

Memorandum



Date: July 24, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Supplement to:
Agenda Item No: 8A(1)(a)

From: George M. Burge
County Manager

Subject: Supplement: Resolution Approving Amendments to the Miami Intermodal Center
Rental Car Facility Concession Agreement and Related Ordinances

Item 8A(1)(a) is a companion item to the Ordinance in Item 7D Substitute. Item 7D Substitute establishes the levels of Customer Facility Charges in the proposed Rental Car Facility (RCF) that are necessary because of the increased cost of the RCF. This Item 8A(1)(a) approves the First Amendment to the RCF Concession Agreement to reflect the additional cost of the RCF.

During discussion of Item 8A(1)(a) at the Airport and Tourism Committee (ATC) meeting of July 19, 2007, the ATC discussed the on-going dispute with the car rental companies regarding the space allocations to be made inside the RCF. Because the dispute may be close to a settlement, the ATC indicated its interest in having the First Amendment include the settlement if in fact the settlement occurs. If the settlement does not occur by the time it is necessary for the County to execute the First Amendment, then the First Amendment as it appears in the agenda kit for Item 8A(1)(a) will be executed without any reference to the dispute.

I therefore recommend that Item 8A(1)(a) be amended to reflect the inclusion in the First Amendment of the possible settlement of the space allocation dispute, if such settlement occurs.


Assistant County Manager

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; APPROVING THE CURRENT ESTIMATE OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) OF THE COST OF THE PROPOSED RENTAL CAR FACILITY (RCF) IN THE AMOUNT OF \$370 MILLION; APPROVING COUNTY'S INCREASE IN ITS PARTICIPATION IN THE FEDERAL LOAN FOR THE CONSTRUCTION OF THE RCF FROM \$164 MILLION TO \$270 MILLION, WITH THE BALANCE OF THE \$370 MILLION ESTIMATED COST OF THE RCF TO BE PAID PRIMARILY THROUGH CUSTOMER FACILITY CHARGES ALREADY COLLECTED; AUTHORIZING MAYOR OR DESIGNEE TO EXECUTE FIRST AMENDMENT TO RENTAL CAR CONCESSION AGREEMENT AND FACILITY LEASE AGREEMENT FOR RENTAL CAR COMPANY OPERATIONS WITHIN THE RCF SO AS TO REFLECT SUCH INCREASED COST AND AMEND CERTAIN PROVISIONS THEREOF TO MEET THE REQUIREMENTS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION AS A CONDITION TO INCREASING THE FEDERAL LOAN PROCEEDS TO FUND THE INCREASED COST OF THE RCF AND TO REFLECT ANY SETTLEMENT OF THE SPACE ALLOCATION DISPUTE THAT MAY BE AGREED UPON BY THE PARTIES; AUTHORIZING MAYOR OR DESIGNEE TO EXECUTE SUCH FIRST AMENDMENT UPON EXECUTION THEREOF BY THE PARTICIPATING RENTAL CAR COMPANIES, AND TO EXECUTE ALL OTHER DOCUMENTS NECESSARY TO PLACE THIS RESOLUTION INTO EFFECT

WHEREAS, by Resolution No. R-1268-99, approved on December 7, 1999, this Board approved in principle a Memorandum of Understanding between Miami-Dade County and the Florida Department of Transportation (FDOT) regarding the implementation of the Miami Intermodal Center (MIC) five-year work program for the project adjacent to Miami International Airport; and

WHEREAS, such resolution set forth the Board's intent to approve in the future rental car user fees in an amount sufficient to pay the County's portion of a federal loan to FDOT under the federal Transportation, Infrastructure, Finance and Innovation Act (TIFIA), with the County's portion being in an amount not to exceed \$164 million, unless otherwise amended by the Board, which was then the County's portion of the estimated cost of FDOT's design and construction of the proposed Rental Car Facility (RCF); and

WHEREAS, the interested parties to the RCF, including FDOT, the County, and the car rental companies, have since worked together to determine the configuration and size of the RCF and FDOT has now determined that the estimated costs of the design and construction of such facility will be \$370 million, of which the County shall be liable for payment through Customer Facility Charges (CFCs) in an amount not to exceed \$270 million, with the difference being paid through CFCs already collected; and

WHEREAS, the parties have discussed a resolution to the issue involving space allocations within the RCF, and if the parties reach a settlement of such issue, the First Amendment shall include the settlement terms reached by the parties;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby (a) accepts the Florida Department of Transportation's current estimate of cost for the design and construction of the proposed Rental Car Facility in the amount of \$370 million; (b) authorizes the County's increase in its participation in the federal loan for the construction of the RCF from \$164 million to \$270 million, with the balance of the RCF cost to be paid primarily through Customer Facility Charges already authorized by this Board to be collected; (c) authorizes the Mayor or designee to execute the First Amendment to the Rental Car Concession Agreement and

Facility Lease Agreement in substantially the form attached hereto, upon execution first by the participating car rental companies, such First Amendment to reflect the \$370 million estimated cost and to amend portions of the Agreement so as to meet the requirements of the United States Department of Transportation (USDOT) as a condition to USDOT's increase in the federal loan proceeds to fund the increased cost of the RCF; (d) authorizes the Mayor or designee to include in the First Amendment the terms of any settlement of the space allocation dispute that may be reached by the parties; (e) authorizes the Mayor or designee to impose CFCs in the amounts recently amended by this Board so as to discharge the County's liability for (i) debt service related to the \$270 million in increased federal funding, (ii) all other maintenance and operational costs associated with the RCF that are the obligation of the County to pay through CFCs, and (iii) all other previously-established obligations of the County relating to the RCF to be paid through the CFC collections; (e) (f) authorizes the Mayor or designee to execute all documents or agreements relating to the RCF so as to reflect this Board's acceptance of FDOT's current estimate of \$370 million to complete the RCF, and to execute any documents required or reasonably necessary to reflect the provisions of this Resolution, upon review by the County Attorney.

The foregoing resolution was sponsored by Commissioner _____ and 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:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrian D. Rolle	Natacha Seijas

Katy Sorenson
Sen. Javier D. Souto

Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this _____, 2007. 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. _____