



Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor

**Board of County Commissioners**

March 17, 2009  
9:30 AM  
Commission Chamber

Charles Anderson, CPA  
Commission Auditor

111 NW First Street, Suite 1030  
Miami, Florida 33128  
305-375-4354

**Board of County Commission  
Agenda Notes  
March 17, 2009**

Item No.	Subject Matter	Background	Analysis / Comments / Questions
4( C)	Downtown Kendall Urban Center District	<p><b>District 7</b></p> <p>This ordinance revises zoning and other land development regulations pertaining to the Downtown Kendall Urban Center District (DKUCD) by amending several sections to the Code of Miami-Dade County (Code).</p> <p>This ordinance addresses district regulation compliance issues that have surfaced during the administrative site plan review process, and streamlines some of the criteria in line with the Standard Urban Center District Regulations (Standard Regulations).</p> <p><b>Background</b> On December 16, 1999, the Board of County Commissioners (BCC) adopted Ordinance No. 99-166, creating the DKUCD Article of the Code.</p> <p>The Standard Regulations govern all other urban center districts. On July 7, 2005, the BCC approved Ordinance No. 05-143, creating the Standard Regulations (revised under Ordinance No. 08-102), to eliminate the duplication of common regulatory language and provisions from the Code.</p>	
4(E)	Ordinance Creating Article VII of Chapter 31 of the Code Relating to Route Service Motor Carriers	<p>This ordinance eliminates provisions related to route service motor carriers within Article III of Chapter 31 of the Code of Miami-Dade County (County) and the ordinance creates a new Article VII Chapter 31 of the Code establishing updated regulations relating to route service motor carriers.</p> <p>Route service is defined as transportation provided by a route service motor carrier on an approved regular route with a regular schedule between fixed terminals. This type of service is not prearranged. Route service includes jitneys, fixed route circulators and limited certificates.</p> <p><b>Background</b> On December 15, 1998, the Board of County Commissioners approved Resolution 1404-98 that placed a moratorium on new Passenger Motor Carrier (PMC) applications, with certain exceptions. The resolution also directed the County staff to conduct a review of Article III, Chapter 31 of the Code and submit amendments by October 31, 1999.</p> <p>On December 2, 2008, the Board adopted Resolution 1366-08 directing that the proposed amendment to the PMC Code be finalized and submitted to the Board within 120 days.</p> <p><b>Comments/Questions</b></p>	

