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MEMORANDUM  
Harvey Ruvin  
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ASC

Agenda Item No. 6(A)

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

DATE:

September 16, 2010

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

SUBJECT:

Approval of Commission  
Committee Minutes

*Diane Collins*

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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:

July 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)

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Thursday, July 15, 2010

9:30 AM

COMMISSION CHAMBERS

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

**Members Absent:** Bruno A. Barreiro.

**Members Late:** None.

**Members Excused:** None.

**Members Absent County Business:** None.

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## 1 MINUTES PREPARED BY

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

## 1A INVOCATION

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

## 1B PLEDGE OF ALLEGIANCE

**1C      ROLL CALL**

**Report:** *The following staff members were present: Assistant County Manager Ysela Llort; Assistant County Attorney Cynji Lee; and Deputy Clerks Doris Dickens and Alan Eisenberg.*

*Chairman Rolle called the meeting to order at 9:39 a.m.*

*Assistant County Attorney Cynji Lee requested that Item 7B Supplement be added to the agenda.*

*It was moved by Commissioner Gimenez that the Committee approve the agenda with the changes requested by the Assistant County Attorney. This motion was seconded by Commissioner Sosa and upon being put to a vote, passed by a vote of 4-0 (Commissioners Barreiro and Souto were absent).*

**1D      PUBLIC HEARING**

**2      COUNTY COMMISSION**

**3      DEPARTMENTS**

3A

**101603    Resolution**

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; AUTHORIZING CONVEYANCE BY EASEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) OF A .1043 ACRE PARCEL OF PROPERTY ABUTTING N.W. 36TH STREET AT THE INTERSECTION OF LEE DRIVE FOR THE PURPOSE OF FDOT'S FUTURE MAINTENANCE OF A RIGHT TURN LANE THAT WILL BE INITIALLY CONSTRUCTED ON THE AIRPORT BY CENTURION AIR CARGO, INC. AND AERO MIAMI III, LLC. (Aviation Department)

***Forwarded with a favorable recommendation  
Mover: Gimenez  
Seconder: Sosa  
Vote: 4-0  
Absent: Souto, Barreiro***

**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

**101606 Resolution**

RESOLUTION RELATING TO KENDALL-TAMIAMI EXECUTIVE AIRPORT; APPROVING DEVELOPMENT LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FLORIDA AIR EXECUTIVE SERVICES, LLC FOR CONSTRUCTION OF A STORAGE HANGAR FACILITY AT SUCH AIRPORT; AUTHORIZING MAYOR OR DESIGNEE TO EXECUTE SUCH AGREEMENT AND TO EXECUTE THE FIVE YEAR EXTENSION UPON A DETERMINATION THAT SUCH EXTENSION IS IN THE BEST INTEREST OF THE COUNTY, AND TO EXERCISE THE TERMINATION PROVISIONS THEREIN (Aviation Department)

*Forwarded with a favorable recommendation*

*Mover: Diaz*

*Seconder: Gimenez*

*Vote: 4-0*

*Absent: Souto, Barreiro*

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

*Commissioner Sosa noted it was her understanding that Florida Air Executive Services, LLC (Florida Air) would invest \$190,000 for the design and construction of the hangar; however, that Company would remain at the Miami International Airport (MIA) without paying rent on the new hangar during the initial 20-year term of the development lease agreement. She questioned the feasibility of the County allowing Florida Air to occupy the property for 20-years without paying rent and the benefit(s) of this arrangement to the County.*

*Mr. Miguel Southwell, Deputy Director, responded by explaining that Florida Air would not make payments on the hangar it would build until the 20-year lease period expired; however, once this agreement was executed, Florida Air would begin making annual payments in the amount of \$7,556.76 in land rent and would continue to make those payments every year. At the end of the initial 20-year term, the hangar would revert back to the Aviation Department and rent payments would be due on the hangar and the land, Mr. Southwell noted. He reassured Commissioner Sosa that this was an excellent investment for the Airport and County.*

*Concerning the occupancy of the proposed hangar, Mr. Southwell clarified that Florida Air would be the only occupant of the hangar; however, a sublease provision was contained within the agreement that would allow Florida Air to sublease a portion of the building.*

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

3C

**101608 Resolution**

RESOLUTION RELATING TO KENDALL-TAMIAMI EXECUTIVE AIRPORT; APPROVING DEVELOPMENT LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND B&B LLC FOR CONSTRUCTION OF A STORAGE HANGAR FACILITY AT SUCH AIRPORT; AUTHORIZING MAYOR OR DESIGNEE TO EXECUTE SUCH AGREEMENT AND TO EXECUTE THE FIVE YEAR EXTENSION UPON A DETERMINATION THAT SUCH EXTENSION IS IN THE BEST INTEREST OF THE COUNTY, AND TO EXERCISE THE TERMINATION PROVISIONS THEREIN (Aviation Department)

