



MIAMI-DADE COUNTY FINAL OFFICIAL MEETING MINUTES Airport and Tourism Committee (ATC)

Board of County Commissioners

Stephen P. Clark Government Center
Commission Chambers
111 N.W. First Street
Miami, Florida 33128

Thursday, July 19, 2007
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Judy Marsh, Commission Reporter
(305) 375-1967





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

FINAL OFFICIAL Meeting Minutes Airport and Tourism Committee

Jose "Pepe" Diaz (12) Chair; Sally A. Heyman (4) Vice Chair; Commissioners Carlos A. Gimenez (7), Joe A. Martinez (11), Dorrin D. Rolle (2), and Rebeca Sosa (6)

Thursday, July 19, 2007

9:30 AM

Commission Chambers, SPCC

Members Present: Jose "Pepe" Diaz, Carlos A. Gimenez, Sally A. Heyman, Dorrin Rolle, Rebeca Sosa.

Members Absent: Joe A. Martinez.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

MINUTES PREPARED BY:

Report: *Judy Marsh, Commission Reporter, (305) 375-1967*

1A INVOCATION

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present: Assistant County Attorneys Gerald Sanchez, Thomas Abbott, Hugo Benitez, Deborah Mastin and Cynji Lee; Assistant County Managers Ysela Llort and Susanne Torriente; and Deputy Clerk Judy Marsh.*

Commissioner Souto was also present.

Chairman Diaz called the meeting to order at 9:53 a.m. He welcomed the Committee members, staff and members of the audience to today's meeting.

072438 Report
CHANGES TO TODAY'S COMMITTEE AGENDA

Report: *Assistant County Attorney Gerald Sanchez noted the changes to today's agenda as follows: the County Manager was requesting that Agenda Item 3B Substitute be added to the agenda; the County Manager's memorandum attached to Agenda Item 3L contained a scrivener's error and should be corrected to state that the current agreement between the County and BFC Airport Stores starts on May 30, 2003 and was due to expire on May 29, 2008 in lieu of December 31, 20008; and Agenda Item 3N contained a scrivener's error and Article 1.01 ("Term") of the Agreement should be corrected to state that the Agreement commences on October 1, 2007 in lieu of April 1, 2007.*

It was moved by Commissioner Heyman that the Committee approve the foregoing changes to the July 19, 2007 Airport and Tourism Committee agenda. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 5-0, (Commissioner Martinez was absent).

2 COUNTY COMMISSION

2A

071470 Ordinance **Sen. Javier D. Souto**

ORDINANCE CODIFYING THE COMMUNITY PERIODICAL ADVERTISING PROGRAM; PROVIDING QUALIFICATIONS, STANDARDS, DEFINITIONS, APPLICATIONS, PENALTIES AND OTHER MATTERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Withdrawn

Report: *(See Agenda Item 2A Substitute; Legislative File No. 071855.)*

2A SUBSTITUTE

071855 Ordinance

Sen. Javier D. Souto,

Jose "Pepe" Diaz, Rebeca Sosa

ORDINANCE CODIFYING THE COMMUNITY PERIODICAL ADVERTISING PROGRAM; PROVIDING QUALIFICATIONS, STANDARDS, DEFINITIONS, APPLICATIONS, PENALTIES AND OTHER MATTERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 071470]

Deferred to next committee meeting

Mover: Sosa

Seconder: Gimenez

Vote: 5-0

Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed ordinance into the record.*

Chairman Diaz announced that the foregoing proposed resolution was open for public participation.

Ms. Elena Carpenter, Publisher, Miami Monthly, 2980 McFarlane Road, Miami, Florida, appeared before the Committee. She noted the proposed changes would disqualify the Miami Monthly from continuing to be part of the Community Periodical Advertising Program (CPAP) because the publication was not printed in Miami-Dade County. Ms. Carpenter said Miami could not provide the required turn-around times nor the pricing structure that allowed the Miami Monthly to remain in business. She questioned whether the purpose of the proposed ordinance was to support printers in Miami-Dade County or to disseminate information to the community for free. Ms. Carpenter urged the Committee to consider cost as a product of distribution versus advertisement rates. She noted the Miami Monthly disseminated information to the public on various County services on a free basis and published a monthly column from County Hall in which some commissioners participated.

