



MEMORANDUM
Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
Miami-Dade County, Florida
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

ATC
Agenda Item No: 6(A)
April 12, 2007

TO: Honorable Chairman Diaz
and Members of the
Airport and Tourism Committee

DATE: April 5, 2007

FROM: Kay M. Sullivan, Director
Clerk of the Board

SUBJECT: Approval of Commission
Committee Minutes

The following Clerk's Summary of Minutes is submitted by the Clerk of the Board for approval by the Airport and Tourism Committee.

➤ March 15, 2007

Attachment
KMS/msy



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

CLERK'S SUMMARY OF Meeting Minutes Airport and Tourism Committee

Jose "Pepe" Diaz (12) Chair; Sally A. Heyman (4) Vice Chair; Commissioners Carlos
A. Gimenez (7), Joe A. Martinez (11), Dorrin D. Rolle (2), and Rebeca Sosa (6)

Thursday, March 15, 2007

9:30 AM

COMMISSION CHAMBERS

Members Present: Jose "Pepe" Diaz, Carlos A. Gimenez, Sally A. Heyman, Dorrin Rolle.

Members Absent: Joe A. Martinez, Rebeca Sosa.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

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

1A INVOCATION

Report: *Chairman Diaz asked that a moment of silence be
observed, followed by the Pledge of Allegiance.*

1B PLEDGE OF ALLEGIANCE

1C **ROLL CALL**

Report: *The following staff members were present:
Assistant County Manager Susanne Torriente;
Assistant County Attorneys Abigail Price-Williams
and Thomas Abbott; and Deputy Clerks Doris
Dickens and Mary Smith-York.*

*Chairman Diaz called the meeting to order at 9:42
a.m. and welcomed Committee members and
others in attendance. He noted Martinez would be
absent due to illness and Commissioner Sosa
would either arrive late or be absent due to a late
arriving flight.*

CHANGES TO TODAY'S COMMITTEE AGENDA

*Assistant County Attorney Abigail Price-Williams
advised that Agenda Item 2A contained a
scrivener's error in the eighth (8th) "WHERE AS"
clause on handwritten page 4 and should be
corrected to reflect the date as "2007" rather than
"2008." She noted Agenda Item 3C also
contained a scrivener's error and should be
corrected to incorporate "Attachment B"
(referenced on handwritten page 3) which was
inadvertently omitted from the original document.*

*It was moved by Commissioner Heyman that the
Committee approve the foregoing changes to the
March 15, 2007 Airport and Tourism Committee
agenda. This motion was seconded by
Commissioner Rolle, and upon being put to a vote,
passed by a vote of 4-0 (Commissioners Sosa and
Martinez were absent).*

2 **COUNTY COMMISSION**

2A

070610 Resolution

Jose "Pepe" Diaz

RESOLUTION AUTHORIZING THE MAYOR OR HIS
DESIGNEE TO EXECUTE INTERNATIONAL SISTER
AIRPORTS AGREEMENT BETWEEN MIAMI
INTERNATIONAL AIRPORT AND V. C. BIRD
INTERNATIONAL AIRPORT

*Forwarded to BCC with a favorable
recommendation*

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

*During consideration of changes to today's (3/15)
agenda, Assistant County Attorney Abigail Price-
Williams noted the foregoing proposed resolution
contained a scrivener's error and the eighth (8th)
"WHERE AS" clause on handwritten page 4
should be corrected to reflect the date as "2007"
rather than "2008."*

*Hearing no other questions or comments, the
Committee proceeded to forward this proposed
resolution with correction of the scrivener's error
as requested by the Assistant County Attorney.*

2B

063604 Resolution **Dorrin D. Rolle**

RESOLUTION RELATING TO THE RENTAL CAR FACILITY AT MIAMI INTERNATIONAL AIRPORT; DIRECTING COUNTY MANAGER TO TAKE APPROPRIATE STEPS TO IMPLEMENT THE PRELIMINARY ALLOCATION NUMBER 16 DATED AUGUST 2005 ESTABLISHED BY THE AVIATION DEPARTMENT IN RESPONSE TO DIRECTION FROM THE TRANSPORTATION COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS [SEE ORIGINAL ITEM UNDER FILE NO. 063334]

Withdrawn

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

Following Chairman Diaz' remarks regarding prior requests involving this issue, Commissioner Rolle noted he supported the directive given to the Aviation Department in 2005. He questioned whether the Aviation Department Director had come up with better space allocation as related to both small and large companies.