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		<p>The accompanying memorandum to the ordinance states the industry was in agreement with the majority of the amendments, however, voiced concerns over the provision that the maximum vehicle age cannot be greater than five years when the vehicle is initially placed into service. If this resolution is adopted in 2009, vehicles that are placed in the route service will have to be a 2004 model or newer.</p> <p>Currently, there is a maximum vehicle age of 15 years. Vehicles that are currently providing route service that are 2004 models or older will be allowed to remain in service until their normal retirement age.</p> <p><b><i>Out of the 101 vehicles that are providing route service, how many vehicles are scheduled to age out of service in 2009?</i></b></p> <p>The ordinance also ties the vehicle retirement age to the type of vehicle placed into service. The vehicle type and retirement age are as follows:</p> <table border="1" data-bbox="655 667 1791 878"> <thead> <tr> <th data-bbox="655 667 1224 703">Vehicle Type</th> <th data-bbox="1224 667 1791 703">Retirement Age</th> </tr> </thead> <tbody> <tr> <td data-bbox="655 703 1224 738">Light Duty Passenger Vans</td> <td data-bbox="1224 703 1791 738">10 models years</td> </tr> <tr> <td data-bbox="655 738 1224 774">Medium-size, light-duty transit buses</td> <td data-bbox="1224 738 1791 774">12 model years</td> </tr> <tr> <td data-bbox="655 774 1224 810">Medium-size, medium-duty transit buses</td> <td data-bbox="1224 774 1791 810">12 model years</td> </tr> <tr> <td data-bbox="655 810 1224 846">Medium-size, heavy-duty transit buses</td> <td data-bbox="1224 810 1791 846">12 model years</td> </tr> <tr> <td data-bbox="655 846 1224 878">Large, heavy-duty transit buses</td> <td data-bbox="1224 846 1791 878">15 model years</td> </tr> </tbody> </table> <p>If a 2004 light-duty passenger van is placed into service, the vehicle would have to retire in 2014. This provision would encourage newer vehicles to be placed into service.</p> <p><b><i>Has the department evaluated the cost associated with purchasing a light duty passenger van, a light-duty transit buses, a medium-duty transit bus, a medium size heavy duty transit bus or a large heavy duty transit bus? If so, what are the current prices to purchase these types of vehicles?</i></b></p> <p>The CSD has stated that prices of vehicles were discussed during the workshops that were held. CSD staff has stated that after these discussions, it was proposed to tie the vehicle retirement age to the type of vehicle recognizing that larger vehicles which cost more money have longer user lives.</p> <p>CSD staff also stated that, a used five-year-old 15-passenger van of the type typically utilized to provide jitney service would cost \$12,000. However, most of the vehicles are purchased at car auctions and are obtained for less. Some operators indicated that 15-passenger vans were purchased anywhere between \$7,000 and \$10,000. The average cost for the other categories is the following:</p>	Vehicle Type	Retirement Age	Light Duty Passenger Vans	10 models years	Medium-size, light-duty transit buses	12 model years	Medium-size, medium-duty transit buses	12 model years	Medium-size, heavy-duty transit buses	12 model years	Large, heavy-duty transit buses	15 model years	
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		<ul style="list-style-type: none"> <li>• Heavy-duty large bus: \$325,000 to \$600,000</li> <li>• Medium size, heavy-duty buses: \$200,000 to \$325,000</li> <li>• Medium size, medium-duty buses: \$75,000 to \$175,000</li> <li>• Medium size, light-duty buses: \$50,000 to \$65,000</li> </ul> <p><i>How many circulator routes are currently in place? What cities do the circulator routes serve?</i> According to the CSD, there are 5 circulator routes: Hialeah, Aventura, Bal Harbour, Coral Gables and Doral.</p> <p>On March 3, 2009, the Board of County Commissioners adopted Resolution 178-09 which authorized the execution of an interlocal agreement between the County and the City of Doral for the provision of a public transportation service. The agreement allows Doral to operate public transportation circulator routes within the City to complement Miami-Dade Transit services.</p> <p><i>How many jitney routes are currently in place?</i> According to the CSD, there are 9 jitney routes providing route service.</p>	
5(B) & 8(F)1(A)	Killian Library Park Designation and Land Acquisition	<p><b>5(B) Killian Library Park Designation- Governmental Facilities Hearing(GFH)</b></p> <p><b>District 8</b></p> <p>This resolution approves the designation of a 3.2 acre vacant parcel of land located at 11101-11162 S.W 87 Court, as the future Killian Library Park site.</p> <p><b><u>The current zoning for this property is EU-S, Single Family Estate Use Suburban and the proposed library and park use is not permitted under the current zoning.</u></b> A Governmental Facilities Hearing is required pursuant to Miami-Dade County Code (Section 33-303) when the proposed use of a property is not permitted. A Governmental Facilities Hearing item requesting for library and park use will be presented for approval to the Board of County Commissioners (BCC) simultaneously with this item on the December 4, 2009 BCC Agenda.</p> <p><b>A separate zoning item regarding this property will be heard at the Planning and Zoning (P&amp;Z) hearing on March 19, 2009 to release the covenants with this land to allow for the subsequent approvals of the GFH 5(B) and the land acquisition 8(F)1(A) items.</b></p> <p><b>8(F)1(A) Killian Library Park Land Acquisition</b></p> <p>This resolution approves a contract for the sale and purchase of approximately 3.42 acres of vacant land located at 11101-11162 S.W 87<sup>th</sup> Court, Miami, Florida for \$2,100,000 from 8701 Southwest, LLC, for the purpose of developing Killian</p>	

