



MEMORANDUM

TAPS
Agenda Item No. 6A

TO: Honorable Chairwoman Rebeca Sosa
and Members, Tourism and the Ports Committee
(TAPS)

DATE: July 14, 2020

FROM: Honorable Harvey Ruvlin, Clerk
Circuit and County Courts

SUBJECT: Approval of Commission
Committee Minutes

Melissa Adames, Acting Director
Clerk of the Board Division

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

January 15, 2020

MA/kh
Attachment



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

CLERK'S SUMMARY OF Meeting Minutes Tourism and the Ports Committee

Rebeca Sosa (6) Chairwoman; Senator Javier D. Souto (10) Vice Chairman;
Commissioners Esteban L. Bovo (13), Barbara J. Jordan (1), and Dennis C. Moss (9)

Wednesday, January 15, 2020

9:30 AM

Commission Chambers

Members Present: Barbara J. Jordan, Dennis C. Moss, Rebeca Sosa.

Members Absent: None.

Members Late: Esteban L. Bovo, Jr. 10:00:00 AM.

Members Excused: Javier D. Souto.

Members Absent County Business: None.

MINUTES PREPARED BY:

Report: Karen Harrison, Commission Reporter (305)375-1296

1A INVOCATION AS PROVIDED IN RULE 5.05 (H)

Report: Chairwoman Sosa convened the meeting at 9:55 a.m. She requested a moment of silence for Miami-Dade County Firefighter Lieutenant David Gonzalez, who was in an accident, followed by the Pledge Allegiance.

1B ROLL CALL

Report: In addition to the Committee members, the following staff members were present: Deputy Mayor Jack Osterholt; Assistant County Attorneys Lauren Morse, Cynji Lee, and David Murray; and Deputy Clerks Karen Harrison and Rolando Perez.

During the setting of today's (1/15) Tourism and the Ports Committee (TAPSC) Agenda, Assistant County Attorney Lauren Morse advised there were no changes to be made.

It was moved by Commissioner Moss that the agenda be approved. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 3-0 (Commissioners Bovo and Souto were absent.)

1C PLEDGE OF ALLEGIANCE

1D REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD AS PROVIDED IN RULE 6.06

Report: *Chairwoman Sosa opened the floor to allow a reasonable opportunity for the public to be heard on any item on today's (1/15) agenda, and the following persons appeared before the Committee to speak on the following items:*

Agenda Item 3B

-Mr. Michael Collier, 4471 NW 36th Street, Miami, spoke in support of the item.

Agenda Item 3D

The following persons spoke against the aforementioned proposed item:

-Mr. William Perry III, Miami International Airport (MIA)/Flamingo Garage, representing Airport Parking Association (APA).

-Mr. Carlos Soto, MIA/Flamingo Garage, representing APA.

-Ms. Erin Hendrix, 801 Arthur Godfrey Road, Miami Beach, representing APA.

-Mr. Dusty Melton, Coconut Grove, representing LAZ Florida Parking, LLC, spoke in support of the aforementioned item.

There being no other persons wishing to speak, Chairwoman Sosa closed the floor for the reasonable opportunity to be heard.

1E SPECIAL PRESENTATION(S)

1E1

193113 Service Awards

Audrey M. Edmonson

PRESENTATION OF SERVICE AWARDS TO THE FOLLOWING EMPLOYEE(S):

Not presented

ALFRED J. WHEELER - AVIATION - 30 YEARS

1F DISCUSSION ITEM(S)

1G PUBLIC HEARING(S)

2 COUNTY COMMISSION

3 DEPARTMENT(S)

3A

193058 Resolution

Joe A. Martinez

RESOLUTION APPROVING DEVELOPMENT LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND INTERNATIONAL FLIGHT CENTER AT THE MIAMI EXECUTIVE AIRPORT FOR THE REPLACEMENT OF THE FIXED BASED OPERATOR TERMINAL BUILDING AND CONSTRUCTION OF AIRCRAFT STORAGE AND MAINTENANCE HANGARS AND OTHER RELATED AVIATION FACILITIES, FOR A TERM OF THIRTY-FIVE YEARS, A MINIMUM INVESTMENT OF \$6,000,000.00, ANNUAL LAND, PAVEMENT, AND BUILDING RENT OF \$277,773.88, AND ADDITIONAL LAND AND IMPROVEMENT RENT; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, TO EXERCISE ALL RIGHTS CONFERRED THEREIN AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE THE DEVELOPMENT LEASE AGREEMENT TO THE PROPERTY APPRAISER IN ACCORDANCE WITH RESOLUTION NO. R-791-14 (Aviation Department)

Forwarded to BCC with a favorable recommendation

Mover: Bovo, Jr.

