	Walls: masonry. Fences: wood, electrostatic plated aluminum, or wrought iron.	N/A	Max. 3'-6"
	Hedges and shrubs	Max. 48" O.C.	At time of planting Min. 18"
			Max. 3'-6"
In front of the build-to-line (BL): Along front (F), side street (SS), and interior side (IS)	Walls: masonry. Fences: wood, electrostatic plated aluminum, or wrought iron.	N/A	Max. 3'-6"
	Hedges and shrubs		At time of planting Min. 18"
		Max. 48" O.C.	Max. 3'-6"
Behind the build-to-line (BL): Along interior side (IS) and rear (R) property lines	Walls: masonry. Fences: wood, electrostatic plated aluminum, or wrought iron	N/A	Max. 72"
	Hedges and Shrubs		At time of planting Min. 18"
		Max. 48" O.C.	Max. 96"
	Chain Link	N/A	
Along the build-to-line (BL)	Walls: masonry. Fences: wood, electrostatic plated aluminum, or wrought iron	N/A	Max. 72"
	Hedges and shrubs		
		Max. 48" O.C.	Max. 72"
Parking Areas Along Streets	Walls: masonry. Fences: wood, electrostatic plated aluminum, or wrought iron	N/A	Min. 3'-6"
	Hedges and shrubs	Max. 48" O.C.	
Service Areas	Walls: masonry. Fences: wood, electrostatic plated aluminum, or wrought iron	N/A	Height required to mitigate the visual impact of service area features
Construction Areas	Chain Link	N/A	

Min.: Minimum
Max.: Maximum
N/A: Not Applicable
O.C.: On Center



Note:
Hedges and shrubs shall be subject to Chapter 18-A of this Code.
Additional requirements for walls, fences and hedges may be included in the Building Placement Standards set forth in Section 33-284.85 of this article, and in the event of a conflict, the Building Placement Standards shall govern.

Section 6. Section 33-284.87 of the Code of Miami-Dade County, Florida, is hereby deleted and replaced in its entirety as follows:

Sec. 33-284.87. Signs.

Except as provided herein, the definitions set forth in Section 33-84 of this chapter shall apply. In the event of a conflict, the provisions of this section shall govern.

A. For purposes of this section, the following definitions shall apply:

1. Digital technology (signs): electronic technology that allows for changes to a sign copy resulting from digital data input. Included in this technology are signs that use series of lights, including light emitting diodes (LED), fiber optics, or other similar technology.

2. Nits: Luminance is the measure of the light emanating from an object with respect to its size and is the term used to quantify electronic sign brightness. The unit of measurement for luminance is nits (nt), which is the total amount of light emitted from a sign divided by the surface area of the sign [candelas per square meter (cd/m^2)].

B. Temporary signs in MUCs and CUCs. Temporary signs (Class A) shall be permitted in compliance with Section 33-99 of this chapter.

C. Permanent Point of Sale Signs. Permanent point of sale signs (Class B) shall be permitted as follows:

1. The following permanent point of sale signs are permitted in all Sub-districts in conjunction with permitted business and industrial uses: flat attached, hanging, awning, cantilever, projecting, and monument. No other detached sign shall be permitted except monument signs

a. Projecting signs shall be mounted and perpendicular to the building.

b. The copy of an awning sign shall only be located on the valance of the awning.

c. The bottom of a hanging sign shall be located at a minimum height of eight (8) feet from the finished floor.

d. Monument signs, which are freestanding, 2-faced signs, shall have a base at least seventy-five (75) percent of the horizontal width of the sign and located directly on the ground or a maximum of twelve (12) inches above grade.

e. Cantilever signs are mounted on those portions of the building that project horizontally.

2. Maximum size, location, and number of signs shall be as follows:

Sign Type	Size	Number of Signs
Flat Attached, Cantilever, Projecting*	10% of wall area**	Not limited
Hanging, Awning	6 sq. ft.	Not limited
Monument[[*]]	25 sq. ft. maximum for first 50 feet of street frontage plus .75 sq. ft. for each additional foot of street frontage to a maximum [[~~sign face area~~]] of 40 sq. ft. >>per sign face.<<	One per street frontage

* Each side of a projecting [[~~or monument~~]] sign with [[~~two~~]]>>multiple<< faces shall count toward the maximum permitted sign area.

** Where a building may be occupied by multiple tenants, the permitted sign area that results from the percentage of wall area is shared among all tenants. A sign survey shall be required at time of permitting to demonstrate compliance with the maximum sign area permitted. In all Sub-districts, for flat attached signs only, up to thirty (30%) percent of the sign may be illuminated using digital technology.

3. Illumination/lighting shall comply with the following:

Flat attached, cantilever, and projecting signs utilizing flashing, moving, intermittent, chasing, or rotating lights shall be permitted in conjunction with convention halls or meeting halls and auditoriums, theaters, movie theaters, athletic facilities, museums, and other visual and performance arts buildings.

Where digital technology is allowed, it shall be provided in compliance with the following:

a. No auditory message or mechanical sounds shall be emitted from the sign.

b. The sign shall not display any illumination that moves, appears to move, blinks, fades, rolls, dissolves, flashes, scrolls, shows animated movement, or changes in intensity during the static display period.

c. All digital signs shall be modulated so that, from sunset to sunrise, the brightness shall not be more than 500 Nits. Sunset and sunrise times are those times established by the Miami office of the National Weather Service. At all other times, the maximum brightness levels shall not exceed 5,000 Nits. All digital signs shall have

installed ambient light monitors and at all times shall allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.

d. The message display shall not change more often than once each eight seconds, with all moving parts or illumination moving or changing simultaneously.

e. Any digital sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall immediately revert to a black screen and shall be restored to its normal operation conforming to the requirements of this section within twenty-four (24) hours.

4. Maximum heights shall be as follows:

a. Six (6) feet above grade to top of sign for monument signs;

b. No height limits for flat attached, cantilever, or projecting signs;

c. For signs painted on the façade of a building or on the valance of an awning, the copy shall not exceed one (1) foot.

5. No setback is required for any sign. Cantilever, projecting, and awning signs may encroach into any required setback. Awning signs and projecting signs attached to awnings may encroach into the right-of-way. Where a zero (0) foot setback is permitted, cantilever and projecting signs may encroach into the right-of-way up to three (3) feet. Signs encroaching into the right-of-way shall be a minimum of eleven (11) feet above the sidewalk.

C. Directional Signs: Directional signs, to direct traffic flow and locate entrances and exits shall be permitted on private property in connection with any permitted use. Detached directional signs shall not exceed three (3) square feet in area; directional signs attached to buildings shall not exceed twelve (12) square feet in area. The maximum height of a detached directional sign shall be ten (10) feet. Directional signs shall be shown and approved on site plans which indicate sign size, location, copy, etc.

D. Flags: Each parcel may display no more than three (3) flags and three (3) flagpoles. Flagpoles shall not exceed seventy (70) feet in height. Flag dimensions shall be proportional to the pole such that the hoist side of the flag is not more than fifty (50) percent

of the vertical height of the flagpole. For purposes of this Section, "flag" means any fabric or bunting containing colors, patterns, or symbols.

E. Prohibited Signs. The following types of outdoor signs shall be prohibited:

1. revolving, rotating, and other moving signs

2. backlit signs of any type

3. banners

4. roof signs

5. balloon signs

6. class C commercial signs or other outdoor advertising, except those within bus shelters.

Section 7. Section 33-284.88 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-284.88. Review Procedure/Administrative Site Plan and Architectural Review.

Except for individual single-family homes and duplexes, all applications for development approval within an Urban Center District that are not otherwise permitted as nonconforming uses or structures shall comply with the requirements of this article and with the site plan and architectural review criteria contained herein. Developments shall be processed and approved administratively as follows:

A. Administrative site and architectural plan review. The Department shall review plans, including the exhibits listed below for completeness and compliance with the provisions of this article, including the Regulating Plans, and for compliance with the site plan review criteria provided herein. Additionally, all applications shall be reviewed by the following departments of Miami-Dade County and other public entities for potential impacts on infrastructure and other services resulting from the application: >>Department of<< Public Works >>and Waste Management or its successor<< [[~~Department~~]], >>Department of Regulatory and Economic Resources or its successor,<< [[~~Department of Environmental Resources Management~~]], Miami-Dade Fire Rescue Department>>or its successor,<< and the Miami-Dade County School Board. In the event the application indicates impacts on services and infrastructure provided by any of the foregoing, the applicant shall meet with the affected department or entity to discuss potential mitigation

of the impacts and shall submit evidence to the Department of such discussion. The Director shall issue a final decision within [[~~21~~]]>>twenty-one (21)<< days of the date of submission of the completed application. The applicant shall have the right to extend the [[~~21~~]]>>twenty-one (21)<< day period by an additional [[~~21~~]] >>twenty-one (21)<< days upon timely request made in writing to the Department. The Department shall have the right to extend the [[~~21~~]]>>twenty-one (21)<< day period by written notice to the applicant that additional information is needed. Denials shall be in writing and shall specifically set forth the grounds for the denial. Any final decision of the Director may be appealed in accordance with the procedures established in this chapter for appeals of administrative decisions.

B. Applications for administrative site plan and architectural review under this article shall be accompanied by exhibits prepared by registered architects and landscape architects which shall be submitted to the Department and shall include the following:

1. Site plan(s) including:

a. Sub-district location;

b. Street layouts and designations as per this article;

c. Locations, shape, size, and height of existing buildings;

>>d. Building exterior finish material;<<

[[~~d.~~]] >>e.<< Indication of street vistas;

[[~~e.~~]] >>f.<< Lot lines, setbacks and build-to-lines;

[[~~f.~~]] >>g.<< Location of open spaces including anchor points if applicable;

[[~~g.~~]] >>h.<< Location of on-street and off-street parking >>including type of permeable materials if used on parking lots,<< loading facilities, and waste collection areas>>;<<

[[~~h.~~]] >>i.<< Indication of signage; [[~~and~~]]

[[~~i.~~]] >>j.<< Indication of any site or building design methods used to conserve energy>>;<<

>>k. Locations of backflow prevention devices and connections; and

l. Indication of the placement and type(s) of lighting fixtures illuminating roadways and parking areas.<<

2. Landscape plans, including specifications of species of plant material, location, and size in accordance with this article and Chapter 18A of this Code.

3. Street cross-sections, including adjacent buildings and open space.

4. Floor plans, elevations, and sections of all buildings, including total gross square feet of area for each floor and all dimensions relating to the requirements of this article. A pattern book may be submitted for detached and attached single-family units including, at a minimum, unit plans and elevations, elevation of unit groupings, and typical design details such as street lamps, benches, fencing, and paving details.

5. Figures indicating the following:

   a. Gross and net acreage;

   b. Total square footage for each use by type;

   c. Total number of dwelling units;

   d. Amount of passive and active open space in square feet; and

   e. Such other design data as may be needed to evaluate the project's compliance with the requirements of this article and Chapter.

Section 9. Section 33-284.89.1 of the Code of Miami-Dade County, Florida, is hereby created as follows:

Sec. 33-284.89.1. Special Exceptions Procedures.

A. Requests for special exceptions as permitted in this article shall be in accordance with Section 33-311 (A)(3) of this Code.

B. Standards for Site Plan Review. To ensure compatibility with the surrounding area, the following site plan review standards shall be utilized by the Director, the Community Zoning Appeals Board, and the Board of County Commissioners in the consideration of requests for special exceptions pursuant to this article:

1. Except for street tree requirements, developments shall provide two (2) times the landscaping required by this article and applicable Chapter 18A (Landscape Code) regulations.

2. The proposed development's scale and architecture shall be compatible with buildings in the surrounding area. Building height transitions shall be used when the proposed permitted maximum height for a development is greater than existing or proposed buildings in the adjoining or adjacent neighborhood.

3. The development shall meet the standards and criteria of the urban center's land use category designation and Building Placement Standards as provided in this article, and shall meet all other requirements for such particular use set forth in this chapter.

Section 10. Section 33-284.89.2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 33-284.89.2. Nonconforming Lots, Uses and Structures.

A. Purpose/Applicability

1. Nothing contained in this article shall be deemed or construed to prohibit the continuation of a legally established non-conforming use, structure, or occupancy, as those terms are defined in Sections 33-1, 33-34, and 33-35 of this chapter. The intent of this Section is to encourage nonconformities to ultimately be brought into compliance with current regulations. This section shall govern in the event of conflicts with other regulations of this code pertaining to legally established non-conforming uses, structures, and occupancies.

2. The term "nonconformity" shall refer to a use, building, or lot that does not comply with the regulations of this article. Only legally-established nonconformities shall have rights under this Section.

3. For purposes of this section, the term "expansion" shall mean an improvement, addition, enlargement, extension, or modification to a structure that increases the square footage of the structure.

4. For the purposes of this section, "legally established" shall apply to the following circumstances:

a. A lot that does not meet the lot frontage, lot width, lot depth, and/or lot area requirements of

the current zoning district, provided that such lot met the regulations in effect at the time of platting.

b. A site or improvement that is rendered nonconforming through the lawful use of eminent domain, an order of a court of competent jurisdiction, or the voluntary dedication of property.

c. An existing use which conformed to the code at the time it was established.

d. A building and/or site improvement that was permitted in accordance with regulations in effect at the time of permitting or that was approved pursuant to a public hearing.

e. A building and/or site improvement that had received final site plan approval through a public hearing pursuant to this chapter or through administrative site plan review or had a valid building permit.

f. Discontinuation of the use, structure, or occupancy would abrogate a vested right as determined by Sections 2-114.1 to 2-114.4 of this Code.

B. Nonconforming Lots, Uses and Structures

1. Nonconforming Lots

a. Development on a legally established, nonconforming lot that does not meet the lot frontage and/or lot area requirements of this article shall be permitted, provided that the development meets all other requirements of this article.

b. Expansions to structures on legally established, nonconforming lots shall be permitted in accordance with this section.

c. Variances from other requirements of this article shall require a public hearing, pursuant to this article and Section 33-311 of this chapter.

2. Nonconforming Uses

a. A legally established nonconforming use may continue. Expansions to a structure containing a

nonconforming use shall require Administrative Site Plan Review [see Sub-section (C)] below.

b. If a nonconforming use is discontinued for a period of more than one year, the use may not be reestablished. A use shall be considered discontinued once the activities or commerce, essential to the continuation of the use are abandoned. Discontinuance due to acts of force majeure shall not constitute abandonment, provided that a good faith effort is made to reestablish the use.

c. Expansions of nonconforming single-family and two-family residences shall be permitted and shall not require Administrative Site Plan approval, provided that the project complies with the Building Placement Standards for single-family detached or duplex lots set forth in Section 33-284.85 of this article.

3. Nonconforming Structures

a. To prevent changes in regulation from unduly burdening property owners, legally-established, nonconforming structures may continue to be used and maintained. Expansions, repairs, alterations, and improvements to nonconforming structures shall be permitted only in accordance with the following provisions:

i. Internal and external repairs, alterations, and improvements that do not increase the square footage of the nonconforming structure shall be permitted and shall not be subject to the requirements of this article.

ii. Expansions to a nonconforming structure shall be permitted as follows:

(a) If the total square footage of the proposed improvement is less than fifty (50) percent of the structure's net square footage at the time it became nonconforming, the improvement shall require Administrative Site Plan Review [see Sub-section (C) below].

(b) If the total square footage of the proposed improvement is equal to or exceeds fifty (50) percent of the structure's net square footage at the time it became nonconforming, the entire structure and site improvements shall be brought into compliance with current regulations.

(c) Once the cumulative total of additional square footage of improvements equals to fifty (50) percent of the structure's net square footage at the time it became nonconforming, no additional expansions shall be permitted and the entire structure and site improvements shall be brought into compliance with current regulations.

(d) For the purposes of this article, net square footage shall refer to the square footage indicated on the building permit or determined through equivalent evidence.

b. If a nonconforming structure is damaged by fire, flood, explosion, wind, war, riot or any other act of force majeure, repairs shall be subject to the following provisions:

i. If the repair/replacement cost is less than fifty (50) percent of the building's or property's assessed value, the structure may be reconstructed up to the same building height and within the same building footprint existing prior to the damage, provided that an application for final building permit has been submitted within twelve (12) months of the date of such damage unless extended by the Board of County Commissioners.

ii. If the repair/replacement cost is equal to or exceeds fifty (50) percent of the building's or property's assessed value,

whichever is greater, the building and site improvements shall be brought into compliance with current regulations.

iii. For the purposes of this chapter, "assessed value" shall refer to the building or property value, whichever is greater, indicated on the most recent tax roll prior to renovation or damage.

iv. Routine internal and external maintenance, repairs and material replacement such as re-roofing, painting, window or door replacement, mechanical equipment repair and replacement, plumbing and electrical maintenance, and similar repair, maintenance and replacements shall be permitted and shall not be subject to the requirements of this article.

c. If a nonconforming building is deemed to be unsafe pursuant to Chapter 8 of this Code, and demolition is required, the building shall be rebuilt in accordance with current regulations.

d. In addition to the requirements of this Section, all repairs, improvements and expansions to a nonconforming building shall comply with the Florida Building Code.

C. Administrative Site Plan Review Standards

1. Where Sub-section (B) above permits the expansion of a nonconforming use or structure subject to administrative review, the project shall be reviewed according to the plan review standards outlined in this sub-section. The intent of the plan review shall be to allow for the continuation of viable uses and structures while seeking opportunities to lessen the adverse impacts of proposed expansions and encouraging nonconformities to ultimately be brought into compliance.

2. Expansions to non-conforming single-family and two-family residences are permitted and shall not require Administrative Site Plan Review (ASPR) approval, provided said expansion complies with the single-family detached or duplex lot criteria indicated in the building placement standards of this article. One-family and two-family residences that were rendered nonconforming due to the assignment of a non-residential land use designation shall be permitted to continue and expand in

accordance with Sub-section (B) above. The expansion shall not require ASPR approval provided said expansion meets the applicable single-family detached or duplex lot criteria indicated in the building placement standards of this article.

3. Expansions permitted under Sub-section (B) above subject to the Administrative Site Plan Review (ASPR) process, shall be permitted by the Department upon a showing that the project satisfies all of the following criteria:

   a. The expansions will not cause adverse impacts, such as traffic, noise, dust, odors and parking congestion, on surrounding properties or significantly change the character of the area.

   b. The expansion shall comply with the setback requirements applicable only to the expanded area, as indicated in the Building Placement Standards set forth in Section 33-284.85 of this article. Other requirements set forth in Section 33-284.85 such as building frontage may be waived by the Director.

   c. The number of parking spaces necessitated by the expansion is provided in accordance with the minimum number of parking spaces requirements in Section 33-284.86(F)(2).

   d. The expansion shall comply with the street tree requirement in this article and with the parking lot buffers requirement in Chapter 18A (Landscape Code).

4. If the project does not meet the aforementioned criteria, it shall be permitted if approved upon public hearing. At public hearing, additional conditions may be imposed to enhance compatibility of the project with the surrounding area, including without limitation, the following:

   a. Limit the manner in which the use is conducted, including restricting hours of operation and other restraints, to minimize adverse impacts such as noise, vibration, air pollution, glare and odor.

   b. Specify additional screening or open space to minimize impacts to surrounding properties or the character of the area.

c. Restrict the height, size, or location of a building or other structure.

d. Require additional right-of-way dedication or road improvements.

e. Restrict the number, size, location, height or lighting of signage.

f. Limit the location and intensity of outdoor lighting or require its shielding.

g. Restrictions to protect existing natural, cultural and historical resources.

h. Impose additional restrictions necessary to protect existing natural, cultural, and historical resources.

i. Impose additional conditions necessary to further the intent and purpose of this article and the Comprehensive Development Master Plan.

Section 11. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 12. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Memorandum

MIAMI-DADE COUNTY

Supplement to
Agenda Item No. 8K2

Date: October 2, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Supplemental Information to Item 8K2-121692 - Neighborhood Stabilization Program (NSP) Substantial Amendment Adding Public Comments Received after the September 12, 2012 EDSS Committee Meeting

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This supplemental information is presented to the Board of County Commissioners (Board) to include the public comments received for the Neighborhood Stabilization Program Substantial Amendment. The 15-day public comment period for the amendment was Thursday, August 30, 2012 to Thursday, September 13, 2012, as required by the United States Housing and Urban Development (US HUD) for this program. In addition, the amended plan was posted on the County's website in accordance with the program guidelines. During the public comment period, two comments were received and are attached for the Board's review and consideration. First, comments were received from a longstanding Section 8 landlord who expressed concerns regarding the short length of time provided for public comment and the data referenced in the amendment. Second, the Miami Coalition for the Homeless, Inc. expressed the desire to have more units for the extremely-low-income, or those families at 30 percent of the area median income (AMI). The County does address this income level in the Request for Applications (RFA) by giving applicants extra points if they are willing to set-aside units for the extremely low-income. However, for NSP, developers determined that it is necessary to house the very-low-income, or those at 50 percent AMI. This allows enough rent to be collected in order for the property to cover its operating expenses. These comments were considered by PHCD, however staff concluded that revisions to the item were not warranted.

The comments will be attached and made a part of the Plan that will be submitted to US HUD for approval.

Attachment

Russell Benford, Deputy Mayor

RECEIVED
By the Clerk for the record.

OCT 0 2 2012
Item 8K2 Supplement
Exhibit
Meeting

From:	lancegp
To:	Fortner, Greg (PHCD); Brown, Clarence D. (PHCD); Mayor; Grice, Sonia J. (Office of the Mayor)
Cc:	Lynn Paskewich
Subject:	OBJECTIONS AND COMMENTS ON The NSP SUBSTANTIAL AMENDMENT.
Date:	Thursday, September 13, 2012 11:59:41 PM

Dear Mr. Fortner and Mr. Brown-

We strongly object to the above Amendment for many reasons, including but not limited to the lack of a proper and legal Public Comment Period and proper Public Notices for Comment.

The data in this lengthy plan is very outdated and is missing dates of comment periods and signatory and other dated information.

As normal, this plan substantially discriminates against South Dade in favor of politically selected areas.

The data prepared by a California firm is not accurate!

The plan does not mention that Judge Bailey, Administrative Judge just lifted the Administrative Moratorium on June 11, 2012 that froze Residential Mortgage Foreclosures dated back to 2006.

The Administration Fees are extremely inflated for this Grant and Program.

The Certification concerning laws being followed is not true as experienced by us since becoming Section 8 Landlords in 1984.

These are just a few comments, due to the deadline being so quick!!!

Sincerely,

Lance G. Paskewich

--

Lance G. Paskewich, Managing Partner
Kip & Krista Properties
Post Office Box 565455
Miami, Florida 33256-5455

Home/Office #: 305-596-5344 Fax #: 305-270-1649 Cell #: 305-978-6433

Miami Coalition for the Homeless, Inc.

3550 Biscayne Blvd
Suite 510
Miami, Florida 33137
Telephone: 305-571-0101
Fax: 305-571-0167
info@miamihomeless.org
www.miamihomeless.org

WORKING TO END HOMELESSNESS

TO: Gregg Fortner, Director
Miami-Dade County Department of Public Housing and Community Development

FROM: Terry A. Coble
Policy & Program Director

Bobbie Ibarra
Executive Director

RE: Comments on the Proposed Substantial Amendment to Miami-Dade County's Consolidated Plan regarding the third Neighborhood Stabilization Program (NSP3)

DATE: September 13, 2012

I am pleased to submit the following comments to the Draft Substantial Amendment to the Miami-Dade County Consolidated Plan for use in implementing the federal Neighborhood Stabilization Program 3 (NSP3) program.

In general, Miami-Dade County staff is to be commended for putting together a workable plan that is attuned to the needs of our community. Overall, the Miami Coalition for the Homeless strongly supports the plan's emphasis on affordable rental housing, our county's greatest need, as well as the emphasis on benefiting households with very low income. We are concerned however, that the proposed amendment makes no mention of the county's households with the greatest need for subsidized housing, i.e., those with extremely-low income (ELI) and below (≤ 30% AMI). We are also concerned that, as written, the affordability requirements do not protect low income tenants from rental cost-burden. The following are our detailed comments.

FUNDING ALLOCATION

1. The Miami Coalition for the Homeless is pleased with the plan's allocation on page 55 under **TOTAL BUDGET** of a substantial amount of funding for acquisition and rehabilitation of multi-family properties for use as rental housing and for redevelopment of vacant property under HOPE VI. This is both appropriate and necessary, since it will address the housing needs of renters whose homes have either been lost to foreclosure or to the demolition of public housing occasioned by HOPE VI, and will allow the limited amount of federal funds to assist more families.

2. On the other hand, because Miami-Dade County is home to a disproportionately large number of extremely-low income (ELI) households, the Miami Coalition for the Homeless strongly recommends that the Substantial Amendment include a set-aside for these households. Affordable housing for ELI households is identified in the newly adopted Consolidated Plan as

one of the County's highest priorities. NSP3 funding is ideally suited to help create this housing because a portion of the funds can be set-aside as an operating subsidy to compensate for the lower rental income received from ELI households. For this reason, the Miami Coalition for the Homeless recommends that the plan specify that at least 20 percent of the units be set-aside for extremely-low income (ELI) households, i.e., those with income less than or equal to 30 percent of Area Median Income. This will bring the NSP substantial amendment more in line with the newly enacted Consolidated Plan and will also help address one of the County's most important housing needs.

AFFORDABILITY REQUIREMENTS

1. The Miami Coalition for the Homeless is also concerned that as written, the affordability requirements will cause households to be cost-burdened by the rents they will be charged. The Miami Coalition for the Homeless believes that to be truly affordable to VLI and ELI households, the rents charged by developers benefiting from NSP3 funding should not be computed based on a percentage of Area Median Income, as allowed under the federal housing tax credit program (LIHTC), but should instead be based on the income of the tenant. We therefore urge the Department to ensure the protection of VLI and ELI households against rental cost-burden by requiring multifamily properties funded with NSP3 moneys to set rents at thirty percent of monthly gross income not in excess of the maximum market rent. This change to the Substantial Amendment can be accomplished by removing the last sentence in the Response to Section C(2) (p.33), and by also removing the first underlined sentence under "*Multifamily Rental Properties*" on page 34.

Thank you for the opportunity to submit these comments. We look forward to continuing to work with the Department.

MEMORANDUM

Agenda Item No. 8(K)(3)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution authorizing conveyance of ten (10) single family home sites to Housing Programs, Inc., a not-for-profit Florida Corporation, for infill housing development

The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson and Co-Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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By the Clerk for the record.
OCT 0 2 2012
Item 8K3
Exhibit
Meeting

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Conveyance of Ten Single Family Home Building Sites to Housing Programs, Inc. for Development of Infill Housing

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Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution authorizing the following: 1) the conveyance of ten (10) single family home building sites to Housing Programs, Inc. a not-for-profit Florida corporation, for infill housing development for qualified very-low, low-, and moderate-income families; 2) the waiver of Implementing Order No. 3-44 as it relates to the conveyance process established in the Section entitled "Availability of County Property"; and 3) the execution of County Deeds for the ten (10) lots, in substantially the form as Attachment "A."

Upon approval of the attached resolution, the Board Chairperson will be authorized to execute and record the County Deeds, in substantially the form attached hereto, and the County Mayor or the County Mayor's designee will be authorized to take all actions necessary to accomplish the conveyance of the ten (10) lots to Housing Programs, Inc. and enforce the deed restrictions specified in the County Deed.

Scope

The County acquired the ten (10) folios located in the northwest quadrant of the County by tax deed, free and clear of liens, taxes, and mortgages. Information regarding the folios from the Miami-Dade County Office of the Property Appraiser is included as Attachment "B." The 2012 Assessed Value, district location and other related information of each folio is provided below:

Folio Information

Folio Number	Address	2012 Assessed Value	District	Lot Size in Sq. Feet
01-3122-052-0490	1534 NW 53 Street	$16,657	3	10,000
01-3123-015-1210	4821 NW 15 Avenue	$13,940	3	6,950
01-3123-037-1263	1253 NW 43 Street	$22,731	3	11,000
01-3126-008-0260	787 NW 34 Street	$13,559	3	7,193
01-3126-008-0265	About 791 NW 34 Street	$13,559	3	7,193
01-3126-039-1300	1276 NW 31 Street	$12,912	3	6,125
01-3126-039-1490	2961 NW 13 Avenue	$8,338	3	4,950
30-2136-017-0150	470 NW 108 Terrace	$14,,825	3	6,000
34-2117-004-4020	About 16301 NW 37 Court	$11,814	1	6,420
34-2117-005-0020	About 16332 NW 40 Court	$7,518	1	4,280

Fiscal Impact

The conveyance of the ten (10) parcels will eliminate the County's obligation to maintain the parcels,

which costs approximately $3,338 per year, and will eliminate the County's obligation to pay the annual special assessments, which are currently $138 per year. Once the homes are built and sold to qualified buyers, it is estimated that approximately $1,100 in ad valorem taxes will be generated annually per home. The conveyance of the ten (10) single family home building sites to Housing Programs, Inc., for infill housing development is ten dollars ($10.00) for each executed deed, pursuant to section 125.38, Florida Statutes and Sections 17-121 et seq. of the Code of Miami-Dade County, to be paid by Housing Programs, Inc.

Track Record/Monitoring

This project will be monitored by Jorge Cibran, Director of Facilities and Development Division, Public Housing and Community Development, Infill Housing Initiative Program.

Background

Housing Programs Inc., a not-for-profit Florida corporation, was formed on October 14, 2011. The executive director/president is also the managing entity for A & S Management Inc., which was awarded through County bid three County-owned lots in 2001 and developed an additional ten of their own private lots for the Infill Housing Program, completing all thirteen (13) homes. Additionally, the director/president for the former inactive not-for-profit corporation Affordable Housing Programs, Inc., completed all sixteen (16) infill homes that were awarded in 2003 and 2005, and Lancaster Homes and Construction Services, Inc. has completed forty-two (42) homes, and have fourteen (14) remaining lots to be sold and developed. Although, Housing Programs, Inc. has no proven track record of building affordable housing for qualified very-low, low-, and moderate-income families; it has an experienced team that has built over seventy (70) affordable homes for the Infill Housing Initiative Program over ten years.

Public Housing and Community Development interviewed Housing Programs' business team for their past performance and experience; construction financial capability; approach to meeting time schedule and budgets; and marketing skills and ability to reach eligible households. Since Housing Programs, Inc. is a newly-formed corporation, the reviews were made based upon the accomplishments of the officers affiliated with the previous entities that built or are continuing to build for the Infill Housing Program, and presentations and meetings with the County.

The requested lots are part of the County's inventory of lots set aside for the Infill Housing Initiative Program. The Affordable Housing Review Committee reviewed the lots and determined that they were suitable for the development of affordable single family housing. However, many of the lots require corrective actions, such as variances of zoning and platting, of which Housing Programs, Inc. is fully aware and willing to undertake. At the time of conveyance, Housing Programs is willing to pay the outstanding special assessments and real estate taxes on the lots. The following chart provides background information on the lots as required by Resolution R-376-11.

Folio Number	How County Acquired Property & Other Background Information	Maintenance Costs, Special Assessments, Title Search.	Estimated Maintenance Costs (Annual Lawn Care by number of years)	Estimated Taxes by No. of Years
01-3122-052-0490	Tax Deed 12/24/2001; County deeded to Greater Miami Neighborhoods, Inc. (GM) 2/6/2004; GM returned to County 01/8/2007	County pays to have the property maintained since 01/2007.	454 X 11=$4,994	exempt
01-3123-015-1210	Tax Deed 12/10/2001	County pays to have the property maintained since 12/2001.	315 X 11 = $3,465	exempt
01-3123-037-1263	Tax Deed 7/30/2004	County pays to have the property maintained since 8/2004.	578 X 8 = $4,624	exempt
01-3126-008-0260	Tax Deed 2/15/1984; County deeded to Fortex /Fortuna Trucking 3/11/2002; Fortex returned to County 09/16/2008	County pays to have the property maintained since 09/2008.	350 X 4 = $1,400	exempt
01-3126-008-0265	9/16/2008 Fortex returned lot to County- Non-performance	County pays to have the property maintained since 9/2008	350 X 4 = $1,400	exempt
01-3126-039-1300	Tax Deed 2/27/2002; County deeded to Allapattah Business Dev Auth., Inc. on 3/1/2005; Allapattah returned to County 11/18/2008	County pays to have the property maintained since 11/2008.	295 X 4 = $1,180	exempt
01-3126-039-1490	Tax Deed 3/12/2002; County deeded to Allapattah 3/1/2002; Allapattah returned to County 11/18/08	County pays to have the property maintained since 11/2008	249 X 4 = $996	exempt
30-2136-017-0150	3/21/2001 HUD deeded to Greater Miami Neighborhood, Inc. (GM); GM deeded to MDHA Dev. Corp. (MDHA) 6/21/2002; MDHA returned to County 7/18/2008	County pays to have the property maintained since 07/2008	260 X 4 = $1,040	$110
34-2117-004-4020	Tax Deed 05/05/2000	County pays to have the property maintained since 07/2001	302 X 12 = $3,624	$979
34-2117-005-0020	County deeded to Fortex 1/24/2003; Returned 07/18/2008	County pays to have the property maintained since 07/2008	185 X 4=$740	$114
Total			$23,463	$1,313

Additionally, the properties will be conveyed subject to the following restrictions:

- That the properties shall be developed as affordable housing, as defined by, and, in accordance with the requirements of the Infill Housing Initiative established in Sections 17-121 through 128 of the Code of Miami-Dade County and the County's Infill Housing Initiative Guidelines.
- That the affordable housing developed on the properties shall be sold to very-low, low- or moderate-income households.
- That the sales price of the home shall not exceed $175,000 or appraised value, whichever is lower.
- That a restrictive covenant shall be recorded on the property at time of sale to the qualified buyer stating that the property shall remain affordable during the control period, which commences on the initial sale date and resets automatically every 20 years for a maximum of 60 years. However, should the same purchaser remain in the home for 20 years, the restrictive covenant shall automatically be released.
- All real estate taxes and assessments shall be paid when due and no liens or unauthorized encumbrances shall be levied against the property.
- Assess each infill lot to determine if duplexes, triplexes or quadplexes can be built on these lots, and where feasible, make every effort to develop the properties as such, subject to the review and approval of the County Mayor or County Mayor's designee.