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		<p>Library Park.</p> <p>The Miami-Dade Public Library (MDPL) and the Miami-Dade Park and Recreation Departments (MDPR) are preparing to jointly develop the Killian Library Park. The acquisition of this property will allow for the development of a contiguous library and park facility that will serve the Killian area. The library is a 15,000 square foot facility to be developed on approximately 2 acres of the property. The remaining 1.42-acres of this property will be developed as a park to include benches, landscaping, walking path, tot-lot, site furniture and other park recreational facilities.</p> <p><b>Funding Source:</b> MDPL \$1,812,866 (Library Taxing District Funds) and MDPR \$1,287,134 (Open Space Impact Fees). The Library Taxing District Funds will be reimbursed with GOB funds since the construction of the Killian Library is part of the GOB Bond Program (Project #70482). The MDPR Impact Fees are strictly used for property acquisition and site stabilization.</p> <p><b>GOB Killian Library Milestone/Schedule</b></p> <table border="1" data-bbox="506 735 1005 1187"> <thead> <tr> <th>Milestone</th> <th>Current Budget</th> </tr> </thead> <tbody> <tr> <td>Land Acquisition</td> <td>\$2,000,000</td> </tr> <tr> <td>Pre-design</td> <td>\$119,000</td> </tr> <tr> <td>A&amp;E Selection</td> <td>\$0</td> </tr> <tr> <td>Design</td> <td>\$833,000</td> </tr> <tr> <td>Dry Run/Permit</td> <td>\$119,000</td> </tr> <tr> <td>Contractor Selection</td> <td>\$1,022,000</td> </tr> <tr> <td>Construction</td> <td>\$4,088,000</td> </tr> <tr> <td>Final Construction</td> <td>\$700,000</td> </tr> <tr> <td>Project Administration</td> <td>\$119,000</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$9,000,000</b></td> </tr> </tbody> </table> <p><b>Appraised Value:</b> The County had two appraisals conducted on the property, October 19, 2007 and October 24, 2007. The first appraisal valued the property at \$2,830,000 and the second valued the property at \$3,100,000.</p> <p><b><u>Updated appraisals since December 2008 reflect reduced market values of \$1,865,000 and \$2,215,000 for the property and the seller has agreed to reduce the price from \$3,100,000 to 2,100,000.</u></b></p>	Milestone	Current Budget	Land Acquisition	\$2,000,000	Pre-design	\$119,000	A&E Selection	\$0	Design	\$833,000	Dry Run/Permit	\$119,000	Contractor Selection	\$1,022,000	Construction	\$4,088,000	Final Construction	\$700,000	Project Administration	\$119,000	<b>Total</b>	<b>\$9,000,000</b>	
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		<p>There is no negative performance history with 8701 Southwest, LLC.</p> <p><b>Company Principal(s):</b> Lucas Cambo and Fernando Redondo (Managers). According to the Florida Department of State, Division of Corporations, the company's principle address is 1121 Crandon Boulevard, Condominium Towers, Apartment 406, Key Biscayne, Florida.</p> <p>Library deals that were negotiated for development by the Administration include:</p> <table border="1" data-bbox="583 500 1885 1469"> <thead> <tr> <th>Library</th> <th>Agreement</th> <th>Land Cost</th> <th>Building Size</th> <th>Building Cost</th> <th>Ownership</th> <th>Funding</th> </tr> </thead> <tbody> <tr> <td>Pinecrest</td> <td>Interlocal</td> <td>N/A</td> <td>12,000 sq ft.</td> <td>\$3.52M</td> <td>City will own building and land</td> <td>Library Millage</td> </tr> <tr> <td>Palmetto Bay</td> <td>Interlocal</td> <td>N/A</td> <td>3,000 sq ft.</td> <td>\$3.05M</td> <td>County will own building and building footprint</td> <td>Library Millage</td> </tr> <tr> <td>Killian</td> <td>No interlocal GSA will build</td> <td>\$1.8M (2 acres)</td> <td>15,000 sq ft.</td> <td>N/A GOB Construction scheduled for 2014</td> <td>County will own building and land</td> <td>GOB</td> </tr> <tr> <td>Hialeah Gardens</td> <td>No interlocal GSA will build</td> <td>\$1.2M (1.8 acres)</td> <td>15,000 sq ft.</td> <td>N/A</td> <td>County will own building and land</td> <td>GOB</td> </tr> <tr> <td>Little River (relocation of library)</td> <td>No interlocal GSA will build</td> <td>Land/Bldg Acquisition Budget 1.5M</td> <td>12,617 sq. ft.</td> <td>\$2M estimated cost of bldg. renovation</td> <td>County will own building and land</td> <td>GOB, Library Millage and Capital Asset Acquisition Bond 2007 Proceeds</td> </tr> <tr> <td>Arcola Lakes</td> <td>No interlocal GSA will build</td> <td>\$1.48M</td> <td>9,670 sq. ft.</td> <td>\$3.3M</td> <td>County will own building and land</td> <td>Library Millage and Capital Asset Acquisition Bond 2007 Proceeds</td> </tr> </tbody> </table>	Library	Agreement	Land Cost	Building Size	Building Cost	Ownership	Funding	Pinecrest	Interlocal	N/A	12,000 sq ft.	\$3.52M	City will own building and land	Library Millage	Palmetto Bay	Interlocal	N/A	3,000 sq ft.	\$3.05M	County will own building and building footprint	Library Millage	Killian	No interlocal GSA will build	\$1.8M (2 acres)	15,000 sq ft.	N/A GOB Construction scheduled for 2014	County will own building and land	GOB	Hialeah Gardens	No interlocal GSA will build	\$1.2M (1.8 acres)	15,000 sq ft.	N/A	County will own building and land	GOB	Little River (relocation of library)	No interlocal GSA will build	Land/Bldg Acquisition Budget 1.5M	12,617 sq. ft.	\$2M estimated cost of bldg. renovation	County will own building and land	GOB, Library Millage and Capital Asset Acquisition Bond 2007 Proceeds	Arcola Lakes	No interlocal GSA will build	\$1.48M	9,670 sq. ft.	\$3.3M	County will own building and land	Library Millage and Capital Asset Acquisition Bond 2007 Proceeds	
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5( C), 5(D), 5(E) & 5(K)	Government Facilities Hearing Applications	<p><b><u>Item 5(C) – District 3</u></b> This resolution authorizes the erection of an eight (8) foot high fence at the Emergency Housing North Facility (Project), in compliance with § 33-303 of the Code of Miami-Dade County (Code).</p> <p>It replaces the existing six (6) foot fence with an eight (8) foot fence to address the safety issues due to an increase of criminal activity in the area and to deter vandalism and other incidents at the Emergency Housing North Facility located at 2301 N.W. 54 Street.</p> <p><b>Background</b> In 1972, the property was developed as a shelter for families displaced or on the verge of being displaced from permanent housing.</p> <p>On September 17, 2008, this Project was reviewed and unanimously recommended for approval by the Miami-Dade Site Review Committee.</p> <p>According to the Department of Planning and Zoning recommendations, the Project is consistent with the Comprehensive Development Master Plan (CDMP).</p> <p><b>Funding Source</b> Community Development Block Grant (CDBG)</p> <p><b>Comments and Questions</b> Once approved, a 15 foot right-of-way dedication along N.W. 54 Street will be needed.</p> <p><b>What is the total funding for this Project?</b></p> <p><b><u>Item 5(D) – District 2</u></b> This resolution authorizes the erection, construction and operation of a new and enhanced Model Cities Fire Rescue Station No. 2 (Project), in compliance with § 33-303 of the Code of Miami-Dade County (Code). This Project is located at 6460 N.W. 27 Avenue on approximately 2 acres of land. Project development will be completed in three (3) phases with an estimated completion date of August 2010.</p> <p>The existing fire station building will remain in operation until the construction of the new facility is completed. Once the new facility is completed, the old fire station will be demolished, and the area will be utilized for parking, driveways, and a landscaped area.</p> <p>This Project will replace the existing Model Cities Fire Rescue Station No. 2 with a new facility with additional services,</p>	