Seconded: Sosa

Vote: 4-0

Excused: Souto

Report: *Assistant County Attorney Lauren Morse read the title of the foregoing proposed resolution into the record.*

It was moved by Commissioner Bovo that the foregoing proposed resolution be forwarded to the Board of County Commissioners. This motion was seconded by Commissioner Sosa, followed by a discussion.

In response to Chairwoman Sosa, Aviation Director Lester Sola agreed the annual rental amount was \$300,000, noting the foregoing proposal at Miami Executive Airport mirrored the project at Opa Locka Airport. He also noted the negotiation in this proposal included rental of the land during the development process, and once the amortization was completed there would be an additional fee for rental of the building, and sometimes an opportunity fee was added. He spoke about feedback regarding interest in Fixed Based Operators (FBOs) in the airport development.

Responding to Commissioner Jordan's comments, Mr. Sola explained in the past airports charged opportunity fees to some firms located outside of the site for specific work, which was currently being removed from the policy. However, he noted a fixed based operation in partnership with the airport that received sales benefits would be charged an

opportunity fee. He also explained this policy would not impact small firms that work on the grounds of the airport.

In response to Commissioner Moss' question regarding the status of a development issue at the Miami Executive Airport in District 11, Mr. Sola noted the retail operations was going through the permitting process and the generated revenue would be reinvested into the airport in addition to the plan for a new traffic control tower as part of the Capital Program approved by this Board.

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

3B

192786 Resolution

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND T.Y. LIN INTERNATIONAL; FOR FUELING SYSTEM SERVICES AT MIAMI INTERNATIONAL AIRPORT AND GENERAL AVIATION AIRPORTS, CONTRACT NO. E18-MDAD-01A IN AN AMOUNT NOT TO EXCEED \$3,308,250.00 FOR A TERM OF SEVEN YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE TERMINATION PROVISION CONTAINED THEREIN [SEE FILE NO. 192790] (Aviation Department)

Forwarded to BCC with a favorable recommendation

Mover: Moss

Seconder: Sosa

Vote: 4-0

Excused: Souto

Report: Assistant County Attorney Lauren Morse read the title of the foregoing proposed resolution into the record.

It was moved by Commissioner Moss that the foregoing proposed resolution be forwarded to the Board of County Commissioners. This motion was seconded by Commissioner Sosa, followed by a discussion.

In response to Commissioner Jordan's request for clarification on comments made during today's (1/15) reasonable opportunity regarding small business issues at the airport, Aviation Director Lester Sola noted the issue was unrelated to any particular item. He explained the issue occurred during the development of the South terminal baggage handling system at the Miami International Airport (MIA) and the construction contract required about 30 percent of the work to be contracted out for the participation goal. However, he noted upon completion of developing that system an operator was needed to maintain it; therefore, the construction component of the contract was minimal, and the majority cost was for the maintenance. Mr. Sola further explained different goals were set for operating and maintaining the system by Internal Services Small Business Enterprise, Architectural Engineering (SBE A/E) that was lower when building the system.

In response to comments made by Commissioner Jordan regarding the contract goal measures from the SBE, Ms. Namita Uppal, Chief Procurement Officer noted the goals for Agenda Items 3B and 3C were 25 percent for the SBE A/E goal and Good/Services (G/S) was 0.30 percent because these were design services.

Discussion ensued between Commissioner Moss and Ms. Uppal regarding concerns about the baggage handling that was unrelated to the foregoing item but would be discussed following the end of the Cone of Silence (Cone).

Assistant County Attorney David Murray advised the aforementioned subject was an open procurement and the Cone prohibited any oral communication with certain exemptions, such as a duly noticed public meeting like today's (1/15) TAPSC meeting; therefore, the Cone did not apply at a public meeting. He stated in the past the Board has carefully handled the exemption, although these types of conversations were facially exempt from the Cone.

Hearing no objections, the Committee proceeded to vote on the foregoing proposed resolution, as presented.

