



MEMORANDUM
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TAC
Agenda Item No. 6(A)

TO: Honorable Chairman Dennis C. Moss
and Members, Transportation and Aviation Committee

DATE: March 12, 2014

FROM: Christopher Agrippa
Director, Clerk of the Board Division

SUBJECT: Approval of Commission
Committee Minutes

A handwritten signature in black ink, appearing to be "CA" followed by a stylized flourish.

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Transportation and Aviation Committee:

January 15, 2014 TAC Meeting

CA/jt
Attachment



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

CLERK'S SUMMARY OF Meeting Minutes Transportation & Aviation Committee

Dennis C. Moss (9) Chair; Bruno A. Barreiro (5) Vice Chair; Commissioners Esteban
L. Bovo, Jr. (13) and Jean Monestime (2)

Wednesday, January 15, 2014

2:00 PM

Commission Chambers

Members Present: Esteban L. Bovo, Jr., Jean Monestime, Dennis C. Moss.

Members Absent: None.

Members Late: Bruno A. Barreiro 2:26:00 PM.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Jill Thornton, Commission Reporter, (305) 375-2505*

**1A INVOCATION AS PROVIDED IN RULE 5.05
(H)**

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

1B **ROLL CALL**

Report: *The following staff members were present: Deputy Mayor Jack Osterholt; Assistant County Attorneys Bruce Libhaber, Gerald Sanchez and David Murray; Deputy Clerks Jovel Shaw and Jill Thornton.*

Assistant County Attorney Bruce Libhaber noted the following changes to today's (1/15) agenda:

-Agenda Items 1E2 Supplement, 1E3 Supplement, 1E4 Supplement and 3C were added to the agenda; however, a request was made by the Miami-Dade Transit Department that item 2 of Agenda Item 3C, entitled "ID Cards, Supplies and Accessories" be withdrawn.

-A scrivener's error in Agenda Item 1E1 needed to be corrected to delete the word "allowing" from the title of the resolution, and Commissioner Diaz requested that he be added as a Co-Prime Sponsor to this item.

-A request was made by the sponsor Commissioner Monestime that Agenda Item 2B be amended to insert the phrase "multi-modal transportation facility" after the word "interchange" in the first 'Whereas' clause on typed page 3, and to insert the words "State Road 7" before the words "US 441" In the same paragraph.

- the last sentence, first paragraph on page 3 of the Mayor's memorandum pertaining to Agenda Item 3B contained a scrivener's error that needed to be corrected to reflect the correct date as September 2014, instead of September 2013.

Chairman Moss requested the Citizens' Independent Transportation Trust Presentation under Agenda Item 1D2, be deferred.

It was moved by Commissioner Bovo that the January 15, 2014 Transportation and Aviation Committee (TAC) meeting agenda be approved, along with the changes requested by Mr. Libhaber and Chairman Moss. This motion was seconded by Chairman Moss, and upon being put to a vote, passed by a vote of 3-0; (Commissioner Barreiro was absent absent).

Chairman Moss noted the order of the day was to hear the least controversial items first, then the item sponsored by Commissioner Heyman and the presentation on Airport City last.

1D3

140040 Special Presentation

Dennis C. Moss

PRESENTATION BY STAFF ON "AIRPORT CITY"

Presented

Report: *Mr. Emilio Gonzalez, Director of Miami-Dade Aviation Department (MDAD) appeared with some staff members to provide a status report on the Airport City Project at Miami International Airport (MIA). Mr. Gonzalez noted at the time he was appointed as MDAD's Director, Airport City was a signature project and an important infrastructure project for the community, but also a four year old concept. He also noted MIA recently experienced unprecedented growth, reaching nearly 44 million passengers in one day and breaking an all-time daily passenger record. He said that staff, bond experts, traffic and route engineers performed a detailed analysis to decide whether it was feasible to proceed with the original proposal project, based on MIA's growth and future aviation needs. Mr. Gonzalez said that staff spent much time and effort evaluating this project, and reached some conclusions. He asked staff members to share their findings and opinions on the viability of this project with this Committee.*

Mr. Randy Topel, Financial Advisor of MDAD, First Southwest Company, discussed the project site at MIA for the Airport City project. He noted the property consisted of 33 acres in total and three separate parcels that were identified as potential development for generating additional revenues at MIA. He also noted the parcels were combined under a public/private partnership (known as PPIP2) to be developed. He further noted that Parcel 1A was the largest parcel, consisted of 24 acres, was divided into two components-1A and 1A Extension, and closest to the airfield at the north end of Central Boulevard; Parcel 1B was the south parcel where a strip mall was to be built; and Parcel 1C was the smallest parcel and slated for construction of a high-end hotel. Mr. Topel said that Parcel 1A would be the focus of this presentation.

Mr. Pete Ricondo, Senior Vice President of Ricondo and Associates, MDAD's Aviation Planning Consultant, discussed MIA's economic growth and airport activity. He noted MIA experienced nearly eight percent in economic growth during years 2009-2013, despite an economic downturn that impacted most airports

across the nation in the same timeframe. He also noted that nearly two-thirds of that growth was generated by American Airlines (AA) and Oneworld Airline Alliance, but other airline carriers generated activity as well, and the international market was served the most. Mr. Ricondo said that peak passenger enplanement was critical to planning and operating new or improved facilities, even more so than annual activities. He noted two major contributors to peak passenger enplanements were international activity and the hub activities of AA and Oneworld Alliance.

Mr. Ricondo discussed aircraft hardstands and wide-body gates, and displayed a photo of them located on the east side of MIA's South Terminal, Concourse J. He noted hardstands and wide-body gates work in conjunction to help process additional passenger flights during peak hours, and while an aircraft was grounded for 3 hours or more. He further noted that MDAD recognized the need to preserve aircraft hardstands and wide-body gates, and that they would become essential over the next five to ten years to accommodate future growth and international passenger traffic at MIA. He noted that aircraft hardstands and wide-body gates were much more relevant than capacity and would be critical for leveraging construction activities should the County and MDAD proceed with redevelopment of the central terminal.

Mr. Topel discussed airport passenger and cargo activities, noting they were key drivers of economic activity at MIA, and a primary reason for operating an airport. He said that according to the economic impact study prepared by the Florida Department of Transportation, over 294,000 jobs and \$28.3 billion in economic activity were generated by airport activity at MIA. He noted that according to a more recent (post-recession) study prepared by Martin Associates, activity at MIA generated over 272,000 jobs, \$10.8 billion in airport-related personal incomes and \$32.8 billion in business revenues. Mr. Topel said the best way to increase growth, increase revenues and lower airline costs was to increase air services.

Mr. Topel defined 'airline cost' as Cost per Enplaned Passenger (CEP), which was calculated by subtracting the sum of concession revenues and other non-aeronautical revenues from total expenses and dividing that number by the number

of enplaned passengers. He noted the most important element of the equation was the denominator (or number of enplaned passengers passing through the airport) because doubling that number could potentially reduce the airline costs in half. Mr. Topel indicated that lower airline costs were a key incentive for increasing air services and encouraging additional growth. He also defined concession revenues as non-aeronautical revenues or revenues generated under concession and management agreements, including parking, rental car, terminal concessions, fuel farms and cargo handling fees. He noted one major reason for developing Airport City was to lower airline costs though other revenues, but these revenues were not entirely independent, and tend to be associated with additional passengers.