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		<p>including additional training rooms, training tower, and contains the units that presently operate out of the existing station.</p> <p><b>Background</b>  On July 16, 2008, this Project was reviewed and approved unanimously by the Miami-Dade Site Review Committee.</p> <p>According to the Department of Planning and Zoning recommendations this Project needs additional landscaping; however, it is compatible with surrounding land uses, and consistent with the Comprehensive Development Master Plan (CDMP).</p> <p><b>Funding Source</b>  The total allocation for this Project is \$5.2 million. This is a funded project within the MDFR Budget and Multi-Year Capital Plan.</p> <ul style="list-style-type: none"> <li>• \$1,200,000 – Fire Rescue Impact Fees collected in the district,</li> <li>• \$502,000 – Interest Earnings, and</li> <li>• \$3,500,000 – Sunshine State Financing for the design and construction of the facility.</li> </ul> <p><b>Comment</b>  Once approved, a waiver of plat is required.</p> <p><b><u>Item 5(E) – District 8</u></b>  This resolution authorizes the erection of permanent bleachers at Gwen Cherry Park and the request for on-street parking along N.W. 71 Street, between N.W. 23 Court and N.W. 24 Avenue (Project), in compliance with § 33-303 of the Code of Miami-Dade County (Code).</p> <p>This Project, located at 7090 N.W. 22 Avenue, will transition the National Football League Gymnasium at the Gwen Cherry Park from 800 portable bleachers to a total of 2000 permanent field bleacher seats. The additional bleacher seats will require additional parking. The 280 existing parking spaces will be increased with 91 parking spaces within adjacent streets and 211 on-site parking spaces.</p> <p><b>Background</b>  In 1995, pursuant to GF 95-11, the construction of the National Football League Gymnasium at the Gwen Cherry Park was approved.</p> <p>On September 6, 2006, this Project was reviewed and approved by the Miami-Dade Site Review Committee.</p> <p>On November 8, 2006, Community Council #8, recommended approval of this Project.</p>	