*Forwarded with a favorable recommendation  
Mover: Gimenez  
Seconder: Sosa  
Vote: 4-0  
Absent: Souto, Barreiro*

**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

**101612 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 MARCH 1, 2010 THROUGH JULY 31, 2010 (Aviation Department)

*Forwarded with a favorable recommendation  
Mover: Sosa  
Seconder: Gimenez  
Vote: 4-0  
Absent: Souto, Barreiro*

**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

**101663 Resolution**

RESOLUTION RELATING TO OPA-LOCKA EXECUTIVE AIRPORT; APPROVING PRELIMINARY DESIGN REIMBURSABLE AGREEMENT AJW-FA-ESA-10-7019 WITH THE FEDERAL AVIATION ADMINISTRATION FOR RELOCATION OF NAVIGATIONAL AIDS SYSTEMS FOR RUNWAY 9 LEFT AT THE AIRPORT IN ORDER TO COMPLY WITH COUNTY'S OBLIGATIONS UNDER ITS DEVELOPMENT LEASE AGREEMENT WITH AVE, LLC; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH AGREEMENT (Aviation Department)

*Forwarded to the BCC by the BCC Chairperson with a favorable recommendation*  
**Mover: Gimenez**  
**Seconder: Diaz**  
**Vote: 4-0**  
**Absent: Souto, Barreiro**

**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.*

*Mr. Jose Abreu, Director, Miami-Dade Aviation Department, asked that this item be waived to the Board of County Commissioners' meeting to be held on July 20, 1010.*

*Chairman Moss submitted a memorandum dated July 15, 2010 waiving the Board of County Commissioners' (BCC) rules and procedures to allow this resolution to be forwarded to the July 20, 2010 BCC meeting.*

3F

**101713 Resolution**

RESOLUTION RELATING TO KENDALL-TAMIAMI EXECUTIVE 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 42328919401 FOR A GRANT IN THE AMOUNT OF \$111,323.00 TO PARTIALLY OFFSET THE BALANCE OF THE COSTS FOR THE RUNWAY 9 RIGHT/27 LEFT EXTENSION PROJECT AT SUCH AIRPORT (Aviation Department)

*Forwarded with a favorable recommendation*  
**Mover: Sosa**  
**Seconder: Gimenez**  
**Vote: 4-0**  
**Absent: Souto, Barreiro**

**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.*

3G

**101598 Resolution**

RESOLUTION RATIFYING THE MAYOR OR THE MAYOR'S DESIGNEE'S ACTION IN APPLYING FOR NATIONAL CLEAN DIESEL FUNDING ASSISTANCE PROGRAM UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) FUNDS IN THE AMOUNT OF \$1,507,157 WITH A LOCAL CONTRIBUTION IN THE AMOUNT OF \$677,796; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO RECEIVE, EXPEND, AND EXECUTE SUCH CONTRACTS, AGREEMENTS, AND MEMORANDA OF UNDERSTANDING, AND AMENDMENTS AFTER APPROVAL BY THE COUNTY ATTORNEY'S OFFICE; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND ANY ADDITIONAL FUNDS THAT MAY BECOME AVAILABLE (Seaport Department)

*Forwarded to the BCC by the BCC Chairperson with a favorable recommendation*

*Mover: Gimenez*

*Seconder: Sosa*

*Vote: 4-0*

*Absent: Souto, Barreiro*

**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.*

*Assistant County Manager Ysela Llorc asked that this item be waived to the Board of County Commissioners' meeting to be held on July 20, 2010.*

*Chairman Moss submitted a memorandum dated July 15, 2010 waiving the Board of County Commissioners' (BCC) rules and procedures to allow this resolution to be forwarded to the July 20, 2010 BCC meeting.*

**4 COUNTY MANAGER**

**5 COUNTY ATTORNEY**

**6 CLERK OF THE BOARD**

7

6A

**101739 Report**

CLERK'S SUMMARY OF MEETING MINUTES FOR THE JUNE 10, 2010 AIRPORT AND SEAPORT COMMITTEE MEETING (Clerk of the Board)

*Approved*  
*Mover: Diaz*  
*Seconder: Sosa*  
*Vote: 4-0*  
*Absent: Souto, Barreiro*