Mr. Topel noted that staff needed to determine whether the subject parcels would serve a greater or better purpose, and one goal in the analysis was to determine whether use of non-traditional investments for airport property could enhance additional commercial revenues. He said that when this process started, staff considered land rents from Parcel A to reduce airline cost; however, did not contemplate the increased activity that occurred in FYs 2007/09. Staff found that hardstands were needed to increase passenger enplanement because it not only enhanced airline services, but also lowered airline costs and increased concession revenues. He pointed out that every enplaned passenger was associated with a revenue stream at the airport, and concession revenues were associated with non-aeronautical revenues and additional passengers. Mr. Topel noted that after evaluating a number of sites, staff identified Parcel A as the best location for aircraft hardstands and concluded that using Parcel 1A for aviation purposes, as opposed to the original uses projected in the PPIP2 plan, would provide a better return and strengthen MIA's financial position.

Mr. Topel noted staff calculated the cost of converting Parcel A for use of hardstands and determined the additional amount of revenues generated would significantly exceed the cost, providing a positive revenue impact of approximately \$33 million, and approximately \$26 million in net revenue after deducting the estimated \$7 million in debt service costs. Mr. Topel noted the annual debt service cost was based on a conservative 30-year debt structure

with a high future interest rate and would be used to fund construction of the new hardstands and to demolish or relocate existing facilities. He also noted through use of the new hardstands, 13 additional aircrafts would be allowed to operate at MIA during peak hours and the additional flights would provide a positive impact to the industry. Mr. Topel noted that based on the analysis and MDAD recommendation that Parcel 1A be used for additional hardstand capacity and other aviation purposes, the County would receive approximately \$300 million in economic benefits and job creation opportunities; plus; approximately 1 million additional enplaned passengers per year; \$9 to \$11 million in additional concession revenues, and lower CEP.

Mr. Topel noted should the County proceed with the original plan for Airport City, it would forego \$72 million of improvements, a needed train stop, \$3-4 million in annual land rent revenues, and only a .20 cent reduction in CEP. He pointed out that the original proposal did not allow for additional concession-type revenues or payments; however, MDAD's recommendation would reduce the CEP by more than \$1.50 and provide a net revenue impact of approximately \$26 million annually, which was significantly more than the \$3-4 million in annual land rent revenues under the original plan. Mr. Topel also pointed out that the CEP was estimated in the low forties and not considered a main economic growth driver when this project began. He further noted that according to the feasibility study, the original proposed Airport City may create 10,000 jobs if all three parcels were combined and used for office rental spaces; however, MDAD's recommendation for Parcel 1A would create over 9,500 indirect community jobs and 800 full-time airline-related positions. In conclusion, Mr. Topel noted staff's recommendation was for Parcel 1A to be removed from the original Airport City concept, and used for developing other aviation facilities and aircraft hardstands on site.

Chairman Moss noted he would allow a representative of Odebrecht USA to respond to the presentation made by staff.

Mr. Erick Swanson, Real Estate Investment Director for Odebrecht USA, 900 Biscayne Blvd., appeared and presented a brief history on the Airport City Project of MIA. He noted in March 2008, MDAD solicited input from the business community on the potential of developing an

Airport City at MIA; in August of 2008, MDAD issued a Request for Expression of Interest (EOI) and five developers responded to it; in December 2008, all five proposers were short listed, pursued the project, and for the next 14 months, went through a process involving studies, meetings, presentation of proposals, and shared information; in February 2010, Odebrecht USA won the competition and the County Manager authorized MDAD to begin negotiations with Odebrecht; in March 2010 through December 2011, MDAD negotiated the terms for a ground lease agreement for each of the three parcels; in January of 2012, the three ground leases were submitted to the FAA for approval; and in March 2013, the FAA issued a finding of no significant impact and approved the leases, and Odebrecht was prepared to come before the Board of County Commissioners (BCC) for final approval and proceed with the project. Mr. Swanson reiterated that the entire purpose of Airport City was to create jobs and non-aeronautical revenues for the airport. He said that had the joint venture between Odebrecht, MDAD and MIA proceeded, it would have created approximately 10,000 jobs, \$1.3 billion in operating revenues/asset value creation, over \$100 million in volunteer contribution to small businesses, and \$82 billion in total economic impact using all three parcels. But, in March 2013, the deal was tweaked by a new Mayor and a new set of administrators in an effort to create the best project for MIA and the County.

Mr. Swanson noted he met with Deputy Director Ken Pyatt and MDAD staff to discuss their decision to eliminate Parcel 1A from the original Airport City Project, and it seemed to be legitimate and in the best interest of MIA and the County. He also noted that although Odebrecht was disappointed with losing Parcel 1A, the company wanted to ensure MIA operated efficiently, was profitable and its 270,000 plus jobs were safeguarded. He indicated that Odebrecht had worked on this proposal for over five years, spent a significant amount of money on it and cooperated with the Department; however, realized the three leases as written, provided flexibility for staff to make changes. Mr. Swanson further noted that Odebrecht appreciated the efforts of staff to negotiate a good deal for the County, supported MDAD's recommendation and willing to work with the Department on Parcel A, but would like to develop the other two parcels. Mr. Swanson explained that Odebrecht's proposed

projects for Parcels B and C would provide a positive \$216 million economic impact to the County, more than 1,800 jobs and over \$375 million in non-aeronautical revenues for MIA, during the life of the two leases. Mr. Swanson indicated that he was informed by experts that development had slowed down for the hotel industry and that interest rates were rising, and could climb more, making it more difficult to accomplish this project with each passing day. He noted Airport City was a great project and Odebrecht would like to proceed with it collectively and expeditiously. He expressed appreciation on behalf of Odebrecht for the opportunity to work with the County and MIA to negotiate a project of this caliber.

In response to Chairman Moss inquiry, Mr. Swanson affirmed that Odebrecht was supportive of the Department's recommendation to remove Parcel 1A from the original Airport City concept, and would like to move forward with developing Parcels 1B & 1C, notwithstanding their disappointment in the decision.

Chairman Moss opened the floor for public comment on this report, and closed it after no one appeared to speak.

Commissioner Bovo expressed appreciation to all who participated in this presentation. He noted Parcel A was prime real estate, and he believed, a perfect example of a project that could be revisited for the County to get a better deal. He said he was encouraged and MDAD's recommendation for Parcel 1A, supported it, but preferred that the County hold off on developing Parcels B and C. Commissioner Bovo suggested that the Department revisit the other two parcels to see what other opportunities existed to enhance the airport experience and provide more jobs and revenue for the County.