There being no other persons to appear before the Committee, the public hearing was closed.

Commissioner Sosa moved the foregoing proposed ordinance for discussion. This motion was seconded by Commissioner Gimenez.

Commissioner Souto, sponsor, provided an overview of the foregoing proposed ordinance. He noted staff had been working with members of the community regarding the CPAP which served the minority population in Miami-Dade County, and he recommended the proposed ordinance be

deferred to the Committee meeting in September to allow for additional input and to allow staff to continue working on the ordinance.

It was moved by Commissioner Sosa that the proposed ordinance be deferred to the Committee meeting scheduled for September 25, 2007 at 9:30 a.m. This motion was seconded by Commissioner Gimenez.

Commissioner Sosa spoke in support of the deferral and reiterated her comments in Spanish.

Commissioner Heyman expressed appreciation to Ms. Carpenter for promoting County issues in the Miami Monthly. She noted the residency issue raised by Ms. Carpenter needed to be addressed and it was important that the expense per item be considered when the ordinance was revisited as the circulation would reduce the cost based on the number of publications. Commissioner Heyman referred to Section 10(b)(3) of the foregoing proposed ordinance regarding failure to publish according to the schedule provided on four or more occasions in any six month period, and noted depending on the nature of the community and the culture, some periodicals may be published once every several months and would be unable to make four publications or more in a six-month period. She asked Commissioner Souto to consider the issues raised.

Commissioner Souto noted funding for the CPAP would be included in the next budget cycle.

Hearing no further questions or comments, the Committee proceeded to defer the foregoing proposed ordinance.

2B

072191 Resolution Dorrin D. Rolle

RESOLUTION DIRECTING THE COUNTY MANAGER TO REVIEW ALL CONTRACTS WITH DISADVANTAGED BUSINESS ENTERPRISE (DBE) AND/OR COMMUNITY SMALL BUSINESS ENTERPRISE (CSBE) MEASURES AWARDED WITHIN THE LAST FIVE YEARS OR WHICH ARE STILL ACTIVE AND ASCERTAIN WHETHER SUCH DBE AND/OR CSBE MEASURES HAVE BEEN COMPLIED WITH ON SUCH CONTRACTS

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

Mover: Rolle

Seconder: Heyman

Vote: 5-0

Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Commissioner Rolle provided an overview of the foregoing proposed resolution. He noted the resolution requested the County Manager to provide a report outlining contractors who had not complied with the contractually mandated Disadvantaged Business Enterprise (DBE) and/or Community Small Business Enterprise (CSBE) requirements.

Chairman Diaz asked staff to provide him with a list of certified CSBE and DBE firms.

Chairman Diaz asked staff to prepare the appropriate memorandum requesting that the County Commission's Chairman Bruno A. Barreiro waive the Board's Rules of Procedures to allow the foregoing proposed resolution to be heard at the July 24, 2007 County Commission meeting.

3 DEPARTMENT

3A

071882 Resolution

RESOLUTION AWARDING LUGGAGE CART
CONCESSION AGREEMENT AT MIAMI
INTERNATIONAL AIRPORT, RFP NO. MDAD 08-05 TO
SMARTE CARTE, INC.; AUTHORIZING THE MAYOR
OR HIS DESIGNEE TO EXECUTE AGREEMENT AND
ANY RENEWAL, TERMINATION, OR CANCELLATION
PROVISIONS CONTAINED THEREIN (Aviation
Department)

Amended

Report: *(See Agenda Item 3A Amended, Legislative File
Number 072396)*

3A Amended

072396 Resolution

RESOLUTION AWARDING LUGGAGE CART CONCESSION AGREEMENT AT MIAMI INTERNATIONAL AIRPORT, RFP NO. MDAD 08-05 TO SMARTE CARTE, INC.; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AGREEMENT AND ANY RENEWAL, TERMINATION, OR CANCELLATION PROVISIONS CONTAINED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 071882] (Aviation Department)

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

Mover: Heyman

Second: Rolle

Vote: 5-0

Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record. He noted the resolution contained a scrivener's error and the second to last sentence in the first paragraph of Article 14 on Page 33 entitled "Airport Concession Disadvantaged Business Enterprises" should be amended to state as follows: "The County has established an ACDBE concession specific goal of 20% percent of gross revenues and the successful proposer has committed to 23% of gross revenues."*

It was moved by Commissioner Heyman that the foregoing proposed resolution be amended. This motion was seconded by Commissioner Rolle.