In the event that Housing Programs, Inc. defaults on the deed restrictions, the County shall have the right to re-enter and take possession of the property.

In light of the fact that these lots are being conveyed directly to Housing Programs, Inc., it is necessary to waive the section of Implementing Order No. 3-44 entitled "Availability of County Property," which states that properties that have been determined to be suitable for infill housing will be offered to a pre-qualified pool through a competitive work order proposal process. Regardless of the requirements of Implementing Order No. 3-44, the Board is further authorized to convey these lots to Housing Programs, Inc. pursuant to section 125.38 of the Florida Statutes, which permits the Board to convey County property to a not-for-profit organization for the purpose of promoting community interest and welfare if the Board determines the property is not needed for use by the County and the not-for-profit organization will use said property for "public or community interest and welfare."

Attachments

Russell Benford, Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(K)(3)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(K)(3)
10-2-12

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CONVEYANCE OF TEN (10) SINGLE FAMILY HOME SITES LOCATED IN THE NORTHWEST QUADRANT OF MIAMI-DADE COUNTY TO HOUSING PROGRAMS, INC., A NOT-FOR-PROFIT FLORIDA CORPORATION, FOR INFILL HOUSING DEVELOPMENT AT A PRICE OF TEN DOLLARS ($10.00); AUTHORIZING THE WAIVER OF ADMINISTRATIVE ORDER 3-44 AS IT RELATES TO THE SECTION ENTITLED AVAILABILITY OF COUNTY PROPERTY; AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, Housing Programs, Inc., a not-for-profit Florida corporation, has submitted an application to this Board requesting that the County convey to them ten (10) single family home sites for infill housing development for qualified very-low, low-, and moderate-income families; and

WHEREAS, this Board is satisfied that said properties can be used for infill housing development and is not needed for County purposes; and

WHEREAS, this Board finds that pursuant to Section 125.38 of the Florida Statutes the conveyance of said property to Housing Programs, Inc. serves the best interest of the County; and

WHEREAS, this Board adopted Resolution No. R-527-12 which declared the ten (10) lots surplus,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board hereby approves the conveyance of ten (10) single family home sites, legally described in Attachment "A", to Housing Programs, Inc., a not-for-profit Florida Corporation, for infill housing development at a price of ten dollars ($10.00) pursuant to Section 125.38, Florida Statutes and Sections 17-121, et seq. of the Code of Miami-Dade County.

Section 3. This Board hereby approves the waiver of Administrative Order 3-44 as it relates to the Section entitled "Availability of County Property."

Section 4. This Board directs the County Mayor or the County Mayor's designee to ensure that proper signage is placed on properties identifying the County's name and the name of the district commissioner.

Section 5. Pursuant to Section 125.411, Florida Statutes, this Board authorizes the Chairperson to execute a County Deed, in substantially the form attached hereto and made a part hereof as Attachment "A". Further, the County Mayor or the County Mayor's designee, pursuant to Resolution No. R-974-09, shall record in the public record all deeds, covenants, reverters and mortgages creating or reserving a real property interest in favor of the County and shall provide a copy of such recorded instruments to the Clerk of the Board within thirty (30) days of execution and final acceptance. The Board directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution.

The foregoing resolution was offered by Commissioner ,

who moved its adoption. The motion was seconded by Commissioner

and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of October, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Terrence A. Smith

Attachment "A"

Instrument prepared by:
Public Housing and Community Development
Infill Housing Initiative Program
701 NW 1 Court 16th Floor
Miami, Florida 33136

Folio No: See Exhibit "A"

COUNTY DEED

THIS DEED, made this ____day of _____, 20___ AD. by **MIAMI-DADE COUNTY, a Political Subdivision of the State of Florida**, party of the first part, whose address is: Stephen P. Clark Center, 111 N.W. 1 Street Suite 17-202, Miami, Florida 33128-1963, and Housing Programs, Inc., party of the second part, whose address is 683 N. Biscayne River Drive, Miami, Florida 33169:

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten Dollars and No/100 ($10.00) to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said party of the second part, his/her heirs and assigns forever, the following described land lying and being in Miami-Dade County, Florida (the "Property"):

As legally described in Exhibit "A" attached hereto and made a part hereof

THIS CONVEYANCE IS SUBJECT TO all zoning, rules, regulations and ordinances and other prohibitions imposed by any governmental authority with jurisdiction over the Property; existing public purpose utility and government easements and rights of way and other matters of record; taxes for the year of closing and subsequent years and the following restrictions:

1. That the Property shall be developed with affordable housing, as defined by and in accordance with the requirements of the Infill Housing Initiative Program established in Sections 17-121 through 128 of the Code of Miami-Dade County and the County's Infill Housing Initiative Guidelines. If the event Party of the Second Part fails to develop the home in accordance with the Infill Housing Initiative Guidelines, title shall automatically revert to the Party of the First Part as a matter of law and pursuant to this reverter clause.

2. That the Property shall be developed with affordable housing within one (1) year of the recording of this deed, as evidenced by the issuance of a final Certificate of Occupancy. In the event Party of the Second Part fails to complete the construction of the home(s) within one (1) year from the date of this deed, title shall automatically revert to the Party of the First Part as a matter of law and pursuant to this reverter. Notwithstanding, Party of the

First Part may, in its sole discretion, waive this reverter condition if Party of the First Part finds it necessary to extend the time frame in which Party of the Second Part must complete the home. Such waiver by Party of the First Part, to be effective must (i) be given prior to the event of the reverter and (ii) shall be evidenced by the preparation of a letter executed by the County Manager or his designee giving such waiver and specifying the new time frame in which Party of the Second Part must complete the home. The letter by Party of the First Part shall be conclusive evidence upon which any party may rely that the condition of the reverter has been extended to such date as specified in said waiver. If no waiver is recorded and a certificate of occupancy is not issued within (1) year from the date of this deed, any party may rely upon the fact that the reverter has occurred and that title has reverted to Party of the First Part.

3. That the affordable housing developed on the property shall be sold to a qualified household, as defined in Sections 17-122(n) of the Code of Miami-Dade County but under no circumstances shall the sales price of the home exceed One Hundred and Seventy-Five Thousand and 00/100 ($175,000.00). In the event Party of the Second Part fails to sell the home to a qualified household or sells the home above One Hundred and Seventy-Five Thousand and 00/100 ($175,000.00), title shall automatically revert to the Party of the First Part as a matter of law and pursuant to this reverter clause, and by such reverter to the Party of the First Part, Party of the Second Part shall forfeit all monetary investments and improvements without any compensation or right to compensation whatsoever.

Party of the Second Part shall require that the qualified household purchasing the eligible home execute and record simultaneously with the deed of conveyance from the developer to the qualified household the County's "Affordable Housing Restrictive Covenant;" and include the following language in the deed of conveyance:

"This property is subject to an "Affordable Housing Restrictive Covenant" recorded simultaneously herewith, which states that the property shall remain affordable during the "Control Period." The "Control Period" commences on the initial sale date of the eligible home, which is the date the deed is recorded transferring title from the developer to the first qualified household, and resets automatically every 20 years for a maximum of 60 years. In the event Grantee wishes to sell or refinance the home during the Control Period, Grantee shall obtain prior written approval from the County. Any such sale, transfer or conveyance, shall only be to a qualified household as defined in Section 17-122(n) of the Miami-Dade County Code at or below the maximum sales price as calculated in the restrictive covenant. Should Grantee own this home for twenty consecutive years, Grantee shall automatically be released from the Affordable Housing Restrictive Covenant."

Party of the Second Part (or Successor in Interest), shall pay real estate taxes and assessments on the property or any part thereof when due. Party of the Second Part shall not suffer any levy or attachment to be made, or any material or mechanic's lien, or any unauthorized encumbrance or lien to attach, provided, however, that Party of the Second Part may encumber the property with:

a) Any mortgage(s) in favor of any institutional lender for the purpose of financing any hard costs or soft costs relating to the construction of the single family home in an amount(s) not to exceed the value of the Improvements as determined by an appraiser; and
b) Any mortgage(s) in favor of any institutional lender refinancing any mortgage of the character described in clause a) hereof, in an amount(s) not to exceed the value of the Improvements as determined by an appraiser.

The recordation, together with any mortgage purporting to meet the requirements of clauses (a) or (b) above, of a statement of value by a Member of the American Institute of Real Estate Appraisers (MAI), (or member of any similar or successor organization), stating the value of the single family home is equal to or greater than the amount of such mortgages(s), shall constitute conclusive evidence that such mortgage meets such requirements, and that the right of any reverter hereunder shall be subject to and limited by, and shall not defeat, render invalid, or limit in any way, the lien of such mortgage. For purposes of this paragraph an "institutional lender" shall mean any bank, savings and loan association, insurance company, foundation or other charitable entity, real estate or mortgage investment trust, pension funds, the Federal National Mortgage Association, agency of the United States Government or other governmental agency. In any event, the term "Institutional lender" shall be deemed to include Miami-Dade County and its respective successors and assigns.

Upon receiving proof of compliance with all the deed restrictions listed above, the County shall furnish the Party of the Second Part an appropriate instrument acknowledging satisfaction with all deed restrictions listed above. Such satisfaction of deed restrictions shall be in a form recordable in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

In the event the Party of the Second Part, its successors or assigns, shall violate or otherwise fail to comply with any of the restrictions and covenants set forth herein, the Party of the Second Part, its successors or assigns, shall correct or cure the default/violation within (30) days of notification of the default by the county. If the party of the Second Part, its successors or assigns, fails to remedy the default within thirty (30) days, the County shall have the right to re-enter and take possession of the property and to terminate and revest in the County the estate conveyed by this Deed to the Party of the Second Part, its successors or assigns, and by such reverter to the County, the Party of the Second Part shall forfeit all monetary investments and improvements without any compensation or right to compensation whatsoever; provided, that any such right of re-entry shall always be subjected to and limited by, and shall not defeat, render invalid, or limit any way the lien of any valid mortgage or Deed of Trust permitted by this Deed.

This grant conveys only the interest of the County and its Board of County

Commissioners in the property herein described and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Joe A. Martinez, Chairman

Approved for legal sufficiency _____

The foregoing was authorized by **Resolution No.R-**_____ approved by the Board of County Commissioners of Miami-Dade County, Florida, on the ____ **day of** _____, **20**____.

EXHIBIT "A"

LEGAL DESCRIPTION

Folio Number	Legal Description and Address
01-3126-008-0260	SUWANNEE PARK PB 12-69 LOT 30 BLK 1 787 NW 34 Street
01-3126-008-0265	SUWANNEE PARK PB 12-69 LOT 31 BLK 1 About 791 NW 34 Street
01-3126-039-1300	WESTEND PK AMD PL PB 6-142 LOT 19 BLK 6 1276 NW 31 Street
01-3123-037-1263	NORTH MIAMI ESTS PB 5-48 LOTS 11 & 12 & S10FT OF LOT 2 BLK 18 1253 NW 43 Street
34-2117-005-0020	VENETIAN GARDENS PB 17-37 LOT 28 BLK 9 About 16332 NW 40 Court
34-2117-004-4020	VENETIAN GARDENS REV PB 31-37 S60FT OF W1/2 TR 87 About 16301 NW 37 Court
30-2136-017-0150	WEST MIAMI SHORES-SEC C PB 47-77 LOT 3 BLK 15 470 NW 108 Terrace
01-3126-039-1490	WEST END PARK PB 6-142 LOT 17 BLK 7 2961 NW 13 AVENUE
01-3123-015-1210	NORTH MIAMI EST SEC 3 PB 6-139 LOT 11 BLK 10 4821 NW 15 AVENUE
01-3122-052-0490	FLORAL PARK 1st AMD PL. PB 8-5 LOTS 4 & 5 BLK 3 1534 NW 53 Street

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Miami-Dade County, Florida

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MIAMI-DADE

Property Information Map

Aerial Photography - 2009 0 114 ft

This map was created on 6/25/2012 9:48:49 AM for reference purposes only.

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Close

Summary Details:

Folio No.:	01-3126-008-0260
Property:	787 NW 34 ST
Mailing Address:	MIAMI DADE COUNTY GSA 111 NW 1ST # 2460 MIAMI FL 33128-

Property Information:

Primary Zone:	3900 MULTI-FAMILY, MEDIUM DENSITY RESIDENTIAL
CLUC:	0080 VACANT LAND GOVERNMENT
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	7,193 SQ FT
Year Built:	0
Legal Description:	SUWANNEE PARK PB 12-69 LOT 30 BLK 1 LOT SIZE OR 26573 - 2199 09 2008 3 OR 25703-2411 0507 01

Assessment Information:

Year:	2011	2010
Land Value:	$13,559	$21,040
Building Value:	$0	$0
Market Value:	$13,559	$21,040
Assessed Value:	$13,559	$21,040

Taxable Value Information:

Year:	2011	2010
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	$13,559/$0	$21,040/$0
County:	$13,559/$0	$21,040/$0
City:	$13,559/$0	$21,040/$0
School Board:	$13,559/$0	$21,040/$0

Sale Information:

Sale Date:	5/2007
Sale Amount:	$0
Sale O/R:	25703-2411
Sales Qualification Description:	Sales which are disqualified as a result of examination of the deed
View Additional Sales	

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MIAMI-DADE

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Property Information

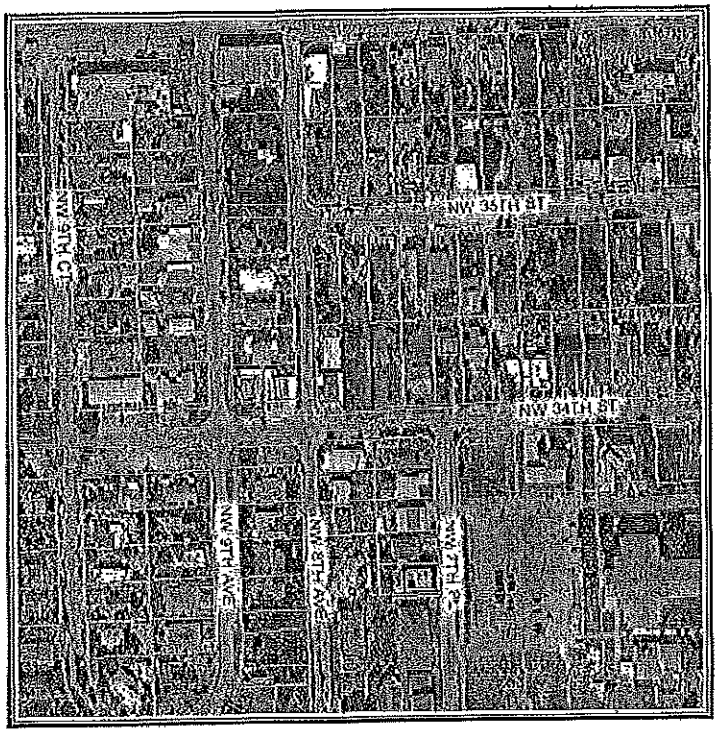
Search By:

Select Item

Text only

Property Appraiser Tax Estimator

Property Appraiser Tax Comparison



Aerial Photography - 2009

0 —— 114 ft

Legend

- Property Boundary
- Selected Property
- Street
- Highway
- Miami-Dade County
- Water

N W E S

Summary Details:

Folio No.:	01-3126-008-0265
Property:	
Mailing Address:	MIAMI DADE COUNTY GSA 111 NW 1ST # 2460 MIAMI FL 33128-

Property Information:

Primary Zone:	3900 MULTI-FAMILY, MEDIUM DENSITY RESIDENTIAL
CLUC:	0080 VACANT LAND GOVERNMENT
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	7,193 SQ FT
Year Built:	0
Legal Description:	SUWANNEE PARK PB 12-69 LOT 31 BLK 1 LOT SIZE 7193 SQ FT F/A/U 01 3126 008 0260 OR 26573 - 2199 09 2008 3

Assessment Information:

Year:	2011	2010
Land Value:	$13,559	$21,040
Building Value:	$0	$0
Market Value:	$13,559	$21,040
Assessed Value:	$13,559	$21,040

Taxable Value Information:

Year:	2011	2010
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	$13,559/$0	$21,040/$0
County:	$13,559/$0	$21,040/$0
City:	$13,559/$0	$21,040/$0
School Board:	$13,559/$0	$21,040/$0

Sale Information:

Sale Date:	5/2007
Sale Amount:	$0
Sale O/R:	25703-2412
Sales Qualification Description:	Sales which are disqualified as a result of examination of the deed
View Additional Sales	

Additional Information:

Click here to see more information for this property:
Community Development District

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Web Site
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3

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Property Information

Search By:

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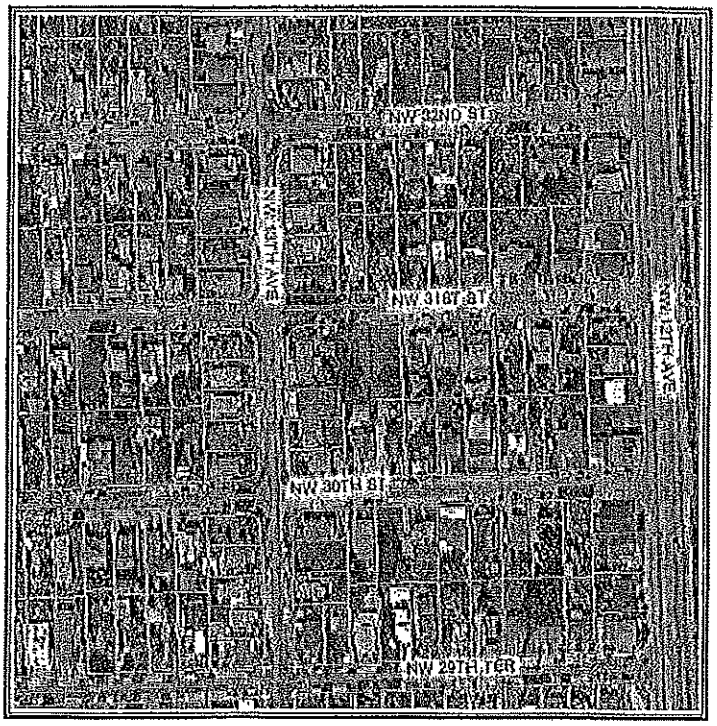
Property Appraiser Tax Estimator

Property Appraiser Tax Comparison



Aerial Photography - 2009

0 — 113 ft

Legend

- Property Boundary
- Selected Property
- Street
- Highway
- Miami-Dade County
- Water

N W E S

Summary Details:

Folio No.:	01-3126-039-1300
Property:	1276 NW 31 ST
Mailing Address:	MIAMI DADE COUNTY GSA R/E MGMT 111 NW 1 ST # 2460 MAIMI FL 33028-

Property Information:

Primary Zone:	5700 TWO FAMILY RESIDENCE
CLUC:	0080 VACANT LAND GOVERNMENT
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	6,125 SQ FT
Year Built:	0
Legal Description:	WESTEND PK AMD PL PB 6-142 LOT 10 BLK 6 OR 26706-3100 1108 3 OR 23336-1600 0305 01

Assessment Information:

Year:	2011	2010
Land Value:	$15,190	$27,440
Building Value:	$0	$0
Market Value:	$15,190	$27,440
Assessed Value:	$15,190	$27,440

Taxable Value Information:

Year:	2011	2010
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	$15,190/$0	$27,440/$0
County:	$15,190/$0	$27,440/$0
City:	$15,190/$0	$27,440/$0
School Board:	$15,190/$0	$27,440/$0

Sale Information:

Sale Date:	3/2005
Sale Amount:	$0
Sale O/R:	23336-1600
Sales Qualification Description:	Sales which are disqualified as a result of examination of the deed
View Additional Sales	

Additional Information:

Click here to see more information for this property:
Community Development District
Community Redevelopment Area
Empowerment Zone
Enterprise Zone

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Web Site
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3

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Show Me:

Property Information

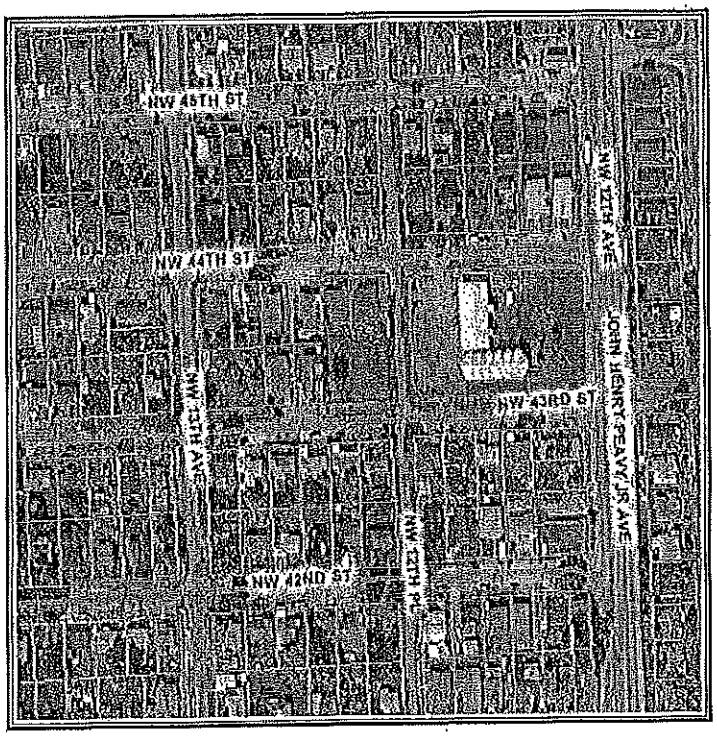
Search By:

Select Item

Text only

Property Appraiser Tax Estimator

Property Appraiser Tax Comparison



Aerial Photography - 2009

0 ——— 111 ft

Legend

- Property Boundary
- Selected Property
- Street
- Highway
- Miami-Dade County
- Water

N W E S

Summary Details:

Folio No.:	01-3123-037-1263
Property:	1253 NW 43 ST
Mailing Address:	MIAMI DADE COUNTY GSA R/E MGMT 111 NW 1 ST STE 2460 MIAMI FL 33128-1929

Property Information:

Primary Zone:	5700 TWO FAMILY RESIDENCE
CLUC:	0066 EXTRA FEA OTHER THAN PARKING
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	11,000 SQ FT
Year Built:	0
Legal Description:	NORTH MIAMI ESTS PB 5-48 LOTS 11 & 12 & S10FT OF LOT 2 BLK 18 LOT SIZE IRREGULAR COC 22537-1585 07 2004 3 OR 22537-1585 0704 01

Assessment Information:

Year:	2011	2010
Land Value:	$136,286	$136,286
Building Value:	$192,543	$192,543
Market Value:	$328,829	$328,829
Assessed Value:	$328,829	$328,829

Taxable Value Information:

Year:	2011	2010
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	$328,829/$0	$328,829/$0
County:	$328,829/$0	$328,829/$0
City:	$328,829/$0	$328,829/$0
School Board:	$328,829/$0	$328,829/$0

Sale Information:

Sale Date:	7/2004
Sale Amount:	$0
Sale O/R:	22537-1585
Sales Qualification Description:	Sales which are disqualified as a result of examination of the deed

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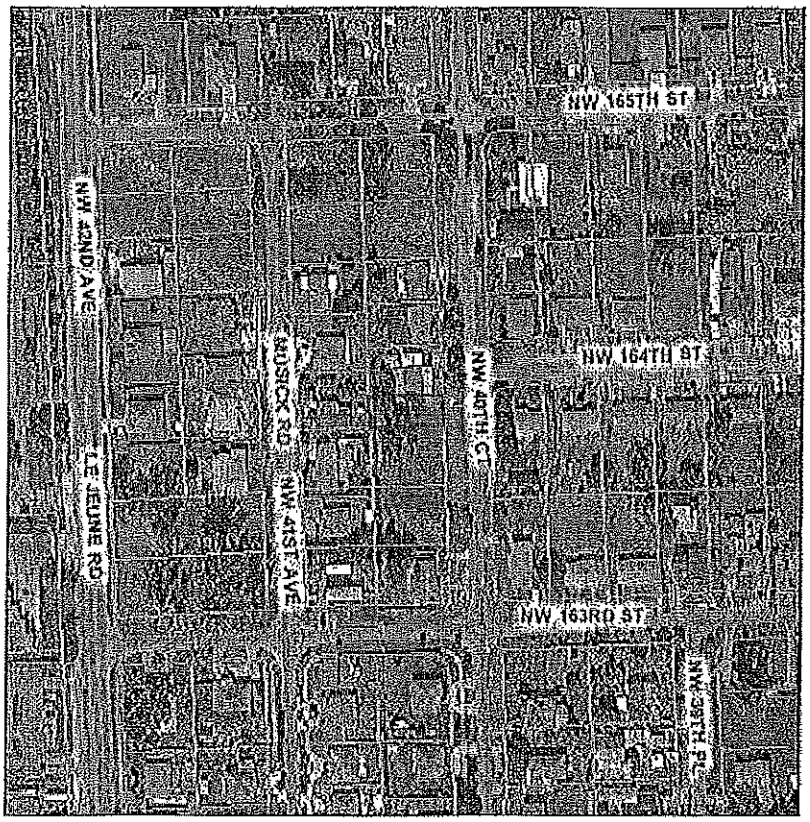

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Close

Summary Details:

Folio No.:	34-2117-005-0020
Property:	
Mailing Address:	MIAMI DADE COUNTY GSA 111 NW 1 ST # 2460 MIAMI FL 33128-

Property Information:

Primary Zone:	0100 SINGLE FAMILY RESIDENCE
CLUC:	0080 VACANT LAND GOVERNMENT
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	4,280 SQ FT
Year Built:	0
Legal Description:	VENETIAN GARDENS PB 17-37 LOT 26 BLK 9 LOT SIZE 40.000 X 107 93 A01310 0794 F/A/U 30 2117 005 0020 OR 26573 - 2199 09 2008 4

Assessment Information:

Year:	2011	2010
Land Value:	$7,518	$8,950
Building Value:	$0	$0
Market Value:	$7,518	$8,950
Assessed Value:	$7,518	$8,950

Taxable Value Information:

Year:	2011	2010
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	$7,518/$0	$8,950/$0
County:	$7,518/$0	$8,950/$0
City:	$7,518/$0	$8,950/$0
School Board:	$7,518/$0	$8,950/$0

Sale Information:

Sale Date:	5/2007
Sale Amount:	$0
Sale O/R:	25703-2413
Sales Qualification Description:	Sales which are disqualified as a result of examination of the deed
View Additional Sales	

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MIAMI-DADE

Property Information Map

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Summary Details:

Folio No.:	34-2117-004-4020
Property:	
Mailing Address:	MIAMI-DADE COUNTY GSA R/E MGMT 111 NW 1 ST STE 2460 MIAMI FL 33128-1929

Property Information:

Primary Zone:	0100 SINGLE FAMILY RESIDENCE
CLUC:	0080 VACANT LAND GOVERNMENT
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	6,420 SQ FT
Year Built:	0
Legal Description:	VENETIAN GARDENS REV PB 31-37 S60FT OF W1/2 TR 87 LOT SIZE 60.000 X 107 OR 19107-4009 0500 3 F/A/U 30-2117-004-4020 OR 00000-0000 1073 00

Assessment Information:

Year:	2011	2010
Land Value:	$11,814	$13,962
Building Value:	$0	$0
Market Value:	$11,814	$13,962
Assessed Value:	$11,814	$13,962

Taxable Value Information:

Year:	2011	2010
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	$11,814/$0	$13,962/$0
County:	$11,814/$0	$13,962/$0
City:	$11,814/$0	$13,962/$0
School Board:	$11,814/$0	$13,962/$0

Sale Information:

Sale Date:	10/1973
Sale Amount:	$2,100
Sale O/R:	00000-0000
Sales Qualification Description:	Sales which are qualified
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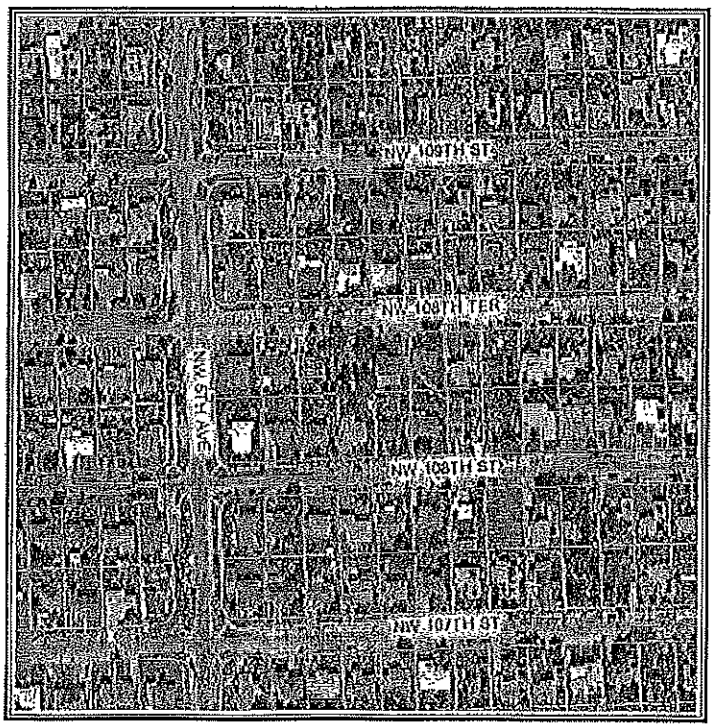

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0 —— 110 ft

Legend

- Property Boundary
- Selected Property
- Street
- Highway
- Miami-Dade County
- Water

N W E S

Summary Details:

Folio No.:	30-2136-017-0160
Property:	470 NW 108 TER
Mailing Address:	MIAMI DADE COUNTY GSA R/E MGMT 111 NW 1 ST #2460 MIAMI FL 33128-

Property Information:

Primary Zone:	0100 SINGLE FAMILY RESIDENCE
CLUC:	0080 VACANT LAND GOVERNMENT
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	6,000 SQ FT
Year Built:	0
Legal Description:	36 52 41 WEST MIAMI SHORES-SEC C PB 47-77 LOT 3 BLK 16 LOT SIZE 60.000 X 100 OR 20531-4365 06 2002 5 COC 26506-3178 07 2008 3

Assessment Information:

Year:	2011	2010
Land Value:	$20,448	$22,493
Building Value:	$0	$0
Market Value:	$20,448	$22,493
Assessed Value:	$20,448	$22,493

Taxable Value Information:

Year:	2011	2010
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	$20,448/$0	$22,493/$0
County:	$20,448/$0	$22,493/$0
School Board:	$20,448/$0	$22,493/$0

Sale Information:

Sale Date:	7/2008
Sale Amount:	$0
Sale O/R:	26506-3178
Sales Qualification Description:	Sales which are disqualified as a result of examination of the deed
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Additional Information:

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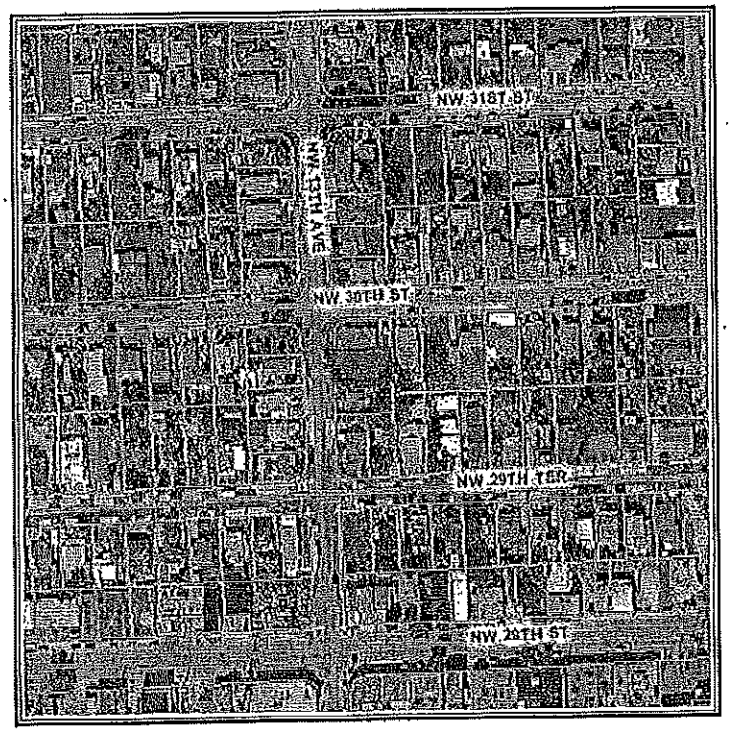

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0 — 109 ft

Legend

- Property Boundary
- Selected Property
- Street
- Highway
- Miami-Dade County
- Water

N W E S

Summary Details:

Folio No.:	01-3128-039-1490
Property:	2961 NW 13 AVE
Mailing Address:	MIAMI DADE COUNTY GSA R/E MGMT 111 NW 1 ST # 2460 MIAMI FL 33128-

Property Information:

Primary Zone:	5700 TWO FAMILY RESIDENCE
CLUC:	0080 VACANT LAND GOVERNMENT
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	4,950 SQ FT
Year Built:	0
Legal Description:	WESTEND PK AMD PL PB 6-142 LOT 17 BLK 7 LOT SIZE 50.000 X 99 COC 23336-1600 03 2006 3 OR 26706 - 3100 11 2008 3

Assessment Information:

Year:	2011	2010
Land Value:	$9,809	$17,927
Building Value:	$0	$0
Market Value:	$9,809	$17,927
Assessed Value:	$9,809	$17,927

Taxable Value Information:

Year:	2011	2010
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	$9,809/$0	$17,927/$0
County:	$9,809/$0	$17,927/$0
City:	$9,809/$0	$17,927/$0
School Board:	$9,809/$0	$17,927/$0

Additional Information:

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Community Redevelopment Area
Empowerment Zone
Enterprise Zone
Zoning Land Use
Urban Development Boundary
Zoning
Non-Ad Valorem Assessments
Environmental Considerations