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		<p>On September 5, 2008, a Tentative Plat (T-22755) was approved by the Plat Committee.</p> <p><b>Funding Source</b> Allocation for this Project is from the 2004 General Obligation Bond Funds.</p> <p>Operations and maintenance funding is expected to come from the General Fund.</p> <p><b>What is the total funding for this Project?</b></p> <p><b><u>Item 5(K) – District 13</u></b> This resolution authorizes the erection, construction and operation of a Miami-Dade Transit Park and Ride Facility (Project), in compliance with § 33-303 of the Code of Miami-Dade County (Code).</p> <p>This Project is located on the southwest corner of N.W. 186 Street and N.W. 73 Avenue in northwest Miami-Dade County on a 2.03 acre portion of a Miami-Dade County Parks and Recreation Department (Parks) property, known as Parcel 1176.</p> <p>Currently, the property is undeveloped. The existing golf course is not presently in use.</p> <p>The Project will serve MDT Bus Routes 91, 183 MAX and 267 MAX.</p> <p><b>Background</b> On March 23, 2006, Parks and the Miami-Dade Transit (MDT) entered into an Interdepartmental Agreement, agreeing that MDT could use Parcel 1176 for development of a MDT Park and Ride Facility.</p> <p>In 2007, pursuant to Zoning Resolution Z-55-07, the Board of County Commissioners (BCC) approved a Modification of a Declaration of Restrictive Covenant, allowing a public park and recreation activities in addition to the golf course and related recreational uses.</p> <p>On September 17, 2008, this Project was reviewed and approved unanimously by the Miami-Dade Site Review Committee.</p> <p>According to staff recommendations, the Project is compatible with surrounding land uses, is in keeping with the recommendations of the Country Club/Palm Springs North Charrette Area Plan, and as a community-serving facility, is consistent with the Comprehensive Development Master Plan (CDMP).</p> <p><b>Funding Source</b></p> <ul style="list-style-type: none"> <li>• \$900,000 – Resolution No. R-518-06 authorized the County Incentive Grant Program (CICP) Agreement with the Florida Department of Transportation (FDOT).</li> </ul>	