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

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

**7 REPORTS**

7A

**101591 Report**

ORAL REPORT RE: STRATEGIC AIRPORT MASTER PLANNING STUDY (County Manager)

*Report Received*  
*Mover: Sosa*  
*Seconder: Diaz*  
*Vote: 4-0*  
*Absent: Souto, Barreiro*

**Report:** *Mr. Sunil Harman, Aviation Planning Division Director, presented the Strategic Airport Master Planning Study for 2015-2050 (Plan). He noted this forecast of passenger service, cargo and overall airport operations was required by the Federal Aviation Administration. Mr. Harman said that 50 percent of the Plan's cost was funded by the Florida Department of Transportation.*

*Mr. Ramon Ricondo, Ricondo & Associates, Inc. presented an overview of the plan and forecast results.*

*Mr. Harman asked for the Committee's endorsement to move the Plan forward to the Board of County Commissioners, noting the Board's acceptance of the forecast was highly desired.*

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

7B

**101743 Report**

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

**Report:** *See Agenda Item 7B Supplement; Legislative File  
No. 101848*

7B SUPP.

**101848 Report**

SUPPLEMENT - MONTHLY REPORT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION ON THE PORT OF MIAMI TUNNEL

**Report Received**  
**Mover: Sosa**  
**Seconder: Gimenez**  
**Vote: 5-0**  
**Absent: Barreiro**

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

*Mr. Mark Hall, District VI Construction Engineer, Florida Department of Transportation (FDOT), noted a report on the Port of Miami Tunnel Construction Project (Tunnel Project) had been submitted. He noted that he and the concessionaire's representative, Mr. Joe Palco, would be available to address any questions/concerns from Committee members.*

*Commissioner Diaz noted he was advised that local workers (organized labor) were not being hired to work on the Tunnel Project. He said that one of the primary reasons the County Commission supported the Tunnel Project was because they were told during the negotiations that employment opportunities would be available for members of the local AFLCIO, the Teamsters, and other organized unions.*

*In response to Commissioner Diaz' question as to whether the Tunnel Project was funded with any federal dollars; Assistant County Manager Ysela Llort said federal funding was appropriated for this project.*

*Assistant County Attorney Lee noted, in response to further questioning, that she would research to determine whether the Davis-Bacon Act was applicable in this instance.*

*Mr. Hall noted that the Project must adhere to federal guidelines because it received federal funding. He explained that the Davis-Bacon Act would govern the FDOT and federal contracts on this Tunnel Project. The Act also established minimum wages, said Mr. Hall. He pointed out that although the Davis-Bacon Act did not contain any requirements that workers be hired from organized labor, Florida was a "right to work" State.*

*Commissioner Diaz said a verbal agreement was*

*made to use local organized labor among all parties involved and everyone at the table shook hands on this agreement.*

*Assistant County Manager Llord suggested and Commissioner Diaz agreed that a workshop be scheduled to allow FDOT and the concessionaire to discuss the hiring opportunities and the labor needs for the Tunnel Project with contractors and all other interested parties.*

*Mr. Hall noted he would meet with local union representatives and the concessionaire; that the concessionaire was not prohibited from using organized labor; however, certain federal guidelines existed that could prohibit it.*

*Concerning the forthcoming legislation providing for hiring opportunities for the local workforce (organized labor) for the Tunnel Project under Chairman Rolle's sponsorship, Commissioner Gimenez asked that the FDOT serve as a clearinghouse and manage calls from all contractors interested in bidding for work on this project; that the calls from contractors be channeled through the FDOT and that the FDOT staff maintain a log and communicate the nature of calls to the concessionaire. He also asked that Chairman Rolle's proposal include language to ensure that the process was competitive, fair and accessible to everyone.*

*Commissioner Gimenez questioned whether contracts with subs must be advertised through normal bid procedures; or whether the concessionaire could select the subcontractor(s).*

*Mr. Hall pointed out that the concessionaire was not required to conduct a full advertisement and that the concessionaire could open the process up to any bidders who were willing to submit a price for various work elements.*

*Commissioner Gimenez noted Requests for Proposals could be prepared and written in a manner to obtain a certain desired outcome. He noted the Marlins Baseball Stadium, which offered two options: a preferred choice option and an option that made it difficult if not impossible for anyone to compete. Commissioner Gimenez said a level playing field was needed so that work would be available for local construction workers.*

*Commissioner Sosa noted concern about*

*additional money that would be needed to complete the Tunnel Project due to the results of recent geotechnical studies. She asked Assistant County Manager Llorca to provide the Committee with the results of the geotechnical study on Dodge and Watson Islands.*