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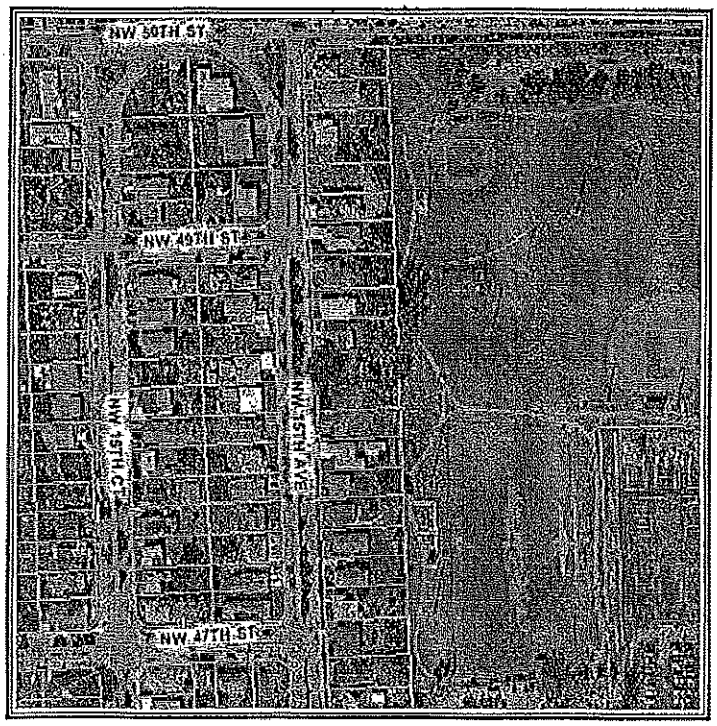

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Legend

Property Boundary

Selected Property

Street

Highway

Miami-Dade County

Water

N W E S

Summary Details:

Folio No.:	01-3123-015-1210
Property:	4821 NW 15 AVE
Mailing Address:	MIAMI-DADE COUNTY GSA R/E MGMT 111 NW 1 ST STE 2460 MIAMI FL 33128-1929

Property Information:

Primary Zone:	5700 TWO FAMILY RESIDENCE
CLUC:	0080 VACANT LAND GOVERNMENT
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	6,950 SQ FT
Year Built:	0
Legal Description:	N MIAMI EST SEC 3 PB 6-139 LOT 11 BLK 10 LOT SIZE 50.000 X 139 OR 20093-644 1201 3 OR 00000-0000 0191 01

Assessment Information:

Year:	2011	2010
Land Value:	$13,940	$13,940
Building Value:	$0	$0
Market Value:	$13,940	$13,940
Assessed Value:	$13,940	$13,940

Taxable Value Information:

Year:	2011	2010
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	$13,940/$0	$13,940/$0
County:	$13,940/$0	$13,940/$0
City:	$13,940/$0	$13,940/$0
School Board:	$13,940/$0	$13,940/$0

Sale Information:

Sale Date:	1/1991
Sale Amount:	$0
Sale O/R:	00000-0000
Sales Qualification Description:	Sales which are disqualified as a result of examination of the deed
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Property Appraiser Tax Estimator

Property Appraiser Tax Comparison

Summary Details:

Folio No.:	01-3122-062-0490
Property:	1534 NW 53 ST
Mailing Address:	MIAMI DADE COUNTY GSA - R/E MGMT 111 NW 1 ST STE 2460 MIAMI FL 33128-1929

Property Information:

Primary Zone:	5700 TWO FAMILY RESIDENCE
CLUC:	0080 VACANT LAND GOVERNMENT
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	10,000 SQ FT
Year Built:	0
Legal Description:	FLORAL PARK 1ST AMD PL PB 8-5 LOTS 4 & 5 BLK 3 LOT SIZE 100.000 X 100 COC 25609-1220 01 2007 3 OR 25609-1220 0107 01

Assessment Information:

Year:	2011	2010
Land Value:	$19,596	$24,708
Building Value:	$0	$0
Market Value:	$19,596	$24,708
Assessed Value:	$19,596	$24,708

Taxable Value Information:

Year:	2011	2010
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	$19,596/$0	$24,708/$0
County:	$19,596/$0	$24,708/$0
City:	$19,596/$0	$24,708/$0
School Board:	$19,596/$0	$24,708/$0

Sale Information:

Sale Date:	1/2007
Sale Amount:	$0
Sale O/R:	25609-1220
Sales Qualification Description:	Sales which are disqualified as a result of examination of the deed

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Additional Information:

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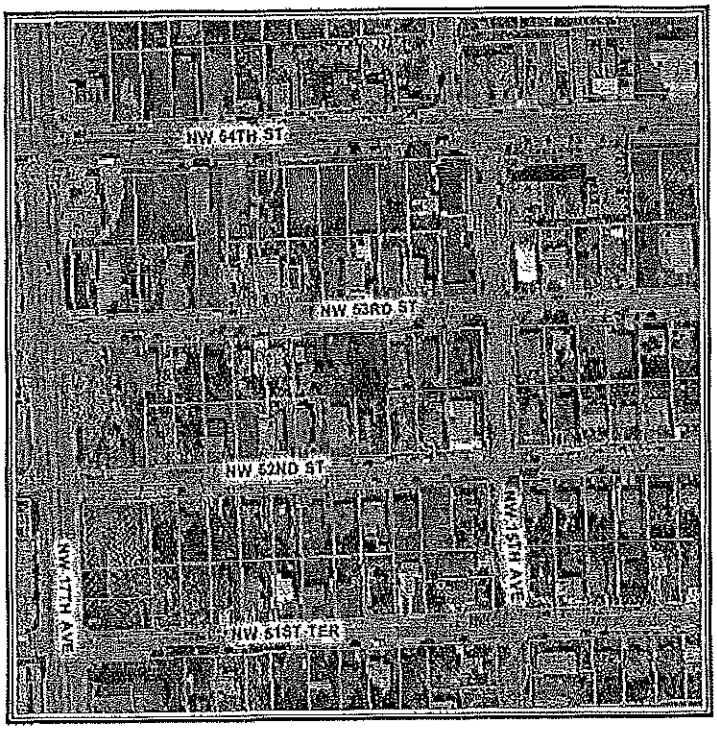
Community Development District



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2 lots

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MEMORANDUM Agenda Item No. 11(A)(5)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Resolution directing the Mayor to conduct a feasibility study on establishing a Countywide Program to provide funding for home rehabilitation projects for low-income, elderly, veteran, and disabled homeowners to be administered by Rebuilding Together Miami-Dade, Inc.; the study shall examine the feasibility of funding the program through community development Block Grant funds, Countywide General Revenue funds, or other eligible sources

The accompanying resolution was placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss and Co-Sponsor Vice Chairwoman Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

RECEIVED
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Item 11A5
Exhibit
Meeting

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(5)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(5)
10-2-12

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO CONDUCT A FEASIBILITY STUDY ON ESTABLISHING A COUNTYWIDE PROGRAM TO PROVIDE FUNDING FOR HOME REHABILITATION PROJECTS FOR LOW-INCOME, ELDERLY, VETERAN, AND DISABLED HOMEOWNERS TO BE ADMINISTERED BY REBUILDING TOGETHER MIAMI-DADE, INC.; THE STUDY SHALL EXAMINE THE FEASIBILITY OF FUNDING THE PROGRAM THROUGH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, COUNTYWIDE GENERAL REVENUE FUNDS, OR OTHER ELIGIBLE SOURCES

WHEREAS, Many low-income, elderly, veteran and disabled homeowners in Miami-Dade County need rehabilitation services to their homes; and

WHEREAS, such rehabilitation services are much needed and necessary as the housing stock ages and these low-income, elderly, veteran and disabled residents lack the financial resources to upgrade their homes to livable standards; and

WHEREAS, one agency that can help these residents is Rebuilding Together Miami-Dade, Inc.; and

WHEREAS, Rebuilding Together Miami-Dade, Inc. is a 501(c)(3) not-for-profit corporation which revitalizes neighborhoods by providing rehabilitation services free of charge to those in need, including low-income, elderly, veteran, and disabled homeowners; and

WHEREAS, Rebuilding Together Miami, founded in 1993 after Hurricane Andrew, is one of 200 affiliates of the national organization, Rebuilding Together, which is the nation's largest volunteer organization preserving and revitalizing low-income homes and communities in the United States; and

WHEREAS, Since its inception, Rebuilding Together Miami has refurbished 378 homes including 16 veteran's homes with an approximate 5.2 million dollars of market value work donated to the community; and

WHEREAS, in 2010 and 2011, with the support of Miami-Dade County, Rebuilding Together Miami completed twenty-eight (28) home rehabilitation projects in the Naranja area; and

WHEREAS, Rebuilding Together Miami could replicate the above successes and provide much needed home rehabilitation services to those homeowners who need it most; and

WHEREAS, there currently exist no program within the County services that would fund such a program,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the Mayor or the Mayor's designee to conduct a feasibility study on establishing a countywide program to provide funding for home rehabilitation projects for low-income, elderly, veteran, and disabled homeowners to be administered by Rebuilding Together Miami-Dade, Inc.; the study shall examine the feasibility of funding the program through Community Development Block Grant funds, Countywide General Revenue funds, or other eligible funding sources.

The Mayor or the Mayor's designee shall return to this Board within sixty (60) days with a report detailing the results of the feasibility study.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss and Co-Sponsor Vice Chairwoman Audrey M. Edmonson. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

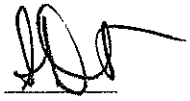
The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of October, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Shannon D. Summerset

MEMORANDUM Agenda Item No. 11(A)(7)

O: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Resolution directing the County Mayor to report on citizen participation in the development of the County's FY 2013-2017 Consolidated Plan

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

RECEIVED
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Item 11A7
Exhibit
Meeting

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(7)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(7)
10-2-12

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO REPORT ON CITIZEN PARTICIPATION IN THE DEVELOPMENT OF THE COUNTY'S FY 2013-2017 CONSOLIDATED PLAN

WHEREAS, every five years the County drafts, adopts and files with the United States Department of Housing and Urban Development ("HUD") a Consolidated Plan; and

WHEREAS, the Consolidated Plan details community development, economic development and affordable housing needs within the County and sets policies for investing federal Community Development Block Grant Program ("CDBG"), Neighborhood Stabilization Program ("NSP"), Home Investment Partnerships Program ("HOME"), and Emergency Solutions Grant Program ("ESG") funds as well as state State Housing Initiatives Partnership Program ("SHIP") and local Documentary Surtax ("Surtax") funds (hereinafter to be collectively referred to as "Community Development Funds"); and

WHEREAS, the Consolidated Plan includes a Citizen Participation Plan which details the minimum participation required of the residents of Miami-Dade County during the drafting and adoption of the Consolidated Plan; and

WHEREAS, the County Mayor or Mayor's designee engages the residents of Miami-Dade County during the process of drafting and developing the Consolidated Plan in an effort to obtain their views, needs, and feedback as to the Consolidated Plan; and

WHEREAS, the Board is in the process of reviewing the FY 2013-2017 Consolidated Plan and will file said plan timely with HUD in 2012,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor or Mayor's designee is directed to return within ninety (90) days with a report describing the efforts made by the Mayor or Mayor's designee to engage Miami-Dade County citizens in the Consolidated Plan process and the effects of that citizen participation, including (a) how the Mayor or Mayor's designee reached out to citizens of the County, including the languages and methods used; (b) the number of private or public meetings held and the location of those meetings; (c) community and other organizations contacted and what steps were taken to encourage their participation; (e) how written comments were solicited, received and responded to; and (f) how the comments, concerns and ideas provided by the County's citizens and community or other organizations were incorporated into the Consolidated Plan.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of October, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Brenda Kuhns Neuman

MEMORANDUM

Agenda Item No. 11(A)(17)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing the County Mayor to work with Florida International University and the Dr. Antonio Jorge Social Economic Development Council to develop a plan to conduct a comprehensive economic study in FY 2013-2014 to help the County create focused strategies to spread economic value and to increase job growth

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

RECEIVED
By the Clerk for the record.

OCT 0 2 2012

Item 11A17
Exhibit
Meeting

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(17)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(17)
10-2-12

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO WORK WITH FLORIDA INTERNATIONAL UNIVERSITY AND THE DR. ANTONIO JORGE SOCIAL ECONOMIC DEVELOPMENT COUNCIL TO DEVELOP A PLAN TO CONDUCT A COMPREHENSIVE ECONOMIC STUDY IN FY 2013-2014 TO HELP THE COUNTY CREATE FOCUSED STRATEGIES TO SPREAD ECONOMIC VALUE AND TO INCREASE JOB GROWTH AND TO BRING THAT PLAN BEFORE THE BOARD OF COUNTY COMMISSIONERS WITHIN THIRTY (30) DAYS OF THE ADOPTION OF THIS ITEM

WHEREAS, according to Florida International University ("FIU"), the economy of Miami-Dade County is larger than numerous states and many Latin American countries; and

WHEREAS, no comprehensive, technically oriented, quantitative study relying on economic and statistical techniques has previously been conducted to directly improve economic performance in Miami-Dade County; and

WHEREAS, the FIU Department of Economics proposes to undertake a comprehensive, technically oriented, quantitative study to identify which activities have the largest impact in generating production, income and employment in Miami-Dade County ("the Study"); and

WHEREAS, FIU estimates the Study will cost approximately $100,000 to conduct in 2013-2014; and

WHEREAS, the Study's results will provide Miami-Dade County's government with the opportunity to better develop focused strategies to spread economic value and create job growth; and

WHEREAS, duties of the Dr. Antonio Jorge Social Economic Development Council ("SEDC") , an advisory board to the Board of County Commissioners, include actively participating in and coordinating efforts for the conceptualization, formulation and implementation of a long-run strategy for the acceleration of the social and economic development of Miami-Dade County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Mayor or Mayor's designee shall work with FIU and the SEDC to develop a plan to conduct the Study in FY 2013-2014 and shall bring that plan before the Board of County Commissioners within thirty (30) days of the adoption of this item.

The Prime Sponsor of the foregoing resolution is Chairman Joe A. Martinez. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of October, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Estephanie Resnik

MEMORANDUM

Agenda Item No. 11(A)(21)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the U.S. Congress to reinstate the federal assault weapons ban; urging the Florida Legislature to impose a state assault weapons ban; and alternatively urging the Florida Legislature to lift the preemption on local governments' regulating assault weapons in Florida and allow local governments to impose an assault weapons ban

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

RECEIVED
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OCT 0 2 2012

Item 11A21
Exhibit
Meeting

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(21)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

__✓__ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(21)
10-2-12

RESOLUTION NO. _____

RESOLUTION URGING THE U.S. CONGRESS TO REINSTATE THE FEDERAL ASSAULT WEAPONS BAN; URGING THE FLORIDA LEGISLATURE TO IMPOSE A STATE ASSAULT WEAPONS BAN; AND ALTERNATIVELY URGING THE FLORIDA LEGISLATURE TO LIFT THE PREEMPTION ON LOCAL GOVERNMENTS' REGULATING ASSAULT WEAPONS IN FLORIDA AND ALLOW LOCAL GOVERNMENTS TO IMPOSE AN ASSAULT WEAPONS BAN

WHEREAS, in what has been described as the worst mass shooting in U.S. history, in July, 2012, a gunman opened fire in a crowded move theatre in Aurora, Colorado with an AR-15 assault rifle with a 100-round magazine, killing 12 people and injuring another 59 people; and

WHEREAS, in January, 2009, a gunman opened fire on a crowd of about 50 people who had gathered at the corner of NW 71st Street and 15th Avenue in Miami, killing two people and wounding nine others; and

WHEREAS, witnesses described the firearm used as large assault weapon, like an AK-47; and

WHEREAS, on September 13, 2007 four Miami-Dade Police Officers were shot, and one officer, Officer Jose Somohano, was killed with an assault weapon, all arising out of a traffic stop in south Miami-Dade County; and

WHEREAS, these incidents exemplify the dangers of assault weapons, such as UZIs, AK-47s and AR-15s, that are designed for military purposes and have no legitimate use for hunting and other civilian uses; and

WHEREAS, assault weapons are designed to enhance their capacity to shoot multiple targets very rapidly at long range, with a range of up to 100 yards and magazines that commonly enable the shooter to continuously fire dozens of rounds without reloading; and

WHEREAS, the firepower of assault weapons makes them especially desirable to violent criminals and particularly lethal in their hands; and

WHEREAS, according to the Bureau of Alcohol Tobacco and Firearms ("ATF") assault weapons are preferred by criminals over law abiding citizens eight to one such that access to them shifts the balance of power to the lawless; and

WHEREAS, the International Association of Chiefs of Police recently urged Congress to impose an effective assault weapons ban; and

WHEREAS, law enforcement has been united in support of banning these assault weapons as they are of particular danger and concern to law enforcement personnel; and

WHEREAS, limiting civilian access to such weapons lessens the need for law enforcement to carry assault weapons themselves in order to match the firepower capability that criminals with assault weapons would have; and

WHEREAS, semiautomatic assault weapons were banned for a period of ten (10) years beginning in 1994 under the Federal Assault Weapons Act; and

WHEREAS, various studies indicated that the Federal Assault Weapons Act significantly reduced the incidence of assault weapons in the use of crime; and

WHEREAS, the assault weapons ban expired in 2004 and has not been renewed; and

WHEREAS, since the expiration of the assault weapons ban in 2004, there has been an escalation in the presence of assault weapons on our streets as the weapons of choice for gang members, drug dealers and other dangerous criminals; and

WHEREAS, the states of California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey and New York all have passed laws banning assault weapons; and

WHEREAS, this Board finds it in the best interest of the public safety of this community to reinstate the ban on assault weapons,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the U.S. Congress to reinstate the federal assault weapons ban.

Section 2. Urges the Florida Legislature to impose a state ban on assault weapons.

Section 3. Alternatively urges the Florida Legislature to lift the preemption presently in place and allow local governments to impose an assault weapons ban.

Section 4. Directs the Clerk of the Board to send a certified copy of this resolution to the Miami-Dade County Congressional Delegation, the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 5. Directs the County's federal and state lobbyists to lobby for passage of legislation that reinstates and/or imposes an assault weapons ban, or alternatively, allows local governments to impose an assault weapons ban, and authorizes and directs the Office of Intergovernmental Affairs to include these issues in the 2013 Federal and State Legislative Packages when they are presented to the Board for approval.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of October, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty

MEMORANDUM

Agenda Item No.11(A)(25)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing the Mayor to take all necessary actions to implement the 401(a) plan recommended in his July 3, 2012 Report

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

RECEIVED
By the Clerk for the record.

OCT 0 2 2012

Item 11A25
Exhibit
Meeting

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(25)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(25)
10-2-12

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR TO TAKE ALL NECESSARY ACTIONS TO IMPLEMENT THE 401(a) PLAN RECOMMENDED IN HIS JULY 3, 2012, REPORT INCLUDING ISSUING A SOLICITATION FOR A COMPETITIVE SELECTION PROCESS WITHIN 60 DAYS TO PROVIDE COUNTY EMPLOYEES WITH THE OPPORTUNITY TO PARTICIPATE IN A 401(a) PLAN FOR TERMINAL LEAVE PAYOUTS

WHEREAS, County employees that separate from County service receive a payout of accrued sick and annual leave as a lump sum which may create significant federal tax liability for employees in the year they separate from County service; and

WHEREAS, it appears that there are companies that provide plans for the payout of accrued sick and annual leave that convert accumulated leave to either a tax qualified retirement plan or a post retirement medical trust that will benefit separating employees by deferring taxes or receiving the funds tax free in the case of the medical trust; which will benefit separating employees at no extra cost to the County; and

WHEREAS, in light of the significant wage concessions made by County employees over the last few years, it is in the best interest of the County to mitigate such economic hardship on employees especially if it comes at no additional cost to the County; and

WHEREAS, on March 6, 2012, this Board adopted Resolution R-250-12 directing the Mayor to evaluate options for plans that minimize federal tax liability of separating County employees as a result of terminal leave payouts; and

WHEREAS, on July 3, 2012, in response to the R-250-12, the Mayor issued a report that included the recommendation from the County's consultant, Gallagher Benefits Services, Inc., that the best type of plan for terminal leave payouts was a Medical Trust Plan and 401(a) plan,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Mayor is hereby directed to take all necessary actions to implement the Medical Trust Plan and 401(a) plan recommended in his July 3, 2012, report including issuing a solicitation for a competitive selection process within 60 days to provide County employees with the opportunity to participate in a Medical Trust Plan and 401(a) plan for terminal leave payouts.

The Prime Sponsor of the foregoing resolution is Chairman Joe A. Martinez. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of October, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Eric A. Rodriguez

Date: **October 2, 2012**

11B1
122018

To: Christopher Agrippa, Division Chief
Clerk of the Board

Barbara J. Jordan

From: **Barbara J. Jordan**
Commissioner, District 1

Subject: District One Office allocations presented at the October 2, 2012 Board of County Commission Meeting

---

I would like to allocate funding to the following organization:

Office Budget Funds

Organization Name	Allocation Amount
Miami Gardens Commission for Women *(in support of the First Annual Breast Awareness Campaign)*	$500.00
Greater Miami Service Corps *(In support of the 3rd Annual Golf Classic & Awards)*	$800.00

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OCT 0 2 2012
Item 11B1
Exhibit
Meeting

11B2
122019

MEMORANDUM

BOARD OF COUNTY COMMISSIONERS
VICE CHAIRWOMAN AUDREY M. EDMONSON
DISTRICT 3

Date: October 2, 2012

To: Christopher Agrippa
Clerk of the Board

From: Audrey M. Edmonson
Commissioner – District 3

Subject: Allocations – District 3

The following allocations are to be made from District 3's Office Budget:

Miami Northwestern Alumni Association	$1,500
Boringuen Medical Center of Miami-Dade Re: Borinquen's 40th Anniversary Gala	$1,250
Citizens' Crime Watch of Miami-Dade County, Inc. Re: 37th Annual Awards Ceremony	$1,000
St. John Community Development Corporation Re: 13th Annual Things are Cooking in Overtown Gala	$1,000

c: Vivian Gonzalez-Cao, Business Analyst
Office of Management & Budget

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OCT 0 2 2012
Item 11B2
Exhibit
Meeting

Date: **October 2, 2012**

11B3
122020

To: Christopher Agrippa
Division Chief
Clerk of the Board

From: **Sally A. Heyman**
Commissioner, District 4

Subject: Community-based Organization allocations presented at the October 2, 2012 Board of County Commission Meeting

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I would like to make the following allocations to the organizations below from the **District 4 Office Account**.

Organization Name	Allocation Amount
American Cancer Society (Relay for Life: SIB/Golden Beach/ Aventura	$100
Amaranthine, Inc.	$1,000

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OCT 0 2 2012

Item 11B3
Exhibit
Meeting

11B4
122021

MEMORANDUM

OFFICE OF COMMISSIONER LYNDA BELL

MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS, DISTRICT 8

Downtown Office
111 NW 1st Street, Suite 220
Miami, FL 33128
Ph: (305) 375-5218 Fax (305) 372-6073

District Office
14707 S. Dixie Hwy., Suite 101
Palmetto Bay, FL 33176
Ph: (305) 378-6677 Fax (305) 253-7495

Date: **October 2, 2012**

To: **Christopher Agrippa,** Division Chief
Clerk of the Board

From: **Lynda Bell, Commissioner** Lynda Bell
Miami-Dade County Board of County Commissioners, District 8

Re: Allocation from District 8 Office Budget to South Dade Garden Club

I would like to make an allocation from my District 8 office budget in the amount of $5,000.00 to South Dade Garden Club for their upcoming events and support at the the Fruit & Spice Park that help stimulate knowledge and love of gardening in all its phases.

If you have any questions, please contact my Chief of Staff, Eddie Borrego, at (305)375-5218.

Thank you for your assistance,

LB/jp

C: Jennifer Moon, OSBM Director
Charles Anderson, Commission Auditor
Robert A. Cuevas, County Attorney
Vivian Gonzalez-Cao, OSBM, Business Analyst
Miriam Rivero, Support Staff Office Manager

RECEIVED
By the Clerk for the record

OCT 0 2 2012

Item 11B4
Exhibit
Meeting

MEMORANDUM

OFFICE OF COMMISSIONER LYNDA BELL

MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS, DISTRICT 8

Downtown Office
111 NW 1st Street, Suite 220
Miami, FL 33128
Ph: (305) 375-5218 Fax (305) 372-6073

District Office
14707 S. Dixie Hwy., Suite 101
Palmetto Bay, FL 33176
Ph: (305) 378-6677 Fax (305) 253-7495

Date: **October 2, 2012**

To: **Christopher Agrippa,** Division Chief
Clerk of the Board

From: **Lynda Bell, Commissioner** Lynda Bell
Miami-Dade County Board of County Commissioners, District 8

Re: Allocation from District 8 Office Budget to THIS IS FOR THE KIDS, INC.

I would like to make an allocation from my District 8 office budget in the amount of $500.00 to THIS IS FOR THE KIDS, INC. for their Homestead Rock'n Rib Fest that will help raise money to local charity organizations that focus on children.

If you have any questions, please contact my Chief of Staff, Eddie Borrego, at (305)375-5218.

Thank you for your assistance,

LB/jp

C: Jennifer Moon, OSBM Director
Charles Anderson, Commission Auditor
Robert A. Cuevas, County Attorney
Vivian Gonzalez-Cao, OSBM, Business Analyst
Miriam Rivero, Support Staff Office Manager

RECEIVED
By the Clerk for the record,

OCT 0 2 2012
Item 11B4
Exhibit
Meeting

11B5
122022

Memorandum

Commissioner Dennis C. Moss
District9
Stephen P. Clark Center • 111 NW 1st Street, Suite 320 • Miami, Florida • 33128
Telephone: 305.375.4832• Facsimile: 305.372.6011 • E-mail: District9@miamidade.gov

Date: October 2, 2012

To: Christoppher Agrippa, Clerk of the Board
Cc: Vivian Gonzalez-Cao, Budget Analyst

From Dennis C. Moss, County Commissioner, District 9
Miami-Dade Board of County Commissioners

Dennis C. Moss

Subject **Allocation - October 02, 2012**

I would like to make the following allocations from my District 9 Office Budget.

1	**$500.00**	South Dade Soil & Water Conservation District to support the "Pride In Gardening" for low- income areas and poor performing schools program
2	**$500.00**	South Kendall Optimist Club Inc. to support the youth of South Dade with a positive leadership sports Program
3	**$2,500.00**	"The Caribbean Artistic & Cultural Events for our Community,Inc. to support their 15th Anniversary Celebration "La Florida, an Island of Discovery"
4	**$1,000.00**	American Cancer Society's "Making Strides Against Breast Cancer"

$4,500.00

CLERK OF THE BOARD
2012 OCT -2 PM 2:06
MIAMI-DADE COUNTY, FLA.

RECEIVED
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OCT 0 2 2012
Item 11B5
Exhibit
Meeting

MEMORANDUM

Agenda Item No. 14(A)(4)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution awarding, approving and authorizing the execution by the County Mayor of a contract in the amount of $5,496,584, funded by Building Better Communities GOB Funds, between Miami-Dade County and Lemartec Engineering and Construction Corporation for construction of the Tropical Park Equestrian Complex

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

RECEIVED
By the Clerk for the record.

OCT 0 2 2012

Item 14A4
Exhibit
Meeting

Memorandum MIAMI-DADE COUNTY

Date: October 2, 2012

To: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

From: Lisa Martinez
Senior Advisor
Office of the Mayor

Subject: Contract Award Recommendation for Tropical Park – Equestrian Complex - Project No: 402202-05-005 GOB ESP; Contract No: 402202-05-005 GOB ESP, to **Lemartec Engineering & Construction Corporation.**

Recommendation

It is recommended that the Board of County Commissioners ("Board") award the construction contract for Project No. 402202-05-005 GOB ESP to **Lemartec Engineering and Construction Corporation** (Lemartec) in the amount of $5,496,584 for the construction of the Tropical Park Equestrian Complex, including Alternates 1, 2 and 3. This revises my prior recommendation of August 6, 2012 to reject all bids, following consideration of the findings and recommendation of the Special Hearing Examiner and further negotiations with Lemartec. The findings and recommendation of the Special Hearing Examiner was made pursuant to Section 2-8.4 of the Code of Miami-Dade County, and Implementing Order 3-21, the bid protest procedures.

Delegation of Authority - The authority of the County Mayor's designee to execute and implement this contract is consistent with those authorities granted under the Code of Miami-Dade County. Additional delegation of authorities requested for this contract are as follows:

There is no additional delegated authority in relation to this project.

2012 SEP 25 PM 1:13
CLERK OF THE BOARD

Scope

PROJECT NAME: Tropical Park – Equestrian Complex

PROJECT NO: 402202-05-005 GOB ESP

CONTRACT NO: 402202-05-005 GOB ESP

PROJECT DESCRIPTION: The awarded scope consists of new covered practice ring(s), parking lot improvement and other related site and existing stable improvements. The Base Bid includes the new covered practice ring with a pre-engineered structure, fire sprinkler system, fence, clay, irrigation, lighting and sound system; a new uncovered warm up ring with fence, clay, irrigation and lighting; site grading and drainage; landscaping; and parking lot striping.

Alternate One (1) includes a second new covered ring with a pre-engineered structure and covered connecting walkways between the new ring and the existing stable D; Alternate Two (2) consists of a new covered connecting walkway between the existing ring and the covered connection between stables C and D; and Alternate Three (3) includes three (3) connecting covered walkways between stables.

PROJECT LOCATION: 7900 SW 40th St., Miami, Florida 33156

PROJECT SITES:

SITE #	LOCATION 1	DIST	ESTIMATE	T-S-R
#70765	7900 SW 40TH ST 33155	10	$ 5,950,577.14	54-22-40

PRIMARY COMMISSION DISTRICT: District 10 Sen. Javier D. Souto

APPROVAL PATH: BCC

USING DEPARTMENT: Parks, Recreation and Open Spaces

MANAGING DEPARTMENT: Parks, Recreation and Open Spaces

Fiscal Impact / Funding Source

FUNDING SOURCES:

SOURCE	PROJECT NO.	SITE #	AMOUNT
GOB Series 2011A	937040	#70765	$ 380,693.14
GOB Series Future Financing FY12-13	937040	#70765	$ 2,765,313.01
GOB Series Future Financing FY13-14	937040	#70765	$ 2,804,570.99
		Total Funding:	$ 5,950,577.14

OPERATIONS COST IMPACT / FUNDING: $15,000 Total Operations Cost Impact from General Fund.

MAINTENANCE COST IMPACT / FUNDING: $5,000 Total Maintenance Cost Impact from General Fund.

LIFE EXPECTANCY OF ASSET: 6 assets with a life expectancy ranging from 25 years to 40 years.

PTP FUNDING: No

GOB FUNDING: Yes

ARRA FUNDING: No

CAPITAL BUDGET PROJECTS:	CAPITAL BUDGET PROJECT # - DESCRIPTION	AWARD ESTIMATE
	937040- TROPICAL PARK - BUILDING BETTER COMMUNITIES BOND PROGRAM Book Page: 177 Funding Year: Proposed Capital Budget Book for FY 12-13, Prior Years' Funds through FY 12-13. (Attachment 1)	$ 5,950,577.14
	CAPITAL BUDGET PROJECTS TOTAL:	$ 5,950,577.14

GOB PROJECT:	GOB PROJECT # - DESCRIPTION	AWARD ESTIMATE
	38 – Tropical Park	$ 5,950,577.14

BID PACKAGES ISSUED:	26	
BIDS RECEIVED:	13	
CONTRACT PERIOD:	300 Days.	Excludes Warranty Administration Period
CONTINGENCY PERIOD:	30 Days.	
IG FEE INCLUDED IN BASE CONTRACT:	Yes	
ART IN PUBLIC PLACES:	Yes	
BASE ESTIMATE:	$4,668,399.17	Consultant's estimate excluding Alternates One (1), Two (2), and Three (3).
BASE CONTRACT AMOUNT:	$5,496,584.00	Sum of the Base Bid ($3,033,900.00) plus Alternate One (1) "Arena and Covered Walkway" ($2,081,795.00), Alternate Two (2) "Covered Walkways Between Ring and Stables ($227,404.00), and Alternate Three (3) "Covered Walkways Between Existing Stables" ($153,485.00), submitted by Lemartec Engineering & Construction Corp.

CONTINGENCY ALLOWANCE (SECTION 2-8.1 MIAMI DADE COUNTY CODE):	TYPE	PERCENT	AMOUNT	COMMENT
	New Construction	5%	$274,829.20	

PERMIT FEES :	$41,224.38	0.75%	of Base Contract Amount
DEDICATED ALLOWANCE (SITE CONDITIONS & UTILITIES):	$50,000.00		
SUB-TOTAL ESTIMATE:	$5,862,637.58		
ART IN PUBLIC PLACES:	$ 87,939.56	1.5%	of Base, Contingency, and Dedicated Allowance
TOTAL AMOUNT:	$ 5,950,577.14		

Track Record / Monitor

SBD HISTORY OF VIOLATIONS: None

EXPLANATION: On March 21, 2012, the County, through its Parks, Recreation and Open Spaces (PROS) Department, issued an invitation to bid on Project No. 402202-05-005 GOB ESP for the expansion of the Tropical Park Equestrian Complex. The scope of work, including alternates, included the construction of two, additional equestrian show rings to be covered by a pre-engineered steel building and covered walkways linking the new rings to the one existing ring and to the existing horse stalls. Bids were opened on May 17, 2012 with Lemartec as the apparent low bidder with a bid of $5,496,584, inclusive of Alternates One (1), Two (2), and Three (3). PROS began its due diligence review of Lemartec and was moving forward to recommend awarding to Lemartec. However, on June 19, 2012, PROS received correspondence from counsel representing four other bidders raising objections and claiming that PROS had specified the use of a sole source in its bid documents for the pre-engineered steel roof structure. PROS consulted with the County Attorney's Office and confirmed that applicable law (Section 255.04, Florida Statutes) sets forth certain findings and justifications that need to be made by the Board in order to specify a sole source system. PROS ultimately concluded that the bid documents did not specify a sole source system and that more than one manufacturer could provide the pre-engineered steel roof structure. In fact, several of the bids received specified competing systems. The bids received were significantly (36%) below the County estimate. However, PROS recognized that multiple bidders had raised questions and concerns both before and after bids were due that the bid documents appeared to bidders to create a sole source specification.