3C

192790 Resolution

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND STANTEC CONSULTING SERVICES, INC.; FOR FUELING SYSTEM SERVICES AT MIAMI INTERNATIONAL AIRPORT AND GENERAL AVIATION AIRPORTS, CONTRACT NO. E18-MDAD-01B IN AN AMOUNT NOT TO EXCEED \$3,308,250.00 FOR A TERM OF SEVEN YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE TERMINATION PROVISION CONTAINED THEREIN [SEE FILE NO. 192786] (Aviation Department)

Forwarded to BCC with a favorable recommendation

Mover: Moss

Seconder: Bovo, Jr.

Vote: 4-0

Excused: Souto

Report: *Assistant County Attorney Lauren Morse read the title of the foregoing proposed resolution into the record.*

Hearing no objections, the Committee proceeded to vote on the foregoing proposed resolution, as presented.

3D

191352 Resolution

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-00808 TO LAZ FLORIDA PARKING, LLC FOR THE NON-EXCLUSIVE AGREEMENT FOR THE OPERATION OF PUBLIC PARKING FACILITIES AT MIAMI INTERNATIONAL AIRPORT FOR THE MIAMI-DADE AVIATION DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$796,344.00 FOR THE FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38 (Internal Services)

Deferred to February 12, 2020

Mover: Sosa

Seconder: Moss

Vote: 4-0

Excused: Souto

Report: *Assistant County Attorney Lauren Morse read the title of the foregoing proposed resolution into the record.*

Chairwoman Sosa spoke about previous actions taken by the Committee to defer the foregoing item. She noted both companies were qualified, and the existing contractor had a good work relationship with the County, which made the decision difficult.

Discussion ensued between Chairwoman Sosa and Aviation Director Lester Sola regarding the expiration of the extended contract that ended in March 2020.

Mr. Sola recapped the procurement process of the foregoing proposed resolution as stated in the October 17, 2019 TAPSC meeting, noting it was a fair process and both firms had the same opportunity to bid on the management fee component in addition to there being no bid protest at that time.

Discussion ensued between Ms. Namita Uppal, Chief Procurement Officer and Commissioner Jordan regarding the past requirement of Labor Peace Agreement (LPA) to be included in the contract, which was not provided in this bidding process because of staff's unawareness.

Commissioner Jordan emphasized the LPA was supposed to be presented with the Request for Proposal (RFP), noting the RFP process was in error.

Tourism and the Ports Committee

CLERK'S SUMMARY OF

Meeting Minutes

Wednesday, January 15, 2020

Responding to Commissioner Moss, Assistant County Attorney David Murray advised upon deferment of the foregoing item was deferred three times consecutively the proposal would be laid on the table for six months; however, the first deferral was due to a lack of a quorum; therefore, upon deferral of the foregoing proposal in today's (1/15) meeting, the item could not come back for the aforementioned time period. He also advised the possibility that the Mayor's Office could attempt to pursue a different procurement approach.

Following an extensive discussion, Chairwoman Sosa recommended that the foregoing proposed resolution be deferred to the February 12, 2020 TAPSC meeting. She instructed the renegotiation process with both firms for the best and final price offered for the management fee was to be conducted in the presence of the Inspector General to ensure a fair process.

Assistant County Attorney David Murray clarified the motion on the table as aforementioned, and the Administration would bring the item back to this Committee with any proposed changes.

Hearing no objections, the Committee proceeded to vote to defer the foregoing proposed resolution with the aforementioned instructions by Chairwoman Sosa to the February 12, 2020 TAPSC meeting.

Assistant County Attorney David Murray clarified the motion on the table as aforementioned, followed by Administration bringing the item back to this Committee with any changes.

Hearing no objections, the Committee proceeded to vote to defer the foregoing proposed resolution with the aforementioned instructions to the February 12, 2020 TAPSC meeting.

3E

192086 Resolution**Joe A. Martinez***Amended*

RESOLUTION APPROVING FIRST AMENDMENT TO DEVELOPMENT LEASE AGREEMENT NO. T-3232 BETWEEN MIAMI-DADE COUNTY, TAMiami AIR, INC. AND BESILU, LLC, FOR THE CONSTRUCTION AND MAINTENANCE OF AIRCRAFT HANGAR AT MIAMI EXECUTIVE AIRPORT, FOR AN EXTENDED TERM OF 10 YEARS UNTIL 2042, A MINIMUM INVESTMENT OF \$500,000.00, AND LAND, PAVEMENT, AND BUILDING RENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE FIRST AMENDMENT AND EXERCISE ALL RIGHTS CONTAINED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE THE FIRST AMENDMENT TO THE PROPERTY APPRAISER IN ACCORDANCE WITH RESOLUTION NO. R-791-14 (Aviation Department)