In response to Commissioner Sosa's inquiry, Mr. Miguel Southwell, Assistant Aviation Director for Business Development, Miami-Dade Aviation Department (MDAD), said Smarte Carte, Inc. had an office located in Miami-Dade County and an occupational license throughout Miami-Dade County.

Responding to Commissioner Rolle, Mr. Southwell said a Notice of Intent to Protest was filed. He noted this contract was subject to the local preference ordinance and Smarte Cart, Inc., the second-ranked firm was a local proposer within 5% of the ranking obtained by Bagport America, LLC, the first-ranked non-local proposer. Mr. Southwell said staff renegotiated the contract with Smarte Carte and they agreed to increase the fee paid to MDAD from 25% to 32%.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as amended by Assistant County Attorney Sanchez.

3B

072069 Ordinance

ORDINANCE RELATING TO RULES AND REGULATIONS OF THE MIAMI-DADE AVIATION DEPARTMENT; AMENDING SECTIONS 25-4.1(F)(4) AND (5) OF THE MIAMI-DADE COUNTY CODE TO INCREASE THE MAXIMUM AMOUNT OF THE CUSTOMER FACILITY CHARGE THAT RENTAL CAR COMPANIES OPERATING AT MIAMI INTERNATIONAL AIRPORT MUST COLLECT FROM CUSTOMERS DURING THE PERIOD OF TIME THAT PRECEDES COMPLETION OF THE RENTAL CAR FACILITY, AND TO PROVIDE FOR AN INCREASE OR DECREASE IN THE CUSTOMER FACILITY CHARGE TO BE COLLECTED FOLLOWING COMPLETION OF THE RENTAL CAR FACILITY BASED ON THE LEVEL OF THE COUNTY'S PAYMENT OBLIGATIONS FOR DEBT SERVICE AND OPERATIONAL COSTS OF THE RENTAL CAR FACILITY; AUTHORIZING AVIATION DEPARTMENT TO AMEND THE APPLICABLE OPERATIONAL DIRECTIVE TO INCORPORATE SUCH CHANGES IN THE CUSTOMER FACILITY CHARGE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Aviation Department)

Withdrawn

Report: (See Agenda Item 3B Substitute; Legislative File No. 072267.)

3B SUBSTITUTE

072267 Ordinance

Amended

ORDINANCE RELATING TO RULES AND REGULATIONS OF THE MIAMI-DADE AVIATION DEPARTMENT; AMENDING SECTIONS 25-4.1(F)(4) AND (5) OF THE MIAMI-DADE COUNTY CODE TO INCREASE THE MAXIMUM AMOUNT OF THE CUSTOMER FACILITY CHARGE THAT RENTAL CAR COMPANIES OPERATING AT MIAMI INTERNATIONAL AIRPORT MUST COLLECT FROM CUSTOMERS DURING THE PERIOD OF TIME THAT PRECEDES COMPLETION OF THE RENTAL CAR FACILITY, AND TO PROVIDE FOR AN INCREASE OR DECREASE IN THE CUSTOMER FACILITY CHARGE TO BE COLLECTED FOLLOWING COMPLETION OF THE RENTAL CAR FACILITY BASED ON THE LEVEL OF THE COUNTY'S PAYMENT OBLIGATIONS FOR DEBT SERVICE AND OPERATIONAL COSTS OF THE RENTAL CAR FACILITY; AUTHORIZING AVIATION DEPARTMENT TO AMEND THE APPLICABLE OPERATIONAL DIRECTIVE TO INCORPORATE SUCH CHANGES IN THE CUSTOMER FACILITY CHARGE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 072069] [SEE AGENDA ITEM NO. 8A1A] (Aviation Department)