During this same time, PROS became aware of the possibility of hosting an international horse show at the Tropical Park Equestrian Center in the fall of 2013. This event would be an economic development catalyst for the Equestrian Center and the County as a whole and PROS had great interest in completing the new addition in time for the event. Under the bid documents, PROS determined that the project, with all components, would not be completed in time for the 2013 international horse show. Because of the need to accelerate completion of the project in light of the unique opportunity to host the international horse show and to address any concerns that were raised by the complaining bidders in response to the specifications in the bid documents, it was recommended on

August 6, 2012 that all bids be rejected and the project be re-advertised as soon as possible with modifications to the bid documents (Attachment 5). The recommendation was filed with the Clerk on August 17, 2012 and the project was re-advertised on August 24, 2012, in a newspaper of general circulation.

On August 22, 2012, Lemartec protested the County's recommendation to reject all bids and asked that the contract be awarded to it because the County had received 13 bids, the lows bids were within percentage points of each other and more than 30% below the County's estimate, and the County had therefore received extremely competitive prices. The protest hearing was held on September 11, 2012. At the hearing, the County argued, presented evidence, and provided case law in support of its argument that the County was well within its discretion to reject all bids to clarify its specifications, to ensure the best prices and to seek bids so as to provide for an expedited construction schedule. Although the hearing was publicly noticed and the attorney for the four bidders that raised concerns was informed of the hearing, none of the contractors other than Lemartec attended or presented arguments or evidence in support of their position. The Special Hearing Examiner disagreed with the recommendation to reject all bids, determining that any potential ambiguity which might have been perceived was clarified in Addendum #2, and recommended that the County award the contract to Lemartec. The Special Hearing Examiner's findings and recommendations are attached (Attachment 2).

Following the Hearing Examiner's recommendation, at a "duly-noticed public meeting" on September 20, 2012, Lemartec offered to reduce the contract time, from the original 410 calendar days to 300 calendar days, effectively accelerating the completion of the work to allow for the completion of the project by September 30, 2013 in time for the international horse event, at no additional cost to the County.

Therefore, it is recommended that Project No. 402202-05-005GOB, Tropical Park Equestrian Complex be awarded to Lemartec Engineering and Construction Corporation for the Base Bid scope and Alternates 1, 2 and 3 in the amount of $5,496,584 with the project to be completed no later than September 30, 2013.

BID OPEN DATE: 05/17/2012

BID BOND EXPIRES: 11/13/2012

BID VALID UNTIL: 11/13/2012

ESTIMATED NOTICE TO PROCEED: 11/10/2012

PRIME CONTRACTOR: Lemartec Engineering & Construction Corp.

COMPANY PRINCIPAL: Manuel R. Garcia-Tunon, President

COMPANY QUALIFIERS:	Jose Jesus Garcia-Tunon
COMPANY EMAIL ADDRESS:	mgtunon@lemartec.com
COMPANY STREET ADDRESS:	11740 SW 80 St., 3rd Floor
COMPANY CITY-STATE-ZIP:	MIAMI FL 33183
YEARS IN BUSINESS:	17
PREVIOUS CONTRACTS WITH COUNTY IN THE LAST FIVE YEARS:	According to the Firm History Report as provided by the Regulatory and Economic Resources Department, there have been no awards for Lemartec Engineering & Construction Corp. in the last five years.
SUB CONTRACTORS AND SUPPLIERS (SECTION 10-34 MIAMI DADE COUNTY CODE):	A&A Fonte, Inc., Ruiz Electric Corporation, VP Buildings, Inc.
MINIMUM QUALIFICATIONS EXCEED LEGAL REQUIREMENTS:	No
STANDARD PAYMENT AND PERFORMANCE BOND:	Yes

REVIEW COMMITTEE: **MEETING DATE:** 6/22/2011 **SIGNOFF DATE:** 7/11/2011

APPLICABLE WAGES: (RESOLUTION No. R-54-10) Yes

REVIEW COMMITTEE ASSIGNED CONTRACT MEASURES:

TYPE	GOAL	ESTIMATED VALUE	COMMENT
CSBE	20.73%	$1,139,441.86	Applicable (Attachment 3)
CBE	0.00%		Not Applicable
DBE	0.00%		Not Applicable
CWP	0.00%		Not Applicable

MANDATORY CLEARING HOUSE: Yes

CONTRACT MANAGER NAME / PHONE / EMAIL: John Gutierrez 305-755-7830 jgx@miamidade.gov

PROJECT MANAGER NAME / PHONE / EMAIL: Adelfa Martinez (305) 755-7815 adelfam@miamidade.gov

Background

BACKGROUND: This project is for the construction of the Equestrian Complex which includes: striping of existing parking lot and re-striping accessible parking spaces, replacing existing uncovered warm up ring with new uncovered warm up ring to include; fence, clay, irrigation, and lighting. New covered practice ring to include, pre-engineered structure, fire sprinkler system, fence, clay, irrigation, lighting, outlets and hose bibs, a sound system, site grading and drainage, and landscaping in compliance with the General Plan, which will enhance the site.

BUDGET APPROVAL
FUNDS AVAILABLE: _____ 9/25/12
OMB DIRECTOR **DATE**

GN 9/26 _____ 9/26/12
SENIOR ADVISOR, OFFICE OF THE MAYOR **DATE**

CLERK DATE: 9-26-2012
DATE

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 14(A)(4)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(4)
10-2-12

RESOLUTION NO. _____

RESOLUTION AWARDING, APPROVING AND AUTHORIZING THE EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF A CONTRACT IN THE AMOUNT OF $5,496,584, FUNDED BY BUILDING BETTER COMMUNITIES GOB FUNDS, BETWEEN MIAMI-DADE COUNTY AND LEMARTEC ENGINEERING AND CONSTRUCTION CORPORATION FOR CONSTRUCTION OF THE TROPICAL PARK EQUESTRIAN COMPLEX; INCLUDING ALTERNATES 1, 2 AND 3; PROJECT NO. 402202-05-005 GOB ESP; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY TERMINATION AND RENEWAL PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by this reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board;

Section 1. Awards and approves the Contract between Miami-Dade County and Lemartec Engineering and Construction Corporation in the amount of $5,496,584 for the construction of the Tropical Park Equestrian Complex including Alternates 1, 2 and 3 – Project No. 402202-05-005 GOB ESP, in substantially the form attached hereto and made part hereof.

Section 2. Authorizes the County Mayor or Mayor's designee to execute the Contract after review and approval by the County Attorney's Office; and to exercise any cancellation and renewal provisions therein.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of October, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Monica Rizo

Tropical Park - Equestrian Complex

AWARD RECOMMENDATION
LISTING OF ATTACHMENTS

Attachment 1:

- Funding Distribution Spreadsheet by Parks Financial Management Division
- Capital Budget Book Page 177

Attachment 2:

- Hearing Examiner Recommendation

Attachment 3:

- Small Business Development Project Worksheet
- Bid Tabulation

Attachment 4:

- Bid Form (Lemartec - Prospective Low Bidder)
- FL Dept of State – Division of Corporations Information on Carivon

Attachment 5:

- Vendor Due Diligence Investigation Summary
- Copy of Approved Request to Advertise
- Copy of Approved Request to Reject All Bids and Re-Advertise
- Small Business Development Compliance Review
- Collusion Affidavit

ATTACHMENT 1

TROPICAL PARK
EQUESTRIAN COMPLEX PHASE 2
PROJECT NUMBER
402202-05-005
GOB, SITE: 38-70765
AWARDED TO
LEMARTEC ENGINEERING CONSTRUCTION CORP.

CONTRACT AWARD BREAKDOWN	TOTAL DISTRIBUTION	GOB 10-11 SERIES "F" SITE: 38-70765 INDEX CODE CPF038PR0765 $ AMOUNT	WO#	GOB 12-13 SERIES "G" SITE: 38-70765 INDEX CODE TBD $ AMOUNT	WO#	GOB 13-14 SERIES "H" SITE: 38-70765 INDEX CODE TBD $ AMOUNT	WO#
ORIGINAL BASE CONTRACT:	$5,496,584.00	$ 245,300.00	86224	$ 2,494,333.64	86239	$ 2,756,950.36	96541
CONTINGENCY	$274,829.20	$ 60,590.66	86226	$ 172,829.30	86243	$ 41,409.24	98309
PERMIT FEES	$41,224.38	$ -		$ 35,012.99	86242	$ 6,211.39	98308
DEDICATED ALLOWANCE	$50,000.00	$ -		$ 50,000.00	86244	$ -	
CONTRACT TOTAL	$5,862,637.58	$305,890.66		$2,752,175.93		$2,804,570.99	
ART IN PUBLIC PLACES:	$87,939.56	$ 74,802.48	86225	$ 13,137.08	98304	$ -	
GRAND TOTAL	$5,950,577.14	$380,693.14		$2,765,313.01		$2,804,570.99	

Michael W. Ruiz 2012/09/25
Michael W. Ruiz Date
Chief, Budget Financial Management Division

9/25/2012, 4:27 PM

TREE ISLANDS PARK - BUILDING BETTER COMMUNITIES BOND PROGRAM PROJECT # 9310729

DESCRIPTION: Construct areawide park development to include environmental mitigation, recreation center building, walkways, vehicle circulation, landscaping, and picnic area

LOCATION: SW 24 St and SW 142 Ave
Unincorporated Miami-Dade County

DISTRICT LOCATED: 11
DISTRICT(s) SERVED: Countywide

ESTIMATED ANNUAL OPERATING IMPACT: $433

REVENUE SCHEDULE:	PRIOR	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	FUTURE	TOTAL
BBC GOB Series 2005A	61	0	0	0	0	0	0	0	61
BBC GOB Series 2008B	87	0	0	0	0	0	0	0	87
BBC GOB Series 2008B-1	419	0	0	0	0	0	0	0	419
BBC GOB Series 2011A	17	0	0	0	0	0	0	0	17
BBC GOB Future Financing	0	0	0	0	0	0	146	4,270	4,416
TOTAL REVENUE:	584	0	0	0	0	0	146	4,270	5,000

EXPENDITURE SCHEDULE:	PRIOR	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	FUTURE	TOTAL
Planning and Design	458	0	0	0	0	0	40	0	498
Construction	0	0	0	0	0	0	40	4,270	4,310
Project Administration	126	0	0	0	0	0	66	0	192
TOTAL EXPENDITURES:	584	0	0	0	0	0	146	4,270	5,000

TROPICAL PARK - BUILDING BETTER COMMUNITIES BOND PROGRAM PROJECT # 937040

DESCRIPTION: Construct areawide park improvements including equestrian and boxing center expansion, stadium upgrades, dog park, vehicle and pedestrian circulation improvements, landscaping, and utilities upgrades

LOCATION: 7900 SW 40 St
Unincorporated Miami-Dade County

DISTRICT LOCATED: 10
DISTRICT(s) SERVED: Countywide

ESTIMATED ANNUAL OPERATING IMPACT: $125

REVENUE SCHEDULE:	PRIOR	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	FUTURE	TOTAL
BBC GOB Series 2005A	963	0	0	0	0	0	0	0	963
BBC GOB Series 2008B	816	0	0	0	0	0	0	0	816
BBC GOB Series 2008B-1	266	0	0	0	0	0	0	0	266
BBC GOB Series 2011A	715	0	0	0	0	0	0	0	715
BBC GOB Future Financing	0	3,196	3,344	200	100	1,945	1,745	1,710	12,240
TOTAL REVENUE:	2,760	3,196	3,344	200	100	1,945	1,745	1,710	15,000

EXPENDITURE SCHEDULE:	PRIOR	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	FUTURE	TOTAL
Planning and Design	1,224	0	0	185	35	220	5	0	1,669
Construction	1,000	3,516	3,344	0	60	1,700	1,725	1,710	13,055
Project Administration	216	0	0	15	5	25	15	0	276
TOTAL EXPENDITURES:	2,440	3,516	3,344	200	100	1,945	1,745	1,710	15,000

CLERK OF THE BOARD OF
COUNTY COMMISSIONERS,
MIAMI-DADE COUNTY, FLORIDA

Project No. 402202-05-005 GOB

LEMARTEC ENGINEERING AND
CONSTRUCTION CORPORATION,

Petitioner,

vs.

MIAMI-DADE COUNTY, FLORIDA,

Respondent.

FINAL RECOMMENDATIONS OF SPECIAL HEARING EXAMINER

Pursuant to notice, the above-styled cause between Petitioner, Lemartec Engineering and Construction Corporation (hereinafter "Lemartec"), and Respondent, Miami-Dade County, Florida (hereinafter the "County"), was heard by the Honorable Raphael Steinhardt, the assigned Special Hearing Examiner, on September 11, 2012, in Miami, Miami-Dade County, Florida.

STATEMENT OF THE ISSUE(S)

1. Were the bid documents (including all Addenda thereto) in connection with Project No. 402202-05-005 GOB, Tropical Park Equestrian Complex (hereinafter the "Project"), upon which Lemartec and other bidders submitted pricing, ambiguous?

2. If the bid documents for the Project (including all Addenda thereto) were not ambiguous, was there a change in the design of the Project significant enough to justify the County in rejecting all bids?

3. Did the County act arbitrarily and/or capriciously in rejecting all bids in connection with the Project?

PRELIMINARY STATEMENT

Bids for the Project were opened on May 17, 2012. On August 20, 2012, the County notified all bidders on the Project of its decision to reject all bids and re-advertise the Project for bidding. On August 21, 2012, Lemartec filed its written notice of intent to file a protest in connection with the County's decision to reject all bids for the Project. On August 24, 2012, Lemartec filed its formal bid protest in connection with the County's decision to reject all bids for the Project. On September 4, 2012, the instant protest was scheduled for hearing on

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September 11, 2012 by the Clerk of the Board of County Commissioners. On September 7, 2012, Lemartec furnished Honorable Raphael Steinhardt and counsel for the County, via hand delivery, with its Witness List and Exhibit List for the September 11, 2012 hearing.

FINDINGS OF FACT

After hearing argument of counsel and the testimony of both Maggie Tawil and George Navarrete, and having further reviewed the record evidence and being otherwise fully advised in the premises, the Special Hearing Examiner finds as follows:

1. The Project's Invitation to Bid outlined three approved manufacturers for the open web truss system specified for the Project. Those manufacturers were Varco Pruden, Star, and Butler.

2. After receiving numerous requests for information (RFIs) from bidders with respect to the list of approved manufacturers, and whether the procurement was intended to be sole-source, the County issued Addendum No. 2 to the Contract Documents (hereinafter "Addendum No. 2"), dated May 7, 2012.

3. The County believed that Addendum No. 2 adequately clarified the sole-source RFIs, explaining that the procurement was not intended to be sole-source, and that any manufacturer who could meet the County's specifications would be acceptable.

4. Following the issuance of Addendum No. 2, only one additional RFI was received by the County, to which the County did not respond, taking the position that the question(s) raised by the subject RFI were sufficiently answered in Addendum No. 2.

5. At the time Addendum No. 2 was issued, the County did not feel that it contained any ambiguity, or that it created any ambiguity within the Contract Documents.

6. Addendum No. 2 clarified that any manufacturer that could meet the Project's specifications would be considered acceptable to the County, regardless of whether that manufacturer was specifically named in the specifications.

7. At the time that the County decided to reject all bids, the County was aware that several manufacturers could have met the County's specifications for the open web truss system for the Project.

8. On or about June 6, 2012, the County decided to award Alternates 1 and 3 for the Project.

9. However, in response to a potential protest letter dated June 19, 2012 from a law firm hired by four other bidders, the County later decided to reject all bids and re-advertise the Project. Despite this, no bidder other than Lemartec actually filed a protest with the County in connection with any part of the Bid for the Project, including challenging the specifications, or challenging the County's decision to reject all bids and re-advertise the Project.

10. Only after receiving the June 19, 2012 letter did the County feel that Addendum No. 2 was either ambiguous, or created an ambiguity in the Contract Documents.

11. Although the County argued that it was entitled to reject all bids to ensure it received the best possible pricing for the Project, bids for the Project came in approximately 30% lower than the engineer's estimate for the Project.

12. Lemartec was the lowest bidder on the Project.

13. The County internally recognized that despite the allegations made by the referenced June 19, 2012 letter, the Project specifications did not constitute a sole-source procurement. However, the County proceeded to reject all bids anyway.

14. With respect to the County's argument that rejection of all bids was necessary to provide for a phased construction plan and a more compressed schedule, the Court further finds as follows:

    a. The County never requested nor received a construction schedule for the Project from the potential bidders;

    b. The County never performed any type of schedule analysis to determine whether the Project as originally bid would be complete in time for the October 2013 equestrian event;

    c. The Project as initially bid provided for a base bid substantial completion time of 365 days;

    d. The Project as re-bid provides for a base bid substantial completion time of 365 days;

    e. The County has no commitment or confirmation that the October 2013 equestrian event would even be coming to Miami, or if so, would be held at the Project.

CONCLUSIONS OF LAW

1. The Clerk of the Board of County Commissioners, Miami-Dade County, Florida, has jurisdiction over the subject matter and the parties hereto pursuant to Section 2-8.4 of the Miami Dade County Code, and Implementing Order 3-21, Bid Protest Procedures.

2. "Under competitive bidding, the contract must be awarded as a function of the *reasonable* exercise of power by municipal governmental authorities as a matter of public policy and fidelity to public trust." *Marriott Corp. v. Metro Dade County*, 383 So.2d 662, 667 (Fla. 3d DCA 1980) (quoting *Adolphus v. Baskin*, 95 Fla. 603 (1928)) (internal marks omitted) (emphasis in original).

3. [T]he law [requires] that where discretion is vested in a public agency with respect to letting public contracts on a competitive basis, the discretion may not be exercised

arbitrarily or capriciously but must be based upon *facts reasonably tending to support the conclusions reached by such agency*. *Marriott Corp.*, 383 So.2d at 668 (quoting *City of Pensacola v. Kirby*, 47 So.2d 533, 535-36 (Fla. 1950)); see also *Culpepper v. Moore, et. al.*, 40 So.2d 366 (Fla. 1949); *Willis v. Hathaway*, 117 So. 89 (Fla. 1928); *Capeletti Brothers, Inc. v. State Dep't. of General Services, et. al.*, 432 So.2d 1359 (Fla. 1st DCA 1983); *Mayes Printing Company v. J.A. Flowers*, 154 So.2d 859, 864 (Fla. 1st DCA 1963) ("Public officers have a discretion in the awarding of contracts, yet that discretion may not be exercised arbitrarily or capriciously."); *William A. Berbusse, Jr., Inc. v. North Broward Hospital Dist.*, 117 So.2d 550, 551 (Fla. 2d DCA 1960) (municipality's "... discretion will not be interfered with by the court unless exercised arbitrarily or capriciously, or unless based upon a misconception of law, or upon ignorance through lack of inquiry....")

4. "A decision cannot be based upon ignorance through lack of inquiry." *Marriott Corp.*, 383 So.2d at 668 (quoting *William A. Berbusse, Jr., Inc.*, 117 So.2d at 551) (internal marks omitted).

5. The Court finds that based upon the foregoing findings of fact and conclusions of law, the County acted arbitrarily and capriciously in rejecting all bids for the Project.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the County VACATE or withdraw its decision to reject all bids and re-advertise the Project for bids, and it is further RECOMMENDED that the contract for the Project be awarded to Lemartec, as the lowest bidder for the Project.

Hon. Raphael Steinhardt
Special Hearing Examiner

9/18/2012

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MIAMI-DADE COUNTY

Dept. of Small Business Development
Economic Stimulus Project

Project/Contract Title: TROPICAL PARK - EQUESTRIAN COMPLEX
Received Date: 06/22/2011
Project/Contract No: 402202-05-005 GOB ESP
Funding Source: GOB
Department: PARKS & RECREATION
Resubmittal Date(s):
Estimated Cost of Project/Bid: $5,060,359.00
Description of Project/Bid: To establish a contract with a base bid that consists of, striping of existing parking lot and re-striping accessible parking spaces, replacing existing uncovered warm up ring with new uncovered warm up ring to include new fence, new clay, new irrigation, and new lighting. New covered practice ring to include, new pre-engineered structure, new fire sprinkler system, new fence, new clay, new irrigation, new lighting, new outlets and hose bibs, a new sound system, site grading and drainage, and new landscaping.

Contract Measures Recommendation

Measure	Program	Goal Percent
Goal	CSBE	20.73%

Reasons for Recommendation

An analysis of the factors contained in Section VI C of Implementing Order 3-22 indicate that a 20.73% CSBE goal is appropriate in the trades of concrete, finishes - painting, special construction - metal (Structural Steel), Irrigation, Plumbing, Heating, A/C, Electrical, Fence, and Striping.

CWP Not Applicable; Not in DTA

Analysis for Recommendation of a Goal

Subtrade	Cat.	Estimated Value	% of Items to Base Bid	Availability
Highway, Street, and Bridge Construction	CSBE	$4,645.41	0.09%	88
Poured Concrete Foundation and Structure Contractors	CSBE	$83,814.73	1.66%	380
Structural Steel and Precast Concrete Contractors	CSBE	$419,073.63	8.28%	366
All Other Specialty Trade Contractors	CSBE	$37,421.35	0.74%	54
Plumbing, Heating, and Air-Conditioning Contractors	CSBE	$248,929.18	4.92%	95
Painting and Wall Covering Contractors	CSBE	$26,389.77	0.52%	58
Electrical Contractors and Other Wiring Installation Contractors	CSBE	$228,955.94	4.52%	118
	Total	$1,049,230.02	20.73%	

Living Wages: YES [ ] NO [X] **Highway:** YES [ ] NO [X] **Heavy Construction:** YES [X] NO [ ]
Responsible Wages: YES [X] NO [ ] **Building:** YES [ ] NO [X]

Ordinance 90-143 is applicable to all construction projects over $100,000 that do not utilize Federal Funds

RECOMMENDATION

Tier 1 Set Aside _____

Set Aside _____ **Level 1** _____ **Level 2** _____ **Level 3** _____

Trade Set Aside (MCC) _____ **Goal** 20.73% **Bid Preference** _____

No Measure _____ **Deferred** _____ **Selection Factor** _____

Director, SBD — Date 7/11/11

DEOR0022 v 20110608

Miami- Dade County
Parks & Recreation Department
Planning & Development
275 NW 2nd Street, 4th Floor
Miami, Fl. 33128
Ph: (305) 755-7830

MIAMI-DADE

Project Name Tropical Park Equestrian Complex

Consultant Laura M. Perez & Associates, Inc

P & R Project # 402202-05-005 GOB

Bid Open Date 05/17/12 @ 2:00 P.M.

Bid Valid Thru 11/13/12

BID TABULATION

	Latest Approved Cost Estimate Prior To Bidding	Contractor's Name, Address & Telephone Number										
		Lemartec Eng. & Construction Corp.	Thornton Construction Co.	Perez-Gurri dba N&I Construction	T C & F Builders	Link Construction	Florida Construction & Engineering Inc.	Allied Contractors, Inc.	Cariven Construction Co.	GEC Associates	MCM	Aarya Construction
Base Est.	$4,668,399.17	$3,033,900.00	$3,141,046.00	$3,279,585.00	$3,328,000.00	$3,358,000.00	$3,685,203.00	$3,767,906.00	$3,824,950.00	$3,999,950.00	$4,025,000.00	$4,688,000.00
Alt. 1	$3,659,284.03	$2,081,795.00	$2,033,071.00	$2,240,721.00	$1,948,000.00	$2,360,000.00	$2,104,831.00	$1,996,377.00	$2,544,000.00	$2,095,994.00	$2,297,168.00	$2,585,000.00
Alt. 1A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Alt. 2	$253,692.77	$227,403.00	$284,795.00	$236,904.00	$277,000.00	$410,000.00	$235,880.00	$354,700.00	$285,000.00	$823,216.00	$256,389.00	$383,000.00
Alt. 3	$154,525.49	$153,485.00	$214,697.00	$160,611.00	$183,000.00	$253,857.00	$181,950.00	$219,000.00	$186,000.00	$209,500.00	$191,908.00	$288,000.00
Total	$8,735,901.46	$5,496,584.00	$5,673,609.00	$5,917,822.00	$5,736,000.00	$6,351,857.00	$6,197,864.00	$6,337,983.00	$6,839,950.00	$7,128,660.00	$6,770,465.00	$7,942,000.00

The Base Bid excludes Contingency and Dedicated Allowances.
The bid submittals have not been reviewed for responsiveness/ responsibility so this tabulation only reflects the apparent lowest base bid up to the highest base bid.

Prepared By:
Anselmo Silvio Montero
AO2

ATTACHMENT 1

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MIAMI-DADE COUNTY
MIAMI-DADE PARK AND RECREATION DEPARTMENT

BID FORM

For: Tropical Park Equestrian Complex

Contract No. 402202-05-005 GOB

To: Miami-Dade County
Board of County Commissioners
Miami, Florida

Bid Opening Date: 5/17/2012
Bid Opening Time: 2:00 pm
Local Time

Gentlemen:
We Lemartec Engineering & Construction Corporation (305) 273-8676 (305) 279-7223
Bidder's Name Phone Number Fax Number

Company E-mail: mail@lemartec.com

have received, have examined and are familiar with the Contract Documents bearing the title : Tropical Park Equestrian Complex - Contract No. 402202-05-005 GOB, the forms for the Submittal of Bids and

Addendum No. 1 04/20/2012 Dated

Addendum No. 2 05/07/2012 Dated

ATTACHMENT 4

(Failure to acknowledge receipt of all addenda may cause the bid to be considered not responsive to the invitation, which would require rejection of the bid), and have included the cost of their provisions, in our Bid. We have examined, are familiar with, and do accept the conditions of the Work site and other conditions affecting the Work.

The undersigned hereby agrees, should we be awarded the Contract on the basis of this Bid, that:

1. This Bid may be neither revoked nor withdrawn after the Bid Opening date but shall remain open for acceptance for a period of 180 calendar days following that date, except that the period of time may be extended by written agreement by and between ourselves and MDC.

2. Should we be notified in writing by mail, telegraph or hand-delivery of the acceptance of this Bid within the time set forth herein after the Bid Opening date, we will execute, within 10 calendar days after receipt of the prescribed forms, a Contract for the Work for the compensation stipulated hereinafter and within the same time period, will finish and deliver the Surety Performance and Payment Bond in the form identified in the Bid Documents, and with surety or sureties acceptable to MDC and authorized to issue surety bonds in the State of Florida. The bonds will be in an amount in accordance with Article 1.03, "CONTRACT SECURITY" of the Contract Conditions. We will concurrently furnish and deliver Certificates of Insurance as stipulated in the Bid Documents.

3. We will commence contract work with adequate forces, material and equipment within 10 consecutive calender days after the effective date of the Notice to Proceed, and will fully complete the Work within the number of days stipulated in the Bid Documents, from and including that effective date.

4. Should this Bid be accepted within the time set forth herein after the Bid Opening date and we fail to execute a Contract and to furnish and deliver the Surety Performance and Payment Bond and Certificates of Insurance, the obligation of the bid security will remain in full force and effect, and the money payable thereon shall be paid into the funds of MDC as liquidated damages, but not as a penalty, for such failure; otherwise the obligation of the Bid Bond will be null and void. We agree that the amount shown in our Bid Security is the proper compensation for damages which MDC would sustain should we fail to execute the Contract and to furnish and deliver the Surety Performance and Payment Bond and Certificates of Insurance in the event this Bid is accepted. We agree to the stipulations of the Instructions to Bidders regarding the disposition of the Bid Security.

5. We declare that the only persons and firms interested in this Bid, as principals, are those named below; that this Bid is made without collusion with any other person, firm or corporation; and that we are not included on the U.S. Comptroller General's Consolidated List of

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ATTACHMENT 1

Persons or Firms Currently Debarred for Violations of Various Public Contracts. The full names and addresses of persons and firms interested in this Bid, as principals, are as follows:

Lemartec Engineering & Construction Corporation	11740 SW 80th Street, 3rd Floor, Miami, FL 33183
Guillermo R. Garcia-Tunon - CEO	10771 SW 131 Avenue, Miami, FL 33186
Jose J. Garcia-Tunon - COO	7835 SW 33 Terrace, Miami, FL 33155
Manuel R. Garcia-Tunon - President	12960 N. Calusa Drive., Miami, FL 33196

The following forms must be submitted with the Bid. Failure to submit these forms with the Bid may render the Bid nonresponsive and may require its rejection in accordance with the Instructions to Bidders - Article 6 - Preparation of Bid - Paragraph B.

Bid Form Contract No. 402202-05-005 GOB
Bid Bond
Corporate Principal Certificate
Bond Certification
Local Preference
Fair Wage Affidavit
Bidder's Statement of Qualification and Business References
County Contractors Employment and Procurement Practices
Criminal Record Affidavit
Listing of First Tier Subcontractors and Suppliers Form (Fair Subcontracting Practices)
Lobbyist Registration for Oral Presentation Affidavit
Sworn Statement Under Section 287.133(3)(a) - Florida Statutes on Public Entity Crimes
Statement of Policies and Procedures for Awarding Subcontracts (See Instructions to Bidders Section).
Prohibition of Contracting With The County While In Arrears Affidavit
Affirmation of Vendor Affidavit

COPY

Other Bid Requirements:

Construction Schedule (Bar Chart) (If required by Contract Specifications, Section 01310)
Florida Trench Safety Act (If applicable)
Miami-Dade County's "Cone of Silence"

Office of Miami-Dade County Inspector General (IG)

Independent Private-Sector Inspector General (IPSIG)
Clearing House for Posting Notice of Job Opportunities

DBD Requirements (to be submitted with the Bid)

Schedule of Intent – (SBD Form 400)
For projects which contain goals or are "Set-Aside" for CSBE Contractors, submit (1) Schedule of Intent – (SBD Form 400) for each CSBE subcontractor on the project.

(See CSBE Program Requirements – Participation Provisions).

(Note: Complete instructions for preparation and submission of Bids is contained in the Instructions to Bidders portion of the Bid Documents). The Contractor agrees to abide by the provisions of the Contract Specifications regarding minimum Community Small Business Enterprise Contractor and Subcontractor Goals, proposed below by the Contractor as a percentage of the total Contract Sum and accepted by the County and which are established for this Project as follows:

CSBE Contractor/Subcontractor participation : 20.73%

The Contractor also agrees to abide by the provisions of the Contract Specifications regarding Section 2-11.16 of the Code of Miami-Dade County – Responsible Wages.

PENALTIES PURSUANT TO ORDINACE 90-143 – Damages in the amount of $200.00 per day for each individual violation of Ordinance No. 90-143, may also be withheld from the Contract Sum due to the Contractor, as further described in the Supplementary Conditions.

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ATTACHMENT 1

Should we be awarded the Contract on the basis of this Bid, we will furnish and install all products; furnish all services, labor, tools, equipment, supplies and transportation; and do the Work in accordance with the Contract Documents for the following prices:

PROJECT TITLE: Tropical Park - Equestrian Complex - Contract No. 402202-05-005 GOB

IF THIS PROPOSAL IS ACCEPTED, THE UNDERSIGNED BIDDER AGREES TO COMPLETE ALL WORK UNDER THIS CONTRACT WITHIN 365 CALENDAR DAYS AFTER THE EFFECTIVE DATE OF NOTICE TO PROCEED.

Item No.	Description	Total Price
01000.00	General Requirements	$ 221,150.00
02000.00	Sitework	$ 607,550.00
03000.00	Concrete	$ 272,470.00
04000.00	Masonry	$ 0.00
05000.00	Metals	$ 0.00
06000.00	Wood and Plastics	$ 0.00
07000.00	Thermal and Moisture Protection	$ 0.00
08000.00	Doors, Windows and Glass	$ 0.00
09000.00	Finishes	$ 93,330.00
10000.00	Specialties	$ 53,020.00
11000.00	Equipment	$ 0.00
12000.00	Furnishings	$ 0.00
13000.00	Special Construction	$ 1,156,750.00
14000.00	Conveying Systems	$ 0.00
15000.00	Mechanical	$ 111,060.00
16000.00	Electrical	$ 516,070.00

GRAND TOTAL $ 3,033,900.00

GRAND TOTAL BID PRICE, THE SUM OF Three Million Thirty-Three Thousand Nine Hundred Dollars $ 3,033,900.00

OPTION / ALTERNATE No. 1 * (ADD) $ 2,081,795.00

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ATTACHMENT I

OPTION / ALTERNATE No. 1A * (ADD) $ 226,446.00

OPTION / ALTERNATE No. 2* (ADD) $ 227,404.00

OPTION / ALTERNATE No. 3 * As part of Alternate #3 please provide a SEPARATE line item cost for:

Connector A $ 53,530.00

Connector B and C $ 99,955.00

The total of Option/ Alternate #3 to be inclusive of the total cost of all 3 connectors (A, B and C) (ADD) $ 153,485.00

*Refer to Volume II Section 01030 – Alternates (For alternates' descriptions) and Addendum #2.

THE BIDDER UNDERSTANDS AND AGREES THAT THE ABOVE GRAND TOTAL IS INCLUSIVE OF ALL WORK NECESSARY TO COMPLETE THE WORK AS DESCRIBED IN THE CONTRACT DOCUMENTS, AND IF THIS PROPOSAL IS ACCEPTED, THE UNDERSIGNED BIDDER AGREES TO ENTER INTO AND EXECUTE THE CONTRACT WITH THE NECESSARY BOND AND ACCEPT THE ABOVE TOTAL PRICE AS FULL COMPENSATION FOR THE WORK PERFORMED UNDER THIS CONTRACT.

D. C. CERTIFICATE OF COMPETENCY NO. CGC023821 BIDDER'S NAME Lemartec Engineering & Construction Corporation

BIDDER'S TELEPHONE NUMBER 305-273-8676 BIDDER'S ADDRESS 11740 SW 80th Street, 3rd Floor, Miami, FL 33183

PROJECT TITLE: Tropical Park - Equestrian Complex - Contract No. 402202-05-005 GOB

TRENCH SAFETY ACT COMPLIANCE REQUIREMENT; CONTRACTORS STATEMENT: (If Applicable)

A. The current trench safety standards in effect are Occupational Safety Health Administrations (OSHA) excavation safety standards 29 C.F.R. part 1926.650 subpart P, and have been incorporated as the state standard.