Chairman Barreiro expressed his appreciation to the Aviation Director and the Secretary of the Federal Department of Transportation (FDOT) for negotiating and working to resolve this matter.

Mr. Jose Abreu, Director, Aviation Department, noted although the issue was not fully resolved, some movement was made. He provided a brief progress report on the negotiation process. Mr. Abreu advised that in an effort to reach a consensus among all concerned parties, in November 2006, he presented the small companies with the choice to either sign the agreement or be eliminated. He indicated that when they signed the agreement, he committed to do his best to pull away as much on their behalf from the market share as possible, which he stated was done to no avail.

In response to Commissioner Heyman's concern regarding the consequence of altering this contract, Mr. Johnny Martinez, Secretary D6, FDOT, appeared before the Board and commended Committee members for taking steps to ensure the survival of small companies. He stated that negotiations had reached a critical decision point and noted this impasse on space allocation prevented his ability to sign a separate

contract with the contractor who would build the Rental Car Facility (RCF). Mr. Martinez advised that the rental car companies constituted the revenue source to fund this RCF project via their customer facility charges and rents (large companies paid 98%; small companies paid 2%). He explained that unless this funding source was secured, he could not issue a notice to proceed to the contractor. Mr. Martinez noted there were no State or County funds included in these revenues entitled "Long Recourse Funding." He advised that the concession agreement was the most critical component of this project. In response to Commissioner Heyman's inquiry regarding the timeframe, Mr. Martinez advised that he needed a mandate issued today which would address delays resulting in price increases.

Commissioner Gimenez pointed out that the signed concession agreement stipulated that one year from completion, the Aviation Director would allocate spaces at the RCF. He recommended the Committee move forward with the concession agreement currently in place, which allowed the Aviation Director to work on the space allocations for two years. Commissioner Gimenez noted this would provide a level of confidence so the FDOT Secretary could proceed. He noted, and Mr. Martinez concurred, that further delay or failure to develop this RCF would result in the FDOT's recouping \$600 million from funding for transportation projects countywide.

In response to Commissioner Gimenez' inquiry regarding whether the original resolution had been adopted by the County Commission, Assistant County Attorney Price-Williams noted it had been approved and forwarded by the Committee, but was deferred by the Commission.

In response to Chairman Diaz' inquiry regarding when the agreement was signed, Assistant County Attorney Thomas "Tim" Abbott advised that the original Memorandum of Understanding (MOU) was signed in 2000.

Hearing no response to his inquiry regarding how much progress had been made on this agreement from 2004 to 2007, Chairman Diaz stated he did not understand the sudden urgency regarding this issue.

Mr. Martinez explained that the FDOT had been operating as if the concession agreement was in place and going forward. He advised that if it

were amended, it would jeopardize the project.

In response to Chairman Diaz' inquiry regarding ratification of this agreement, Mr. Abbott noted this concession agreement had not nor would ever require ratification by the Board. He further advised that due to the possibility of substantially changing the agreement, the large companies could opt out of the RCF or pursue legal action to seek compliance with the original concession agreement.

Commissioner Rolle expressed concern that requests directed to County staff were not properly carried out, and inquired what consequences the small companies would incur should this agreement fall apart.

Mr. Abreu noted that the current agreement provided the small companies with ten linear feet of space, ten return spaces, and quick turnaround wash bay and joint use fueling.

Mr. Robert Holland, attorney, appeared before the Board and noted he had distributed a list of questions to each Commissioner's office, that should be asked of the County Attorney regarding the proposed transactions. He pointed out several concerns pertaining to the proposed concession agreement as it related to small companies.

Following Chairman Diaz' comments that the intent of this resolution was to ensure fairness to the small companies and adequacy to the large companies, Mr. Martinez concurred that the original proposal would accomplish this. He stated that with the concession agreement in place, he could move the project forward while providing Mr. Abreu two years to fulfill his commitment to the small companies.

Commissioner Rolle noted if the Aviation Director fulfilled his commitment to work with the small companies to reach a consensus, he had no problem supporting the recommendation to move the current concession agreement forward.

Commissioner Gimenez noted he concurred with Commissioner Rolle's comments regarding staff's obligation to fulfill Commission directives and advised that he would be extremely disappointed with the larger companies if they were to not work with the Aviation Director in resolving this issue.