Commissioner Monestime noted he was encouraged by this report and Odebrecht's willingness to work with the County; and liked that Odebrecht's proposal for developing the remaining parcels would create 1,800 additional jobs. He said this was not the first RFP the Board had dealt with involving an entity that was in compliance, completed an entire procurement process and awaiting an award. He also noted what stood out in this presentation was that MIA was a top economic engine for the County with limited land to expand for future growth, and he

appreciated Odebrecht for considering that fact.

In response to Commissioner Monestime inquiry regarding the \$7 million debt service cost to be incurred by MIA, and what it represented in terms of capital improvement dollars, Mr. Topel noted the debt was based on capital improvement requirements worth \$53 million, plus an associated reserve fund, and it would be used to rebuild a maintenance facility and hardstands worth \$24 million; however, a large portion of the hardstand costs could be eligible for a federal grant.

In response to Commissioner Monestime's question regarding the life of these debts, Mr. Topel noted it was a 30 year debt, but would not need to be issued by the Department before year 2018 or 2020.

Mr. Monestime asked whether the County would net approximately \$24 million in annual revenues from the \$53 million in capital improvements, after the \$7 million debt service expense was paid.

Mr. Topel clarified that based on staff's estimations, approximately \$33 million in revenues would be generated, resulting in net positive revenue of approximately \$26 million, after the \$7 million debt service cost was deducted.

Mr. Monestime noted he concurred that moving forward with MDAD's recommendation was in the best interest of the County.

Chairman Moss asked what the next step would be in this process if Parcel 1A was removed from the original Airport City concept and Odebrecht was allowed to move forward with developing Parcels 1B and 1C.

Assistant County Attorney David Murray explained that under State law, aviation leases were not required to go through the County's typical procurement processes. He noted that when these parcels were approved by the Board for evaluation, it was contemplated that all or none of them could be awarded by the County or MDAD; thus, the Mayor could eliminate one parcel and present an award on Parcels 1B and 1C to the Board for approval, without taking any further action.

In response to Chairman Moss inquiry regarding

whether the County Commission and the Committee had a say in the award of the two parcels, Assistant County Attorney Murray noted any award recommended by the Mayor for the mentioned two parcels would be required to go through the Committee review process, and ultimately before the County Commissioners for approval.

Chairman Moss asked whether the County had the flexibility to remove a parcel from the original proposal, and proceed with developing the other parcels.

Assistant County Attorney Murray noted, from a procurement standpoint, the flexibility would be that this type of contract was not subject to the County's rigid procurement processes and rules. Also, he noted these land leases were structured as individual 'stand-alone' transactions, which required little negotiations to separate out one parcel from the others, if the County chose to move forward with the other two.

In response to Chairman Moss' inquiry regarding whether the County had the flexibility to incorporate some elements of the original proposal for Parcel 1A into the remaining parcels, for example, to have the hotel originally slated for Parcel 1A, built on Parcel 1B or 1C, Assistant County Attorney Murray noted it could be done provided the Administration and the proposer consented to it.

Chairman Moss asked about the legal process for considering other concepts of Parcel 1A for Parcels 1B or 1C, after it was eliminated.

Assistant County Attorney Murray reiterated that unlike most county procurements, the award of aviation parcels were not subject to a rigid procurement process. He noted it was contemplated in the EOI solicited by the Department that the proposers would be allowed to propose something different from what the airport wanted, and it could be negotiated and brought back before the board for consideration. He also noted the Board and Administration had the flexibility to revisit other concepts they wanted to incorporate into the two remaining parcels; and that consideration of these procurement documents and what could be accomplished under them was a policy decision rather than a legal question.

Chairman Moss encouraged the Administration to move forward with MDAD's recommendation for removing Parcel 1A from the original Airport City project, and used for future aviation purposes, as agreed to by the proposer-Odebrecht; and then to come back with a process for moving forward Parcels 1B and 1C concepts.

Vice Chair Barreiro noted he agreed that the Administration should have the flexibility to incorporate any portion of Parcel 1A into the two remaining parcels that would be in the best interest of MIA. He encouraged the Administration to bring back a recommendation and agreement for developing Parcels 1B and 1C, as soon as possible.

Chairman Moss expressed appreciation to all who participated in this presentation and meeting. He asked Deputy Mayor Jack Osterholt to relay to the County Mayor, the consensus of this Committee to remove Parcel 1A from the Airport City project and their recommendation that Odebrecht be allowed to proceed with the development of Parcels 1B and 1C.

1E PUBLIC HEARINGS

1E1

140027 Resolution

Esteban L. Bovo, Jr.,

Jose "Pepe" Diaz

RESOLUTION MODIFYING TRANSIT FARE STRUCTURE TO ALLOW ALLOWING MIAMI-DADE COUNTY RESIDENTS TO USE THE TRANSIT SYSTEM WITHOUT PAYING A FARE IF THEY (1) ARE VETERANS WHO HAVE NOT RECEIVED A DISHONORABLE DISCHARGE, AND (2) THEIR HOUSEHOLD INCOME DOES NOT EXCEED THE STANDARD THRESHOLD APPLIED TO DETERMINE ELIGIBILITY FOR THE LOW-INCOME, SENIOR CITIZENS'S ADDITIONAL HOMESTEAD EXEMPTION

Forwarded to BCC with a favorable recommendation as corrected

Mover: Bovo, Jr.

Seconder: Monestime

Vote: 3-0

Absent: Barreiro

Report: *During consideration of changes to today's 1/14 agenda, it was noted that Commissioner Diaz requested to be added as a Prime Co-Sponsor of this resolution, and that a scrivener's error needed to be corrected to delete the word "allowing" from the title of this resolution.*

Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.

Chairman Moss opened the public hearing for persons wishing to speak in connection with the foregoing resolution and the following person(s) appeared:

1.Ms. Renita Holmes, community activist, 5800 NW 7 Ave, expressed concern that based on the criteria in this resolution, dishonorably discharged veterans would be excluded from the program, and questioned the relevancy of it to other criteria and level of income. She noted many great veterans received a dishonorable discharge for good reasons, such as medical and should be eligible for this program.

Chairman Moss closed the public hearing after no other persons appeared to speak on this item.

It was moved by Commissioner Bovo and seconded by Commissioner Monestime that this resolution be forwarded to the County Commission with a favorable recommendation.

Regarding Ms. Holmes concerns, Commissioner Bovo noted this resolution was not intended to change the existing criteria of the Patriot Passport Program, but to expand it. He said that although there may be a list of veterans who were dishonorable discharged for medical or other

good reasons that might qualify for this program, he felt the criteria listed in this resolution was valid, and one way for the County to show its appreciation to veterans who served our Country honorably.

Hearing no further comments or questions, the Committee proceeded to vote on this resolution as presented.

1E2

132466 Ordinance

Sally A. Heyman,

Esteban L. Bovo, Jr.