COPY

We will use:

(X) Sloping ( ) Shoring ( ) Trench Box ( ) Other Methods (Specify Which) to comply with the 1990 "Trench Safety Act"

B. The cost of compliance with this trench safety act is included as a part of the lump sum of unit price proposal under section 02000.00 Sitework, on the Bid Form contained in the bid package.

C. The cost of complying with this requirement is:

1. Cost per Linear Feet of trench excavation $ 1.00

2. Cost per Square Feet of shoring used $ 0

When Bidder is an Individual: Not Applicable

In witness whereof, the Bidder hereto has executed this Bid Form this __ day of _____ 20__.

_____ Witness

By: _____ (Signature of individual)

_____ Witness

By: _____ (Print name of individual)

_____ (Address)

_____ (City, State, Zip Code)

ACKNOWLEDGEMENT:

STATE of _____)ss.:

COUNTY of _____)

COPY

ATTACHMENT 1

SUBSCRIBED AND SWORN TO (or affirmed) before me on _____ (Date) by _____ (Affiant)

He/She is personally known to me or has presented _____ (Type of Identification) as identification

Notary Public _____ (Signature of Notary) _____ (Serial Number) _____ (Expiration Date) _____ (State)

_____ (Print or Stamp Name of Notary)

Notary Seal:

When the Bidder is a sole proprietorship or operates under a trade name: Not Applicable.

In witness whereof, the Bidder hereto has executed this Bid Form this ___ day of _____ 20___.

_____ Witness

By: _____ (Signature of Individual)

_____ Witness

By: _____ (Print name of individual)

_____ (Address)

_____ (City, State, Zip Code)

ACKNOWLEDGEMENT:

STATE of _____)ss.:

COUNTY of _____)

COPY

SUBSCRIBED AND SWORN TO (or affirmed) before me on _____ (Date) by _____ (Affiant)

He/She is personally known to me or has presented _____ (Type of Identification) as identification

Notary Public _____ (Signature of Notary) _____ (Serial Number) _____ (Expiration Date) _____ (State)

_____ (Print or Stamp Name of Notary)

Notary Seal:

When the Bidder is a Partnership: Not Applicable.

In witness whereof, the Bidder hereto has executed this Bid Form this ___ day of _____ 20___.

_____ Witness

By: _____ (Signature of individual)

_____ Witness

By: _____ (Print name of individual)

_____ (Address)

_____ (City, State, Zip Code)

ACKNOWLEDGEMENT:

STATE of _____)ss.:
COUNTY of _____)

SUBSCRIBED AND SWORN TO (or affirmed) before me on _____ (Date) by _____ (Affiant)

COPY

ATTACHMENT 1

He/She is personally known to me or has presented _____ as identification
(Type of Identification)

Notary Public _____ _____ _____ _____
(Signature of Notary) (Serial Number) (Expiration Date) (State)

_____
(Print or Stamp Name of Notary)

Notary Seal:

When Bidder is a Corporation:

In witness whereof, the Bidder hereto has executed this Bid Form this 17th day of May, 2012

Lemartec Engineering & Construction Corporation
(Printed name of Corporation)

Florida
(Printed State of Incorporation)

(CORPORATE SEAL)

By: Manuel Garcia-Tuñon
(Signature of President or Vice-President & capacity)

Jose Garcia-Tuñon
(Printed name of Secretary or Assistant Secretary & capacity)

11740 SW 80th Street, 3rd Floor, Miami, FL 33183
(Business Address of Corporation)

ACKNOWLEDGEMENT:

COPY

ATTACHMENT 1

STATE of Florida)ss.:

COUNTY of Miami-Dade)

Before me personally appeared Manuel Garcia-Tunon, as President, to me well known or has presented _____ (Type of Identification) as identification and Jose Garcia-Tunon (Type of Identification) as Secretary, to me well known, or has presented _____ (Type of Identification) as identification and known to me to be the person described in and who executed the foregoing instrument as Manuel Garcia-Tunon President and Jose Garcia-Tunon as Secretary of the above name Lemartec Engineering & Const. Corp. a Corporation, and severally acknowledged that they executed such instrument as such President and Jose Garcia-Tunon Secretary, respectively, of said corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that it was affixed to said instrument by due and regular corporate authority, and said instrument is the free act and deed of said corporation.

SUBSCRIBED AND SWORN TO (or affirmed) before me on 05/17/2012 (Date) by Manuel Garcia-Tunon (Affiant)

He/She is personally known to me or has presented _____ (Type of Identification) as identification

Notary Public _____ (Signature of Notary) EE037947 (Serial Number) 12/28/2014 (Expiration Date) Florida (State)

Teresita Barturen (Print or Stamp name of Notary)

Notary Seal TERESITA BARTUREN NOTARY PUBLIC STATE OF FLORIDA Comm# EE037947 Expires 12/28/2014

When Bidder is a Joint Venture: Not Applicable.

_____ (Printed name of Joint Venture)

_____ (Business address of Joint Venture)

Note: Complete in accordance with Article 6.C. of the Instructions to Bidders.

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Detail by Entity Name

Florida Profit Corporation

LEMARTEC ENGINEERING & CONSTRUCTION CORPORATION

Filing Information

Document Number	613580
FEI/EIN Number	591917239
Date Filed	03/20/1979
State	FL
Status	ACTIVE
Last Event	NAME CHANGE AMENDMENT
Event Date Filed	03/17/1986
Event Effective Date	NONE

Principal Address

11740 SW 80 STREET
THIRD FLOOR
MIAMI FL 33183

Changed 10/21/2008

Mailing Address

11740 SW 80 STREET
THIRD FLOOR
MIAMI FL 33183

Changed 10/21/2008

Registered Agent Name & Address

GARCIA-TUNON, GUILLERMO R
11740 SW 80 STREET
THIRD FLOOR
MIAMI FL 33183 US

Name Changed: 04/30/2012

Address Changed: 10/21/2008

Officer/Director Detail

Name & Address

Title CEOT

GARCIA-TUNON, GUILLERMO R
11740 SW 80 STREET, THIRD FLOOR
MIAMI FL 33183

Title COOS

GARCIA-TUNON, JOSE J
11740 SW 80 STREET, THIRD FLOOR
MIAMI FL 33183

Title P

GARCIA-TUNON, MANUEL R
11740 SW 80 STREET, THIRD FLOOR
MIAMI FL 33183

Title VPE

ZUBIMENDI, JORGE
11740 SW 80 STREET, THIRD FLOOR
MIAMI FL 33183

Title VPPD

PRADA, DAVID
11740 SW 80 STREET, THIRD FLOOR
MIAMI FL 33183

Title VPMC

AGUIAR, FELIPE
11740 SW 80 STREET, THIRD FLOOR
MIAMI FL 33183

Annual Reports

Report Year	Filed Date
2012	02/07/2012
2012	04/16/2012
2012	04/30/2012

Document Images

04/30/2012 -- ANNUAL REPORT	View image in PDF format
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01/26/2000 -- ANNUAL REPORT	View image in PDF format
02/01/1999 -- ANNUAL REPORT	View image in PDF format

03/20/1998 -- ANNUAL REPORT [View Image in PDF format]
04/29/1997 -- ANNUAL REPORT [View Image in PDF format]
02/07/1996 -- ANNUAL REPORT [View Image in PDF format]
02/08/1995 -- ANNUAL REPORT [View Image in PDF format]

Note: This is not official record. See documents if question or conflict.

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State of Florida, Department of State

ATTACHMENT 5

VENDOR DUE DILIGENCE INVESTIGATION SUMMARY

Project Name: Tropical Park - Equestrian Complex

Firm Name	Price $	Bid Responsive	Bid Responsible	Financial Statement Satisfactory	Litigation Issues	Work Load Satisfactory	Default on Contracts	Due Diligence Satisfactory*	Average CIIS Rating	Reference Checks Satisfactory
Lemartec	$ 5,496,584	Yes	Y	Y	Y – 3 Appear to be Ongoing	Y	No	Y	2.7	Yes, 3 References Verified Satisfactorily

Note: Due Diligence Verifications include the following:

- SBD Violations Report verify
- State of Florida Convicted Vendor List
- Debarred Contractor List
- Delinquent Contractor List
- SBD Goal Deficit Makeup Report
- State of Florida Suspended Contractor List
- State of Florida Suspended Vendor List
- Federal Excluded Parties List
- State of Florida Scrutinized Companies List
- SBD CSBE Certified Firms List
- State of Florida Division of Corporations

(Reports available upon request)

Memorandum

MIAMI-DADE COUNTY

10/25/2011

To: Carlos A. Gimenez
Mayor

From: Jack Kardys
Director
Parks, Recreation and Open Spaces Department

Attn: Lester Sola
Director
Internal Services Department

Subject: Request to Advertise for Tropical Park - Equestrian Complex - Project No: 402202-05-005 GOB; Contract No: 402202-05-005 GOB

CLERK OF THE BOARD
2011 DEC 20 PM 1:15
CLERK CIRCUIT & COUNTY COURTS

Recommendation

This Request to Advertise for Construction contract has been prepared by the Parks, Recreation and Open Spaces Department and is recommended for approval pursuant to Sections 2-8.1 of the Code of Miami-Dade County at a cost estimate amount of $5,061,634.60.

Scope

PROJECT NAME: Tropical Park - Equestrian Complex

PROJECT NO: 402202-05-005 GOB

CONTRACT NO: 402202-05-005 GOB

PROJECT DESCRIPTION: Base bid scope consists of striping of existing parking lot and re-striping accessible parking spaces, replacing existing uncovered warm up ring with new uncovered warm up ring to include; fence, clay, irrigation, and lighting. New covered practice ring to include, pre-engineered structure, fire sprinkler system, fence, clay, irrigation, lighting, outlets and hose bibs, a sound system, site grading and drainage, and landscaping.

PROJECT LOCATION: 7900 SW 40th St., Miami, Florida 33156

PROJECT SITES:

SITE #	LOCATION 1	DIST	ESTIMATE	T-S-R
#70765	7900 SW 40TH ST 33155	10	$5,061,634.60	54-22-40

PRIMARY COMMISSION DISTRICT: District 10 Sen. Javier D. Souto

APPROVAL PATH: Mayor's Authority

USING DEPARTMENT: Parks, Recreation and Open Spaces Department

MANAGING DEPARTMENT: Parks, Recreation and Open Spaces Department

Fiscal Impact / Funding Source

FUNDING SOURCES:

SOURCE	PROJECT NUM	SITE #	AMOUNT
GOB Series 2011A	937040	#70765	$390,893.14
GOB Future Financing	937040	#70765	$4,670,741.46
		Total Funding:	$5,061,634.60

PTP FUNDING:	No			
GOB FUNDING:	Yes			
ARRA FUNDING:	No			
CAPITAL BUDGET PROJECTS:	CAPITAL BUDGET PROJECT # - DESCRIPTION 937040- TROPICAL PARK - BUILDING BETTER COMMUNITIES BOND PROGRAM Book Page: 159 Funding Year: FY 2011-12 Proposed Capital Budget as Adopted			RTA ESTIMATE $5,061,634.60
GOB PROJECT:	GOB PROJECT # - DESCRIPTION 38 - Tropical Park			RTA ESTIMATE $5,061,634.60
PROJECT TECHNICAL CERTIFICATION REQUIREMENTS:	Not Applicable			
TOTAL ESTIMATED CONTRACT PERIOD:	365 Days Excludes Warranty Administration Period			
ESTIMATED CONTINGENCY PERIOD:	37 Days			
IG FEE INCLUDED IN BASE CONTRACT:	Yes			
ART IN PUBLIC PLACES:	Yes			
BASE ESTIMATE:	$4,668,399.17			
CONTINGENCY ALLOWANCE (SECTION 2-8.1 MIAMI DADE COUNTY CODE):	TYPE New Construction	PERCENT 5%	AMOUNT $233,419.96	COMMENT
PERMIT FEES:	$35,012.99	0.75%		of Base Estimate
SPECIAL DEDICATED ALLOWANCE (SITE CONDITIONS AND UTILITIES):	$50,000.00	1.07%		of Base Estimate
TOTAL DEDICATED ALLOWANCE:	$85,012.99			
SUB-TOTAL ESTIMATE:	$4,986,832.12			
ART IN PUBLIC PLACES:	$74,802.48	1.50%		Base plus 5% Contingency plus Dedicated Allowance
OPTION 1:	$3,659,284.03	0.00%		This Option amount includes a New Covered Ring and (3) New Covered Walkways, AIPP, Contingency, and Permit Allowances.

OPTION 2:	$294,821.14	0.00%	This Option amount includes a New Covered Walkway from Existing Ring to New Covered Ring, AIPP, Contingency, and Permit Allowances.
OPTION 3:	$253,692.77	0.00%	This Option amount includes a New Covered Walkway between Existing Covered Ring and Stables C & D, AIPP, Contingency, and Permit Allowances.
OPTION 4:	$154,525.49	0.00%	This Option amount includes (3) New Covered Walkways between Existing Stables, AIPP, Contingency, and Permit Allowances.
COST ESTIMATE:	$9,423,958.03		

Track Record / Monitor

EXPLANATION:	Not applicable until time of Award.			
MINIMUM QUALIFICATIONS EXCEED LEGAL REQUIREMENTS:	No			
REVIEW COMMITTEE:	MEETING DATE:	6/22/2011	SIGNOFF DATE:	7/11/2011
APPLICABLE WAGES: (RESOLUTION No. R-54-10)	Yes			

REVIEW COMMITTEE ASSIGNED CONTRACT MEASURES:	TYPE	GOAL	COMMENT
	CSBE	20.73%	Applicable
	CBE	0.00%	Not Applicable
	DBE	0.00%	Not Applicable
	CWP	0.00%	Not Applicable

MANDATORY CLEARING HOUSE:	Yes		
CONTRACT MANAGER NAME / PHONE / EMAIL:	Katherine Naranjo	(305) 755-7931	CANO@miamidade.gov
PROJECT MANAGER NAME / PHONE / EMAIL:	Adelfa Martinez	(305) 755-7815	adelfam@miamidade.gov

Background

BACKGROUND: This project is for the construction of the Equestrian Complex which includes: striping of existing parking lot and re-striping accessible parking spaces, replacing existing uncovered warm up ring with new uncovered warm up ring to include; fence, clay, irrigation, and lighting. New covered practice ring to include, pre-engineered structure, fire sprinkler system, fence, clay, irrigation, lighting, outlets and hose bibs, a sound system, site grading and drainage, and landscaping in compliance with the General Plan, which will enhance the site.

DEPARTMENT FINANCE: DEPT FINANCE OFFICER: DATE: 10-26-2011

INDEX CODES: CPF038PR0765; TBD

BUDGET APPROVAL FUNDS AVAILABLE: OMB DIRECTOR DATE: 12/13/11

INTERNAL SERVICES CONCURRENCE: INTERNAL SERVICES DIRECTOR DATE: 12/16/11

for MAYOR DATE: 12/19/11

CLERK DATE: DATE: 12/20/11

Memorandum

MIAMI-DADE COUNTY

Date: July 31, 2012

To: Lisa M. Martinez
Senior Advisor

From: Mayor Carlos A. Gimenez

Subject: Contract No. 402202-05-005 GOB ESP – Tropical Park – Equestrian Complex

---

In accordance with the letter opinion issued by Robert Meyers, Executive Director, Miami-Dade Commission on Ethics and Public Trust dated August 31, 2011 ("Ethics Opinion"), I hereby delegate to you all delegable authority relating to the administration of Contract No. 402202-05-005 GOB ESP – Tropical Park – Equestrian Complex including, but not limited to, the authority to recommend to the Board of County Commissioners the award of the solicitation to a contractor. As I will not be sponsoring any award recommendation of this solicitation under the authority of the County Mayor, you should request that any recommended disposition of this solicitation which you deem to be in the best interest of Miami-Dade County be sponsored by a County Commissioner in accordance with the Commission's Rules of Procedure. I further delegate to you all delegable authority to administer any contract awarded as a result of Contract No. 402202-05-005 GOB ESP – Tropical Park – Equestrian Complex. You should exercise this authority and utilize your own judgment and should take all actions which are in the best interest of Miami-Dade County and consistent with the County Code, regulations, rules and the solicitation documents. Consistent with the Ethics Opinion, I will not be participating in any decisions made regarding this solicitation. In the event an issue arises in the exercise of delegated authority which requires action by the County Mayor and that action is not delegable under Florida law, the Miami-Dade County Home Rule Charter or the County Code, please seek an opinion from the Ethics Commission regarding the appropriate course of action as recommended in the Ethics Opinion.

c: Robert A. Cuevas, Jr., County Attorney
Joe Centorino, Executive Director, Commission on Ethics and Public Trust
Edward Marquez, Deputy Mayor
Jack Kardys, Director, Parks, Recreation and Open Spaces
Lester Sola, Director, Internal Services
Christopher Agrippa, Clerk of the Board

Memorandum

MIAMI-DADE COUNTY

Date: August 1, 2012

To: Lisa M. Martinez
Senior Advisor
Office of the Mayor

From: Jack Kardys
Director
Parks, Recreation and Open Spaces Department

Subject: Request to Reject All Bids and Re-Advertise for Tropical Park - Equestrian Complex - Project No: 402202-05-005 GOB ESP; Contract No: 402202-05-005 GOB ESP

CLERK OF THE BOARD
2012 AUG 1 7 AM 10:01
MIAMI-DADE COUNTY, FLORIDA

Recommendation

This Request to Reject All Bids and Re-Advertise for Construction Contract No: 402202-05-005 GOB ESP has been prepared by the Parks, Recreation and Open Spaces Department and is recommended for approval pursuant to Sections 2-8.1 of the Code of Miami-Dade County.

Thirteen bids were received on May 17, 2012 for the Tropical Park - Equestrian Complex. Re-advertisement for construction bids is necessary to clarify the technical specifications with regard to the pre-fabricated metal building structures, which constitutes a major portion of the scope of work. The revision to the technical specifications will allow other manufacturers to be eligible to provide their respective products.

It has been determined by the Department that it is in the best interest of the County to reject all bids and re-advertise the construction documents to secure a construction contract.

Delegation of Authority

The authority of the County Mayor or County Mayor's designee to reject and rebid this contract is consistent with those authorities granted under the code of Miami-Dade County.

Scope

PROJECT NAME:	Tropical Park - Equestrian Complex
PROJECT NO:	402202-05-005 GOB ESP
CONTRACT NO:	402202-05-005 GOB ESP
PROJECT DESCRIPTION:	Base bid scope consists of striping of existing parking lot and re-striping accessible parking spaces, replacing existing uncovered warm up ring with new uncovered warm up ring to include; fence, clay, irrigation, and lighting. New covered practice ring to include, pre-engineered structure, fire sprinkler system, fence, clay, irrigation, lighting, outlets and hose bibs, a sound system, site grading and drainage, and landscaping.
PROJECT LOCATION:	7900 SW 40th St., Miami, Florida 33156

PROJECT SITES:

SITE #	LOCATION 1	DIST	ESTIMATE	T-S-R
#70765	7900 SW 40TH ST 33155	10	$5,061,634.60	54-22-40

PRIMARY COMMISSION DISTRICT: District 10 Sen. Javier D. Souto

APPROVAL PATH:	Mayor's Authority
USING DEPARTMENT:	Parks, Recreation and Open Spaces Department
MANAGING DEPARTMENT:	Parks, Recreation and Open Spaces Department

Fiscal Impact / Funding Source

FUNDING SOURCES:

SOURCE	PROJECT NUM	SITE #	AMOUNT
GOB Series 2011A	937040	#70765	$390,893.14
GOB Future Financing	937040	#70765	$4,670,741.46
		Total Funding:	$5,061,634.60

PTP FUNDING:	No
GOB FUNDING:	Yes
ARRA FUNDING:	No

CAPITAL BUDGET PROJECTS:

CAPITAL BUDGET PROJECT # - DESCRIPTION	RTA ESTIMATE
937040- TROPICAL PARK - BUILDING BETTER COMMUNITIES BOND PROGRAM Book Page: 167 Funding Year: FY 2011-12 Adopted Capital Budget as Adopted	$5,061,634.60

GOB PROJECT:

GOB PROJECT # - DESCRIPTION	RTA ESTIMATE
38 - Tropical Park	$5,061,634.60

PROJECT TECHNICAL CERTIFICATION REQUIREMENTS:	Not Applicable
BID PACKAGES ISSUED:	26
BIDS RECEIVED:	13
TOTAL ESTIMATED CONTRACT PERIOD:	365 Days Excludes Warranty Administration Period
ESTIMATED CONTINGENCY PERIOD:	37 Days
IG FEE INCLUDED IN BASE CONTRACT:	Yes
ART IN PUBLIC PLACES:	Yes
BASE ESTIMATE:	$4,668,399.17

	TYPE	PERCENT	AMOUNT	COMMENT
CONTINGENCY ALLOWANCE (SECTION 2-8.1 MIAMI DADE COUNTY CODE):	New Construction	5%	$233,419.96	
PERMIT FEES:	$35,012.99	0.75%		of Base Estimate
SPECIAL DEDICATED ALLOWANCE (SITE CONDITIONS AND UTILITIES):	$50,000.00	1.07%		of Base Estimate
TOTAL DEDICATED ALLOWANCE:	$85,012.99			
SUB-TOTAL ESTIMATE:	$4,986,832.12			Base plus 5% Contingency Allowance
ART IN PUBLIC PLACES:	$74,802.48	1.50%		of Sub-Total Estimate
OPTION 1:	$3,659,284.03	0.00%		This Option amount includes a New Covered Ring and (3) New Covered Walkways, AIPP, Contingency, and Permit Allowances.
OPTION 2:	$294,821.14	0.00%		This Option amount includes a New Covered Walkway from Existing Ring to New Covered Ring, AIPP, Contingency, and Permit Allowances.
OPTION 3:	$253,692.77	0.00%		This Option amount includes a New Covered Walkway between Existing Covered Ring and Stables C & D, AIPP, Contingency, and Permit Allowances.
OPTION 4:	$154,525.49	0.00%		This Option amount includes (3) New Covered Walkways between Existing Stables, AIPP, Contingency, and Permit Allowances.
COST ESTIMATE :	$9,423,958.03			

Track Record / Monitor

EXPLANATION: Re-advertisement for construction bids is necessary to clarify the technical specifications with regard to the pre-fabricated metal building structures; that constitutes a major portion of the work scope. After the receipt of bids, bid participants claimed that only one prefabricated manufacturer was able to provide a price that met the technical specifications. The revision to the technical specifications will allow other manufacturers to be eligible to provide their respective products.

At this time it is in the best interest of the County to expeditiously reject all bids received on May 17, 2012 and re-advertise this project clarifying the technical specifications. This will provide for a more competitive pricing environment.

MINIMUM QUALIFICATIONS EXCEED LEGAL REQUIREMENTS: No

REVIEW COMMITTEE: **MEETING DATE:** 3/22/2012 **SIGNOFF DATE:**

APPLICABLE WAGES: (RESOLUTION No. R-54-10) Yes

REVIEW COMMITTEE ASSIGNED CONTRACT MEASURES:

TYPE	GOAL
CSBE	20.73%
CBE	0.00%
DBE	0.00%
CWP	0.00%

MANDATORY CLEARING HOUSE: Yes

CONTRACT MANAGER NAME / PHONE / EMAIL: Katherine Naranjo (305) 755-7931

PROJECT MANAGER NAME / PHONE / EMAIL: Adelfa Martinez (305) 755-7815

Background

BACKGROUND: This project is for the construction of the Equestrian Complex which includes: striping of existing parking lot and re-striping accesssible parking spaces, replacing existing uncovered warm up ring with new uncovered warm up ring to include; fence, clay, irrigation, and lighting. New covered practice ring to include, pre-engineered structure, fire sprinkler system, fence, clay, irrigation, lighting, outlets and hose bibs, a sound system, site grading and drainage, and landscaping in compliance with the General Plan, which will enhance the site.

DEPARTMENT FINANCE: Maria I. Diaz "FOR" M. RUIZ — DEPT FINANCE OFFICER: — 8.1.12 DATE:

INDEX CODES: CPF038PR0765; TBD

BUDGET APPROVAL FUNDS AVAILABLE: 8/2/12 — OMB DIRECTOR — 8/2/12 DATE:

APPROVED AS TO LEGAL SUFFICIENCY: — COUNTY ATTORNEY — 8/2/12 DATE:

LISA M. MARTINEZ
SENIOR ADVISOR,
OFFICE OF THE MAYOR — 8/6/12 DATE:

CLERK DATE: 8/12/12 DATE:

CLERK OF THE BOARD
2012 AUG 17 AM 10:49
CLERK, CIRCUIT & COUNTY CTS
MIAMI-DADE COUNTY, FLA.

TROPICAL PARK
EQUESTRIAN COMPLEX PHASE 2
REQUEST TO ADVERTISE
PROJECT NUMBER
402202-05-005
GOB, SITE: 38-70765

CONTRACT AWARD BREAKDOWN	TOTAL DISTRIBUTION	GOB 10-11 SERIES "F" SITE: 38-70765 INDEX CODE CPF038PR0765 $ AMOUNT	WO#	GOB 11-12 SERIES "G" SITE: 38-70765 INDEX CODE TBD $ AMOUNT	WO#	GOB 12-13 SERIES "H" SITE: 38-70765 INDEX CODE TBD $ AMOUNT	WO#	GOB 13-14 SERIES "I" SITE: 38-70765 INDEX CODE TBD $ AMOUNT	WO#
ORIGINAL BASE CONTRACT:	$4,668,399.17	$ 255,500.00	86224	$ 1,500,000.00	86239	$ 2,522,899.17	96541	$ 390,000.00	98544
ART IN PUBLIC PLACES:	$74,802.48	$ 74,802.48	86225	$ -		$ -		$ -	
DEDICATED ALLOWANCE	$50,000.00	$ -		$ 50,000.00	86244	$ -		$ -	
PERMIT FEES	$35,012.99	$ -		$ 35,012.99	86242	$ -		$ -	
CONTINGENCY	$233,419.96	$ 60,590.66	86226	$ 172,829.30	86243	$ -		$ -	
TOTAL	$5,061,634.60	$390,893.14		$1,757,842.29		$2,522,899.17		$390,000.00	

Michael W. Ruiz 2012/07/18
Michael W. Ruiz Date
Chief, Budget Financial Management Division

7/18/2012, 12:58 PM

TREE ISLANDS PARK - BUILDING BETTER COMMUNITIES BOND PROGRAM — PROJECT # 9310720

DESCRIPTION: Construct areawide park development to include environmental mitigation, recreation center building, walkways, vehicle circulation, landscaping, and picnic area

LOCATION: SW 24 St and SW 142 Ave
Unincorporated Miami-Dade County — DISTRICT LOCATED: 11
ESTIMATED ANNUAL OPERATING IMPACT: $133 — DISTRICT(s) SERVED: Countywide

REVENUE SCHEDULE:	PRIOR	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	FUTURE	TOTAL
BBC GOB Series 2005A	61	0	0	0	0	0	0	0	61
BBC GOB Series 2008B	87	0	0	0	0	0	0	0	87
BBC GOB Series 2008B-1	419	0	0	0	0	0	0	0	419
BBC GOB Series 2011A	17	0	0	0	0	0	0	0	17
BBC GOB Future Financing	0	0	0	0	0	0	146	4,270	4,416
TOTAL REVENUE:	584	0	0	0	0	0	146	4,270	5,000

EXPENDITURE SCHEDULE:	PRIOR	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	FUTURE	TOTAL
Planning and Design	458	0	0	0	0	0	40	0	498
Construction	0	0	0	0	0	0	40	4,270	4,310
Project Administration	126	0	0	0	0	0	66	0	192
TOTAL EXPENDITURES:	584	0	0	0	0	0	146	4,270	5,000

TROPICAL PARK - BUILDING BETTER COMMUNITIES BOND PROGRAM — PROJECT # 937040

DESCRIPTION: Construct areawide park improvements including equestrian and boxing center expansion, stadium upgrades, dog park, vehicle and pedestrian circulation improvements, landscaping, and utilities upgrades

LOCATION: 7900 SW 40 St
Unincorporated Miami-Dade County — DISTRICT LOCATED: 10
ESTIMATED ANNUAL OPERATING IMPACT: $128 — DISTRICT(s) SERVED: Countywide

REVENUE SCHEDULE:	PRIOR	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	FUTURE	TOTAL
BBC GOB Series 2005A	963	0	0	0	0	0	0	0	963
BBC GOB Series 2008B	816	0	0	0	0	0	0	0	816
BBC GOB Series 2008B-1	266	0	0	0	0	0	0	0	266
BBC GOB Series 2011A	715	0	0	0	0	0	0	0	715
BBC GOB Future Financing	0	3,196	3,344	200	100	1,945	1,745	1,710	12,240
TOTAL REVENUE:	2,760	3,196	3,344	200	100	1,945	1,745	1,710	15,000

EXPENDITURE SCHEDULE:	PRIOR	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	FUTURE	TOTAL
Planning and Design	1,224	0	0	185	35	220	5	0	1,669
Construction	1,000	3,516	3,344	0	60	1,700	1,725	1,710	13,055
Project Administration	216	0	0	15	5	25	15	0	276
TOTAL EXPENDITURES:	2,440	3,516	3,344	200	100	1,945	1,745	1,710	15,000

TREE ISLANDS PARK - BUILDING BETTER COMMUNITIES BOND PROGRAM — PROJECT # 9310720

DESCRIPTION: Construct areawide park development to include environmental mitigation, recreation center building, walkways, vehicle circulation, landscaping, and picnic area

LOCATION: SW 24 St and SW 142 Ave
Unincorporated Miami-Dade County — DISTRICT LOCATED: 11

ESTIMATED ANNUAL OPERATING IMPACT: $433 — DISTRICT(s) SERVED: Countywide

REVENUE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
BBC GOB Series 2005A	61	0	0	0	0	0	0	0	61
BBC GOB Series 2008B	87	0	0	0	0	0	0	0	87
BBC GOB Series 2008B-1	410	0	0	0	0	0	0	0	410
BBC GOB Series 2011A	17	0	0	0	0	0	0	0	17
BBC GOB Future Financing	0	46	0	0	0	0	0	4,370	4,416
TOTAL REVENUE:	584	46	0	0	0	0	0	4,370	5,000

EXPENDITURE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
Planning and Design	494	74	0	0	0	0	0	0	568
Construction	0	0	0	0	0	0	0	4,310	4,310
Project Administration	85	37	0	0	0	0	0	20	142
TOTAL EXPENDITURES:	579	111	0	0	0	0	0	4,370	5,000

TROPICAL PARK - BUILDING BETTER COMMUNITIES BOND PROGRAM — PROJECT # 937040

DESCRIPTION: Construct areawide park improvements including equestrian and boxing center expansion, stadium upgrades, dog park, vehicle and pedestrian circulation improvements, landscaping, and utilities upgrades

LOCATION: 7900 SW 40 St
Unincorporated Miami-Dade County — DISTRICT LOCATED: 10

ESTIMATED ANNUAL OPERATING IMPACT: $125 — DISTRICT(s) SERVED: Countywide

REVENUE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
BBC GOB Series 2005A	963	0	0	0	0	0	0	0	963
BBC GOB Series 2008B	818	0	0	0	0	0	0	0	818
BBC GOB Series 2008B-1	266	0	0	0	0	0	0	0	266
BBC GOB Series 2011A	715	0	0	0	0	0	0	0	715
BBC GOB Future Financing	0	2,200	2,620	390	3,160	0	3,870	0	12,240
TOTAL REVENUE:	2,760	2,200	2,620	390	3,160	0	3,870	0	15,000

EXPENDITURE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
Planning and Design	1,191	0	390	0	0	0	385	5	1,971
Construction	705	2,080	2,230	390	3,160	0	1,830	1,630	12,025
Project Administration	164	0	0	0	0	0	15	5	204
TOTAL EXPENDITURES:	2,060	2,080	2,620	390	3,160	0	2,230	1,640	15,000

Memorandum

MIAMI-DADE COUNTY

Date: September 25, 2012

To: Jack Kardys, Director
Parks, Recreation and Open Spaces

From: Sherri McGriff, Director, Business Opportunity Support Services
Department of Regulatory and Economic Resources
Small Business Development Division

Subject: CSBE Compliance Review for Project No. 402202-05-005 GOB, Tropical Park Equestrian Complex

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Small Business Development (SBD) under the Business Affairs division of the Department of Regulatory and Economic Resources (RER) has completed its review of the subject project for compliance with the Community Small Business Enterprise (CSBE) Program for the purchase of Construction Services. The contract measure applicable to this project is a 20.73% CSBE Subcontractor Goal.

The Planning & Development Division of the Parks, Recreation and Open Spaces Department has submitted bid documents from Lemartec, Inc. (#1) for compliance review.

STATUS:

1. Lemartec, Inc. Compliant

SUMMARY:

Lemartec, Inc. (#1), submitted the required Schedule of Intent (SOI) Affidavits committing to utilize the following CSBE certified firms: A & A Fonte, Inc. to perform water and sewer line and related structures construction, highway, street and bridge construction, and other heavy and civil engineering construction work at 12.06% and Ruiz Electric Corp. to perform electrical work at 9.41%. Each subcontractor signed its respective SOI Affidavit in agreement with the information listed. Lemartec, Inc. fulfilled the contract measure requirement and is in compliance with the Implementing Order for the CSBE Program.

SBD has verified that the aforementioned firm is not included on the Goal Deficit Make-Up Report as of September 1, 2012. Please note that SBD staff reviewed and addressed compliance with the CSBE program. The Planning & Development Division of the Parks, Recreation and Open Spaces Department is responsible for any other issues that may exist.