Commissioner Heyman expressed concern that

this matter had come to this point and noted her support of the efforts to continue negotiations to get this project moving.

Following discussion, Commissioner Rolle withdrew the foregoing proposed resolution.

2C

070477 Resolution

Rebeca Sosa

RESOLUTION ESTABLISHING A POLICY THAT MIAMI-DADE TELEVISION WILL BROADCAST PROGRAMMING FROM THE FLORIDA CHANNEL

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Gimenez

Vote: 4-0

Absent: Martinez, Sosa

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

Hearing no questions or comments, Chairman Diaz called for a motion and the Committee proceeded to vote on this resolution as presented.

3 DEPARTMENTS

3A

070557 Resolution

RESOLUTION APPROVING FOUR NON-EXCLUSIVE CONTRACTS FOR THE MIAMI-DADE AVIATION DEPARTMENT, ASBESTOS HAZARDOUS MATERIAL REMOVAL, PROJECT NUMBER ITB NO. MDAD-03-06 TO: PROJECT DEVELOPMENT GROUP, INC., LVI ENVIRONMENTAL SERVICES, MCO ENVIRONMENTAL, INC., AND DPC GENERAL CONTRACTORS, INC., EACH IN A MAXIMUM CONTRACT AMOUNT OF \$15,000,000 WITH A TERM OF 5 YEARS WITH AN OPTION FOR AN ADDITIONAL YEAR, PROVIDED HOWEVER THAT THE TOTAL EXPENDITURE AMOUNT HEREIN WILL NOT EXCEED \$15,037,500 FOR ALL FOUR CONTRACTS IN THE AGGREGATE, AND AUTHORIZING THE MAYOR TO EXECUTE SAME AND TO EXERCISE THE TERMINATION AND RENEWAL PROVISIONS CONTAINED THEREIN (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Gimenez
Vote: 4-0
Absent: Martinez, Sosa

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

Hearing no questions or comments, Chairman Diaz called for a motion and the Committee proceeded to vote on this resolution as presented.

3B

070692 Resolution

RESOLUTION RELATING TO NORTH TERMINAL DEVELOPMENT PROJECT AT MIAMI INTERNATIONAL AIRPORT; APPROVING SETTLEMENT AGREEMENT BETWEEN MIAMI-DADE COUNTY, AMERICAN AIRLINES, INC., TURNER AUSTIN AIRPORT TEAM AND KONE, INC. IN CONNECTION WITH KONE'S WORK ON PROJECTS 701E, 737G, 741E, AND 745B IN THE AMOUNT OF \$1.5 MILLION; AUTHORIZING COUNTY MAYOR OR DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Gimenez
Vote: 4-0
Absent: Martinez, Sosa

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

Hearing no questions or comments, Chairman Diaz called for a motion and the Committee proceeded to vote on this resolution as presented.

3C

070757 Resolution

RESOLUTION RELATING TO SOUTH TERMINAL DEVELOPMENT PROJECT NO. H010A AT MIAMI INTERNATIONAL AIRPORT, APPROVING CHANGE ORDER 8 TO THE CONTRACT BETWEEN PARSONS-ODEBRECHT J.V. AND MIAMI-DADE COUNTY TO INCREASE THE CONTRACT AMOUNT BY UP TO \$49,000,000, AND OTHERWISE TO MODIFY VARIOUS CONTRACT TERMS, AND AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE SAME (Aviation Department)

Forwarded to the BCC by the BCC Chairperson with favorable recommendation with committee amendments

Mover: Heyman

Seconder: Gimenez

Vote: 4-0

Absent: Martinez, Sosa

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

During consideration of the motion to set today's (3/15) agenda, Assistant County Attorney Abigail Price-Williams requested that a scrivener's error existing in the foregoing proposed resolution be corrected to include "Attachment B" (referenced on handwritten page 3), which was omitted from the package.

Commissioner Rolle questioned whether the subject Change Order was on top of the funding approved by the Board two weeks ago.

In response to Commissioner Rolle's inquiry regarding the subject Change Order's relationship to funding approved by the Board two weeks prior, Mr. Jose Abreu, Aviation Department Director, explained that the Board approved the consultants for the engineering contract two weeks ago; this change order was for the actual work.

