



MEMORANDUM
Harvey Ruvin
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Clerk of the Board of County Commissioners
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ASC
Agenda Item No. 6(A)

TO: Honorable Chairman Dorrin D. Rolle
and Members, Airport and Seaport
Committee

DATE: June 10, 2010

FROM: Diane Collins, Acting Division Chief
Clerk of the Board Division

SUBJECT: Approval of Commission
Committee Minutes

Diane Collins

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for placement on the upcoming Airport and Seaport Committee agenda for approval:

April 15, 2010

Attachment
DC/ae



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

CLERK'S SUMMARY OF Meeting Minutes Airport and Seaport Committee

Dorrin D. Rolle (2) Chair; Jose "Pepe" Diaz (12) Vice Chair; Commissioners Bruno A. Barreiro (5), Carlos A. Gimenez (7), Javier D. Souto (10) and Rebeca Sosa (6)

Thursday, April 15, 2010

9:30 AM

COMMISSION CHAMBERS

Members Present: Bruno A. Barreiro, Jose "Pepe" Diaz, Carlos A. Gimenez, Dorrin D. Rolle, Rebeca Sosa, Javier D. Souto.

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Alan Eisenberg, Commission Reporter
305-375-2510*

1A INVOCATION

1B PLEDGE OF ALLEGIANCE

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

2A

100782 Resolution Jose "Pepe" Diaz

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO DEVELOP AND IMPLEMENT A PROGRAM TO PROMOTE AND WELCOME MILITARY, COAST GUARD, AND FOREIGN MILITARY VESSELS TO THE PORT OF MIAMI

*Forwarded with a favorable recommendation
Mover: Diaz
Seconder: Sosa
Vote: 6-0*

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

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

3 DEPARTMENT

3A

100726 Resolution

RESOLUTION RELATED TO NORTH TERMINAL DEVELOPMENT CONTRACTS AT MIAMI INTERNATIONAL AIRPORT; RATIFYING ACTIONS TAKEN PURSUANT TO ORDINANCE NO. 08-87 DURING THE PERIOD OF JULY 1, 2009 THROUGH FEBRUARY 28, 2010 (Aviation Department)

*Forwarded with a favorable recommendation
Mover: Gimenez
Seconder: Diaz
Vote: 6-0*

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

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

3B

100828 Resolution

RESOLUTION RATIFYING THE ACTIONS OF COUNTY MAYOR IN EXECUTING A RAILROAD AGREEMENT, GRADE SEPARATION, SOUTH FLORIDA CORRIDOR BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND MIAMI-DADE COUNTY, FOR THE MIA MOVER AUTOMATED PEOPLE MOVER (APM) PROJECT (Aviation Department)

*Forwarded with a favorable recommendation
Mover: Sosa
Seconder: Gimenez
Vote: 6-0*

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

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

3C

100869 Resolution

RESOLUTION RELATING TO PERMITS AT MIAMI INTERNATIONAL AIRPORT; AMENDING RESOLUTION NO. R-442-02 TO AUTHORIZE AN OPPORTUNITY FEE OF SEVEN AND ONE HALF PERCENT UNDER PERMITS FOR VENDORS PROVIDING GOODS AND SERVICES TO TENANTS AT MIAMI INTERNATIONAL AIRPORT WHERE THE PERMITTEES CHOOSE TO PASS-THROUGH THE STANDARD SEVEN PERCENT OPPORTUNITY FEE TO THEIR CUSTOMERS; APPROVAL OF SETTLEMENT OF A DISPUTE WITH SKY CHEFS, INC. AND GATE GOURMET, INC. ARISING OUT OF THEIR FOOD CATERING PERMITS; APPROVING ALL-INCLUSIVE DEFINITION OF GROSS REVENUES FOR ALL PERMITS BUT PERMITTING EXCLUSION OF OPPORTUNITY FEES FROM THE TERM GROSS REVENUES WHERE PERMITTEES PASS THROUGH THE OPPORTUNITY FEES TO THEIR CUSTOMERS AND THE OPPORTUNITY FEE IS INCREASED UP TO SEVEN AND ONE HALF PERCENT FOR SUCH PERMITTEES (Aviation Department)

Forwarded with a favorable recommendation
Mover: Gimenez
Seconder: Diaz
Vote: 6-0