Should you have any questions or need any additional information, please do not hesitate to call Kelly Duncombe at (305) 375-3136.

c: John Gutierrez, PROS
Patrice Hill, SBD
File

COPY

COLLUSION AFFIDAVIT

(Code of Miami-Dade County Section 2-8.1.1 and 10-33.1) (Ordinance No. 08-113)

BEFORE ME, A NOTARY PUBLIC, personally appeared Manuel Garcia-Tunon (Insert name of affiant) who being duly sworn states:

I am over 18 years of age, have personal knowledge of the facts stated in this affidavit and I am an owner, officer, director, principal shareholder and/or I am otherwise authorized to bind the bidder of this contract.

I state that the bidder of this contract:

[XX] is not related to any of the other parties bidding in the competitive solicitation, and that the contractor's proposal is genuine and not sham or collusive or made in the interest or on behalf of any person not therein named, and that the contractor has not, directly or indirectly, induced or solicited any other proposer to put in a sham proposal, or any other person, firm, or corporation to refrain from proposing, and that the proposer has not in any manner sought by collusion to secure to the proposer an advantage over any other proposer.

OR

[ ] is related to the following parties who bid in the solicitation which are identified and listed below:

_____ _____

_____ _____

_____ _____

Note: Any person or entity that fails to submit this executed affidavit shall be ineligible for contract award. In the event a recommended contractor identifies related parties in the competitive solicitation its bid shall be presumed to be collusive and the recommended contractor shall be ineligible for award unless that presumption is rebutted by presentation of evidence as to the extent of ownership, control and management of such related parties in the preparation and submittal of such bids or proposals. Related parties shall mean bidders or proposers or the principals, corporate officers, and managers thereof which have a direct or indirect ownership interest in another bidder or proposer for the same agreement or in which a parent company or the principals thereof of one (1) bidder or proposer have a direct or indirect ownership interest in another bidder or proposer for the same agreement. Bids or proposals found to be collusive shall be rejected.

By: _____ Signature of Affiant — 05/17/2012 Date

Manuel Garcia-Tunon, President — Printed Name of Affiant and Title

5 / 9 - 1 / 9 / 1 / 7 / 2 / 3 / 9 / — Federal Employer Identification Number

Lemartec Engineering & Construction Corporation

Printed Name of Firm

11740 SW 80th Street, 3rd Floor, Miami, FL 33183

Address of Firm

COPY

SUBSCRIBED AND SWORN TO (or affirmed) before me this 17 day of May, 2012.

He/She is personally known to me or has presented _____ as Identification.

Type of Identification

Signature of Notary

Teresita Barturen

Print or Stamp Name of Notary

Notary Public – State of Florida

EE037947

Serial Number

12-28-2014

Expiration Date

TERESITA BARTUREN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE037947
Expires 12/28/2014

Notary Seal

HERMELEE ♦ GEFFIN
ATTORNEYS AT LAW

CLERK OF THE BOARD
2012 OCT -1 PM 3:17
CLERK OF THE BOARD
MIAMI-DADE COUNTY, FLA.
#1

October 1, 2012

Please reply to Fort Lauderdale Office

NOTICE OF INTENT TO PROTEST A FORMAL BID

Via US Mail
Clerk of the Board
111 N.W. 1st Street, Suite 17-202
Miami, Florida 33128

RE: Tropical Park Equestrian Complex
Project No.: 402202-05-005 GOB ESP

To Whom It May Concern:

Pursuant to Implementing Order 3-21 of Miami-Dade County and Section 2-8.4 of the Miami-Dade County Code, Arraya Construction & Design, Inc., Florida Construction & Engineering, Inc., [redacted] and Perez-Gurri Corp. d/b/a N&J Construction (hereinafter "**N&J**") hereby provides notice of their intent to protest the above-referenced formal bid. Enclosed herewith is a check in the amount of $5,000.00. Such check is being tendered as the filing fee for this protest proceeding.

On September 26, 2012, Miami-Dade County issued a Notification of Contract Award Recommendation for the above-referenced project (hereinafter the "Project") to Lemartec Engineering and Construction Corporation. However, the bid for the referenced project violates Administrative Order 3-38 because the bid documents imposed a single source supplier for the metal building manufacturer without complying with the mandates of such Administrative Order. Consequently, the bid for the Project is illegal and, therefore, null and void.

Miami-Dade County, knowing that the bid for the Project violated Administrative Order 3-38, issued the above-described Notice of Intent to Award. Consequently, Miami-Dade County has acted arbitrarily and capriciously with respect to the award.

Yours truly,

Alan G. Geffin

RECEIVED
By the Clerk for the record.

FORT LAUDERDALE: 101 NE 3rd Avenue, Suite 1110 ♦ Ft. Lauderdale, Florida 33301-1169 ♦ Phone: 954-764-4445 ♦ Fax: 954-764-4989
MIAMI BEACH: 300 71st Street, Suite 405 ♦ Miami Beach, Florida 33141 ♦ Phone: 305-866-7551 ♦ Fax: 305-866-7063
Web: www.hermeleegeffin.com

OCT 02 2012
Item 14A4
Exhibit
Meeting

N & J CONSTRUCTION 03-09

4990 SW 72 AVE SUITE 104
MIAMI, FL 33155
(786) 268-1285

3629

DATE 10/1/12

63-1482/670
275

PAY TO THE ORDER OF Clerk of The Board $ 5,000.00

Five Thousand Dollars NO DOLLARS

Security Features Details on Back.

TD Bank
America's Most Convenient Bank®

FOR BD Project Proj# 402202-05-025 GOB ESP

⑈003629⑈ ⑆067014822⑆ 6860993374⑈

CLERK OF THE BOARD
2012 OCT -1 PM 3:18
MIAMI-DADE COUNTY, FLA.

FOR Speaker's Card (For Public Hearing Items Only)

Today's Date: 10/2/12 BCC Mtg. Date: 10/2/12 Agenda Item#: 14A4

Subject: Equestrian Center

Name: Jason L. Molder

Address: 5561 N. University Dr. #102 Coral Springs FL 33067

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? ☒ Yes ☐ No

If yes, please list name: LEMARTEC (Organization) Benson Mucci Weiss, PL (Firm) LEMARTEC (Client)

Have you registered with the Clerk of the Board? ☒ Yes ☐ No

Do you require an interpreter? NO

¿Necesita un intérprete? ☐ Spanish/*Español* *Èske w bezwen yon Entèprèt?* ☐ Creole/*Kreyol*

RECEIVED
By the Clerk for the record.

OCT 0 2 2012

Item 14A4
Exhibit
Meeting

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing Competitive Contract Awards and Rejections

Agenda Item No. 14(A)(11)

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached competitive contract awards and rejections with authority to exercise options-to-renew. The recommended items to be considered by the Board are described below and in more detail in the accompanying attachments:

Contract Awards

Item 1.1 – Fluorosilicic Acid for Water and Sewer Department: Awards a contract for the purchase and delivery of fluorosilicic acid in tank trucks to various water and wastewater facilities. The amount requested for the five-year term is $2,018,000.

Item 1.2 – Mailing Services: Awards a contract for the purchase of bulk mailing and related services for various County departments. The amount requested for the five-year term is $6,450,000.

Item 1.3 – Liquid Ferric Sulfate and Liquid Ferric Chloride for the Water and Sewer Department: Awards a contract for the purchase and delivery of liquid ferric sulfate and liquid ferric chloride for the Water and Sewer Department. The amount requested for the five-year term is $11,932,000.

Item 1.4 – Sodium Hypochlorite: Awards a contract for supply of sodium hypochlorite for the Water and Sewer Department. The amount requested for the five-year term is $40,068,000.

Item 1.5 – Photographic Processing Services and Supplies, Close Circuit Television (CCTV), Broadcast and Audio Visual Equipment Parts and Repair Services Prequalification: Awards a contract for the purchase of photographic processing services and supplies, close circuit television, broadcast and audiovisual equipment, parts, and repair services for various County departments. The amount requested for the five-year term is $755,000. If the one, five-year option to renew period is exercised, the cumulative value of the contract will be up to $1,510,000.

Item 1.6 – Fire Hydrants, Accessories, Parts and Locks Prequalification: Awards a contract for the purchase of fire hydrants (Group A) and hydrant locks and key wrenches (Group B), as well as establish a prequalification pool for fire hydrant replacement parts and accessories (Group C). The amount requested for the five-year term is $3,365,000.

Item 1.7 – Polo Shirts: Awards a contract for the purchase of polo shirts for various County departments. The amount requested for the five-year term is $1,642,000.

Item 1.8 – Latex and Nitrile Gloves and Rejection of Bids for Item 13 of Group B: Awards a contract to nine vendors for the purchase of latex and nitrile gloves (Items #1 through #12) for various County departments. It is also recommended that the Board reject the bids received for Item #13 of Group B (polyethylene gloves). The amount requested for the five-year term is $4,422,000.

RECEIVED
By the Clerk for the record
OCT 0 2 2012
Item 14A11
Exhibit
Meeting

Bid Rejections

Item 2.1 – Household Appliances: Rejects all five bids received under solicitation 9384-0/20 Household Appliances. The fiscal impact for the ten-year contract term would have been $7,786,000.

Item 2.2 – Bulk Industrial Crude Solar Salt: Rejects the sole bid received under solicitation 9627-0/17 Bulk Industrial Crude Solar Salt. The fiscal impact for the three-year contract term would have been $1,350,000.

Scope
The impact of the items in the attached Competitive Contract Awards and Rejections is countywide in nature.

Fiscal Impact/Funding Source
The allocation and funding source, by department, is listed in the attached items.

Track Record/Monitor
There are no known performance/compliance issues with the vendors recommended for award in this package. Each department's contract manager is reflected in the attached items.

Delegated Authority
If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise, in their discretion, subsequent options-to-renew periods and extend contracts for purchase of goods and services in accordance with the terms and conditions of each contract.

Due Diligence
Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and review of performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is provided pursuant to Resolution R-187-12.

Background
Additional background information on the awards and rejections are attached.

Attachments

Edward Marquez
Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: August 7, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Recommendation to Award: Fluorosilicic Acid for Water and Sewer Department

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Recommendation
It is recommended that the Board of County Commissioners (Board) approve award of contract *6877-0/17 Fluorosilicic Acid* to Mosaic Crop Nutrition, LLC for the purchase and delivery of fluorosilicic acid in tank trucks to various water and wastewater facilities.

The Water and Sewer Department operates the various water and wastewater facilities and utilizes fluorosilicic acid for the treatment of potable water and helps reduce the incidence of tooth decay.

Scope
The impact of this item is countywide in nature.

Fiscal Impact/Funding Source
The fiscal impact for the five-year term is $2,018,000 and covered by the Water and Sewer Department's proprietary funds.

The previous contract value was $4,312,000 for five years. Although the proposed contract amount is based on anticipated usage, it is lower than the previous contract due to a 32 percent reduction in dosage rates mandated by the Environmental Protection Agency (from 1,200 to 825 tons per year) to avoid health risks. Additionally, the new pricing is 17 percent lower than under the previous contract.

Track Record/Monitor
The Contract Manager in the Water and Sewer Department is Gregory Hicks. Herman Ramsey in the Internal Services Department is the Procurement Officer.

Delegated Authority
If this item is approved, the County Mayor or the County Mayor's designee will have the authority to exercise, at their discretion, contract modifications and extensions in accordance with the terms and conditions of the contract.

Due Diligence
Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and review of performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Vendor(s) Recommended for Award

An Invitation to Bid was issued under full and open competition on May 3, 2012. Award of this contract was to be to the two responsive and responsible bidders offering the lowest price, as primary and secondary vendors. However, as there was only one responsive and responsible bidder, there is no secondary vendor award.

Vendor	Address	Principal	Award
Mosaic Crop Nutrition LLC	3033 Campus Drive Suite E490 Plymouth, MN	Lawrence W. Stranghoener	Primary vendor

The above firm is not a certified Small Business Enterprise.

Vendor(s) Not Recommended for Award

Proposers	Reason for Not Recommending
The Dumont Company, Inc.	Failed to provide the correct certification document, per Section 2, Para 2.6(3).
Key Chemical, Inc.	
Total Connection, Inc. (SBE)	Failed to provide required documents, per Section 2, Para 2.6(1 through 4) and affidavits.
Kemira Water Solutions, Inc.	Responded with a "No Bid".
PENCCO, Inc.	

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies and will be collected on all purchases.
- The Small Business Enterprise Bid Preference and Local Preference were applied in accordance with the applicable ordinances.
- The Living Wage Ordinance does not apply.

Alina T. Hudak
County Manager/Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: August 7, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Recommendation to Award: Mailing Services

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the award contract *8058-0/17, Mailing Services* to Arrowmail Presort Co., Inc. and Postal Center International for purchase of bulk mailing and related services for various County departments.

Due to the volume of outgoing mail generated by the County, as well as the net savings on first class postage rates, the County uses outside vendors for the pick-up and delivery of mail to the United States Postal Service (USPS) from various locations throughout the County. The County as a whole generates approximately three million pieces of first class mail per year due to the daily operations of various departments, including the Clerk of Courts, Water and Sewer Department, Internal Services Department, and others. In addition, these services are used by various departments for non-first class mailings such as the annual TRIM Notice, tax bills, building permits, and citation notices, to name a few. These non-first class mailings generate an additional seven to eight million pieces of mail per year. Lastly, the County also uses these vendors for additional services such as folding, inserting, metering, tabbing, barcoding, and presorting of mail.

The vendors furnish all labor, equipment, supervision, transportation, and incidentals required to pick up, presort, process, and/or deliver County mail. The vendors merge and/or comingle the County's mail with first class mail from their other clients, allowing the vendors to accumulate large volumes of mail daily and benefit from substantial discounts on first class mailing rates. On average, and inclusive of the vendor's $0.009 per letter service charge, the County saves $0.076 per letter on first class mail. On other types of mail, such as the TRIM notice and building permit mailings, a variety of discounted postage rates are used to achieve the lowest possible postage cost.

While not a revenue-generating service to the County, this savings, coupled with the highly specialized equipment required for this service, afford the most efficient method of ensuring the County's bulk mailing services needs are met.

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the five-year contract term is $6,450,000. The proposed allocations are based on past usage and are budgeted as follows:

Department	Allocation	Funding Source	Contract Manager
Aviation	$ 75,000	Proprietary Funds	Neivy Garcia
Clerk of Courts	3,850,000	Clerk's Funds	Charis Lubeck
Finance	150,000	General Fund	Geraldo Gomez
Internal Services	1,600,000	Internal Service Funds Fund	Steve Schmuger
Library	20,000	Library District Funds	Anna Rodriguez
Property Appraiser	500,000	General Fund	Bobby Flevaris
Water and Sewer	230,000	Proprietary Funds	Gregory Hicks
Total	**$ 6,450,000**		

The previous contract value was $7,138,000 for five and a half years.

Track Record/Monitor
The contract managers for each department are listed in the table above. Sherry Crockett of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority
If this item is approved, the County Mayor or the County Mayor's designee will have the authority to exercise, at their discretion, contract modifications, and extensions, and to issue work orders, in accordance with the terms and conditions of the contract.

Due Diligence
Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Vendor(s) Recommended for Award
An invitation to bid was issued under full and open competition on March 27, 2012. Award of this contract was made to the lowest responsible, responsive vendor on a group-by-group basis. The groups represent specifications and estimated quantities for Internal Services, Clerk of Courts, Water and Sewer, and Property Appraiser. As needs arise for Aviation, Finance, and Library, these departments will identify which awarded group corresponds to their specification and quantities. A work order will be issued using the pricing and vendor for that group.

Awardee(s)	Address	Principal	Award Group
Arrowmail Presort Co., Inc.	9825 N.W. 17th Street Miami, FL	Cristina Fernandez	Group A (Internal Services), Group B (Clerk of Courts) and C (Water and Sewer)
Postal Center International	3406 S.W. 26th Terrace Fort Lauderdale, FL	Stephen Gussman	Group D (Property Appraiser)

None of the firms above are certified as Small Business Enterprises.

Vendor(s) Not Recommended for Award
None, as there were only two bidders.

Applicable Ordinances and Contract Measures
- The two percent User Access Program provision applies and will be collected on all purchases.
- The Small Business Enterprise Bid Preference and Local Preference were applied in accordance with the applicable ordinances.
- The services being provided are covered under the Living Wage ordinance.

Edward Marquez
Deputy Mayor

Item 1.3

Memorandum

MIAMI-DADE COUNTY

Date: August 2, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Recommendation to Award: Liquid Ferric Sulfate and Liquid Ferric Chloride for the Water and Sewer Department

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve award of contract *9568-0/17 Liquid Ferric Sulfate and Liquid Ferric Chloride* to Kemira Water Solutions, Inc. for the purchase and delivery of liquid ferric sulfate and liquid ferric chloride for the Water and Sewer Department.

WASD has been experiencing problems with the formation and buildup of struvite, which is a mineral commonly found in sewage and wastewater. The formation and build-up of struvite can clog valves, pipes, pumps, and centrifuges, creating significant operational issues and causing operating permit violations. Adding both ferric chloride and ferric sulfate at several points in the wastewater treatment process has become essential to removing struvite from the system, and is a long-term solution to control excessive struvite buildup.

SCOPE

The impact of this item is countywide in nature.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact for the total five-year contract term is $11,932,000 budgeted from Water and Sewer Proprietary Funds. The proposed contract amount is based on anticipated usage.

The recommended contract award consolidates two existing contracts. The first contract is Liquid Ferric Sulfate which was for $6,264,000 for four years. The second was emergency contract E9568-0/12 Liquid Ferric Sulfate and Liquid Ferric Chloride valued at $500,000 for one year. The increased allocation is to cover the cost of both chemicals, as the previous contract was only for the purchase of liquid ferric sulfate. The pricing for the proposed contract is 22.5 percent and 19.5 percent less for ferric sulfate and ferric chloride, respectively, than under the current contract.

TRACK RECORD/MONITOR

The Water and Sewer Department's contract manager is Gregory Hicks. Herman Ramsey of the Internal Services Department is the Procurement Contracting Officer.

DELEGATED AUTHORITY

If this item is approved, the County Mayor or the County Mayor's designee will have the authority to exercise, at their discretion, contract modifications and extensions, in accordance with the terms and conditions of the contract.

VENDOR RECOMMENDED FOR AWARD

An Invitation to Bid was issued under full and open competition on February 29, 2012. Award was to up to two lowest responsive and responsible bidders offering the lowest aggregate price, as primary and secondary vendors.

Vendor	Address	Principal
Kemira Water Solutions, Inc.	1000 Parkwood Circle, Suite 500 Atlanta, GA	Joseph W. Richey

The above firm is not a certified Small Business Enterprise.

VENDORS NOT RECOMMENDED FOR AWARD

Proposer(s)	Reason for Not Recommending
PENCCO, Inc.	Vendor submitted a "no bid".
Thatcher Chemical of Florida	Vendor withdrew its offer prior to bid opening.

None of the above firms are a certified Small Business Enterprise.

DUE DILIGENCE

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

APPLICABLE ORDINANCES AND CONTRACT MEASURES

- The Small Business Enterprise Bid Preference and Local Preference were applied in accordance with the applicable ordinances.
- The Living Wage Ordinance does not apply.
- The two percent User Access Program provision applies and will be collected on all purchases.

Alina T. Hudak
County Manager/Deputy Mayor

Item 1.4

Memorandum

MIAMI-DADE COUNTY

Date: August 21, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Recommendation to Award: Sodium Hypochlorite (NaOCl) in 10.5 Percent Solution for the Water and Sewer Department

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve award of contract *4132-0/17 Sodium Hypochlorite (NaOCl) in 10.5% Solution* to Allied Universal Corporation, a local vendor, to supply sodium hypochlorite for the Water and Sewer Department.

Sodium hypochlorite is used for disinfection in the water and sewage treatment process. The Water and Sewer Department is converting all of its treatment plants from elemental chlorine to sodium hypochlorite. Each plant has to start with a pilot project to fine tune the treatment process and must be granted regulatory permission to make the conversion. The conversion to sodium hypochlorite is being done to mitigate the potential homeland security, health, safety and transportation risks associated with the delivery and storage of elemental chlorine at the plants.

Scope
The impact of this item is countywide in nature.

Fiscal Impact and Funding Source
The fiscal impact for the total five-year term is $40,068,000 budgeted from Water and Sewer's proprietary funds.

The previous contract amount was for $4,042,000 for five years and six months. The new contract allocation is higher due to anticipated usage and to provide for the complete conversion from elemental chlorine to sodium hypochlorite during the five-year period. The increase in cost is consistent with the approximate tenfold increase in volume and transportation costs associated with the conversion to the safer disinfection process.

Track Record/Monitor
This contract is used by the Water and Sewer Department and the contract manager is Gregory Hicks. Herman Ramsey of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority
If this item is approved, the County Mayor or the County Mayor's designee will have the authority to exercise, at their discretion, contract modifications and extensions, in accordance with the terms and conditions of this contract.

Due Diligence
Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and review of performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There

were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Vendor Recommended for Award

An invitation to Bid was issued under full and open competition on January 27, 2012. Award of this contract was made to the responsive and responsible bidder offering the lowest aggregate price.

Vendor	Address	Principal
Allied Universal Corporation	3901 NW 115th Ave, Miami, FL	James Palmer

The above firm is not a certified Small Business Enterprise.

Vendors Not Recommended for Award

Proposer	Reason for Not Recommending
Brenntag Mid-South, Inc.	Prices are higher than the low bidder.

The above firm is not a certified Small Business Enterprise.

Applicable Ordinances and Contract Measures

- The Small Business Enterprise Bid Preference and Local Preference were applied in accordance with the applicable ordinances.
- The Living Wage Ordinance does not apply.
- The two percent User Access Program provision applies and will be collected on all purchases.

Alina T. Hudak
County Manager/ Deputy Mayor

Item 1.5

Memorandum

MIAMI-DADE COUNTY

Date: August 21, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Recommendation to Establish a Pre-Qualification Pool: Photographic Processing Services and Supplies, Close Circuit Television (CCTV), Broadcast and Audio Visual Equipment Parts and Repair Services

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve establishment of a pre-qualification pool for contract *9633-1/22 Photographic Processing Services and Supplies, Close Circuit Television (CCTV), Broadcast and Audio Visual Equipment Parts and Repair Services Pre-qualification Pool* for purchase of photographic processing services and supplies, close circuit television (CCTV), broadcast and audiovisual equipment, parts, and repair services for various County departments.

This contract is used to service CCTV and audiovisual equipment, and to obtain photographic processing on an as-needed basis. The awarded vendors will compete in spot market competitions as needs arise to provide the required services. The vendors will be required to furnish all labor, equipment, supervision, transportation, and incidentals necessary to pick up, deliver, and service the equipment as specified.

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the initial five-year term is up to $755,000. If the one, five-year option-to-renew period is exercised, the cumulative value of the contract will be up to $1,510,000. The proposed contract amount is based on past usage and anticipated needs over the next five years. The allocations are budgeted as follows:

Department	Allocation	Funding Source	Contract Manager
Aviation	$30,000	Proprietary Funds	Neivy Garcia
Medical Examiner	155,000	General Fund	Theresa Bryant
Police	150,000	General Fund	Laura Romano
Public Works and Waste Management	25,000	General Fund	Olga Espinosa-Anderson
Water and Sewer	125,000	Proprietary Funds	Cheryl-Hughes Thomas
Community Information and Outreach	60,000	General Fund	Deborah Dean
Regulatory and Economic Resources	25,000	General Fund	Johnny Lariosa
Parks, Recreation and Open Spaces	100,000	General Fund	Bill Solomon
Community Action and Human Services	20,000	Federal Funds	Shirley Almeida
Public Housing and Community Development	35,000	Federal Funds	Barry Cowins
Seaport	10,000	Proprietary Funds	Phillip Rose
Fire Rescue	20,000	Fire District Funds	Armando Corbett
Total	**$755,000**		

Previously, these services were available under two separate contracts; both contracts combined were valued at $1,542,000 for five years. Under the previous contracts, the usage by the authorized departments was lower and the approved allocations were overstated. The proposed allocation for this replacement contract is approximately $787,000 lower than the existing allocations for the initial five-year term. The new contract is a consolidation of services.

Track Record/Monitor
This contract is used by various County departments. The contract managers for each department are listed in the table above. Roma Campbell of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority
Upon approval of this item, a pool of pre-qualified vendors will be established to participate in spot market competitions. The County Mayor or County Mayor's designee will have the authority to solicit pricing and award contracts up to an aggregate contract amount of the allocation authorized by the Board. Additionally, the County Mayor or County Mayor's designee may add qualified vendors to the pool at any time during the contract term, subject to bi-annual ratification by the Board. The County Mayor or County Mayor's designee will also have the authority to exercise, at their discretion, contract modifications, options-to-renew, and other extensions in accordance with the terms and conditions of the pool contract.

Vendors Recommended for Award
An Invitation to Bid was issued under full and open competition on May 16, 2012. Two pre-qualification pools were established. Group 1 is for photographic processing services and supplies, and Group 2 is for CCTV, broadcast, audio visual equipment parts and repair services. An additional vendor is anticipated to be added to Group 1 as they become eligible to enter the pre-qualification pool. .

Vendor	Address	Principal	Award Group
Bass United Fire & Security Systems, Inc.	1480 SW 3 Street C-9 Pompano Beach, FL	Brad A. Higdon	Group 2
Pitman Photo Supply	13911 S Dixie Highway Miami, FL	Michael L. Werner	Group 1
Security & Sound Systems, Inc.	6590 W Rogers Circle #8 Boca Raton, FL	Matthew Rector	Group 2
Silent Guard Systems, Inc.	4835 Hollywood Blvd, Suite 1 Hollywood, FL	Madelyn Levy	Group 2

None of the above firms are certified Small Business Enterprises (SBE).

Vendors Not Recommended for Pre-Qualification Pool
None

Due Diligence
Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There

were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies and will be collected on all purchases, where permitted by funding source.
- The Small Business Enterprise Set Aside and Local Preference will be applied at time of spot market competitions, where permitted by funding source.
- The Living Wage ordinance does not apply.

Background

This contract will be utilized for different projects and services to support County operations. The need for these products and services for the major user departments are detailed below:

- The Parks, Recreation, and Open Spaces Department uses this contract to assist in the setup and coordination of tennis tournaments, golf division facilities, coastal region facilities, show mobile, and soundstage operations.
- The Medical Examiner and Police departments use this contract for purchase of miscellaneous photographic supplies that are essential to process requests for the reproduction of case photographs in support of investigations conducted by various law enforcement agencies, documenting autopsies, crime scenes, and other evidentiary items.
- The Water and Sewer Department uses this contract to purchase photographic equipment (including digital and disposable cameras) and supplies that are needed for field staff and various projects, inventory of parts and equipment, inspections, and investigation of construction and safety issues.

Edward Marquez
Deputy Mayor

Item 1.6

Memorandum

MIAMI-DADE COUNTY

Date: August 21, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Recommendation to Award a Contract and Establish a Pre-Qualification Pool for Fire Hydrants, Accessories, Parts, and Locks

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve award of Contract *5317-0/17* to various vendors as shown on page two of this memorandum for the purchase of fire hydrants (Group A) and fire hydrant locks and key wrenches (Group B). Approval is also requested to establish a pre-qualification pool for fire hydrant replacement parts and accessories (Group C).

The Miami-Dade Water and Sewer Department (WASD) is responsible for maintaining and repairing approximately 45,000 fire hydrants located within the unincorporated areas, the City of Miami, and the City of Coral Gables.

Scope

Impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the proposed five-year contract term is up to $3,365,000 budgeted from WASD proprietary funds. The previous contract amount was $3,140,000 for five and a half years. The increase is attributed to price increases for metals since the previous contract.

Track Record/Monitor

This contract is utilized by WASD, whose contract manager is Greg Hicks. Robin Webb of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority

If this item is approved, the County Mayor or the County Mayor's designee will have the authority to exercise, at their discretion, contract modifications and extensions in accordance with the terms and conditions of the pool contract. A pre-qualified pool of vendors will be established in Group C to participate in spot market competitions. The County Mayor or the County Mayor's designee will have authority to solicit pricing and award contracts up to an aggregate contract amount of the allocation authorized by the Board. Additionally, the County Mayor or the County Mayor's designee may add qualified vendors to the pool at any time during the contract term, subject to bi-annual ratification by the Board.

Due Diligence

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines, to determine contractor responsibility, included verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Vendor(s) Recommended for Award

An Invitation to Bid was issued under full and open competition on April 30, 2012. The recommended vendors are the two, lowest-priced responsive and responsible bidders by item in Groups A (Purchase of Fire Hydrants) and B (Purchase of Fire Hydrant Locks and Key Wrenches). Additionally, all of the bidders who met the solicitation requirements are pre-qualified for the pre-qualification pool being established in Group C (purchase of fire hydrant replacement parts and accessories on an as-needed basis).

Vendor	Address	Principal	Award
Corcel Corp. (SBE)	2461 N.W. 23 St. Miami, FL	Rafael L. Corona	Group A – Secondary Items 1-12 Group C – Pre-qualified
Ferguson Enterprises d/b/a Ferguson Waterworks	7480 N.W. 48 St. Miami, FL	Terry E. Hall	Group B – Secondary, Items 1-8 Group C – Pre-qualified
HD Supply Waterworks, LTD	10810 N.W. 92 St. #108 Miami, FL	HD Supply GP & Management Inc.	Group A – Primary, Items 13-16 Group C – Pre-qualified
McGard LLC	3875 California Rd. Orchard Park, NY	Durham McCauley	Group B – Primary, Items 1-8 Group C – Pre-qualified
Mueller Co. LTD	500 W. Eldorado St. Decatur, IL	Mueller Co. 1 LLC	Group A – Primary, Items 1-12 Group C – Pre-qualified

Note: There is no Secondary Vendor for Group A, Items 13 to 16, as there was only one bidder for those items.

Vendor(s) Not Recommended for Award

None

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies and will be collected on all purchases.
- For Group A and B, the Small Business Enterprise Bid Preference and Local Preference were applied in accordance with the applicable ordinances. For Group C, they will be applied at the time of spot market competitions.
- The Living Wage ordinance does not apply.

Alina T. Hudak
County Manager/Deputy Mayor

Item 1.7

Memorandum

MIAMI-DADE COUNTY

Date: August 21, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Recommendation for Award: Polo Shirts

Recommendation

It is recommended that the Board of County Commissioners (Board) approve award of contract *8148-0/17 Polo Shirts* to the vendors listed below for the purchase of polo shirts.

Various departments provide their employees with uniforms to ensure a clean and consistent look to the public or as required in collective bargaining agreements. This contract includes access to polo shirts with special features, as operationally required; such as those that allow for the wicking of moisture away from the body, fabric treatments which provide protection from the sun, and anti-microbial treatments which control odor.

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the total five year contract term is $1,642,000.
The proposed allocations are based on past usage and are budgeted as follows:

Department	Allocation	Funding Source(s)	Contract Manager
Animal Services	$61,000	General Fund	Angel Villarreal
Aviation	20,000	Proprietary Funds	Neivy Garcia
Community Information and Outreach	30,000	General Fund	Deborah Dean
Corrections and Rehabilitation	40,000	General Fund	Mohammad Haq
Fire Rescue	1,076,000	Fire District Funds	Marianela Betancourt
Information Technology	30,000	Internal Service Funds	Manny Fernandez
Internal Services	12,000	Internal Service Funds	Etta Jardine
Medical Examiner	13,000	General Fund	Theresa Bryant
Parks, Recreation and Open Spaces	150,000	General Fund	Debbie Frost
Police	120,000	General Fund	Laura Romano
Public Works and Waste Management	65,000	General Fund	Ruth Rodriguez
Regulatory and Economic Resources	25,000	Proprietary Funds	Vivian Sotolongo
Total	**$1,642,000**		

The scope of this contract has been expanded to consolidate two previous contracts, including Fire Rescue's polo shirt requirements, valued at $2,332,000 for five and a half years. The new contract will allow all County polo shirt requirements to be obtained through one contract. Award of this contract represents a reduction of $690,000 due to the combining of two contracts, reductions in estimated usage, and the better pricing received on some items.

Track Record/Monitor

The contract managers for each department are listed in the table above. Abelin Rodriguez of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise, at their discretion, contract modifications, and extensions, in accordance with the terms and conditions of the contract.

Vendor(s) Recommended for Award

An Invitation to Bid was issued under full and open competition on February 22, 2012. Award of this contract was made to the lowest responsible, responsive vendor on an item by item basis for Group 1 (general County use) and to the lowest responsible, responsive vendor in the aggregate of all items for Group 2 (Miami-Dade Fire Rescue). The groups represent specifications and estimated quantities for 12 County departments.