Report: *See Agenda Item 3E Amended, Legislative File No. 200265 for the amended version.*

3E AMENDED

200265 Resolution

Joe A. Martinez

RESOLUTION APPROVING FIRST AMENDMENT TO DEVELOPMENT LEASE AGREEMENT NO. T-3232 BETWEEN MIAMI-DADE COUNTY, TAMiami AIR, INC. AND BESILU, LLC, FOR THE CONSTRUCTION AND MAINTENANCE OF AIRCRAFT HANGAR AT MIAMI EXECUTIVE AIRPORT, FOR AN EXTENDED TERM OF 10 YEARS UNTIL 2042, A MINIMUM INVESTMENT OF \$500,000.00, AND LAND, PAVEMENT, AND BUILDING RENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE FIRST AMENDMENT AND EXERCISE ALL RIGHTS CONTAINED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE THE FIRST AMENDMENT TO THE PROPERTY APPRAISER IN ACCORDANCE WITH RESOLUTION NO. R-791-14 [SEE ORIGINAL ITEM UNDER FILE NO. 192086] (Aviation Department)

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

Mover: Moss

Seconder: Bovo, Jr.

Vote: 4-0

Excused: Souto

Report: *Assistant County Attorney Lauren Morse read the title of the foregoing proposed resolution into the record.*

Assistant County Attorney Cynji Lee read into the record the following statement and proposed amendment to the foregoing proposed resolution that was submitted by Commissioner Martinez, as prime sponsor:

I move that Agenda Item 3E be amended to replace Articles 3.10 and 3.14 of the First Amendment to the Development Lease Agreement, to allow the Tenant to provide services to others without having to first receive written permission from the Aviation Department. In providing services, the Tenant is required to pay all applicable fees, to report revenues received and to comply with the terms and conditions of the Lease.

On handwritten page 13, Article 3.10 "Provision of Services of Others" shall be deleted in its entirety and replaced with the following:

3.10 Provision of Services to Others:

If Lessee handles and/or services any aircraft for profit on or from the Leased Premises, the Lessee shall be required to pay the County an opportunity fee. The Opportunity Fee as set forth below in Article 3.11 is a percentage (currently as 7%) of gross revenues as defined in Article 3.12. The Aviation Department may prohibit this activity from

the leased Premises and will provide written notice to the Lessee of same.

On handwritten page 14 of the item, Article 3.14 "Monthly Report of Gross Revenues" shall be deleted in its entirety and replaced with the following:

3.14 Monthly Report of Gross Revenues:

If Lessee handles and/or services any aircraft for profit to others in accordance with Article 3.10, then on or before the tenth day following the end of each calendar month throughout the term of this Agreement, the Lessee shall furnish to the Department a statement of monthly Gross Revenues for the preceding calendar month and certify as to the accuracy of such Gross Revenues in the form prescribed by the Department. In the event there are no Gross Revenues a monthly report will be submitted stating such.

It was moved by Commissioner Moss to forward the foregoing proposed resolution to the Board of County Commissioners, as amended. This motion was seconded by Commissioner Bovo, followed by a discussion.

In response to Commissioner Moss' question regarding the impact of the aforementioned amendment, Aviation Director Lester Sola explained that the foregoing item involved the purchase of the existing lease from another operator at the Miami Executive Airport. He also noted the amended language clarified that once the person who acquired the subject hangar used it for commercial business a seven percent opportunity fee would be required like all other vendors.

Discussion ensued between Commissioner Moss and Mr. Sola regarding a way to monitor the aforementioned process and the loss of revenue in the past.

Mr. Sola commented on the current higher standard of enforcement on this policy and the operating airlines had requested the County to maximize the profits generated at the airport; therefore, the Finance Department and real estate management staff have been monitoring these types of existing operations with auditing procedures.

Hearing no objections, the Committee proceeded to vote that the foregoing proposed resolution be forwarded to the Board of County Commissioners

with a favorable recommendation, as amended.

4 COUNTY MAYOR

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

193119 Report

APPROVAL OF THE CLERK'S SUMMARY OF MINUTES
FOR THE OCTOBER 17, 2019 TOURISM AND THE PORTS
COMMITTEE MEETING (Clerk of the Board)

Approved

Mover: Moss

Second: Sosa

Vote: 4-0

Excused: Souto

7 REPORT(S)

8 ADJOURNMENT

Report: *There being no further business to come before the
Tourism and the Ports Committee, the meeting
adjourned at 11:03 a.m.*