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

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

3D

100879 Resolution

RESOLUTION WAIVING FORMAL BID PROCEDURES AND PROVISIONS PURSUANT TO SECTION 2-8.1 MIAMI-DADE COUNTY CODE AND SECTION 5.03(D) OF THE MIAMI-DADE HOME RULE CHARTER, AND SECTION 255.20 FLORIDA STATUTES, APPROVING CHANGE ORDER NO. 2 TO MISCELLANEOUS CONSTRUCTION CONTRACT NO. MCC-7-05 WITH MIKE GOMEZ CONSTRUCTION CONSULTING, INC., INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$10 MILLION DOLLARS; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDER AND TO EXERCISE DELEGATED AUTHORITY DESCRIBED THEREIN (Aviation Department)

Forwarded with a favorable recommendation
Mover: Sosa
Seconder: Diaz
Vote: 6-0

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

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

3E

100886 Resolution

RESOLUTION RELATING TO SOUTH TERMINAL DEVELOPMENT PROJECT NO. H010A AT MIAMI INTERNATIONAL AIRPORT, APPROVING CHANGE ORDER 10 TO THE CONTRACT BETWEEN PARSONS-ODEBRECHT J.V. CM@RISK (POJV) AND MIAMI-DADE COUNTY, INCREASING THE CONTRACT BY A MAXIMUM AMOUNT OF \$2,557,136.80; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE CHANGE ORDER AND TO PERFORM ALL NECESSARY ACTIONS TO ENFORCE ITS TERMS (Aviation Department)

Forwarded with a favorable recommendation

Mover: Diaz

Seconder: Sosa

Vote: 6-0

Report: *Assistant County Attorney Cynji Lee read the foregoing proposed resolution into the record.*

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

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

100905 Report

CLERK'S COMMITTEE MEETING MINUTES FOR THE MARCH 11, 2010 AIRPORT AND SEAPORT COMMITTEE MEETING (Clerk of the Board)

Approved

Mover: Gimenez

Seconder: Sosa

Vote: 6-0

Report: *There being no questions or comments, the Committee proceeded to vote.*

7 REPORTS

7A

100877 Report

ORAL REPORT: PORT OF MIAMI TUNNEL UPDATE
(County Manager)

Report Received
Mover: Diaz
Seconder: Sosa
Vote: 6-0

Report: *Assistant County Attorney Cynji Lee read the foregoing report into the record.*

Ms. Alice N. Bravo, Director of Transportation Development, State of Florida Department of Transportation (DOT), noted the Port of Miami Tunnel was in the preliminary engineering phase and permitting, design and coordination issues were being addressed. She said the DOT was in the process of developing a public outreach campaign with its stakeholders in the vicinity of the construction areas which includes Downtown Miami, Miami Beach, the MacArthur Causeway, and the Port of Miami. Ms. Bravo introduced representatives from the Miami Access Tunnel (MAT) team; Mr. Guillaume Dubois, Chief Executive Officer; and Mr. Chris Hodgkins, Vice President & Outreach Officer.

Ms. Bravo noted Tunnel construction on Watson Island would begin by early June 2010 and a groundbreaking ceremony would be scheduled around the first week of June. She said the MAT team had executed a contract for the Tunnel boring machine which they expected to arrive in approximately one year. Ms. Bravo noted DOT representatives met with immediate stakeholders including representatives from the Miami Children's Museum and Jungle Island to discuss issues involving traffic. She said the MAT team had developed a plan to transport excavated materials out of the Tunnel and to bring Tunnel segments into the median of the MacArthur Causeway in-between the two existing bridges on barges in order to minimize the impact of trucks on the Causeway. Ms. Bravo noted the plan was continuously evolving and efforts were being taken to limit disruptions during holidays and special events. She said everything possible was being done to avoid and minimize the impact to surrounding areas as part of this construction project.

Commissioner Diaz noted concerns had been raised that Tunnel construction would interfere with tourism and inquired about preventative

measures being taken to address these concerns.

Ms. Bravo presented a PowerPoint presentation of the Tunnel boring machine and traffic lane reconfiguration. She noted that new traffic lanes would be constructed between June and September adjacent to the right side of existing eastbound lanes. Ms. Bravo also noted that traffic would not be affected during the lane construction process and upon completion of lane construction in September; the eastbound traffic would be shifted onto the new lanes. She said the Tunnel construction would occur in the wide median area between the eastbound and westbound traffic lanes.