Chairman Diaz commended the Aviation Department's staff and the companies working with them on their efforts to ensure funding for projects at the airport was properly claimed and expended.

Upon Chairman Diaz' request, Mr. Max Fajardo, Maintenance Engineering Manager, MDAD, explained why the department placed \$80 million in a Reservation of Claim. He stated the subcontractors submitted this Reservation of Claim to the contractor, Parsons-Odebrecht J.V. (POJV), who subsequently presented it to the department. Mr. Fajardo noted the Department disagreed with the Reservation of Claim; however, they felt there was some merit to some of the items,

which would require further justification. He noted at this point, an attachment should have been incorporated into the document outlining what the reservation of claim was.

Mr. Fajardo read the language contained within Attachment B at Chairman Diaz' request. He noted a note was reflected at the bottom of Attachment B which read as follows: "This Reservation of Claim does not in any way imply that POJV has, at this juncture, certified or endorses the amount due because this was simply a cap of a reservation of claim. Based on the information POJV has received from its subcontractors, it does believe that the remaining balance of \$58 million Reservation of Claim as identified in Change Order No. 7, is not included in the \$80 million." Mr. Fajardo stated he wanted to ensure—through the County Attorney's office, that this document was included as part of this package.

An unidentified representative of POJV appeared before the Board and confirmed that the information provided by Mr. Fajardo was correct. He stated POJV was obligated, by contract, to bring to the table all notices and/or exposure.

Assistant County Attorney Price-Williams noted that the Aviation Department requested the foregoing proposed resolution be forwarded to the next BCC meeting.

It was moved by Chairman Diaz that the appropriate memorandum be prepared by staff, requesting that the County Commission's Chairman Bruno A. Barreiro waive the Committee's Rules and allow the foregoing proposed resolution to be heard at the March 20, 2007 Commission Meeting. This motion was seconded by Commissioner Heyman, and upon being put to a vote, passed by a vote of 4-0 (Commissioners Martinez and Sosa were absent).

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

070693 Report

CLERK'S SUMMARY OF MEETING MINUTES FOR THE
FEBRUARY 15, 2007 AIRPORT AND TOURISM
COMMITTEE (Clerk of the Board)

Approved

Mover: Rolle

Seconder: Heyman

Vote: 4-0

Absent: Martinez, Sosa

7 REPORTS

7A

070662 ReportFY 2007-08 DEPARTMENTAL BUDGET
PRESENTATION (County Manager)*Deferred to next committee meeting*

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

Chairman Diaz asked that each Department Director under the jurisdiction of the Airport and Tourism Committee comply with the following requests issued by Finance and Budget Committee Chairman Martinez during its meeting on March 13th: "...to ensure that budget presentations at the April 12, 2007, Airport and Tourism Committee meeting include a hierarchical Table of Organization (TO) reflecting each division, section, and unit within the department and listing the title of each position therein in little square boxes; to reflect the number of budgeted positions in each department's budget, including vacant and overage positions and the salaries and fringe benefits for each position; to ensure that the numbers were balanced (add-up) for any funding or positions transferred from one department to another; and to provide an explanation for any unbudgeted positions or any filled positions not reflected in their budgets."

Commissioner Gimenez noted he wanted to see where transfers were going and where non-operating expenses were going. He asked each director to submit a detailed report on the expense side (referring back to the main line item) that added up. He asked that all presentations be transparent and indicate how funding was spent, the amount of revenues and expenditures, the amount of revenues transferred/received from other departments, and the value of each vacancy (salaries and fringes).

071082 Report
NON-AGENDA ITEMS REPORT

Report: *Commissioner Heyman announced that the Homeless Trust Department had scheduled a "Celebrity 5K" race on March 25, 2007, to benefit the Partnership for the Homeless. She invited everyone to come out and enjoy this event, noting that local celebrities would participate and that she had applications available for anyone wishing to participate.*

Commissioner Heyman also asked the County Manager to consult with the Greater Miami Convention & Visitors Bureau, the Greater Miami and the Beaches Hotel Association, the Miami-Dade Chamber of Commerce, and the Greater Miami Chamber of Commerce to ascertain what actions they had committed to in order to reduce water consumption in the County; and bring back the findings to the Committee as soon as possible.

8 ADJOURNMENT

Report: *There being no further business to come before the Committee, the meeting was adjourned at 10:54 a.m.*