*Commissioner Sosa noted fiscal impact considerations as well as traffic and cruise line issues all contributed toward the Tunnel Project being a Miami-Dade County concern. She also noted that the needs of the local workforce needed to be addressed even though federal rules and regulations existed. Commissioner Sosa expressed concern that of 477 applicants who participated in a recent local job fair only three persons were hired.*

*Chairman Rolle noted that Committee members placed their concerns on the record and that he was hopeful that FDOT representatives and all other parties involved would address concerns regarding the lack of work opportunities for local workers on the Tunnel Project. He said he would like to see progress made in this area before members of the Commission return from recess in September.*

*Commissioner Sosa said the ethnic and minority makeup of the national workforce was not representative of the Miami-Dade County workforce and that the unique needs of our workforce needed to be addressed.*

*Mr. William Riley, President, South Florida Building Trades Council (SFBTC), expressed appreciation to Committee members for their cooperative efforts and concerns. He said the Council welcomed the inclusion of local contractors and construction workers.*

*Commissioner Sosa asked that the SFBTC be included in future conversations about the Tunnel Project.*

*Commissioner Diaz noted the provision to include local preference for contractors and construction workers was clearly communicated to FDOT officials by members of the Commission during all phases of the Tunnel Project negotiation process; and that this intent was accepted by both FDOT officials and by the new concessionaire who received the contract award.*

*Mr. Ric Katz, Port of Miami Tunnel Public Affairs*

Consultant, acknowledged that Commissioner Diaz' points were clearly articulated and understood. He noted that the FDOT had a mechanism provided by federal law to address these concerns and that the FDOT was committed to using that process effectively.

Chairman Rolle noted everyone had worked hard for this Tunnel Project and that new legislation would ensure FDOT's input. He expressed concern regarding the lack of local workers or contractors on the Tunnel Project, and the lack of information about the employment application process. Chairman Rolle pointed out that the prospect of the creation of local jobs was a selling point for the County Commission's support of the Tunnel Project.

Mr. Hal Johnson responded to Chairman Rolle's question about efforts to ensure that employment opportunities were available for the local workforce. He explained that a program was currently being established to address the hiring of local workers; that although the hiring process had been slow, it would begin soon and all segments of the community would be included. Mr. Johnson also noted the procurement process was in the development stage and would be implemented in the near future.

Chairman Rolle asked Mr. Johnson to ensure that all monies appropriated for the Tunnel Project were not spent before concerns regarding local preference were addressed.

Chairman Rolle asked Assistant County Manager Llort to provide the Committee with continual updates on the status of the Tunnel Project, specifically inclusion in terms of contractors, the labor force, and unions in the hiring process. He also asked that Committee members be invited to attend future management meetings held to discuss the Tunnel Project.

Mr. Hall stated that the FDOT would provide a detailed presentation at the September 16, 2010 Airport and Seaport Committee meeting to address the federal requirements as they relate to equal employment opportunity. He noted the FDOT would do everything possible within the law to address the concerns raised by Committee members today (7/15). Mr. Hall further noted the Tunnel Project required 76 on-the-job unskilled minority labor trainee slots as well as an 8.1 percent Statewide Disadvantaged Business

*Enterprise goal.*

*Commissioner Gimenez reminded Mr. Hall, FDOT officials and the concessionaire that consensus of Committee members and the County Commission was largely unanimous on this issue.*

*Assistant County Manager Llord referenced a voluntary agreement with the FDOT to abide by local rules which normally would not apply to the Tunnel Project and sound bites were available that would confirm this agreement.*

7C

**101744 Report**

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

**Report Received**  
**Mover: Sosa**  
**Seconder: Gimenez**  
**Vote: 5-0**  
**Absent: Barreiro**

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

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

**101959 Report**

NON AGENDA ITEM FOR THE JULY 15, 2010 AIRPORT AND SEAPORT COMMITTEE MEETING

**Report:** *Mr. Jose Abreu, Director, Miami-Dade Aviation Department, introduced Mr. Ken Pyatt, the Airport's new Deputy Director of Operations. He noted that Mr. Pyatt was recruited from American Airlines.*

*Mr. Pyatt advised the Committee he was hopeful that his thirty years of experience in the airline industry would assist the Department to transition from a construction focus to a customer service focus.*

*Assistant County Manager Ysela Llord noted that she believed Mr. Pyatt would be an outstanding Deputy Director and she looked forward to working with him.*

**8 ADJOURNMENT**

**Report:** *There being no further business to come before the Committee, the Airport and Seaport Committee meeting was adjourned at 10:36 a.m.*