Report: *(See Agenda Item 3B Substitute Amended, Legislative File No. 072356)*

3B Substitute Amended

072356 Ordinance

ORDINANCE RELATING TO RULES AND REGULATIONS OF THE MIAMI-DADE AVIATION DEPARTMENT; AMENDING SECTIONS 25-4.1(F)(4) AND (5) OF THE MIAMI-DADE COUNTY CODE TO INCREASE THE MAXIMUM AMOUNT OF THE CUSTOMER FACILITY CHARGE THAT RENTAL CAR COMPANIES OPERATING AT MIAMI INTERNATIONAL AIRPORT MUST COLLECT FROM CUSTOMERS DURING THE PERIOD OF TIME THAT PRECEDES COMPLETION OF THE RENTAL CAR FACILITY, AND TO PROVIDE FOR AN INCREASE OR DECREASE IN THE CUSTOMER FACILITY CHARGE TO BE COLLECTED FOLLOWING COMPLETION OF THE RENTAL CAR FACILITY BASED ON THE LEVEL OF THE COUNTY'S PAYMENT OBLIGATIONS FOR DEBT SERVICE AND OPERATIONAL COSTS OF THE RENTAL CAR FACILITY; AUTHORIZING AVIATION DEPARTMENT TO AMEND THE APPLICABLE OPERATIONAL DIRECTIVE TO INCORPORATE SUCH CHANGES IN THE CUSTOMER FACILITY CHARGE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEMS UNDER FILE NO. 072069 AND 072267] (Aviation Department)

Forwarded to the BCC by the BCC Chairperson with favorable recommendation with committee amendments

Mover: Gimenez

Seconder: Heyman

Vote: 5-0

Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed ordinance into the record.*

Chairman Diaz announced that the foregoing proposed ordinance was open for public participation and there being no one to appear before the Committee, the public hearing was closed.

The foregoing proposed ordinance was moved by Commissioner Gimenez and seconded by Commissioner Heyman.

Assistant County Attorney Tim Abbott advised the language in Section (f) of the foregoing proposed ordinance would be amended to reflect that the Customer Facility Charge (CFC) would be not more than four dollars and sixty cents (\$4.60) and an additional twenty-five cents (\$0.25) would be imposed every fifth anniversary after the commencement date of the Rental Car Facility (RCF) being operational; and the CFC could be adjusted upward or downward upon approval by the County Commission so as to allow the County to meet all debt service payments.

Commissioner Rolle spoke in support of the amended language to the foregoing ordinance.

In response to Commissioner Rolle's inquiry, Assistant County Attorney Abbott advised that originally 22 rental car companies expressed an interest in relocating their business into the proposed RCF; however, since that time, 16 companies had signed all the documents.

Responding to Commissioner Rolle, Mr. Johnny Martinez, District 6 Secretary, Florida Department of Transportation (FDOT), said the current negotiated price of the RCF contract was \$311 million due to increased costs in materials and labor.

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

Chairman Diaz asked staff to prepare the appropriate memorandum requesting that the County Commission's Chairman Bruno A. Barreiro waive the Board's Rules of Procedures to allow the foregoing proposed ordinance to be heard at the July 24, 2007 County Commission meeting.

3C

072080 Resolution

RESOLUTION REGARDING MIA MOVER AUTOMATED PEOPLE MOVER (“APM”) SYSTEM, PROJECT NO. RFP-MDAD-04-04/J104A AT MIAMI INTERNATIONAL AIRPORT, REJECTING ALL PROPOSALS, WAIVING COMPETITIVE BIDDING, AUTHORIZING NEGOTIATIONS WITH PARSONS ODEBRECHT, JOINT VENTURE, WITH BOMBARDIER-PCL, LLC AND WITH SLATTERY SKANSKA, INC., AND DIRECTING MAYOR OR DESIGNEE TO RECOMMEND A CONTRACT WITH ONE OF THEM TO THIS BOARD (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Gimenez
Vote: 5-0
Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Commissioner Heyman moved the foregoing proposed resolution. This motion was seconded by Commissioner Gimenez for discussion.