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		<ul style="list-style-type: none"> <li>\$900,000 – Local match fund from the current or future Local Option Gas Tax (LOGT) funding.</li> </ul> <p><b>§ 33-303 of the Code</b> This section of the Code refers to the “exclusive procedure” in the unincorporated area of the County whereby the BCC may authorize the erection, construction and operation of governmental facilities without regard to the zoning or use classification of any particular site or location. Public parks and structures supplementary and incidental to such uses are listed among the exclusive procedure.</p> <p>BCC may only authorize such by resolution following public hearing.</p> <p>At the public hearing, the BCC considers among other factors, the type of function involved, the public need thereof, the existing land use pattern in the area, alternative locations for the facilities and the nature of the impact of the facility on the surrounding property.</p> <p>Pursuant to § 33-303 of the Code, these resolutions, if approved, find that the Projects are necessary to provide for and protect the public health, safety and welfare of the residents of Miami-Dade County. Once approved, the development of these Projects will go through the permitting process.</p> <p><b>Miami-Dade Site Review Committee</b> This Committee is tasked with the review of projects subject to § 33-303 of the Code with regards to the public need for the proposed facility, its impact upon the surrounding community, and other similar consideration.</p>	
8(K)1(A)	Resolution Approving the Criteria and the Use if a Mid Year Request for Application (RFA) Process for the Documentary Surtax Program	<p>This resolution approves an advertisement of the Mid-Year Request for Applications (RFA) process for the allocation of up to \$24.5 million in Documentary Stamp Surtax funds for the construction of rental housing. The resolution, if approved will also suspend the Board of County Commissioners’(BCC) policy of evenly splitting the combination of available Surtax and State Housing Initiatives Partnership (SHIP) program funds between homeownership and rental development.</p> <p>The Mid-Year process will allocate funds in two categories:</p> <ul style="list-style-type: none"> <li><b>Category 1</b>-threshold applicants who will apply for 2009 Florida Housing Finance Corporation (FHFC) Housing Credits and require a minimum local contribution of \$300,000 to qualify; and</li> <li><b>Category 2</b>-applicants with state subsidy tax credits who received County and/or other public funding, but still require gap funding to ensure completion of the development.</li> </ul> <p><b>Policy Changes</b> The resolution will authorize that the BCC’s policy of splitting the combination of available Surtax and SHIP program funds between homeownership and rental development to be suspended. The cover memorandum and the resolution are silent on the new process if the current policy is suspended.</p>	

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		<p>Florida State Statutes Section 125.0167 provides how the discretionary surtax on documents revenue should be applied:</p> <ul style="list-style-type: none"> <li>• The county shall use the revenues only to help finance the construction, rehabilitation, or purchase of housing for low-income families and moderate income families;</li> <li>• To pay necessary costs of collection and enforcement of the surtax and to fund any local matching contributions required pursuant to federal law;</li> <li>• Provide funds for first and second mortgages and acquiring property for the purpose of forming housing cooperatives; and</li> <li>• No more than 50 percent of the revenue collected each year pursuant of this section may be used to help finance new construction and the proceeds of the surtax should not be used for rent subsidies or grants.</li> </ul> <p><b>State Legislative Update</b>  State Representative Carlos Lopez-Cantera has filed House Bill 283 for the 2009 State Legislative Session. The bill will extend a future repeal date of provisions authorizing counties to levy a discretionary surtax on documents from 2011 to 2031. Similar legislation has been filed by Senator Dan Gelber (Senate Bill 1960). This bill also extends the future repeal date of provisions authorizing counties to levy a discretionary surtax.</p> <p><b>Comments</b>  If the Surtax program sunset provision is not repealed staff has stated that no additional funding will be available for future commitments, including any successful Category 1 2009 local match recipients under the 2009 RFA process.</p> <p><b>Questions</b>  <i>The cover memorandum states that it is recommended that the Board suspend the policy of evenly splitting Surtax and SHIP between homeownership and rental development. What is the explanation behind this recommendation? Is there a recommendation on how the funding should be dedicated/split?</i></p> <p>OCED staff is recommending that 70 percent of SHIP be utilized for homeownership activities and only 50 percent of new Surtax funds for homeownership activities (\$4 million). OCED staff has also stated that the SHIP recommendation is in line with the pro forma approved by the Board.</p> <p>The change in the Surtax recommendation is mostly due to the drastic reduction in Surtax revenues and staff's concern to have sufficient funding to cover all prior year commitments. The FY 2008-09 budget assumes \$22 million in new Surtax funds due to the downturn in the market, staff is projecting only \$10 million.</p> <p><i>The Board approved a portion of the Surtax be used for homeownership activities such as spot loans, infill housing and homeownership activities. What are the remaining balances of the funding that was set-aside to each activity?</i></p> <p>Due to the reduction in Surtax revenues, funding set aside for homeownership in FY2009 (\$4 million) will be applied to the</p>	