Commissioner Diaz asked that Ms. Bravo continue providing community outreach to ensure the community remained informed about construction plans.

Commissioner Sosa questioned whether any dialogue occurred with cruise lines at the Port of Miami.

Ms. Bravo responded that a series of meetings were held with the cruise lines and cargo companies to address everyone's needs and to ensure they understood that the DOT was a good neighbor.

Commissioner Sosa asked Mr. Johnson to collaborate with all parties involved with the Port of Miami and create a group that could anticipate potential problems and conflicts and develop quick solutions to resolve them.

Commissioner Sosa noted discussions in Tallahassee to reallocate Port of Miami Tunnel and 836/826 Interchange construction project funding to the General Fund, placing these committed projects in jeopardy of being completed. She questioned the status of these funding commitments.

Ms. Bravo responded that various proposals were being discussed in Tallahassee and the DOT's primary goal was to protect projects which were already in progress.

Commissioner Sosa said County lobbyists' and consultants' were instructed to monitor these discussions and that she would testify to keep committed project funding in Miami-Dade County. She suggested that residents needed to be

informed of the State's plan to reallocate committed funding placing these projects in jeopardy of completion. Commissioner Sosa said that County residents should receive a fair share of their financial contributions to the State.

Commissioner Gimenez questioned the ramification of the \$750 million redirection of funding to current operations.

Ms. Bravo said that all proposals would sweep cash from the Transportation Trust Fund. She noted that to free up cash from the Fund, a larger magnitude of project commitments needed to be eliminated from the work program. Ms Bravo further noted a \$250 to \$350 million cash reduction from the Trust Fund could result in a potential impact of over \$800 million to existing work program projects. She said that revenues had been consistently less in revenue estimating conferences than previous projections; therefore, projects were continually removed from the work program. Ms. Bravo noted that decisions needed to be made whether to fund projects to meet statutory requirements or to fund projects which were already under construction. She reiterated that the primary goal was not to stop a project in progress due to the financial repercussions.

Commissioner Gimenez questioned the financial impact and contractual requirements if the Tunnel project was started; the boring machine was underground; and sufficient funding was not available to complete the project. He also asked about potential penalties for not adhering to the contract terms.

Ms. Bravo responded that she hoped this situation would not occur. She noted the funds were currently available and committed. Ms. Bravo said the tentative work program would be reviewed and projects which have not begun would be eliminated. She noted a delay to projects in the FY 2011 tentative work program as presented to the Metropolitan Planning Organization in December 2009 could occur. Ms. Bravo noted that the repercussions associated with reallocating Tunnel project funding would make this one of the last projects to be affected due to the concession agreement and financial obligations. She said all contracts contained a provision "subject to the allocation of funds by the legislature"; however, the major concern was for the final \$350 million payment to be available upon the completion of Tunnel construction in

2014.

In response to Commissioner Gimenez' inquiry whether the 836/826 Interchange and Viaduct projects were in jeopardy, Ms. Bravo responded that all projects in the work program were based upon the same cash flow stream. She noted concern that federal funds were used to reimburse the State for many projects and they too had financial constraints. Ms. Bravo further responded to Commissioner Gimenez that the Transportation Trust Fund contained gas tax and documentary stamps funding and the State had the authority to redirect this funding as deemed appropriate.

Commissioner Diaz asked Commissioner Sosa to advise fellow Commissioners of ways to assist this effort when in Tallahassee next week. He expressed appreciation to Ms. Bravo and the Department of Transportation Secretary for their continued support of Miami-Dade County.

Commissioner Sosa said that she would schedule a Sunshine meeting to further discuss this issue and to provide updates. She noted that although the Viaduct project was a major concern, the biggest risk to the County was the potential to divert funds or to alter the five year 836/826 Interchange construction project. Commissioner Sosa said she would provide Commissioners with copies of proposals and an April 8, 2010 letter she wrote to Delegation members on behalf of the County urging them not to support transferring funding from the Transportation Trust Fund to the General Fund.

Commissioner Souto noted it was important for members of the County Commission and the Administration to monitor the legislative process in Tallahassee and to review economic reports presented at the annual Revenue Estimating Conference. He requested County Commissioners receive relevant and timely economic updates on State committee and Legislative deliberations as it relates to Miami-Dade County.