Mr. Jose Abreu, Director, Miami-Dade Aviation Department (MDAD), provided an overview of the proposed resolution.

In response to Commissioner Rolle’s inquiry, Mr. Abreu said the overall cost of the Automated People Mover (APM) project included repayment for the actual construction and the actual cost of the land when it was purchased; and additionally, fifty (50%) of the operating cost for the APM.

Mr. Nick Serriani, consultant, Florida Department of Transportation (FDOT), 11494 N.W. 71 Street, said the Customer Facility Charges (CFC) revenue also covered the Rental Car Facility’s (RCF) Operation and Maintenance (O&M). He noted should there be an interim consolidated busing prior to implementation of the APM System, the CFC would also fund the O&M costs associated with the interim busing. Mr. Serriani said fifty (50%) of the annual O&M costs for the first five years would be from the CFC and the remaining 50% would be paid from general airport revenues.

Commissioner Sosa asked that the track record of the three companies referenced in the foregoing proposed resolution be included when the resolution was presented to the County Commission. She also asked that the track record of any companies the County may negotiate with be included in the agenda items presented to the County Commission for review and approval.

Commissioner Sosa indicated she would pull items at each County Commission meetings if the complete track record of the recommended company was not included and she would meet with the county attorney(s) to discuss a proposal regarding the establishment of benchmarks in contracts so that departments responsible for delaying contracts would have to pay the difference.

Responding to Commissioner Sosa's comments, Mr. Abreu said the APM System was highly complex and was delayed due to non-technical issues such as liability and joint ventures. He noted staff was aware of approximately four entities globally that could perform this project.

Commissioner Sosa noted she would not oppose the proposed resolution and expressed confidence in Mr. Abreu.

Mr. Abreu noted his recommendation was to simultaneously negotiate with Parsons Odebrecht Joint Venture, Bombardier-PCL, LLC, and Slattery Skanska, Inc.

Commissioner Gimenez said he would be supporting the County Manager's recommendation; however, he expressed concern regarding the Administration's inconsistencies. He noted it was important that the future O&M costs be provided as some systems might be cheaper initially but might be more expensive to operate. Commissioner Gimenez said he felt the best way to achieve competition was through competitive negotiations and the Request for Proposals (RFP) might have been written in a technical and complicated manner that discouraged certain companies to comply although they might have had a viable product.

Commissioner Gimenez asked Mr. Abreu to ensure the Inspector General was involved in future negotiations regarding the APM System and that the negotiating committee comprised experts from outside Miami-Dade County. He expressed appreciation to Mr. Abreu for providing the Committee with all the facts and giving his best recommendation.

Commissioner Heyman said the APM System was a regional issue and was critical to Miami-Dade County. She noted to have the competing proposers rejected because of a technicality

indicated a need to address a process problem in the procurement procedures.

Chairman Diaz said structured negotiations were not outlined in the County Manager's memorandum, and guidelines, parameters, functions and goals needed to be established when entering into negotiations. He noted the scope should be included as the minimum requirement in proceeding with the negotiations.

Responding to Chairman Diaz' inquiries, Mr. Abreu said he was seeking the Committee's endorsement on negotiating with all three firms and subsequent to the negotiations, a countywide committee would be appointed to establish guidelines on how to proceed. He noted the intent was to develop a level playing field. Mr. Abreu recommended the current technical committee remain in place for the project and a new negotiating committee, including a representative from the Airport, be convened.

Assistant County Manager Ysela Llord noted the only change made to the project was the process by which to obtain a best-value approach, and the intent was to enhance competition.

Mr. Abreu said he was not asking the Committee to waive the foregoing proposed resolution to the July 24, 2007 County Commission meeting. He noted the intent of the project had not changed and he would present guidelines to the Committee between now and the Committee meeting scheduled for September 25, 2007.

Assistant County Manager Llord said a supplemental item outlining the structure of this deal would be prepared. She noted, however, that unless negotiations on intricate mega projects were done differently, a similar result would occur.