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		<p>general mortgage assistance category to allow staff the flexibility to utilize these funds for CDCs, rehab, OCED funded activities, etc. Unspent Surtax funding from the homeownership category in FY2008 becomes carryover and is being used to offset reduced revenues in the current fiscal year.</p>	
9(A)1 & Supps. 1, 2	<p>Resolution Rescinding Resolution No. R-1208-06; Approving Implementing Order to Provide a Process for Allocation of Building Better Communities General Obligation Bond Program</p>	<p>This resolution will approve an Implementing Order that puts in effect an administrative process for the use of Building Better Communities General Obligation Bond (GOB) Program Surplus Funds, Premium Funds and Unspent bond proceeds.</p> <p><b>Background</b>  On January 10, 2008, the Board of County Commissioners (Board) approved a Resolution (R-67-08) that directed the Mayor to submit a report within 60 days recommending a process for the allocation of any surplus premium, interest earnings and other bond funds, if any, to eligible BCC GOB program capital projects.</p> <p>The resolution requested that the report include if the identified proceeds will be used to cover funding gaps or to fund new projects; whether the proceeds will fund projects that will positively impact or address the poverty level or crime in a given area and whether the proceeds should be accelerated for a given project based on the needs of the community.</p> <p>Amendments were made to the resolution during the January 10, 2008 BCC meeting, to include possibilities of using the additional proceeds to reduce debt.</p> <p><b>Highlights of Original Proposed Implementing Order:</b>  The I.O. states that Premium Funds (funds that are part of the total \$2.9 billion authorized proceeds) and Unspent Bond proceeds will only be used to accelerate projects and not to fund budget shortfalls in projects, retire debt or fund new projects. (<i>Attach. 1; handwritten pg.1 1</i>)</p> <p>Unused proceeds, net interest income and surplus funds can be used to accelerate projects; Board approval is required if these proceeds are used for budget shortfalls, retiring debt and/or for new projects. (<i>Attach. 1; handwritten pg.11</i>)</p> <p>The County Manager will have the authority to approve the use of BBC GOB Funds to accelerate projects without approval by the Board.</p> <p>The status of Net Interest Income and Premium Funds and the acceleration of Projects will be reported to the BCC as part of each BBC/GOB Quarterly Report.</p> <p><b>Amendments made during the July 8, 2008 Governmental Operations and Environment Committee:</b>  The original resolution authorized the County Manager to approve the use of BBC-GOB funds to accelerate projects without approval by the Board. The GOE Committee amended the section to provide that the County Mayor or designee submit a resolution to the Board recommending the acceleration and deceleration of funding for projects from available BBC-GOB</p>	

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		<p>funds as often as necessary.</p> <p>A sunset provision of one-year from the date of the next bond issuance was added to the Implementing Order.</p> <p><b>Comments</b> The item is not being presented as a report; instead, the resolution if adopted, approves an Implementing Order that puts into effect an administrative process for the use of the identified surplus and premium funds.</p> <p>On September 6, 2008, the resolution was deferred and referred back to the GOE Committee.</p> <p><b>Questions</b> <b>How much Surplus and Premium funds are available at this time?</b> <i>On July 3, 2008, the Office of Capital Improvements stated that there are currently about \$8 million in <u>unallocated interest</u> from the first sale of BBC-GOB bonds.</i> <i>There is a remaining balance of \$25,849.98 of unallocated surplus funds.</i></p> <p><i>The balance in the Premium Fund account after transfer of surplus was \$13,660,849.98; the unallocated Premium Fund balance is \$25,849.98.</i></p> <p><b>Supplement 1</b> The supplement recommends adding projects to the Board-approved list for funding from a particular bond sale be presented to the Board for prior approval, while cash flow revisions to projects already on the list should continue to be approved administratively.</p> <p><b>Supplement 2</b> The Implementing Order attached to this supplement further defines “Acceleration” to include the addition of a project to the list of projects approved by the Board for funding from a specific bond sale; it also further defines “Project Cash-Flow Revision” to mean a revision to the cash-flow of a project approved by the Board for funding from a particular bond sale if the revision does not increase the allocation approved by voters for that Project.</p>	
11(A)8	<p>Resolution Authorizing a Lease Agreement with Miami Dade College</p> <p><b>Prime Sponsor</b></p>	<p>This resolution authorizes the execution of a 4-year lease agreement with Miami Dade College in which the County will continue to house, in the Main Library, a collection of media material owned by the Louis Wolfson II Media History Center, Inc. (Wolfson Center). Miami Dade College is the recipient of the donated Wolfson collection.</p> <p>This resolution also authorizes the termination and release of an existing agreement between the County and the Wolfson Center. The release and termination are to occur contemporaneously with the execution of the Miami Dade College lease.</p>	