Assistant County Manager Ysela Llorc acknowledged Commissioner Sosa for her diligent efforts to protect County projects from losing committed State Transportation Trust Fund dollars. She noted that although this Committee focused on Airport and Seaport issues, a major source of transit operations and maintenance funding came from a State Block Grant through

Airport and Seaport Committee

the Transportation Trust Fund. Ms. Llori said a decrease in this funding would have a detrimental impact on existing operations and requested Commissioners discuss the impact of a funding decrease in future conversations with elected State officials. She noted she would provide Commissioners with an analysis of the impact of a funding decrease to existing services.

Commissioner Sosa noted she would compile all legislative issues into a report.

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

7B

100906 Report

MONTHLY REPORT FROM THE DEPARTMENT OF TRANSPORTATION ON THE PORT OF MIAMI TUNNEL - MARCH 2010 (County Manager)

Report Received
Mover: Gimenez
Seconder: Sosa
Vote: 6-0

Report: *Assistant County Attorney Cynji Lee read the foregoing report into the record.*

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

7C

100907 Report

MONTHLY REPORT FROM THE DEPARTMENT OF TRANSPORTATION ON THE MIAMI INTERMODAL CENTER - MARCH 2010 (County Manager)

Report Received
Mover: Gimenez
Seconder: Sosa
Vote: 6-0

Report: *Assistant County Attorney Cynji Lee read the foregoing report into the record.*

Commissioner Sosa questioned the rationale for changing the projected project completion date for the Miami Intermodal Center (MIC) and MIA Mover from September to November 2010; and changing the projected date for the Rental Car Center (RCC) opening from May to July 2010.

Ms. Alice N. Bravo, Director of Transportation Development, State of Florida Department of Transportation (DOT), responded that the initial opening date for the RCC was a targeted date provided to the rental car companies; that these companies were responsible for their own build out and the opening date was adjusted to coincide with the final completion date.

Commissioner Sosa asked Assistant County Manager Ysela Llort to ensure that project completion/opening dates were included in all reports; and if those dates changed for any reason, that an explanation for the change was provided in the respective report.

Commissioner Souto asked Assistant County Manager Ysela Llort to ensure that proper landscaping as well as police protection, street lighting, signage and other safety mechanisms were in place at the Earlington Heights Metrorail Station and all other transit corridors connected to the MIC before its opening.

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

7D

100953 Report

DEPARTMENTAL BUDGET INFORMATION (County
Manager)

Report Received
Mover: Gimenez
Secunder: Sosa
Vote: 5-0
Absent: Diaz

Report: *Assistant County Attorney Cynji Lee read the
foregoing report into the record.*

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

7E

100990 Report

NON AGENDA ITEM - ORAL REPORT: PORT OF MIAMI UPDATE

Presented

Report: *Chairman Moss asked Mr. Bill Johnson, Seaport Director, to address The Miami Herald article published on April 6, 2010, entitled "Port Everglades makes big push for cruise business".*

Mr. Johnson noted he attempted to put the issues raised in the April 6th article regarding the status of the cruise business at the Port of Miami in perspective in an op-ed piece published in The Miami Herald on Tuesday, April 13, 2010. He explained that the April 6th article in The Miami Herald was neither balanced nor fair, and noted he was in the process of finalizing a report for the County Commission outlining the status of the cruise industry. Mr. Johnson said it was his responsibility to provide the County Commission with timely and accurate information on the status of operations at the Port of Miami. He noted his goal was to maintain an open door policy; to do the right thing for the Port of Miami and this community, and to reach mutual agreement with its partners.

Mr. Johnson noted ongoing discussions with Carnival Cruise Lines (Carnival), the Port of Miami's largest cruise partner to extend their existing agreement. He said that Carnival brought approximately 1.85 million passengers annually to the Port of Miami and the County completed \$100 million in new facilities for Carnival over the past two years. Mr. Johnson explained that Carnival began operations at the Port of Miami in the early 1970s and the Port valued their business. He noted he anticipated that a favorable agreement for Carnival and the Port of Miami would be finalized. Mr. Johnson said the agreement approved by Broward County and the Carnival Corporation worked well for Carnival and for Port Everglades. He noted he had been negotiating in good faith for almost one year to extend Carnival's contract with the Port of Miami beyond 2013.