Amended

ORDINANCE RELATING TO FOR-HIRE LIMOUSINES; AMENDING CHAPTER 31, ARTICLE VI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE DEFINITION OF PRE-ARRANGED LIMOUSINE TRANSPORTATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Report: *(See Agenda Item 1E2 Amended; Legislative File No. 140115 for the amended version)*

1E2 AMENDED

140115 Ordinance

Sally A. Heyman,

Lynda Bell, Esteban L. Bovo, Jr., Jose "Pepe" Diaz,

Dennis C. Moss, Rebeca Sosa, Xavier L. Suarez

ORDINANCE RELATING TO FOR-HIRE LIMOUSINES;
AMENDING CHAPTER 31, ARTICLE VI OF THE CODE
OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO
THE DEFINITION OF PRE-ARRANGED LIMOUSINE
TRANSPORTATION; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
[SEE ORIGINAL ITEM UNDER FILE NO. 132466]

*Forwarded to BCC with a favorable
recommendation with committee
amendment(s)*

Mover: Bovo, Jr.

Seconder: Barreiro

Vote: 4-0

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed ordinance into the record.*

Prime Sponsor Commissioner Heyman noted that during a meeting between County staff, herself, and representatives of the Greater Miami and Beaches Hotel Association (GMBHA) and the Greater Miami Convention and Visitor's Bureau (GMCVB), an amendment was offered in response to concerns regarding enforcement. She asked that it be read into the record.

At Commissioner Heyman's request, Assistant County Attorney Gerald Sanchez read the following amendment into the record:

-to amend the definition of 'Pre-arranged' under Section 31-601, subsection (bb) on handwritten page 3, and in the last paragraph under Section 31-602, subsection (b) on handwritten page 4 to mean a reservation made at least 15 minutes in advance, in lieu of at least one hour in advance.

Commissioner Heyman noted that during previous meetings and workshops held to discuss the for-hire industry, the only complaint voiced about the private limousines was regarding the existing one-hour prearrangement requirement for reserving one. She noted the current law was written in the Code when the first five-star grand hotel was built in Coconut Grove, Miami, and noted much has changed since then, with more high-end hotels/resorts, events and venues are offered year round in this community. She noted staff requested the prearranged time be amended to at least 15 minutes, for enforcement purposes, and to protect the taxicab industry and prevent staging of private limousines in front of the terminals.

Chairman Moss opened the public hearing for persons wishing to speak in connection with this

ordinance, and the following persons appeared:

1. Mr. Jerry Moskowitz, Coral Cab, 2284 NW 36 Street, noted he originally opposed this ordinance, but supported it now, as long as the 15 minute safety margin was in place to protect the taxicab industry and distinguish its services from a limousine service.
2. Mr. Diego Feliciano, South Florida Taxicab Association, spoke in support of this ordinance and thanked Commissioner Heyman for working with the industry on the amendment.
3. Mr. Geoffry Radlein, taxi operator, 21226 SW 97 Place, noted he originally opposed this ordinance, but felt the industry could live with the changes offered, provided it was enforced properly, and differentiated between an on-demand (taxi) service and a limousine service.
4. Mr. Rudy Gonzalez, 3620 SW 22 Ave, noted he supported this ordinance as long as the re-arrangement time was reasonable and a rider could distinguish between a luxury limousine service and an on-demand (taxi) service.
5. Mr. Neil Goodman, 3780 NE 207 Terrace, Aventura, appeared in support, and said he was happy to see the two industries agree on a matter; however, expressed concern that this would strengthen Uber's argument that limousine passengers would still have to wait for a service.
6. Mr. Evan Michaels, 271 SW 33 Court, Ft Lauderdale, opposed this ordinance, and Uber, noting it was not the only on-demand product out there. He expressed concern that based on this ordinance, taxicabs would be considered the only on-demand service available; and said that the difference between limousine service and a taxicab service should only be price, permitting regulations and the luxury services provided, not the prearrangement time of 15 minutes.
7. Ms. Lise Registre, 18928 NW 63 Court Circle, Hialeah, opposed this ordinance, Uber, and the change in the prearrangement time for luxury limousine services.
8. Ms. Ana Kaplan, 1270 NE 174 Street, thanked Commissioner Heyman for the compromise. She agreed that changes in technology were needed for this industry; however, it was still a fear in the taxi industry that Uber would dominate the market, and felt the County should establish some rules/regulations for dispatch applications to protect the taxicab industry when it happened.
9. Mr. Les Eisenberg, 3600 NW 37 Court, spoke in support of this ordinance and the 15 minute prearrangement time for luxury limousine/sedan

services. He urged the Board to support the amendment to prevent the staging of luxury limousines/sedans in front of the hotels and stop the 'deadheading' and 'buying of the door' practices, which only benefited the doorman and concierges, at the cost of the end-user.

10. Mr. Gustavo Chacon, limousine driver, 1051 NW 18 Avenue, opposed this ordinance and felt the prearrangement time was unnecessary. He noted, regardless of the length of time, the limousine industry would be penalized in order to protect the taxicab drivers who were now trying to become small business operators. He also noted that the buying of the doors was not a new concept, but a standard practice in this County, and the staging of limousines had never been enforced, though he had complained about it several times.

11. Mr. Frank Hernandez, 3111 NW 27 Avenue, noted he had more concerns for enforcement than for the 15 minute prearrangement time, and said the issue of enforcement in this industry was comparable to enforcement issue for handicap parking. He noted had enforcement been applied all along, the Ambassador Cabs Program would not be needed.

12. Ms. Renita Holmes, 5800 NW 7th Ave, appeared on behalf of the consumers and said she believed that more should be done to protect the taxicab drivers, and make this process fair for local drivers to earn a decent living and compete with the limousine industry.

Chairman Moss closed the public hearing, after no one else appeared to speak.

Commissioner Heyman noted the GMBHA participated in the workshop, supported the 15-minute prearrangement amendment, and offered to help enforce it. She also noted that Director Joe Mora of the Regulatory and Economic Resources (RER) advised that the 15 minute leeway was needed for staff to work with the GMBHA and other vendors, particularly to enforce the regulations during special events like Art Basil.

Commissioner Bovo noted he would remain a co-sponsor of this resolution and hoped the discussions on this matter would continue in the near future. He said he understood the need to protect the industry and owner investments; however, the reality was that the County needed to move forward with change and embrace better ways of doing business for future generations.

Responding to Commissioner Monestime's concern that this resolution did not include language regarding the 15 minute prearrangement time, Chairman Moss noted the item was just amended on the floor to change the prearrangement time from at least one hour to at least 15 minutes.

Commissioner Monestime noted that currently he could not support this ordinance because it did not entirely address the issues raised at previous workshops and on the dais.

Chairman Moss advised Committee members that he anticipated this resolution being added to the upcoming Special BCC meeting agenda for an all-inclusive discussion on taxi-related items and the for-hire industry, prior to it going before the full BCC for approval.

Hearing no further comments or questions, the Committee forwarded the foregoing proposed ordinance to the County Commissioners with a favorable recommendation, with committee amendment(s) to amend the definition of 'Pre-arranged' under Section 31-601, subsection (bb) entitled "Definitions" on handwritten page 3 and in the last paragraph of Section 31-602, subsection (b) on handwritten page 4 to mean a reservation made at least 15 minutes in advance, in lieu of at least one hour in advance.