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	<p><b>Senator Javier D. Souto</b></p>	<p><b>Background</b>            In 1986, the County entered into an agreement with the Wolfson Center in which the County agreed to house a collection of media materials owned by the Wolfson Center at the County’s Main Library. Subsequently, the Wolfson Center became known as the Lynn and Louis Wolfson II Florida Moving Image Archives, Inc. (Wolfson Archive).</p> <p>On February 16, 2009, the Wolfson Archive donated its media materials to Miami Dade College. The College intends to construct a new building that will house the media materials. The College estimates that it will take approximately 4 years to complete construction of the new facility. In the interim, the media materials are still housed at the County’s main library for public viewing. The Administration notes that the space is not needed for other County purposes while the new facility is completed.</p> <p>This resolution proposes that the County provide Miami Dade College approximately 2,590 sq. ft. of space on the basement level of the Main Library to house the media materials for a term of four (4) years for \$1.00 per year. The resolution also proposes that the college be permitted to extend or renew the lease for 2 additional 1-year terms provided the County is given notice of any decision to exercise this option 4 months before the lease expiration date. If approved, the College is required to provide free access to the archived materials. The County will not be liable for any damages or losses.</p> <p>Lastly, this resolution proposes that the County execute a Termination and Release Agreement between Miami-Dade County and (the formerly named) Louis Wolfson II Media History Center, Inc. to reflect the name change and college lease agreement.</p> <p><b>Currently, the Main Library provides storage space only to Miami Dade College and Vizcaya. A nominal fee of one dollar per year is charged to Miami Dade College to lease storage space. Vizcaya, a Miami-Dade County Department, is not charged any fees for storage space use. Storage space at the Main Library is limited, and space is managed through annual book sales. Recently, the Main Library relocated the Talking Books Library to the North Dade Regional Library because of its limited space issues. The Talking Books Outreach Service loans books and magazines on cassette tapes or in Braille to persons who have difficulty seeing or using standard small print.</b></p>	
14(A)7	<p>Resolution Authorizing Approval of Construction Agreement</p>	<p><b>District 12</b></p> <p>This resolution authorizes the execution of a Construction Agreement among Miami-Dade County, CSX Transportation, Inc. (CSX) and Beacon Lakes Community Development District (Developer) in the amount of \$1,573 for the yearly maintenance for new crossing protective devices located at N.W. 137 Avenue, in the vicinity of N.W. 12 Street.</p> <p>The Construction Agreement provides the following:</p> <ul style="list-style-type: none"> <li>• The County and the Developer propose to construct the widening of 137 Avenue at-grade crossing to include the</li> </ul>	

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		<p>installation of full width concrete crossing surface and installation of automatic warning devices;</p> <ul style="list-style-type: none"> <li>• <b>Secondary Gas Tax will be used to fund the yearly maintenance fee;</b></li> <li>• The Developer will pay the other 50% of yearly maintenance fees of the highway-rail grade crossing traffic control devices; and</li> <li>• The County will not be responsible for any of the construction costs.</li> </ul> <p>CSX Corporation, based in Jacksonville, Florida, is a transportation company providing rail, intermodal and rail-to-truck transload services. CSX will perform the work to remove the existing railroad system and install the new railroad tracks and devices.</p> <p><b>Beacon Lakes Development</b>  Beacon Lakes is a master-planned 478-acre business park located on undeveloped land in Miami's Airport West area. The project is a joint venture between Flagler Development Group and AMB, and comprises over 6 million square feet of warehousing/office space for businesses in the community. The Beacon Lakes Development includes office, retail and industrial opportunities in the area.</p> <p><b>Questions</b>  Is the County indemnified from any claims, demands and/or damages of any nature?   Has the County entered into similar agreements with other Developers?</p>	