Awardee(s)	Address	Principal	Award Group
Global Trading, Inc. (SBE)	7262 NW 33 St. Miami, FL	Viraj Wikramanayake	Primary: Group 1 Items 1-3, 16, 17, 22, and 23-29 Secondary: Group 1 Items 13 and 21
IPA Corp. (SBE)	19840 Cutler Ct. Cutler Bay, FL	Norberto Cederna	Primary: Group 1 Items 5 and 23-29 Secondary: Group 1 Items 1-3 and 14
Monica Manufacturing, Inc. (SBE)	2605 W 8 Ave Hialeah, FL	Elizabeth Baltodano	Primary: Group 1 Items 20, 23-29 Secondary: Group 1 Item 22 Primary: Group 2
Paragon Uniform Group, Inc. (SBE)	1612 Jefferson Ave. PH1 Miami Beach, FL	Pedro Gonzalez	Primary: Group 1 Items 4, 6-9, 11-15, 18 and 23-29 Secondary, Group 1 Items 5, 10, 16 and 20
Picasso Embroidery Systems, Inc. (SBE)	6095 NW 167 St. #D1 Miami, FL	Mery Silberman	Secondary: Group 2
Plan B Concepts, Inc. (SBE)	6291 Miller Dr. South Miami, FL	Monique Praschnik	Primary: Group 1 Items 10 and 23-29 Secondary: Group 1 Items 7-9, 11, 12, 15 and 17 – 19
T-Shirt Plus Color, Inc. (SBE)	4156 SW 74 Ct. Miami, FL	Susana Grossen	Primary: Group 1 Items 19, 21 and 23-29 Secondary: Group 1 Items 4 and 6

Due Diligence

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Vendors Not Recommended for Award

Vendor	Reason
Eurenas Fashions International, Inc.	Firm did not comply with the Small Business Enterprise set aside requirements of the solicitation.
IPA Corp. (SBE)	The firm's bid for Group 1, Item 19 was found non-responsive by the County Attorney's Office for not bidding on all sizes.*
International Promotional Ideas, Inc.	Firm did not comply with the Small Business Enterprise set aside requirements of the solicitation.
Palmetto Uniforms, Inc. (SBE)	Firm bid higher than the low bidder.
Paragon Uniform Group, Inc. (SBE)	Firm proposed a like equivalent shirt for Group 1, Item 1 which was other than what was specified. Upon review of the equivalent proposed, the user department, Public Works and Waste Management (PWWM) did not approve the proposed shirt because it was not the level of quality required. The firm's bid for Group 1, Item 19 was found non-responsive by the County Attorney's Office for not bidding on all sizes.*
Picasso Embroidery Systems, Inc. (SBE)	Firm proposed like equivalent shirts for Group 1, Items 1-3 which were other than what was specified. The user department (PWWM) did not approve the proposed shirt because it was not the level of quality required.
Plan B Concept, Inc. (SBE)	Firm proposed shirts for Group 1, Items 1 and 2 which were other that the ones specified. Upon review of the equivalent proposed, the user department (PWWM) did not approve the proposed shirt because it was not the level of quality required. Firm proposed shirts for Group 1, Items 13 and 14 which were other than the ones specified. Upon review of the equivalent shirts, they were not approved by the user department. The firm was found non-responsive for Group 2 by the County Attorney's Office for not offering prices for all items.*
T-Shirt Plus Color, Inc. (SBE)	Firm proposed a shirt for Group 1, Item 1 which was other than the one specified. Upon review of the equivalent proposed, the user department (PWWM) did not approve the proposed shirt because it was not the level of quality required.
Unique Embroidery, Inc. (SBE)	Firm bid higher than the low bidder.

** County Attorney's Office's opinions are attached.*

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies and will be collected on all purchases.
- The Small Business Enterprise Set Aside and Local Preference were applied in accordance with the applicable ordinances.
- The Living Wage ordinance does not apply.

Genaro "Chip" Iglesias
Deputy Mayor

Rodriguez, Abelin (ISD)

From: Rosenthal, Oren (CAO)
Sent: Monday, August 06, 2012 2:08 PM
To: Rodriguez, Abelin (ISD)
Cc: Auguste, Tracie (ISD)
Subject: RE: Bid 8148-0/17, Polo Shirts

To clarify, the footnote in the May 4, 2012 opinion is only meant to indicate that the May 4, 2012 opinion supersedes the April 21, 2012 opinion to the extent that any of the analysis is inconsistent based upon the new information, which was not originally provided, and does not otherwise change the April 21, 2012 opinion. Thanks.

Oren Rosenthal
Assistant County Attorney
111 NW 1 Street, Suite 2810
Miami, Florida 33128
(305) 375-2828
(305) 375-5634 fax

From: Rodriguez, Abelin (ISD)
Sent: Monday, August 06, 2012 2:00 PM
To: Rosenthal, Oren (CAO)
Cc: Auguste, Tracie (ISD)
Subject: Bid 8148-0/17, Polo Shirts

Oren:

On April 21, 2012 you provided me an opinion about;
IPA Corporation's responsiveness to Group 1 Item 26.
Plan B Concepts bid for Group 2.

You found, IPA was responsive and Plan B was not responsive.

On the May 4th opinion the questions were;
IPA Corporation's pricing reference Group 1, Item 19.
Paragon Uniform Group's pricing for Group 1, Item 19.
Plan B Concept's not using the pricing pages issued in an Addendum which had been issued to the ITB.

You found IPA and Paragon non-responsive and Plan B responsive.

My problem is on the May 4th opinion by the subject line you put a footnote which states the May opinion supersedes the April opinion. They were different questions on different items in the solicitation, each opinion should stand alone. I need the May opinion without the foot note.

A. Rodriguez, Procurement Contracting Officer
Internal Services Department
111 NW 1 St. Ste 1300
Miami, FL. 33128-1974
Ph. (305) 375-4744 Fax. (305) 372-6128

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records.
E-mail messages are covered under such laws and thus subject to disclosure.

Item 1.8

Memorandum

MIAMI-DADE COUNTY

Date: August 21, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Recommendation to Award of Contract for Latex and Nitrile Gloves and Rejection of Bids for Item No. 13 of Group B

Recommendation

It is recommended that the Board of County Commissioners (Board) approve award of contract *8909-0/18 Latex and Nitrile Gloves* to the nine vendors listed on the following page for the purchase of latex and nitrile gloves (Items #1 through #12). It is also recommended that the Board approve rejection of bids received for Item # 13 of Group B (polyethylene gloves).

Latex and nitrile gloves are used by multiple County departments to protect both their employees and the public in bio-hazardous situations and ensure proper hygiene, sanitary conditions, and non-contamination, such as during medical examinations and procedures to help prevent contamination between patients. Nitrile gloves are made from synthetic materials and are purchased for use by employees who may have an allergic reaction to latex.

The rejection of the polyethylene gloves item is recommended because the proposals received exceed the current market prices. This type of glove will be re-solicited among the awarded vendors at a later date.

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the five year contract term is $4,422,000. The proposed allocations are based on past usage and are budgeted as follows:

Department	Allocation	Funding Source(s)	Contract Manager
Animal Services	$40,000	General Fund	Angel Villarreal
Aviation	100,000	Proprietary Funds	Neivy Garcia
Corrections and Rehabilitation	2,000,000	General Fund	Mohammad Haq
Community Action and Human Services	250,000	General Fund / State Funds	Shirley Almeida
Fire Rescue	1,750,000	Fire District Funds	Marianela Betancourt
Juvenile Services	20,000	General Fund	Cindy Akerman
Medical Examiner	75,000	General Fund	Theresa Bryant
Police	20,000	General Fund	Laura Romano
Parks, Recreation and Open Spaces	5,000	General Fund / Proprietary Funds	Debbie Frost
Public Works and Waste Management	150,000	General Fund / Proprietary Funds	Olga Espinosa-Anderson
Regulatory and Economic Resources	12,000	General Fund / Proprietary Funds	John Laroisa
Total	**$4,422,000**		

The previous contract value was $9,410,000 for five and a half years. The lower contract value is a result of lower anticipated usage during the next contract term, increased competition, expanded scope of services, and better pricing.

Track Record/Monitor
The contract managers for each department are listed in the table above. Abelin Rodriguez of the Internal Services Department is the Procurement Contracting Officer.

Delegated Authority
If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise, at their discretion, contract modifications, and extensions, in accordance with the terms and conditions of the contract.

Vendor(s) Recommended for Award
An Invitation to Bid was issued under full and open competition on November 9, 2011. Award of this contract was made to the three lowest-priced responsive, responsible bidders (as primary, secondary and tertiary vendors), on an item-by-item basis. Attached are County Attorney's Office opinions regarding the responsiveness of two vendors (Apple Medical Equipment, Inc. and District Healthcare and Janitorial Supply, Inc.).

Awardee	Address	Principal	Items Awarded
American Purchasing Services, LLC.	4380 NW 135th St. Opa Locka, FL	Akhil Agrawal	Tertiary: Item 1
Bound Tree Medical LLC	5000 Tuttle Crossing Blvd Dublin, OH	Andrew Love	Primary: Items 3 and 7 Secondary: Items 4, 5 and 8
District Healthcare & Janitorial Supply, Inc. (SBE)	10125 N.W. 116th Way Suite 16 Medley, FL	Kenneth Hopkins	Primary: Items 9 - 12
Faycroft Interior & Purchasing, Inc.	15037 SW 141st Terr. Miami, FL	Norma Bancroft	Primary: Item 2 Secondary: Items 1 and 6
Magid Glove & Safety Manufacturing Company, LLC.	2060 N. Kolmar Ave. Chicago, IL	Joey Guerrero	Primary: Item 5
Midwest Medical Supply Co., LLC.	13400 Lakefront Dr. Earth City, MO	Jo Ann Rudd	Primary: Items 1, 4 and 8 Secondary: Items 3 and 7 Tertiary: Item 5
Palmetto Uniforms, Inc. (SBE)	8869 SW 131st St. Miami, FL	Ramonita Cruz Feick	Primary: Item 6 Secondary: Items 2 and 12 Tertiary: Items 4 and 7
Total Connection, Inc. (SBE)	20451 NW 2nd Ave. Suite 120 Miami, FL	Joseph Orukotan	Secondary: Item 9 Tertiary: Items 3 and 8
Wenoc Enterprises, Inc. (SBE)	20022 NW 62nd Place Miami, FL	Willie Cone	Tertiary: Items 9 and 12

** There is no secondary recommendation for Items 10 and 11, and there is no tertiary recommendation for Items 2, 6, 10 and 11 because bids were deemed excessive or insufficient bids were received.*

Due Diligence

Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is being provided pursuant to Resolution R-187-12.

Vendors Not Recommended for Award

Vendor	Reason for Not Recommending
Apple Medical Equipment, Inc.	Firm did not comply with County Ordinances requiring Subcontractor/Supplier Listing (97-104) and Collusion Affidavit (08-113). Firm also did not comply with the Small Business Enterprise set aside requirements for Group B of the solicitation. This firm was found to be non-responsible.
Faycroft Interior & Purchasing, Inc.	These firms did not comply with the Small Business Enterprise set aside requirements for Group B of the solicitation.
Magid Gloves and Safety, Inc.	
Midwest Medical Supply Co., Inc.	
Performance Safety Group, Inc.	These firms did not comply with the Small Business Enterprise set aside requirements for Group B of the solicitation. They bid higher than the recommended bidders for items in Group A.
Ritz Safety, Inc.	
Total Connection, Inc. (SBE)	These firms' bids for Group B, Item 13 were rejected, as it is not in the County's best interest to award this item.
Wenoc Enterprises, Inc. (SBE)	
Palmetto Uniforms, Inc. (SBE)	

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies and will be collected on all purchases where permitted by funding source.
- The Small Business Enterprise Set Aside and Local Preference were applied in accordance with the applicable ordinances.
- The services being provided are not covered under the Living Wage ordinance.

Attachments

Genaro "Chip" Iglesias
Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: April 27, 2012

To: Abelin Rodriguez
Contracting Officer
Internal Services Department

From: Eduardo W. Gonzalez
Assistant County Attorney

Subject: ITB No. 8909-0/18 (Latex and Nitrile Gloves)
Bidder: Apple Medical Equipment, Inc.

You have asked this office if the bid submitted by Apple Medical Equipment, Inc. ("Apple Medical") is responsive. We rely on the information provided in your April 25, 2012 memorandum.

The purpose of the ITB is to establish a contract for the purchase of latex and nitrile gloves for various County departments on an as needed basis. You have informed us that Apple Medical did not submit a filled out subcontractor and supplier list with its bid. Apple Medical's failure to list its subcontractors and suppliers in its bid submittal, however, does not invalidate its bid. As set forth below, a requirement that a bidder list its subcontractors is an issue of bidder responsibility as opposed to responsiveness. Consistent with that, the County Code describes the subcontractor listing requirement as "a condition of award." Miami-Dade County Code § 2-8.1(f).

Apple Medical must ultimately submit its subcontractor listing to be awarded the contract but can submit the listing post-bid opening. Apple Medical's bid is responsive.

DISCUSSION

"Generally, a requirement that a bidder list subcontractors in its bid involves a matter of responsibility because it relates to the agency's need to evaluate the subcontractor's qualifications or the bidder's ability to meet equal employment opportunity and minority business requirements." Matter of: CDM Federal Programs Corp., B- 249022, 1992 WL 186992, at *2 (Comp. Gen. 1992); see also Matter of: Hughes Georgia, Inc., B- 244936, B- 244936.2, 91-2 CPD 457, 1991 WL 251277 (Comp. Gen. 1991) (holding that submission of list of potential subcontractors relates to issues of bidders' responsibility); Matter of: Consolidated Group, B- 220050, 86-1 CPD P 21, 1986 WL 69171 (Comp. Gen. 1986) (holding that list of proposed subcontractors required by solicitation was not intended for evaluation purposes, but related to contract administration and the offeror's responsibility); Matter of: Gelco Servs., Inc., B-253376, 93-2 CPD P 163, 1993 WL 376637, at *5 (holding that principal purpose of a sub-subcontractor list is to assist the agency in determining whether a prospective bidder is capable of performing the contract work and, as such, submittal and completion of a sub-subcontractor list involves an issue pertaining to bidder responsibility). Issues going to bidder responsibility can be satisfied post-bid opening, any time prior to actual contract award. See Matter of: John Short & Assocs., Inc.; Comprehensive Health Servs., Inc., B- 236266, B- 236266.4, 89-2 CPD P 448, 1989 WL 241451, at *2 (Comp. Gen. 1989).

Furthermore, the current version of the County ordinance requiring the submittal of a subcontractor list provides that the submission of a subcontractor list is a condition of award. See

Miami-Dade County Code § 2-8.1(f). Accordingly, the subcontractor information requested in the solicitation is information that can be submitted after bid submission at any time prior to award.

Assuming no other responsiveness issues exist, Apple Medical's bid is responsive.

Eduardo W. Gonzalez

Memorandum

MIAMI-DADE COUNTY

Date: January 3, 2012

To: Abelin Rodriguez
Contracting Officer
Internal Services Department

2012 JAN -6 AM 10:59

From: Eduardo W. Gonzalez
Assistant County Attorney

Subject: ITB No. 8909-0/18 (Latex and Nitrile Gloves)
Bidder: District Healthcare & Janitorial Supply, Inc.

You have asked this office if the bid submitted by District Healthcare & Janitorial Supply ("District Healthcare") is responsive.

FACTS

We rely on the information provided in your December 15, 2011 memorandum to Hugo Benitez regarding the bidding issues, the terms of the ITB itself and the bid submitted by District Healthcare. The purpose of the ITB is to establish a contract for the purchase of latex and nitrile gloves for various County departments on an as needed basis. Section 2.0 paragraph 2.7 of the solicitation provides that if a bidder is awarded a contract the prices proposed by the bidder shall remain fixed for a period of twelve (12) months. Thereafter, the bidder may request pricing adjustments from the County. District Healthcare included within its bid a document prepared by Volk Protective Products ("Volk"). Volk is a third party who is not a bidder nor would be in privity with the County in any contract entered into pursuant to the solicitation. Volk is the manufacturer of the products District Healthcare is bidding to the County. The Volk document contained with District Healthcare's bid included the following notation: "Pricing is only guaranteed at 90 day intervals." You have asked us to determine whether this notation prepared by Volk – which is included in District Healthcare's bid – qualifies District Healthcare's bid and render District Healthcare's bid non-responsive.

DISCUSSION

Generally, extraneous documents submitted with a bid must be considered part of the bid. See Matter of: Southeastern Metal Fabrication, B-186750, 76-2 CPD P 265, 1976 WL 9705 (Comp. Gen. 1976); Matter of: J.A. Wynne Co., Inc., B-181807, 74-2 CPD P 268, 1974 WL 11735 (Comp. Gen. 1974). Accordingly, a price escalation clause on a sheet of paper under the bidder's own letterhead included within the bid submittal renders the bid non-responsive. See Southeastern Metal Fabrication, 1976 WL 9705 at *2.

Such is not the case here. Here, the document in question was prepared by Volk, the manufacturer, not the ultimate bidder, District Healthcare. Volk's document – and the notation on prices being guaranteed for a period of 90 days – describes the prices Volk is quoting to District Healthcare. There is nothing on the face of Volk's document that modifies or qualifies District Healthcare's bid prices to the County. Accordingly, the inclusion of the Volk document within District Healthcare's bid does not render District Healthcare's bid non-responsive. Assuming no other responsiveness issues exist, District Healthcare's bid is responsive. This conclusion is consistent with the "strong public policy" under Florida law "in favor of awarding contracts to the low bidder, and an equally strong public policy against disqualifying the low bidder for technical deficiencies which do not confer an economic

advantage on one bidder over another." Intercontinental Props., Inc. v. State Dep't of Health & Rehabilitative Servs., 606 So. 2d 380, 387 (Fla. 3d DCA 1992).

The fact that Volk's prices to District Healthcare are guaranteed only for a period of 90 days may raise the issue of whether District Healthcare is financially capable of providing the County with the latex and nitrile gloves at the prices it bid to the County through the duration of the contract. Such an issue, whether District Healthcare is capable of performing the contract as provided in its bid, is an issue of bidder responsibility. The Board of County Commissioners, or in those instances of delegated authority, the County Mayor or the Mayor's designee ultimately determines the issue of bidder responsibility. These ultimate decision makers of course act with the advice of the County's professional staff. The issue of bidder responsibility is fundamentally one of business judgment and policy, and the County Attorney plays no role in that determination.

Eduardo W. Gonzalez

Item 2.1

Memorandum

MIAMI-DADE COUNTY

Date: August 7, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Recommendation to Reject all Bids Received: Household Appliances

---

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve rejection of all five bids received under solicitation *9384-0/20 Household Appliances.*

Various County departments purchase household appliances, such as range hoods, gas and electric ranges, refrigerators, wall ovens, microwaves, washers and dryers, and dishwashers, for daily operations or for use by County employees. During the evaluation process, it was discovered that several of the appliances specified in the solicitation were no longer in production and not available for purchase. As a result, the responding bidders offered different makes and models from those specified.

Each year, new models of appliances are introduced with varying degrees of product enhancements. Current research indicates that the most effective procurement method is spot purchasing in order to ensure that the most current specifications are used. This method will enhance competition and ensure the County receives the greatest value at the lowest possible price. A new solicitation has been developed which employs the spot purchase method and will be presented to the Board at a future date for consideration.

SCOPE

The impact of this item would have been countywide in nature.

FISCAL IMPACT AND FUNDING SOURCE:

The fiscal impact of the total ten-year contract term would have been $7,786,000. The allocations were budgeted as follows:

Department	Allocation	Funding Source	Contract Manager
Aviation	$120,000	Proprietary Funds	Neivy Garcia
Community Action and Human Services	1,200,000	Federal Funds	Shirley Almeida
Corrections and Rehabilitation	404,000	General Fund	Mohammed Haq
Fire Rescue	412,000	Fire District Funds	Marianela Betancourt
Internal Services	100,000	Internal Service Funds	Lucy Romano
Public Housing and Community Development	5,000,000	Federal Funds	Mari Saydal-Hamilton
Transit	300,000	MDT Operating	Daryl Hurston
Water and Sewer	250,000	Proprietary Funds	Gregory Hicks
Total	**$7,786,000**		

TRACK RECORD/MONITOR

This contract was to be used by various County departments and the contract managers for each department are listed in the table above. Yuly Chaux of the Internal Services Department is the Procurement Contracting Officer.

VENDORS NOT RECOMMENDED FOR AWARD

An Invitation to Bid was issued under full and open competition on August 11, 2010. Award was to have been to the two responsive and responsible bidders offering the lowest aggregate price, per group.

Proposer(s)	Reason for Not Recommending
Sears Roebuck & Co.	Rejection of all bids.
Century AAA Ltd (SBE)	
Transworld Services, Inc. (SBE)	
World Access USA LLC (SBE)	
Smith Restaurant Supply Co, Inc.	

The firms certified as Small Business Enterprises are noted above.

APPLICABLE ORDINANCES AND CONTRACT MEASURES

- The Small Business Enterprise (SBE) Bid Preference and Local Preference Ordinances were included in the solicitation, where permitted by funding source.
- The Living Wage Ordinance did not apply.
- The User Access Program provision was applicable, where permitted by funding source.

Russell Benford
Deputy Mayor

Item 2.2

Memorandum

MIAMI-DADE COUNTY

Date: August 21, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Recommendation to Reject All Bids: Bulk Industrial Crude Solar Salt

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Recommendation
It is recommended that the Board of County Commissioners (Board) approve the rejection of all bids for solicitation *9627-0/17, Bulk Industrial Crude Solar Salt.*

An Invitation to Bid was issued on March 27, 2012 under full and open competition for purchase and delivery of bulk industrial crude solar salt in tank trucks for the Miami-Dade Water and Sewer Department (WASD). This product is used for on-site generation of sodium hypochlorite (bleach) at wastewater facilities. Morton Salt, Inc. was the only bidder that responded to the solicitation. The County Attorney's Office determined that this firm's bid was non-responsive because the vendor stated that their prices were subject to acceptance within 30 days and offered payment terms that were in conflict with the requirements of the solicitation (see attached opinion). Therefore, it is recommended that the County reject the bid received for this solicitation, and review market conditions in order to increase competition in the replacement solicitation.

Scope
Impact of this item is countywide in nature.

Fiscal Impact/Funding Source
The allocation is $1,350,000 for three years from WASD proprietary funds.

Track Record/Monitor
The contract manager at WASD is Gregory Hicks. Herman Ramsey in the Internal Services Department is the Procurement Officer.

Vendor(s) Recommended for Award
None. The contract would have been awarded to the two responsive and responsible bidders offering the lowest aggregate price, per item.

Vendor(s) Not Recommended for Award

Proposer	Reason for Not Recommending
Morton Salt, Inc.	The County Attorney's Office deemed the bid non-responsive because it did not comply with the requirements of the solicitation.*

**CAO opinion is attached.*

Applicable Ordinances and Contract Measures
- The Small Business Enterprise Bid Preference was included in the solicitation.
- The Living Wage Ordinance did not apply.
- The User Access Program provision was included in the solicitation.
- The Local Preference was included in the solicitation.

Alina T. Hudak
County Manager/Deputy Mayor

MIAMI-DADE COUNTY
COUNTY ATTORNEY'S OFFICE

To: Herman Ramsey
Procurement Contracting Officer
Internal Services Department

From: Monica Rizo
Assistant County Attorney

Re: Responsiveness of bid – Invitation to Bid No. 9627-01/17
Bulk Industrial Crude Solar Salt

Date: May 8, 2012

You have asked this office if a bid submitted by Morton Salt, Inc. ("Morton") may be considered responsive to the above-referenced Invitation to Bid ("ITB"). For the reasons set forth below, we conclude that Morton's bid is non-responsive to the ITB.

FACTS

We rely on the information provided in your memorandum, and the attachments thereto, addressed to this office, dated April 25, 2012 and received April 26, 2012. You indicated that the expected value of the contract, once awarded, is to be over $1,000,000.

Morton's submitted a bid in response to the ITB. However, Morton included the following statement in its bid: "all prices quoted herein are subject to acceptance within 30 days and shall be deemed automatically to have been withdrawn if, by the end of that period, no award has been made. Terms net 30 days." In your memorandum, you asked us to analyze whether Morton's bid acceptance period of 30 days, rather than the 90 days required by the ITB, renders Morton's bid non-responsive. Specifically, Section 1.2(F)(2) of the ITB provides that "[a] Bid shall be irrevocable unless the Bid is withdrawn as provided herein. . . . A bid may also be withdrawn ninety (90) days after the Bid has been opened and prior to award, by submitting a letter to the contract person identified on the front cover of this Bid Solicitation."

In reviewing the ITB and Morton's bid, this office identified another irregularity in Morton's bid- the aforementioned statement in Morton's bid requires that it be paid within 30 days, rather than in accordance with the State of Florida's and the County's Prompt Payment Acts, which generally provide for payment within 45 days of the receipt of a proper invoice (unless Morton's is a small business, in which case, payment would be due in 30 days). Specifically, Section 1.2(H) of the ITB provides that "the time at which payment shall be due from the County or the Public Health Trust shall be forty-five (45) days from receipt of a proper

invoice. The time at which payment shall be due to small businesses shall be thirty (30) days from receipt of a proper invoice."

DISCUSSION

Based on the facts set forth above, Morton's bid is not responsive and should be rejected. The public purpose in competitive procurement is "best served by construing the bid requirements, if at all reasonable, in a way that would give all bidders an opportunity to bid." *Air Support Servs. Int'l, Inc. v. Metropolitan Dade County,* 614 So. 2d 583 (Fla. 3d DCA 1993). In general, a bid should be rejected or disregarded if there is a material variance between the bid and the advertisement. *See Glatstein v. City of Miami*, 399 So.2d 1005 (Fla. 3rd DCA), rev. denied, 407 So.2d 1102 (Fla. 1981). Only when a variance is immaterial or "minor" is a bidder permitted to change his bid. *Harry Pepper & Associates, Inc. v. City of Cape Coral*, 352 So.2d 1190, 1192 (Fla. 2d DCA 1977). A variance is material if, (1) the effect of the variance would be to deprive the County of the assurance that the contract would be entered into, performed and guaranteed according to its specific requirements; and (2) it would adversely affect competitive bidding by placing a bidder in a position of advantage over other bidders. *See Robinson Electrical Co., Inc. v. Dade County*, 417 So.2d 1032, 1034 (Fla. 3d DCA 1982).

In the instant case, Morton's refusal to hold its bid price open for 90 days, as required by the ITB, constitutes a non-waivable variance from the requirements of the ITB and renders its bid non-responsive. This opinion is consistent with opinions reached by the Federal Comptroller General and other jurisdictions. *See e.g., Matter of: Bridgewater Construction Corp.*, B-214187, 1984 WL 43848 (February 14, 1984) (bid was determined to be nonresponsive because bidder provided for a 15-day bid acceptance period rather than for the minimum 30-day period required by the solicitation); *Matter of: Mariman Security,* B-218407, 1985 WL 61462 April 4, 1985) (bid was properly rejected as non-responsive where 60 day acceptance period in bid was shorter than minimum 90 day period required by the solicitation); *Bodine Electric of Champaign v. City of Champaign*, 711 N.E.2d 471 (Ill. App. Ct. 1999) (submission of a bid bond in less than the amount required was a material variance that would make the bid unresponsive). Additionally, to the extent that Morton is not a small business, as defined by the County Code, then its requirement that it be paid within 30 days, rather than the 45 days set forth in the ITB, is a repudiation of the express terms of the ITB and is a non-waivable material variance that also renders its bid non-responsive.

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 14(A)(11)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 14(A)(11)

10-2-12

RESOLUTION NO. _____

RESOLUTION AUTHORIZING AWARD AND REJECTION OF COMPETITIVE CONTRACTS, AND, WHERE AWARDED, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER FOR PURCHASE OF GOODS AND SERVICES

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes award of competitive contracts as set forth in items 1.1 - 1.8 of the incorporated memorandum, authorizes the County Mayor or County Mayor's designee to exercise options-to-renew established there under for the purchase of goods and services. This Board further authorizes the rejection of all bids as set forth in items 2.1 and 2.2 of the incorporated memorandum.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of October, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Oren Rosenthal

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No. 14(A)(13)

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing Competitive Contract Modifications

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached competitive contract modifications with authority to exercise options-to-renew. The items are described below and in more detail in the accompanying attachments:

Item 1 – Paper Based Disposable Trays: Modifies this contract for an additional 12 months to continue purchasing paper-based disposable trays for the Corrections and Rehabilitation Department.

Item 2 – Central A/C and Related Ductwork, Pre-qualification: Modifies this contract for an additional $104,000 in spending authority to allow the Community Action and Human Services Department to continue upgrading or replacing the central air conditioning units for low-income or elderly residents.

Item 3 – Psychological Testing Services: Modifies this contract for an additional $195,000 in spending authority to allow the Fire Rescue Department to continue purchasing psychological evaluation services for firefighters and dispatchers.

Item 4 – Operation and Maintenance Services for Landfill Gas Control Systems: Modifies this contract for an additional 12 months and $320,000 in spending authority for the Public Works and Waste Management Department to continue purchasing maintenance, monitoring, and repair services for landfill gas control systems.

Item 5 – Lot Clearing Services: Modifies this contract for an additional 12 months and $307,000 in spending authority for various County departments to continue purchasing lot clearing services.

Item 6 – Trash and Garbage Collection and Disposal: Modifies this contract for an additional 18 months and $8,532,000 in spending authority for various county departments to continue purchasing trash and garbage collection and disposal services at County-owned sites.

Item 7 – Roadway Landscaping and Lawn Services: Modifies this contract for an additional 12 months and $2,491,000 in spending authority for the Park, Recreation and Open Spaces Department to continue purchasing landscape and ground maintenance for areas adjacent to County roadways.

Item 8 – Laboratory Testing and Sampling Services: Modifies this contract for an additional 12 months and $594,000 in spending authority for the Regulatory and Economic Resources and Water and Sewer Departments to continue purchasing certified laboratory testing and sampling services.

RECEIVED
By the Clerk for the record.
OCT 02 2012

Item 9 – Conventional Baggage Systems Maintenance and Service: Modifies this contract for an additional $35,000 in spending authority for the Aviation Department to purchase maintenance and repair services for baggage systems.

Item 14A13
Exhibit
Meeting

Item 10 – Electrical Power Systems (Pre-Qualification of Bidder): Modifies this contract for an additional 60 months and $26,729,000 in spending authority for various county departments to continue purchasing electrical power system services. This modification essentially continues the existing pre-qualification pool in place without issuing a new solicitation as each award is made through a spot market competition.

Item 11 – Cubed Ice: Modifies this contract for an additional 14 months for various County departments to purchase cubed ice.

Item 12 – Elevator Maintenance Services and Modernization of Elevator Equipment Prequalification: Modifies this contract for an additional $633,000 in spending authority for the Public Housing and Community Development Department to purchase elevator modernization services.

Scope
The impact of the items is countywide in nature.

Fiscal Impact/Funding Source
The allocation and funding source, by department, is listed in the attached items.

Track Record/Monitor
There are no known performance/compliance issues with the vendors recommended for award in this package. Each department's contract manager is reflected in the attached items.

Delegated Authority
If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise, in their discretion, subsequent options-to-renew periods and extend contracts for purchase of goods and services in accordance with the terms and conditions of each contract.

Due Diligence
Due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine Contractor responsibility, including verifying corporate status and review of performance or compliance issues. The lists that were referenced include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Contractor responsibility. This information is provided pursuant to Resolution R-187-12.

Background
Additional background information on each modification is attached.

Attachments

Edward Marquez
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 14(A)(13)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

✓ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(13)
10-2-12

RESOLUTION NO. _____

RESOLUTION AUTHORIZING COMPETITIVE CONTRACT MODIFICATIONS AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE OPTIONS-TO-RENEW ESTABLISHED THEREUNDER FOR PURCHASE OF GOODS AND SERVICES

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes competitive contract modifications and authorizes the County Mayor or County Mayor's designee to exercise options-to-renew established thereunder for the purchase of goods and services.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro
Esteban L. Bovo, Jr.
Sally A. Heyman
Jean Monestime
Rebeca Sosa
Xavier L. Suarez
Lynda Bell
Jose "Pepe" Diaz
Barbara J. Jordan
Dennis C. Moss
Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of October, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Oren Rosenthal

Item 1

Contract No.: 9160-0/11	Title: Paper Based Disposable Trays

Type of Change:

☒ Additional Time
☐ Additional Spending Authority
☐ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds

Contract Description and Reason for Change:

This contract is for paper-based disposable trays used at correctional facilities for food service to the inmate population. The additional time will allow the user department to continue purchasing disposable trays until the successor contract is established by November 2013.

Current Term Length:		Additional Time Requested:
18 months		12 months
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
May 27, 2011	November 30, 2012	November 30, 2013

Department	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Contract Manager
Corrections and Rehabilitation	$691,000	$0	$691,000	General Fund	Mohammad Haq
TOTAL	$691,000	$0	$691,000		

Contract Measures:	☒ Small Business Enterprise ☐ Set-Aside ☐ Bid Preference ☐ Selection Factor ☐ Other
Local Preference Ordinance:	☒ Applies ☐ Does not apply
Living Wage Ordinance:	☐ Applies ☒ Does not apply
User Access Program:	☒ Applies where permitted by funding source ☐ Does not apply
Procurement Contracting Officer:	Mike Ramos

Vendor(s)	Address	Principal
District Healthcare and Janitorial Supply, Inc. (Micro/SBE)	10125 NW 116th Way, Suite 16, Medley, FL	William Pernell
Simbio USA, Inc. (Micro/SBE)	7 NW 2nd Street, Miami, FL	Yamilka Bravo

Item 2

Contract No.: 8933-1/13-1	Title: Central A/C and Related Ductwork, Pre-qualification

Type of Change:

☐ Additional Time
☒ Additional Spending Authority
☐ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds

Contract Description and Reason for Change:

This contract is for supply, installation, and service to central air conditioning units for low income and elderly residents. The additional allocation requested by the Community Action and Human Services Department is needed to meet production goals for non-ARRA funded Low Income Home Energy Assistance Programs. The department estimates the central A/C systems of least 25 homes will be either upgraded or replaced at an average cost of $4,200 per home.