1E2 SUPP

140092 Supplement

FISCAL IMPACT STATEMENT TO ORDINANCE RELATING TO FOR-HIRE LIMOUSINES; AMENDING CHAPTER 31, ARTICLE VI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE DEFINITION OF PRE-ARRANGED LIMOUSINE TRANSPORTATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Forwarded to BCC with a favorable recommendation
Mover: Bovo, Jr.
Seconder: Barreiro
Vote: 4-0*

1E3

132336 Ordinance **Jean Monestime**

ORDINANCE RELATING TO VEHICLES FOR HIRE; AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT MODEL YEAR 2005 TAXICABS SCHEDULED FOR RETIREMENT ON DECEMBER 31, 2013 SHALL BE ALLOWED TO BE OPERATED UNTIL JUNE 30, 2014; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation
Mover: Monestime
Seconder: Bovo, Jr.
Vote: 4-0

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed ordinance into the record.*

Chairman Moss opened the public hearing for persons wishing to speak on the foregoing ordinance, and the following persons appeared:

- 1. Mr. Jerry Moskowitz, Vice Chair of the TAG Association, 2284 NW 36 Street, noted he had always been supportive of the Code's eight year age requirement for retiring taxicab vehicles; however, the County Commission had extended it to nine years for the past several years, and he felt the drivers were not given enough notice this time, only three months, to replace their vehicles when they expected another year. He thanked Commissioner Monestime for bringing this ordinance forward, and urged the Board to extend it another six months.*
- 2. Mr. Gustavo Chacon, limousine driver, 1051 NW 18 Avenue, noted drivers should know when to retire their vehicle and plan for it; that there was no excuse and the vehicles in question should have been removed from service by December of last year. He said he felt it was unfair to allow these cars to continue operating, especially since the County had a goal to become a world class destination.*
- 3. Mr. Geoffry Radlein, taxi operator, 21226 SW 97 Place, commended Commissioner Monestime for having common sense in this matter. He noted it was reasonable to give drivers sufficient time to comply with the requirement, especially if they had budgeted to use their vehicle for another year.*

Chairman Moss closed the public hearing after no other persons appeared to speak.

Commissioner Monestime noted his intention was not to allow older taxicab vehicles to remain in service, but to respond to the concerns of drivers

who were given only two-months to replace their 2005 model vehicles, when the County had given drivers a one-year extension in the past. He said he felt an additional six months to assist them was not too long.

It was moved by Commissioner Monestime that the foregoing proposed ordinance be forwarded to the County Commission with a favorable recommendation, followed by a discussion.

Commissioner Bovo inquired of staff about the two month notice. He also asked how far in advance should taxicab drivers know when to retire their vehicles, and was this notice included in the Code.

Mr. Mora noted a requirement is written in the County's Code that taxicab vehicles must be retired after 8 years; however, one-year extensions have been granted by the County Commission over the past three years. He also noted that the RER Department sends out a courtesy notice 90 days in advance to remind drivers when their vehicles are due to be retired.

Commissioner Bovo noted he appreciated Commissioner Monestime's wisdom in this matter, but felt the drivers should not be absolved of their responsibility; and that at some point in time, all taxicab drivers needed to be responsible for complying with the vehicle age requirement and replace those vehicles scheduled for retirement.

In response to Vice Chair Barreiro's question regarding how many 2005 model taxicab vehicles were currently being operated on the streets, Mr. Mora noted 138 of these vehicles remain in operation, but the number was 284 when this ordinance was introduced, and half those vehicles have since been retired and replaced with a newer model vehicle.

Commissioner Monestime said he agreed that it was the drivers' responsibility for complying with the vehicle age requirement; however, he wanted to be fair. He noted other drivers were given a one-year extension in the past due to the recession, and drivers of the 2005 model vehicles had also suffered economic hardships from the recession and asked for a little more time to comply. He said he was glad to hear that only 138 of these model vehicles remained in operation, not 600 as originally thought, and that hopefully this would be the last extension to be considered for a

while.

Vice Chair Barreiro expressed concern that the drivers of the remaining 138 vehicles would be subjected to price gouging when replacing their vehicles. He asked about the penalty for drivers who did not comply within the timeframe that was required prior to this ordinance.

Mr. Mora noted these vehicles were due to be retired by June 30, 2014, and should this ordinance not pass, the RER Department would send out another courtesy notice, near the end of March to inform the drivers of the retirement date, and afford them some time to replace their vehicles.

Commissioner Bovo noted his concern was the deadline would be extended again beyond the June deadline, regardless if this ordinance passed, and he felt the date should be final. He said he would support this ordinance only if no further extensions were granted, and the taxi industry assisted with enforcing it.

Chairman Moss noted he was not inclined to support this ordinance; however, based on the circumstances, would support a six month extension due to the circumstances, if it was made clear that no further extensions would be granted. He said that at some point in time, the County needed to stand firm and the drivers needed to understand their responsibility for complying with the vehicle age requirements.

Commissioner Monestime said he agreed with the comments of Commissioner Bovo and Chairman Moss, and that he had informed the drivers this would be the last extension offered.

Chairman Moss asked if it was possible that the June 30, 2014 deadline could be extended, and what would be the consequence if the driver did not comply by that date.

Mr. Mora reminded Committee members that the taxicab vehicle inspection process would continue on a quarterly basis. He noted those vehicles scheduled for retirement by June 30, 2014 could no longer be inspected or could receive a valid inspection decal after that date; and that a driver would be subjected to civil penalties if caught illegally operating a taxi cab vehicle that had not passed inspection.

Chairman Moss emphasized that he would not support any more extensions for retiring these vehicles.

Commissioner Bovo seconded the foregoing motion offered by Commissioner Monestime, and the Committee proceeded to vote on this ordinance as presented.

1E3 SUPP

140090 Supplement

FISCAL IMPACT STATEMENT TO ORDINANCE RELATING TO VEHICLES FOR HIRE; AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT MODEL YEAR 2005 TAXICABS SCHEDULED FOR RETIREMENT ON DECEMBER 31, 2013 SHALL BE ALLOWED TO BE OPERATED UNTIL JUNE 30, 2014; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation

Mover: Monestime

Seconder: Bovo, Jr.