Mr. Johnson said that the Port of Miami remained the leader in the world with approximately 4.1 million cruise passengers. He noted the facilities at the Port of Miami were among the best worldwide. Mr. Johnson said that absolutely no

surcharges were associated with the \$100 million in facilities provided to Carnival. He noted County Manager George Burgess had been engaged in meetings to discuss contract provisions with the CEO of Carnival Cruise Line, and both he and the County Manager were optimistic that a fair agreement would be reached.

Mr. Johnson noted according to a master plan developed by Odebrech and Associates that both the Port of Miami and Port Everglades will reach capacity by 2020; that the cruise market will experience continued growth; and that passengers will choose to drive rather than fly to their port of embarkation. Mr. Johnson also noted a shift of cruise ships to different markets within the United States and to Europe. He noted the cruise industry was dynamic and constantly changing. Mr. Johnson said the Port's role was to be a good, responsible steward of the second largest generator of jobs in our community (180,000); the second largest generator of economic wealth (\$18 billion); and the industry provided the highest paying jobs (\$55,000 per year) for people with high school diplomas or GED. He noted the cargo volume at the Port of Miami had increased compared to the previous four years; that the cargo volume at Port Everglades decreased by 20 percent; whereas the volume at the Port of Miami only decreased by 2.6 percent. In addition, Mr. Johnson noted the Port of Miami had negotiated several long term agreements with Seaboard Marine, the Maersk-CMA, and the Port of Miami Terminal Operating Company (POMTOC).

Commissioner Barreiro questioned whether the Port of Miami was managing the parking facilities and whether Mr. Johnson had considered allowing passengers to pay parking fees through SunPass.

Mr. Johnson noted that parking facilities were owned by the Port of Miami and a new \$15 million parking garage was opened at the Port of Miami in December 2009 for Carnival. He further noted that the Port was automating its system for payment of parking fees and that the Port led the nation in information technology with the most advanced cargo gate facility on the east coast.

Commissioner Diaz asked Mr. Johnson about the anticipated date that negotiations with Carnival would be concluded and when their current contract would expire.

Mr. Johnson pointed out that negotiations between

Carnival and Port Everglades took approximately two and a half years; that current negotiations with the Port of Miami have been underway for about one year and that he was uncertain when negotiations would be finalized. He noted the agreements between the Port of Miami and Carnival and Royal Caribbean (Royal) expired in 2013, and the Port was also working closely with Royal and making improvements to their facilities.

Commissioner Sosa emphasized the importance of Mr. Johnson and his staff to maintain good relationships with all parties doing business with the Port of Miami. She questioned whether the Port was developing a marketing campaign to welcome the Norwegian Epic Star to Miami.

Mr. Johnson noted the Epic Star would arrive at the Port of Miami in July of this year; that the Port was currently working in cooperation with Norwegian Cruise Lines to plan the inaugural events for the world's most expensive cruise ship (\$1.5 billion). He said representatives of the Port were also working with representatives of the Greater Miami Convention and Visitors Bureau, the Beacon Council, several Chambers of Commerce, and the City of Miami Downtown Development Authority on promotional strategies, which would include placing a mural on the McArthur Causeway.

Commissioner Sosa asked Mr. Johnson to work with representatives from the Miami-Dade Expressway Authority Board to plan the inaugural ceremony. She noted the County needed to be prepared to welcome this ship as well as others of the same magnitude from the different brands utilizing the Port of Miami.

Mr. Johnson noted that the cruise industry was a highly competitive business. He said that business would bypass those asleep at the wheel and he assured, guaranteed and promised the Committee that the Port of Miami Administration was not asleep at the wheel. Mr. Johnson said it was his goal to reach a fair agreement for Carnival, the Port and the community, in an honorable and professional manner. He expressed his appreciation to Carnival for their business and said they were a phenomenal partner.

Commissioner Gimenez questioned whether Mr. Johnson had a copy of the agreement reached between Carnival and Port Everglades.

Mr. Johnson responded by noting he had a copy of the agreement; that he was fully aware of the terms of that agreement; and that he would like to negotiate the same agreement with Carnival and the Port of Miami.

8 ADJOURNMENT

Report: *There being no further business, the meeting was adjourned at 11:02 a.m.*