Current Term Length:		Additional Time Requested:
24 months		N/A
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
March 1, 2011	February 28, 2013	N/A

Department	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Contract Manager
Community Action and Human Services	$1,351,000	$104,000	$1,455,000	Federal Funds	Shirley Almeida
Public Housing and Community Development	$449,000	0	$449,000	Federal Funds/ Proprietary Funds	Mari Saydal-Hamilton
TOTAL	**$1,800,000**	**$104,000**	**$1,904,000**		

Contract Measures:	☐ Small Business Enterprise ☐ Set-Aside ☐ Bid Preference ☐ Selection Factor ☒ Other No measure due to funding source
Local Preference Ordinance:	☐ Applies ☒ Does not apply
Living Wage Ordinance:	☐ Applies ☒ Does not apply
User Access Program:	☐ Applies where permitted by funding source ☒ Does not apply
Procurement Contracting Officer:	Susan H. Pascul

Vendor(s)	Address	Principal
A & M Mechanical Contractors, Inc.	7495 NW 7th Street, Bay 1, Miami, FL	Miguel Rodriguez
Advanced Roofing, Inc.	1950 NW 22nd Street, Ft. Lauderdale, FL	Robert Kornahrens
Archon Air Management, Corp. (CSBE)	2501 NW 74th Avenue, Miami, FL	Luis A. Ugarde
City Air, Inc. (CSBE; DBE; Micro/SBE)	3800 SW 129th Avenue, Miami, FL	Daniel A. Cuesta
Community Air Conditioning, Inc. (CSBE)	19770 SW 136th Avenue, Miami, FL	Ricardo Rojas
Conwell & Associates Consulting Company (CSB; DBE; Micro/SBE)	11771 SW 137 Place, Miami, FL	Kenneth Conwell
Cool-Breeze Air Conditioning Corporation	13120 SW 130th Terrace, Miami, FL	Frank Crawley
Done Wright A/C and Electric Service Inc. (CSB; DBE; Micro/SBE)	10711 SW 216th Street, #109, Miami, FL	David L. Wright
Ductmasters USA, Inc.	7027 West Broward Blvd., #271, Plantation, FL	Roger Herde
Edd Helms Air Conditioning, Inc.	17850 NE 5th Avenue, Miami, FL	Wade Helms
F X P Corp. (CSBE)	4900 SW 72nd Avenue, Miami, FL	Francisco X. Perez
Gestido Construction Group, Inc.	6157 NW 167th Street, F-28, Miami, FL	Antonio Gestido, Jr.
Master Mechanical Services, Inc.	15181 NW 33rd Place, Miami, FL	Joann Pinna
Pilar Services, Inc. (SBE; CSBE)	8191 NW 91st Terrace, A-3, Medley, FL	Walter Ormazabal
South Dade Air Conditioning and Refrigeration, Inc. (CSB; DBE; Micro/SBE)	14510 SW 284th Street, Homestead, FL	Paul J. Morrow
Temptrol Air Conditioning, Inc.	4215 SW 72nd Avenue, Miami, FL	Raymond Lopez
Weathertrol Maintenance Corp.	7250 NE 4th Avenue, Miami, FL	Carlos I. Borja

Item 3

Contract No.: RFP700	Title: Psychological Testing Services

Type of Change:

☐ Additional Time
☒ Additional Spending Authority
☐ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds

Contract Description and Reason for Change:

This contract is for psychological testing for police officers, correctional officers, public service aides, and police dispatchers, as well as testing for fitness-for-duty evaluations for all Miami-Dade Police and Miami-Dade Corrections and Rehabilitation personnel. The Miami-Dade Fire Rescue Department is requesting a modification for additional funds for psychological evaluations for fire fighters and dispatchers. The evaluation is required as part of an implemented policy to determine fire fighter and dispatchers' suitability and compatibility to perform basic job functions required.

Current Term Length:		Additional Time Requested:
36 months		N/A
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
August 1, 2010	July 31, 2013*	N/A

*Three OTRs remain under this contract

Department	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Contract Manager
Various Departments	$960,000	$0	$960,000	Various	Various
Fire Rescue	$20,000	$195,000	$215,000	Fire District	Marianela Betancourt
TOTAL	**$980,000**	**$195,000**	**$1,175,000**		

Contract Measures:	☒ Small Business Enterprise ☐ Set-Aside ☐ Bid Preference ☐ Selection Factor ☐ Other
Local Preference Ordinance:	☒ Applies ☐ Does not apply
Living Wage Ordinance:	☐ Applies ☒ Does not apply
User Access Program:	☒ Applies where permitted by funding source ☐ Does not apply
Procurement Contracting Officer:	Annie Perez

Vendor(s)	Address	Principal
Law Enforcement Psychological and Counseling Associates	9960 NW 116th Way, Suite 12, Miami, FL	Brian Mangan

The firm is not SBE certified

Item 4

Contract No.: 8216-4/12-4	Title: Operation and Maintenance Services for Landfill Gas Control Systems

Type of Change:

☒ Additional Time
☒ Additional Spending Authority
☐ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds

Contract Description and Reason for Change:

This contract is for maintenance, monitoring, and repair services for landfill gas control systems and pretreatment leachate systems. These systems are essential in the waste decomposition cycle at County landfills. The monitoring and maintenance services provided by this contract ensure the landfills' systems operate properly and remain in compliance with the County's and U.S. Environmental Protection Agency policies and regulations.

This modification for will ensure continuity of services and continued compliance with local and federal regulations while a successor contract is established. A successor contract is anticipated to be established by October 2013.

Current Term Length:		Additional Time Requested:
18 months		12 months
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
May 1, 2011	October 31, 2012	October 31, 2013

Department	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Contract Manager
Public Works and Waste Management	$1,000,000	$320,000	$1,320,000	Proprietary Funds	Olga Espinosa-Anderson
TOTAL	**$1,000,000**	**$320,000**	**$1,320,000**		

Contract Measures: ☒ Small Business Enterprise ☐ Set-Aside ☐ Bid Preference ☐ Selection Factor ☐ Other_____

Local Preference Ordinance: ☒ Applies ☐ Does not apply

Living Wage Ordinance: ☐ Applies ☒ Does not apply

User Access Program: ☒ Applies where permitted by funding source ☐ Does not apply

Procurement Contracting Officer: Carol Dickson

Vendor(s)	Address	Principal
Shaw Environmental, Inc.	14350 Commerce Way, Miami Lakes, FL	David Bullington

The firm is not SBE certified.

Item 5

Contract No.: 8239-4/12-4	Title: Lot Clearing Services

Type of Change:

☒ Additional Time
☒ Additional Spending Authority
☐ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds

Contract Description and Reason for Change:

This contract is for lot clearing services. These services are occasionally required to clear land for Infill Housing and Neighborhood Stabilization program projects, as well as remove debris and abandoned property from private and public properties. The additional time and allocation requested will ensure service continuity to departments until a successor contract is established. The replacement contract is estimated to be awarded by October 2013.

Current Term Length:		Additional Time Requested:
18 months		12 months
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
May 1, 2011	October 31, 2012	October 31, 2013

Department	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Contract Manager
Internal Services Department	$35,000	$24,000	$59,000	Internal Service Funds	Sherri Ramson
Parks, Recreation, and Open Spaces	323,000	216,000	539,000	General Fund/ Proprietary Funds	William Solomon
Public Housing and Community Development	100,000	67,000	167,000	Federal Funds	Indira Rajkumar
Public Works and Waste Management	62,000	0	62,000	General Fund/ Proprietary Funds	Olga Espinosa-Anderson
TOTAL	**$520,000**	**$307,000**	**$827,000**		

Contract Measures:	☒ Small Business Enterprise ☐ Set-Aside ☐ Bid Preference ☐ Selection Factor ☐ Other
Local Preference Ordinance:	☒ Applies ☐ Does not apply
Living Wage Ordinance:	☒ Applies ☐ Does not apply
User Access Program:	☒ Applies where permitted by funding source ☐ Does not apply
Procurement Contracting Officer:	Lina Bonilla

Vendor(s)	Address	Principal
McIntyre Maintenance, Inc. (CSBE; DBE; Micro/SBE)	26235 SW 130 Place, Miami, FL	Cedric McIntyre
Suarez & Son Corp. (CSBE; Micro/SBE)	4501 NW 2 Avenue, Miami, FL	Manuel R. Suarez

Item 6

Contract No.: 6938-3/11-3	Title: Trash and Garbage Collection and Disposal

Type of Change:

☒ Additional Time
☒ Additional Spending Authority

☐ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds

Contract Description and Reason for Change:

This contract provides for trash and garbage collection and disposal services for 249 county-owned sites. Additional time and allocation is being requested to ensure service continuity until a successor contract is established. The replacement solicitation is being drafted and is expected to be advertised in early Spring 2013. Given the complexity of this solicitation, which includes over 500 items for bid, staff is anticipating a lengthy evaluation process. Staff successfully negotiated savings totaling $415,000 for the extension period.

Current Term Length:		Additional Time Requested:
24 months		18 months
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
November 1, 2010	October 31, 2012	April 30, 2014

Department	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Contract Manager
Animal Services	$57,000	$43,000	$100,000	General Fund/ Proprietary Funds	Angel Villareal
Aviation	3,184,000	2,388,000	5,572,000	Proprietary Funds	Neivy Garcia
Community Action and Human Services	147,000	111,000	258,000	General Fund	Kyra King
Corrections and Rehabilitation	1,817,000	1,363,000	3,180,000	General Fund	Mohammad Haq
Internal Services Department	455,000	342,000	797,000	Internal Service Funds	Lucy Romano/ Sherri Johnson
Public Housing and Community Development	2,932,000	2,199,000	5,131,000	Federal Funds	Indira Rajkumar
Park, Recreation and Open Spaces	2,233,000	1,675,000	3,908,000	General Fund/ Proprietary Funds	Jose J. Ponce
Port of Miami	212,000	169,000	381,000	Proprietary Funds	Phillip Rose
Public Works and Waste Management	40,000	30,000	70,000	Proprietary Funds	Olga Espinosa-Anderson
Vizcaya	26,000	20,000	46,000	Proprietary Funds	Anabel Miro
Water and Sewer	255,000	192,000	447,000	Proprietary Funds	Gregory Hicks
TOTAL	$11,358,000	$8,532,000	$19,890,000		

Contract Measures:	☒ Small Business Enterprise ☐ Set-Aside ☐ Bid Preference ☐ Selection Factor ☐ Other_____
Local Preference Ordinance:	☒ Applies ☐ Does not apply
Living Wage Ordinance:	☐ Applies ☒ Does not apply
User Access Program:	☒ Applies where permitted by funding source ☐ Does not apply
Procurement Contracting Officer:	Herman Ramsey

Vendor(s)	Address	Principal
Waste Management Inc. of Florida	1001 Fannin, Suite 4000, Houston, TX	Brett W. Fazier
Waste Services of Florida, Inc.	2893 Executive Park Drive, Suite 305, Weston, FL	William P. Hulligan
Southern Waste Systems, LLC	790 Hillbrath Drive, Lantana, FL	Charles Gusmano
Choice Environmental Services of Miami, Inc.	13300 NW 38 Court, Opa Locka, FL	Steven R. Berrard

The firms are not SBE certified

Item 7

Contract No.: 7848-4/12-4	Title: Roadway Landscaping and Lawn Services

Type of Change:

☒ Additional Time
☒ Additional Spending Authority
☐ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds

Contract Description and Reason for Change:

This contract is for landscape and ground maintenance for areas adjacent to county roadways. Proper maintenance and removal of potentially hazardous debris contribute to the safety and aesthetics of the roadways. The services provided through this contract include mowing, pruning, tree-trimming, and litter control. The additional time and allocation requested will ensure service continuity to departments until a successor contract is established. The replacement contract is estimated to be awarded by December 2013.

Current Term Length:		Additional Time Requested:
16 months		12 months
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
September 1, 2011	December 31, 2012	December 31, 2013

Department	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Contract Manager
Parks, Recreation, and Open Spaces	$3,321,000	$2,491,000	$5,812,000	General Fund/ Proprietary Funds	William Solomon
TOTAL	**$3,321,000**	**$2,491,000**	**$5,812,000**		

Contract Measures:	☐ Small Business Enterprise ☒ Set-Aside ☐ Bid Preference ☐ Selection Factor ☐ Other
Local Preference Ordinance:	☒ Applies ☐ Does not apply
Living Wage Ordinance:	☒ Applies ☐ Does not apply
User Access Program:	☒ Applies where permitted by funding source ☐ Does not apply
Procurement Contracting Officer:	Lina Bonilla

Vendor(s)	Address	Principal
Abraham Vanegas Landscaping, Inc. (Micro/SBE)	11201 SW 188 Terrace, Miami, FL	Abraham Vanegas
C & W Lawn Care, Inc. (Micro/SBE)	6600 NW 27 Avenue, Miami, FL	Walter Williams
McIntyre Maintenance, Inc. (CSBE; DBE; Micro/SBE)	26235 SW 130 Place, Miami, FL	Cedric McIntyre
Thomas Maintenance Service, Inc. (Micro/SBE)	16205 SW 117 Avenue, Miami, FL	Melvin Thomas
Gail Swaby d/b/a Tropical Homes and Gardens Landscape Designs, Inc. (Micro/SBE)	2231 NW 191 Terrace, Miami, FL	Gail Swaby

Item 8

Contract No.: 5869-4/11-4	Title: Laboratory Testing and Sampling Services

Type of Change:

☒ Additional Time
☒ Additional Spending Authority
☐ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds

Contract Description and Reason for Change:

This contract is for certified laboratory testing and sampling services. The services are used to meet routine regulatory compliance for testing parameters that cannot be conducted by County staff, as well as a contingency for unpredictable events that could affect public safety. Increased usage under this contract is anticipated due to new or enhanced testing requirements from the Florida Department of Environmental Protection. The additional time and money requested will allow the user departments to continue purchasing replacement parts and repair services until the successor contract is established by December 2013.

Current Term Length:		Additional Time Requested:
18 months		12 months
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
May 1, 2011	October 31, 2012	October 31, 2013

Department	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Contract Manager
Regulatory and Economic Resources	$47,000	$20,000	$67,000	Proprietary Funds	John Lariosa
Water and Sewer	574,000	574,000	1,148,000	Proprietary Funds	Gregory Hicks
TOTAL	**$621,000**	**$594,000**	**$1,215,000**		

Contract Measures:	☒ Small Business Enterprise ☐ Set-Aside ☐ Bid Preference ☐ Selection Factor ☐ Other
Local Preference Ordinance:	☒ Applies ☐ Does not apply
Living Wage Ordinance:	☐ Applies ☒ Does not apply
User Access Program:	☒ Applies where permitted by funding source ☐ Does not apply
Procurement Contracting Officer:	Martha Garofolo

Vendor(s)	Address	Principal
Environmental Associates	24 Oak Brook Drive, Ithaca, NY	Susan Boutros
Florida Spectrum Environmental Services	1460 W. McNab Rd., Ft. Lauderdale, FL	Katherine Kutil
Pace Analytical Services, Inc.	3610 Park Central Blvd N, Pompano Beach, FL	Kendra B. Bright
Testamerica Laboratories	4101 Shuffel Street, Canton, OH	Judith Beato

The firms are not SBE certified

Item 9

Contract No.: 4346-4/13-4	Title: Conventional Baggage Systems Maintenance and Service

Type of Change:

☐ Additional Time
☒ Additional Spending Authority
☐ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds

Contract Description and Reason for Change:

This contract is for purchase of baggage system maintenance and parts. A new Federal Inspection Station including ten baggage claim devices, located within the North Terminal Development Project at Miami International Airport will be coming on line. It is the Miami-Dade Aviation Department's (MDAD) responsibility to provide maintenance and repair services for these systems. This modification will ensure the needed monthly coverage for maintenance and repair services for these additional systems.

Current Term Length:		Additional Time Requested:
12 months		N/A
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
April 1, 2012	March 31, 2013	N/A

Department	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Contract Manager
Aviation	$1,322,000	$35,000	$1,357,000	Proprietary Funds	Neivy Garcia
TOTAL	**$1,322,000**	**$35,000**	**$1,357,000**		

Contract Measures:	☒ Small Business Enterprise ☐ Set-Aside ☐ Bid Preference ☐ Selection Factor ☐ Other
Local Preference Ordinance:	☒ Applies ☐ Does not apply
Living Wage Ordinance:	☒ Applies ☐ Does not apply
User Access Program:	☒ Applies where permitted by funding source ☐ Does not apply
Procurement Contracting Officer:	Susan H. Pascal

Vendor(s)	Address	Principal
Oxford Electronics	474 Meacham Avenue, Elmont, NY	Anthony Dalia

The firm is not SBE certified

Item 10

Contract No.: 6443-0/11	Title: Electrical Power Systems (Pre-Qualification of Bidder)

Type of Change:

☒ Additional Time
☒ Additional Spending Authority
☐ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds

Contract Description and Reason for Change:

Authorization is requested for additional time and spending authority to allow various County departments to continue purchasing electrical power system services. Departments often require frequent repairs to electrical equipment, power grids, and infrastructure components that are critical to departmental core missions. The existing prequalification pool offers the county a competitive advantage when purchasing electrical power system services. Extension of the pool enables departments to continue accessing this contract for these essential services.

Current Term Length:		Additional Time Requested:
70 months		60 months
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
March 15, 2007	December 31, 2012	December 31, 2017

Department	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Contract Manager
Aviation	$1,130,000	$682,000	$1,812,000	Proprietary Funds	Neivy Garcia
Fire Rescue	250,000	228,000	478,000	Fire District	Marianela Betancourt
Internal Services	1,000,000	819,000	1,819,000	Internal Service Funds	Lucy Romano
Transit	3,150,000	0	3,150,000	MDT Operating (Non-federal)	Daryl Hurston
Water and Sewer	26,760,000	25,000,000	51,760,000	Proprietary Funds	Gregory Hicks
TOTAL	**$32,290,000**	**$26,729,000**	**$59,019,000**		

Contract Measures:	☐ Small Business Enterprise ☐ Set-Aside ☐ Bid Preference ☐ Selection Factor ☒ Other No measure due to insufficient availability
Local Preference Ordinance:	☒ Applies ☐ Does not apply
Living Wage Ordinance:	☐ Applies ☒ Does not apply
User Access Program:	☒ Applies where permitted by funding source ☐ Does not apply
Procurement Contracting Officer:	Susan H. Pascul

Vendor(s)	Address	Principal
CE Power Solutions Of Florida LLC	4701 Crump Road, Building A Lake Hamilton, FL	William A. McCloy
Edd Helms Group Inc	17850 NE 5th Avenue Miami, FL	Wade Helms
EATON Corporation	1111 Superior Avenue Cleveland, OH	Alexander Cutler
Schneider Electric USA Inc	1415 South Roselle Road Palatine, IL	Jeff Drees
Siemens Industry Inc	1000 Deerfield Pkwy. Buffalo Grove, IL	Daryl Dulaney
TAW Miami Service Center Inc	9930 NW 89th Ave Miami, FL	James A. Turner, III

The firms are not SBE certified

Item 11

Contract No.: IB8224-3/12-3	Title: Cubed Ice

Type of Change:

☒ Additional Time
☐ Additional Spending Authority
☐ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds

Contract Description and Reason for Change:

This contract is for the purchase of cubed ice. Additional time is requested to allow various County departments to purchase cubed ice until a successor contract is awarded. The additional time requested ensures service continuity through hurricane season.

Current Term Length:		Additional Time Requested:
18 months		14 months
Current Term Start Date:	**Current Term Expiration Date:**	**Proposed Expiration Date:**
May 1, 2011	October 31, 2012	December 31, 2013

Department	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Contract Manager
Corrections and Rehabilitation	$20,000	$0	$20,000	General Fund	Mohammad Haq
Public Housing and Community Development	8,000	0	8,000	Federal Funds	Mari Saydal-Hamilton
Park, Recreation and Open Spaces	25,000	0	25,000	General Fund	Bill Solomon
Police	1,000	0	1,000	General Fund	Laura Romano
Public Works and Waste Management	20,000	0	20,000	General Fund	Olga Espinosa-Anderson
Transit	1,000	0	1,000	MDT Operating (non-federal)	Daryl Hurston
TOTAL	**$75,000**	**$0**	**$75,000**		

Contract Measures:	☒ Small Business Enterprise ☐ Set-Aside ☐ Bid Preference ☐ Selection Factor ☐ Other_____
Local Preference Ordinance:	☒ Applies ☐ Does not apply
Living Wage Ordinance:	☐ Applies ☒ Does not apply
User Access Program:	☒ Applies where permitted by funding source ☐ Does not apply
Procurement Contracting Officer:	Mike Ramos

Vendor(s)	Address	Principal
Tropical Ice, LLC	4237 NW 37 Ct., Miami, FL	Rafael Labrada
Reddy Ice Corporation	5050 SW 51 Street, Davie, FL	David Mangrum

The firms are not SBE certified

Item 12

Contract No.: 1233-5/19	Title: Elevator Maintenance Services and Modernization of Elevator Equipment Prequalification

Type of Change:

☐ Additional Time
☒ Additional Spending Authority
☐ Authorization to use Charter County Transportation Surtax Funds as a Component of MDT Operating Funds

Contract Description and Reason for Change:

This contract is for elevator maintenance services and modernization. Authorization is requested to include an additional allocation of $633,000 to this existing pool contract to allow Miami-Dade Public Housing and Community Development (PHCD) to purchase elevator modernization services. The modernization is required to replace components that are damaged beyond normal wear and tear and are not covered by routine maintenance.

This contract is for non-critical elevator units. These elevators are located at the following public housing projects: Lemon City (2 elevators), Edison Plaza (2 elevators), Smathers Plaza High Rise (2 elevators) and Smathers Plaza Apartments Low Rise (2 elevators). Approval of the contract modification will ensure the elevators receive the necessary repairs to continue to operate in a safe manner.

There is a modification in the noncompetitive package for similar services for the PHCD and Seaport departments. That modification differs from this one in that it is for modernization services to critical Thyssenkrupp elevator units.

Current Term Length:		Additional Time Requested:
60 months		N/A
Current Term Start Date:	Current Term Expiration Date:	Proposed Expiration Date:
June 1, 2010	May 31, 2015*	N/A

*Five OTRs remain under this contract

Department	Existing Allocation	Additional Allocation Requested	Modified Allocation	Funding Source	Contract Manager
Various County Departments	$3,858,000	$0	$3,858,000	Various	Various
Public Housing and Community Development	172,000	633,000	805,000	Federal Funds	Mari Saydal-Hamilton
TOTAL	**$4,030,000**	**$633,000**	**$4,663,000**		

Contract Measures:	☒ Small Business Enterprise ☐ Set-Aside ☐ Bid Preference ☐ Selection Factor ☐ Other
Local Preference Ordinance:	☒ Applies ☐ Does not apply
Living Wage Ordinance:	☒ Applies ☐ Does not apply
User Access Program:	☒ Applies where permitted by funding source ☐ Does not apply
Procurement Contracting Officer:	Lourdes Betancourt

Vendor(s)	Address	Principal
Thyssenkrupp Elevator Corp	2500 Northwinds Parkway, Suite 375, Alpharetta, GA	Richard T. Hussey

The firm is not SBE certified

MEMORANDUM

Agenda Item 15(B)3

TO: Honorable Chairman Joe A. Martinez, and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

Christopher Agrippa, Division Chief
Clerk of the Board Division

SUBJECT: Resolution No. 2012-55
Village of Pinecrest

Attached for your information is a copy of Resolution No. 2012-55 of the Village of Pinecrest, Florida, expressing opposition to the Miami-Dade Metropolitan Planning Organization's proposed US 1 Express Project; providing for an effective date.

CA/fcd
Attachment

RECEIVED
By the Clerk for the record.

OCT 0 2 2012
Item 15B3
Exhibit
Meeting

RESOLUTION NO. 2012-55

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, EXPRESSING OPPOSITION TO THE MIAMI-DADE METROPOLITAN PLANNING ORGANIZATION'S PROPOSED US 1 EXPRESS PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Miami-Dade Metropolitan Planning Organization in coordination with the Miami-Dade Expressway Authority (MDX) is studying the US 1 Express Project, a proposed tolled expressway on the South Dade Busway along the Village's main commercial corridor; and

WHEREAS, the proposed project will dramatically increase traffic congestion in the Village and abutting areas, and undermine existing and proposed transit routes along the corridor; and

WHEREAS, the proposed project will replace the first Bus Rapid Transit Corridor in the country with an elevated toll expressway with severe detrimental effects to the business community as well as the abutting residential communities; and

WHEREAS, the voters of Miami-Dade County approved a transit expansion plan for the South Dade Busway in the People's Transportation Plan (2002) providing for rail expansion along this corridor; and

WHEREAS, the Village Council wishes to express opposition to the project;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF PINECREST, FLORIDA, AS FOLLOWS:

Section 1. That the Village Council hereby expresses opposition to the proposed US 1 Express Project and requests that the Miami-Dade Metropolitan Planning Organization suspend the current study authorized under MPO Resolution 27-09, remove the project from the 2030 Long Range Transportation Plan, and redirect the focus back to a rapid transit improvement as approved by voters in the People's Transportation Plan (2002).

Section 2. That the Village Clerk shall transmit a copy of this resolution to the Miami-Dade Metropolitan Planning Organization and the Miami-Dade Expressway Authority.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 11th day of September, 2012.

Cindy Lerner

Cindy Lerner, Mayor

Attest:

Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved as to Form and Legal Sufficiency

Cynthia A. Everett
Village Attorney

Motion by: Councilmember Ross
Second by: Councilmember Cutler

Vote: Councilmembers Cutler, Ross, Vice Mayor Harter, and Mayor Lerner voting Yes
Councilmember Corradino voting No

CLERK OF THE BOARD

2012 SEP 18 PM 1:22

Clerk of the Board
111 NW First Street, Suite #17-202 | Miami, Florida 33128
Telephone: 305-375-5127
Fax: 305-375-2484
E-mail: clerkbcc@miamidade.gov

COUNTY ADVISORY BOARD NOMINATION/APPOINTMENT FORM

Please Type or Print

PART I - NOMINATION

Please complete this form and return to the Clerk of the Board. Submitted with this form, a copy of the nominee's current resume or curriculum vitae.

NAME OF BOARD:	Commission Human Rights
NOMINEE INFORMATION:	Check (✓) One: New appointment ✓ Re-Appointment _____
DATE OF NOMINATION:	Sept. 18, 2012
NOMINEE'S FULL NAME:	Alfonso M. Leon III
ADDRESS: (City, State, Zip)	1871 NW S. River Dr Park Tower, Apt. 1000 Miami, Fl 33125
HOME PHONE:	**BUSINESS PHONE:**
FAX:	**CELLULAR PHONE:** 786 3950849
E-MAIL ADDRESS:	aleon012@fiu.edu
RESUME ATTACHED:	Yes ✓ No _____ To Be Submitted _____
COMMISSIONER SIGNATURE:	**DISTRICT NUMBER:** 11

APPOINTMENT RECORD

(To be completed by the Clerk of the Board)

Individual Appointment | Individual Appointment Ratified by the BCC

PART II - APPOINTMENT

Please complete this section of this form after review of the Florida criminal history check by the Inspector General and return to the Clerk of the Board for processing.

I have reviewed the Florida criminal history check performed by the Inspector General on the above noted nominee and request that the following action be taken:

Check (✓) One: PROCEED WITH APPOINTMENT* _____

WITHDRAW NOMINATION _____

COMMISSIONER SIGNATURE:	
DATE OF APPOINTMENT:	

*Note: Appointments that require ratification by the BCC will be placed on the next available BCC agenda under County Advisory Board Appointments.

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By the Clerk for the record.

WHITE COPY TO THE CLERK OF THE BOARD / YELLOW COPY FOR YOUR RECORDS

Form- na04/13/2011

AG 2012-084

OCT 02 2012
Item 15C1
Exhibit
Meeting

CLERK OF THE BOARD

2012 SEP 18 PM 1:22

Clerk of the Board
111 NW First Street, Suite #17-202 | Miami, Florida 33128
Telephone: 305-375-5127
Fax: 305-375-2484
E-mail: clerkbcc@miamidade.gov

COUNTY ADVISORY BOARD
NOMINATION/APPOINTMENT FORM

Please Type or Print

Sits on BBCC CM for women

PART I – NOMINATION	
NAME OF BOARD:	Commission for Human Rights
NOMINEE INFORMATION:	Check (✓) One: New appointment ✓ Re-Appointment ____
DATE OF NOMINATION:	Sept. 18, 2012
NOMINEE'S FULL NAME:	Michelle Dunaj Lucking
ADDRESS: (City, State, Zip)	
HOME PHONE:	BUSINESS PHONE: (305) 742-6446
FAX:	CELLULAR PHONE:
E-MAIL ADDRESS:	dunajm@msn.com
RESUME ATTACHED:	Yes ✓ No ____ To Be Submitted ____
COMMISSIONER SIGNATURE:	DISTRICT NUMBER: 11

APPOINTMENT PROCESS
[illegible]

PART II – APPOINTMENT
[illegible]

I have reviewed the Florida criminal history check performed by the Inspector General on the above noted nominee and request that the following action be taken:

Check (✓) One: PROCEED WITH APPOINTMENT* ____

WITHDRAW NOMINATION ____

COMMISSIONER SIGNATURE:	
DATE OF APPOINTMENT:	

*Note: Appointments that require ratification by the BCC will be placed on the next available BCC agenda under County Advisory Board Appointments.

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OCT 0 2 2012

Item 15C1
Exhibit ____
Meeting ____

Form- naf:4/13/2011

AB-2012-089

Clerk of the Board
111 NW First Street, Suite #17-202 | Miami, Florida 33128
Telephone: 305-375-5127
Fax: 305-375-2484
E-mail: clerkboc@miamidade.gov

CLERK OF THE BOARD

2012 SEP 18 PM 1:22

COUNTY ADVISORY BOARD NOMINATION/APPOINTMENT FORM

Please Type or Print

NAME OF BOARD:	comm. for women
NOMINEE INFORMATION:	Check (✓) One: New appointment ✓ Re-Appointment _____
DATE OF NOMINATION:	Sept. 18, 2012
NOMINEE'S FULL NAME:	Viviana A. Jordan
ADDRESS: (City, State, Zip)	8144 NW 198 Terr Miami, Fl 33015
HOME PHONE:	**BUSINESS PHONE:**
FAX:	**CELLULAR PHONE:** 305 5860245
E-MAIL ADDRESS: viviana.jordan@fiu.edu	
RESUME ATTACHED:	Yes ✓ No _____ To Be Submitted _____
COMMISSIONER SIGNATURE:	**DISTRICT NUMBER:** 11

[redacted]

I have reviewed the Florida criminal history check performed by the Inspector General on the above noted nominee and request that the following action be taken:

Check (✓) One: PROCEED WITH APPOINTMENT* _____

WITHDRAW NOMINATION _____

COMMISSIONER SIGNATURE:	
DATE OF APPOINTMENT:	

*Note: Appointments that require ratification by the BCC will be placed on the next available BCC agenda under County Advisory Board Appointments.

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Form- nat:4/13/2011

AB-2012-083

OCT 0 2 2012
Item 15C2
Exhibit _____
Meeting _____

Mr. Chairman,

I would like to re-affirm the following members of the Fontainebleau MAC:

X **Roger Lorenzo**
X **Juan Carlos Nistal**
X **Elma Pena**

I would also like to appoint the following members to fill vacancies on the Fontainebleau MAC:

~~**Elena Fischer**~~
~~**Claude Fabre**~~
X **Oscar Cueto** — Yes
~~**Luis González**~~
X **Jesus Carcasses** — Yes

"Yes" means that they are the "chosen" (selected ones as "First pick"). The "others" will be "on hold", in case anything happens.

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By the Clerk for the record.

OCT 0 2 2012

Item 15C3 & 15C4
Exhibit
Meeting

Fontainebleau MAC members List

	E-mail	PHONE
1-Juan Carlos Nistal ✓	jcnistal@aol.com	(305))632-6051
2-Elena Fischer	elenafischer47@bellsouth.net	(305)222-0078(
3-Claude Faber	claudef5@bellsouth.net	(786)213-2077
4-Oscar Cueto	oscarmcueto@yahoo.com	(305)725-6989
5-Luis Gonzalez	Luis@AFSgroup.us	(305)477-6760
6-Jesus Carcasses	jesuscarcasses@gmail.com	(305)562-5596
7–Elma Pena ✓		
8-Roger Lorenzo ✓	rogenzo@AOL.com	(786)797-8280

Clerk of the Board
111 NW First Street, Suite #17-202 | Miami, Florida 33128
Telephone: 305-375-5127
Fax: 305-375-2484
E-mail: clerkbcc@miamidade.gov

COUNTY ADVISORY BOARD NOMINATION/APPOINTMENT FORM

Please Type or Print

PART I – NOMINATION

Please complete and sign Part I of this form and submit to the Clerk of the Board. Submittal of this form will initiate a Florida criminal history check of the nominee as required by Ord. 09-95.

NAME OF BOARD:	Planning Advisory Board
NOMINEE INFORMATION:	Check (✓) One: New appointment X Re-appointment _____
DATE OF NOMINATION:	Oct. 2/12
NOMINEE'S FULL NAME:	Jesus R. Vazquez
ADDRESS: (City, State, Zip)	1331 NW 183 Ave Pembroke Pines, FL 33029
HOME PHONE:	**BUSINESS PHONE:**
FAX:	**CELLULAR PHONE:** 305-986-6893
E-MAIL ADDRESS: jvazquez@facchina.com	
RESUME ATTACHED:	Yes X No ____ To Be Submitted ____
COMMISSIONER SIGNATURE:	**DISTRICT NUMBER:** 10

APPOINTMENT PROCESS
(To Be Completed by the Clerk of the Board)

Individual Appointment _____ ***Individual Appointment Ratified by the BCC** _____

PART II – APPOINTMENT

Please complete and sign Part II of this form following review of the Florida criminal history check and return to the Clerk of the Board for processing.

I have reviewed the Florida criminal history check performed by the Office of Inspector General on the above noted nominee and request that the following action be taken:

Check (✓) One: PROCEED WITH APPOINTMENT* _____

WITHDRAW NOMINATION _____

COMMISSIONER SIGNATURE:	
DATE OF APPOINTMENT:	

***Note: Appointments that require ratification by the BCC will be placed on the next available BCC agenda under County Advisory Board Appointments.**

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OCT 0 2 2012

WHITE COPY TO THE CLERK OF THE BOARD / YELLOW COPY FOR YOUR RECORDS

Item 15C5
Exhibit _____
Meeting _____

Form- naf.6/9/2011

=APPOINTMENTS=

I move to waive the ~~requirements~~ rules related to "County residency" for Board appointments and ~~name as my appointment to the Planning Advisory~~ Board Mr. Jesús R. Vazquez.

(o)

and appoint Mr. Jesús Vázquez to the PAB

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By the Clerk for the record.

OCT 0 2 2012
Item 15C5
Exhibit
Meeting

MEMORANDUM
BOARD OF COUNTY COMMISSIONERS

TO: **Christopher Agrippa,** Division Chief
Clerk of the Board

DATE: October 2, 2012

FROM: **Honorable Jean Monestime**
Commissioner, District 2

SUBJECT: Board Appointments

I am appointing **Isis Clark** to the Youth Commission representing District 2.

Thank you.

C: Honorable Chairman Joe Martinez and Members,
Board of County Commissioners
Robert A. Cuevas, County Attorney

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By the Clerk for the record.

OCT 0 2 2012

Item 15C6
Exhibit
Meeting