Vote: 4-0

1E4

132354 Ordinance **Jean Monestime,**

Lynda Bell, Jose "Pepe" Diaz, Sally A. Heyman
 ORDINANCE RELATING TO VEHICLES FOR HIRE;
 AMENDING CHAPTER 31 OF THE CODE OF MIAMI-
 DADE COUNTY, FLORIDA, RELATING TO RATE
 REGULATION; PROVIDING SEVERABILITY,
 INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Forwarded to BCC with a favorable
 recommendation
 Mover: Monestime
 Secunder: Bovo, Jr.
 Vote: 3-0
 Absent: Barreiro*

Report: *Assistant County Attorney Bruce Libhaber read
 the foregoing proposed ordinance into the record.*

*Chairman Moss opened the public hearing for
 persons wishing to speak in connection with this
 ordinance, and closed it after no one appeared to
 speak.*

*It was moved by Commissioner Monestime and
 seconded by Commissioner Bovo that this
 ordinance be forwarded to the County
 Commission with a favorable recommendation.*

*Commissioner Monestime noted the County's taxi
 cab meter rates had not been reviewed for an
 adjustment since 2005, which was a long time. He
 noted this ordinance would improve the process,
 and allow the County Commission to review the
 rates on an annual basis and consider a rate
 adjustment, based on the Consumer Price Index
 (CPI).*

*Hearing no further comments or questions, the
 Committee proceeded to vote, by roll call, on this
 ordinance as presented.*

1E4 SUPP

140091 Supplement
 FISCAL IMPACT STATEMENT TO ORDINANCE
 RELATING TO VEHICLES FOR HIRE; AMENDING
 CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY,
 FLORIDA, RELATING TO RATE REGULATION;
 PROVIDING SEVERABILITY, INCLUSION IN THE
 CODE, AND AN EFFECTIVE DATE

*Forwarded to BCC with a favorable
 recommendation
 Mover: Monestime
 Secunder: Bovo, Jr.
 Vote: 3-0
 Absent: Barreiro*

2 COUNTY COMMISSION

2A

132607 Resolution

Audrey M. Edmonson,

Sally A. Heyman

RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO INCORPORATE INTO FUTURE GROUND TRANSPORTATION CONTRACTS WITH PRIVATE ENTITIES INSURANCE COVERAGE REQUIRED BY SECTION 324.032, FLORIDA STATUTES, UNLESS THE MAYOR DETERMINES THAT A HIGHER LEVEL OF INSURANCE COVERAGE IS NECESSARY AND IN THE BEST INTEREST OF THE COUNTY

Forwarded to BCC with a favorable recommendation

Mover: Bovo, Jr.

Seconder: Moss

Vote: 3-0

Absent: Barreiro

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Chairman Moss opened the floor for public comment on this item, and closed it after no one appeared to speak.

Hearing no comments or questions, the Committee proceeded to vote on this resolution as presented.

2B

132604 Resolution

Jean Monestime

RESOLUTION DIRECTING MAYOR OR MAYOR'S DESIGNEE TO WORK WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO DEVELOP A PLAN FOR THE COOPERATIVE MANAGEMENT AND OPERATION OF THE FACILITIES AT GOLDEN GLADES INTERCHANGE

Amended

Report: *(See Agenda Item 2B Amended; Legislative File No. 140220 for the amended version.)*

2B AMENDED

140220 Resolution

Jean Monestime,

Sally A. Heyman

RESOLUTION DIRECTING MAYOR OR MAYOR'S
DESIGNEE TO WORK WITH THE FLORIDA
DEPARTMENT OF TRANSPORTATION (FDOT) TO
DEVELOP A PLAN FOR THE COOPERATIVE
MANAGEMENT AND OPERATION OF THE FACILITIES
AT GOLDEN GLADES INTERCHANGE [SEE ORIGINAL
ITEM UNDER FILE NO. 132604]

*Forwarded to BCC with a favorable
recommendation with committee
amendment(s)*

Mover: Monestime

Seconder: Bovo, Jr.

Vote: 4-0

Report: *During consideration of changes to today's agenda, Assistant County Attorney Bruce Libhaber noted the sponsor of this resolution requested it be amended to insert the phrase "multi-modal transportation facility" after the word "interchange" in the first 'Whereas' clause on typed page 3; and in the same clause, to insert the words "State Road 7" before the words "US 441."*

Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.

It was moved by Commissioner Monestime and seconded by Commissioner Bovo that this resolution be forwarded to the County Commission with a favorable recommendation, as amended.

Chairman Moss opened the floor for public comment on this resolution, and closed it after no one appeared to speak.

Commissioner Monestime noted this resolution directs the Mayor or his designee to work with the Florida Department of Transportation (FDOT) on developing a cooperative management agreement for operating and maintaining the facilities located around the Golden Glades Interchange. He said the property had been neglected for some time and could benefit from some business development, based on the amount of traffic in the area.

Hearing no further comments or questions, the Committee forwarded the foregoing proposed resolution to the County Commission with a favorable recommendation with committee amendment(s) to insert the phrase "multi-modal transportation facility" after the word "interchange" and to insert the words "State Road 7" before the words "US 441" in the first

'Whereas' clause on typed page 3.

2C

132605 Resolution

Juan C. Zapata,

Lynda Bell

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S
DESIGNEE TO SOLICIT A CAR SHARING PROGRAM
FOR COUNTY VEHICLES

*Forwarded to BCC with a favorable
recommendation*

Mover: Bovo, Jr.

Secunder: Monestime

Vote: 4-0

Report: *Assistant County Attorney Bruce Libhaber read
the foregoing proposed resolution into the record.*

*Chairman Moss opened the floor for public
comment on this item, and closed it after no one
appeared to speak.*

*Hearing no comments or questions, the Committee
proceeded to vote on this resolution as presented.*

3 DEPARTMENTS

3A

131957 Resolution

RESOLUTION REJECTING ALL PROPOSALS RECEIVED IN CONNECTION WITH THE NON-EXCLUSIVE LEASE AND CONCESSION AGREEMENT FOR THE NORTH TERMINAL MARKETPLACE CONCESSIONS PROGRAM AT MIAMI INTERNATIONAL AIRPORT, PACKAGE 3 (PIZZA BY THE SLICE), RFP NO. MDAD-03-11 (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Barreiro
Seconder: Monestime
Vote: 4-0

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Mr. Kenneth Pyatt, Deputy Director, Miami-Dade Aviation Department (MDAD), noted, pursuant to this Committee's instructions, MDAD's Chief of Concessions Adrian Songer and staff diligently searched for an available space within the D Concourse of Miami International Airport (MIA) to place a pizza concession in; however, could not find any available space. Mr. Pyatt also noted he met with the owners of 305 Pizza to advise them of the matter and inform them that should a space became available in the near future, they would be allowed to move into it; however, staff did not anticipate a space becoming available for at least 6 months to one year.

Chairman Moss opened the floor for public comment on this resolution and the following persons appeared:

1. Ms. Lillian Ser, representing 305 Pizza, 4070 Laguna Street, Coral Gables, noted she and her client met with MDAD's staff last week and was informed that no space was available; however, she believed that staff was instructed to find an alternative solution, not necessarily another location, and said 6 to 12 months wait was not a viable solution or the only solution. Ms. Ser also noted her client offered a lessor lease of 2 years with paid unamortized costs, but the Airport Director would not consider it. Ms. Ser noted a decision to reject all bids would be understandable if pizza was no longer a well-received product at MIA and it was communicated to her client earlier in the RFP process, but not after a lease was negotiated, signed and scheduled to go before the Board for approval. She said that everything changed when the No. 2 ranked bidder filed a bid protest, even though MDAD's consultant confirmed that her client complied with the RFP and would not cook pizza on the

premises, but reheat it, as was done by all the other vendors in that location. She noted it was presumed by staff that her client would not fulfill his obligations before he was given a chance to. She urged the Committee to consider the lesser lease offered, as an alternative solution.

2. Mr. Gustavo Sidenick, owner of 305 Pizza, expressed disappointment in this RFP process, which took two years to complete, and felt it was unjust, especially after he invested thousands of dollars in it and was ranked the No. 1 bidder.

3. Mr. Mitchel Bierman, Attorney representing 305 Pizza, noted this would ultimately be a policy decision on whether the Board should uphold its policies for being business friendly and supporting small businesses. He also noted there is a way to counteract the odor of pizza, if it became intolerable. He suggested the RFP be upheld and the concession be awarded to 305 Pizza in a way that caused minimal damage to MIA.

Chairman Moss closed the public hearing after no one else appeared to speak.

Commissioner Monestime asked if the reason the prevailing vendor was not relocated to another space at MIA was due to the size of the space needed, or that no other space was available.

Mr. Pyatt explained that no space was available in the sterile side of Concourse D to put a food concession in. He noted, although MDAD's consultant determined that the smell of pizza could be eliminated by the catalytic converter of the oven proposed, staff still had concerns with an odor issue from pizza being reheated in a small, enclosed, unvented space because the oven door would be opened and shut constantly.

Commissioner Bovo noted this RFP was difficult; and it appeared the County would be sending a bad message to the business community on how it did business. He said he believed the Aviation Director should have the latitude to operate and conduct business at the airport as he saw fit without interference by the Commission, but he was having a difficult time reconciling this RFP because it involved a mom and pop business owner who complied with it, completed the process and spent a lot of money before the scope was changed. Commissioner Bovo asked if staff had made a good faith effort to remedy this situation, in light of the fact that they just met with the owner of 305 Pizza and his lawyer last week to discuss an alternative solution or a compromise.

Mr. Pyatt noted staff spoke with Ms. Ser three times and made diligent efforts to locate a space in the terminal, but unfortunately could not find one. He said he was the most optimistic about finding a space; but said it would be senseless to create a space that was as problematic as the first one. He also noted he spoke at length with the Airport Director about the concerns raised and the problems with this bid process and the solution offered by Ms. Ser, but it was unacceptable to the Director because any odor issues caused by this vendor's cooking method could not be remedied for two years.

Commissioner Bovo asked whether staff assumed or actually knew that reheating pizza in an oven would cause an odor issue for the area.

Mr. Pyatt noted staff was not sure, but believed it would occur and could not cure the problem if it did occur. He said that had the bidder proffered to use a heat lamp instead of a convection oven to reheat the pizza, the matter might be different.

In response to Commissioner Bovo's inquiry about the two years, Mr. Pyatt explained that based on the proposal offered by Ms. Ser and her client, MDAD would not be able to evict the vendor from the airport until after two years, if the method used caused an odor issue.

Commissioner Bovo asked if it was possible for the Board to amend the contract to include a provision to reduce the term to one year or less if the method used for reheating the pizza proved to cause an odor problem in the airport.

Assistant County Attorney David Murray noted it would be permissible for the Board to amend the terms of the contract, as long as it was acceptable by the bidder and his attorney.

Commissioner Bovo noted he was opened to a discussion on amending the contract because at times it was necessary for the Board to step in and provide a solution.

Vice Chair Barreiro asked whether a change in the contract terms needed to be presented to the Board of County Commissioners in the form of a recommendation by the Administration.

Assistant County Attorney Murray explained that the Commission retains the authority to award the

recommended bidder and could amend the recommendation, provided it did not materially alter the proposal in a way that prejudiced the other bidders' proposals, and that it was acceptable to the prevailing bidder. He noted the amendment suggested by Commissioner Bovo met that standard and was within the Board's purview.

Vice Chair Barreiro noted he would encourage the Administration and Airport staff to continue searching for an available location at MIA, because he believed a space would become available soon.

Mr. Pyatt indicated that Ms. Ser was informed by staff that should a space became available within the next 6 months, her client would be awarded it, but the caveat was 'if a space became available.'

Chairman Moss noted the reason this item had been deferred before was due to the conflicts and concerns with this RFP and for staff to take another look at it. He asked Mr. Pyatt whether the other food concepts at MIA used a heat lamp or an oven to heat their products.

Mr. Pyatt noted the two vendors awarded so far, specifically the Caribbean and Empanada vendors, used a heat lamp to reheat their products. He also noted it was contemplated that heat lamps would be used by the other concepts at MIA, but heat lamps were not specified in the RFP.

Chairman Moss asked if it would be acceptable for the vendor-Pizza by the Slice—to use a heat lamp for warming pizza.

Mr. Pyatt noted it would be preferable if the vendor used a heat lamp rather than a convection oven, but the reason staff recommended all bids be rejected was because the No.2 ranked bidder proposed to use a heat lamp and did not prevail in this award.

Assistant County Attorney Murray opined that allowing bidders to alter their method of cooking at this point could create some legal issues for the County, since part of the ranking and selection process was based on the cooking methodology proposed, and all seven firms proffered to use some variation of cooking to reheat their product.

In response to Chairman Moss' inquiry regarding

whether allowing a bidder to change their methodology from an oven to a heat lamp would create some competitive issues, Assistant County Attorney Murray noted it might suggest that the rankings of the selection process were no longer viable because they were based on something other than what was awarded, and that could be an issue.

In response to Chairman Moss' inquiry regarding how many times this resolution had been deferred, Assistant County Attorney noted it had been deferred twice.

Mr. Bierman noted he disagreed with Mr. Pyatt's comment that the Aviation Department would be precluded from evicting his client from the airport for two years, and said the Department currently had the ability to evict any vendor from the airport at any time, but would have to pay five years of amortization costs for it. Mr. Bierman advised that his client was willing to take 18 months of paid amortization costs, if he was evicted from the airport, or he would concede to use another cooking method as a compromise, should it be determined later that the method he proposed caused an odor issue for the area.

In response to Commissioner Bovo's inquiry regarding how much had the prevailing vendor invested into this process so far, Mr. Gustavo Sidekick, owner of 305 Pizza, noted he had invested approximately \$100,000 for this proposal, including the cost for the bid presentation, the consultants and the architectural/engineer designs, but not the price of the property purchased for it.

At Commissioner Bovo's request, Aviation Director Emilio Gonzalez, appeared before the Committee to place his comments on the record. He said he preferred not to be involved in defining which products caused an odor issue, but to resolve this matter. With regard to Mr. Bierman's last comments, Mr. Gonzalez noted his job as the airport director was to ensure the airport sustained no damages. He said he agreed this was a problematic RFP, and he assured Committee members that he would work diligently to find an alternative location suitable for both the vendor and the airport; however, he would like to be afforded an opportunity to find a one without interruption. He opined that based on the uncertainties and limited space at MIA, it would be in the County's best interest for the Board to

reject all bids and allow him to work with the vendor in the future on finding another location at MIA.

Commissioner Bovo noted this was a very difficult RFP to decide, but he was inclined to support the Airport Director's position.

In response to inquiries of Chairman Moss and Commissioner Monestime regarding what the next step would in this process should all bids be rejected, and how would a new space be negotiated with the prevailing vendor if the Director found an alternative location, Assistant County Attorney Murray explained that the Board would reject all bids, with a direction to the Mayor to negotiate an award with 305 Pizza for the first available space at MIA, and to come back with a bid waiver for the award of this concession.

Vice Chair Barreiro noted he believed that Mr. Gonzalez would keep his word on finding an alternative space; therefore, he would support the Director's recommendation to reject all bids. He said he concurred that this process had been a long and expensive one, but felt that 305 Pizza would fare better and benefit in the long run if the owner waited for the next available space.

Hearing no further comments or questions, the Committee proceeded to vote on this resolution as presented.

3B

140046 Resolution

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE FIRST AMENDMENT TO LEASE AND CONCESSION AGREEMENT BY AND BETWEEN MIAMI-DADE COUNTY, FLORIDA AND NEWSLINK OF SOUTH FLORIDA, LLC; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE CERTAIN AMENDMENTS TO CONCESSION CONTRACTS AT MIAMI INTERNATIONAL AIRPORT SETTING THE START OF SUCH CONCESSION LEASES TO SEPTEMBER 2014 (Aviation Department)

Forwarded to BCC with a favorable recommendation as corrected

Mover: Bovo, Jr.

Seconded: Moss

Vote: 4-0

Report: *During consideration of changes to today's (01/15) agenda, it was noted that a scrivener's error needed to be corrected to reflect the correct date in the last sentence, first paragraph, on typed page 3 of the County Mayor's memorandum as September 2014, instead of September 2013.*

Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.

Chairman Moss opened the floor for public comment on this resolution and closed it after no one appeared to speak.

It was moved by Commissioner Bovo that the foregoing proposed resolution be forwarded to the County Commission with a favorable recommendation as corrected. This motion was seconded by Chairman Moss, followed by discussion.

Vice Chair Barreiro asked Deputy Mayor Jack Osterholt, along with Deputy Director Ken Pyatt of Miami-Dade Aviation Department to present a report to this Committee addressing his concerns regarding circumstances at Miami International Airport (MIA) involving airport vendors not treating local businesses fairly or on a level playing field.

In response to Commissioner Monestime's inquiry whether staff had found available space or an alternative solution to accommodate the prevailing vendor to operate a pizza concession in, Chairman Moss noted this inquiry pertained to Agenda Item 3A, and not the foregoing item.

Commissioner Monestime apologized and said for the record that he had similar concerns for this

item as he did for Agenda Item 3A.

Commissioner Barreiro asked if there were some time-sensitive issues regarding the foregoing resolution.

Mr. Pyatt explained that the vendor, NewsLink, was seeking some changes in funding that were time sensitive with regard to approval of this agreement.

Hearing no further comments or questions, the Committee proceeded to vote on this resolution as corrected.

At the request of Mr. Pyatt, Chairman Moss asked staff to prepare the appropriate memorandum requesting this resolution be waived to the next Board of County Commissioners (BCC) meeting.

3C

140030 Resolution

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY FOR PURCHASE OF GOODS AND SERVICES IN A TOTAL AMOUNT UP TO \$15,051,000.00, AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH CONTRACT [SEE AMENDED LN#140156] (Internal Services)

Amended

Report: (See Agenda Item 3C Amended; Legislative File No. 140156 for the amended version.)

3C AMENDED

140156 Resolution

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY FOR PURCHASE OF GOODS AND SERVICES IN A TOTAL AMOUNT UP TO \$15,000,000, AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH CONTRACT [SEE ORIGINAL ITEM UNDER FILE NO. 140030] (Internal Services)

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Bovo, Jr.

Seconder: Moss

Vote: 4-0

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Chairman Moss opened the floor for public comment on this item, and the following person(s) appeared:

1. Ms. Renita Holmes, representing Our Homes, 5800 NW 7th Avenue, asked if there was justification for the additional \$15 million expenditure in County Transportation Surtax Funds, and did this resolution include a fiscal impact or economic report.

Chairman Moss closed the public hearing after no one else appeared to speak.

Mr. Lester Sola, Internal Services Department (ISD) Director, explained that the ISD had committed to expediting the procurement process for the successor contract, which went through a bid protest and was scheduled for approval by the Board of County Commissioners (BCC) in February 2014. He noted the intent of this resolution was to allow continuation of the existing security guard services for the County's entire transit system (Metrorail, Metro Mover and Metro Bus) during an interim period until the successor contract was put in place.

A motion was made by Commissioner Bovo and seconded by Chairman Moss to forward the foregoing proposed to the County Commission with a favorable recommendation, followed by a discussion.

Commissioner Monestime expressed concern that larger contracts involving millions of dollars were being added to the agenda at the last minute for approval, allowing little or no time for the Commissioners to review it. He questioned why information on the new contract was provided to the Board late in November 2013, when the

existing contract expired in October, and said it appeared that staff was not quite ready to make the transition of the successor contract.

Mr. Sola apologized for the misunderstanding, and explained the rationale for adding this item to the agenda. He noted staff felt it would be in the best interest of the County if the proposed modification was reviewed by the Committee before the successor contract was considered for approval by the BCC in February, rather than the opposite.

Commissioner Monestime pointed out that the Mayor was already given authority to extend the contract for six months. He asked if a funding source was identified at the time the extension was approved.

Mr. Sola noted funding was included in the contract to cover the six month extension; however, staff was requesting additional funding to cover the extended services during the transitional period.

In response to Commissioner Monestime's inquiry regarding when the six month period would expired, Mr. Sola noted the extension was due to expire in April 2014.

Commissioner Monestime asked if staff was given enough time to settle the bid protest and make the transition between now and April 2014.

Mr. Sola noted that based on the size of this contract, staff felt the time was too short for bringing forth a modification for review, since the successor contract was due to be awarded in February. He noted this resolution would approve expenditures to extend the existing security guard services on a month-to-month basis, as a precautionary measure, until the transition occurred.

In response to Commissioner Monestime's question whether it was possible for the Department to run out of monies to fund this service if this resolution was not approved by the Board, Mr. Sola noted he was unsure, but needed to research whether the Department had enough funding to carry the services past the expiration of the contract; however, staff had concerns that the transition might not occur before the contract expired in April 2014.

Commissioner Monestime noted he was very concerned and uncomfortable about considering a contract in haste that involved millions of dollars and was placed on the agenda at the last minute.

Hearing no further comments or questions, the Committee forwarded the foregoing proposed resolution to the County Commission with a favorable recommendation with committee amendment(s) to remove the additional \$51,000 expenditure allocation and item 2 of Contract No. 7676-1/15, entitled "ID Cards, Supplies and Accessories."

4 COUNTY MAYOR

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

140009 Report

APPROVAL OF CLERK'S MEETING MINUTES FOR THE NOVEMBER 13, 2013 AND DECEMBER 11, 2013 TRANSPORTATION & AVIATION COMMITTEE MEETINGS (Clerk of the Board)

*Approved
Mover: Bovo, Jr.
Seconder: Moss
Vote: 4-0*

7 REPORTS

8 ADJOURNMENT

Report: *There being no further business to come before the Transportation and Aviation Committee, the meeting was adjourned at 4:50 p.m.*