Commissioner Gimenez noted he was not in favor of a structured negotiation because that allowed bidders to be rejected and technicalities within the RFP resulted in one responsive bid. He recommended staff allow the industry to approach them with the available technology.

Chairman Diaz asked Mr. Abreu to ensure guidelines were included when the foregoing proposed resolution was presented to the County Commission for review and approval.

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

3D

072097 Resolution

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; RATIFYING COUNTY MANAGER'S EXECUTION PURSUANT TO THE PROVISIONS OF SECTION 2-285(6) OF THE MIAMI-DADE COUNTY CODE, OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NO. 2 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) UNDER WHICH FDOT'S FUNDING FOR THE NEW SOUTH TERMINAL PROJECT WILL BE INCREASED BY \$4,002,878 FOR FINANCIAL PROJECT NUMBER 25402919401 (Aviation Department)

*Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Sosa
Vote: 5-0
Absent: Martinez*

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

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

3E

072100 Resolution

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; APPROVING THE CURRENT ESTIMATE OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) OF THE COST OF THE PROPOSED RENTAL CAR FACILITY (RCF) IN THE AMOUNT OF \$370 MILLION; APPROVING COUNTY'S INCREASE IN ITS PARTICIPATION IN THE FEDERAL LOAN FOR THE CONSTRUCTION OF THE RCF FROM \$164 MILLION TO \$270 MILLION, WITH THE BALANCE OF THE \$370 MILLION ESTIMATED COST OF THE RCF TO BE PAID PRIMARILY THROUGH CUSTOMER FACILITY CHARGES ALREADY COLLECTED; AUTHORIZING MAYOR OR DESIGNEE TO EXECUTE FIRST AMENDMENT TO RENTAL CAR CONCESSION AGREEMENT AND FACILITY LEASE AGREEMENT FOR RENTAL CAR COMPANY OPERATIONS WITHIN THE RCF SO AS TO REFLECT SUCH INCREASED COST AND AMEND CERTAIN PROVISIONS THEREOF TO MEET THE REQUIREMENTS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION AS A CONDITION TO INCREASING THE FEDERAL LOAN PROCEEDS TO FUND THE INCREASED COST OF THE RCF; AUTHORIZING MAYOR OR DESIGNEE TO EXECUTE SUCH FIRST AMENDMENT UPON EXECUTION THEREOF BY THE PARTICIPATING RENTAL CAR COMPANIES, AND TO EXECUTE ALL OTHER DOCUMENTS NECESSARY TO PLACE THIS RESOLUTION INTO EFFECT [SEE AGENDA NO. 7D SUBSTITUTE] (Aviation Department)

Amended

Report: (See Agenda Item 3E Amended, Legislative File No. 072372)

3E Amended

072372 Resolution

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; APPROVING THE CURRENT ESTIMATE OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) OF THE COST OF THE PROPOSED RENTAL CAR FACILITY (RCF) IN THE AMOUNT OF \$370 MILLION; APPROVING COUNTY'S INCREASE IN ITS PARTICIPATION IN THE FEDERAL LOAN FOR THE CONSTRUCTION OF THE RCF FROM \$164 MILLION TO \$270 MILLION, WITH THE BALANCE OF THE \$370 MILLION ESTIMATED COST OF THE RCF TO BE PAID PRIMARILY THROUGH CUSTOMER FACILITY CHARGES ALREADY COLLECTED; AUTHORIZING MAYOR OR DESIGNEE TO EXECUTE FIRST AMENDMENT TO RENTAL CAR CONCESSION AGREEMENT AND FACILITY LEASE AGREEMENT FOR RENTAL CAR COMPANY OPERATIONS WITHIN THE RCF SO AS TO REFLECT SUCH INCREASED COST AND AMEND CERTAIN PROVISIONS THEREOF TO MEET THE REQUIREMENTS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION AS A CONDITION TO INCREASING THE FEDERAL LOAN PROCEEDS TO FUND THE INCREASED COST OF THE RCF AND TO REFLECT ANY SETTLEMENT OF THE SPACE ALLOCATION ISSUE THAT MAY BE AGREED UPON BY THE PARTIES; AUTHORIZING MAYOR OR DESIGNEE TO EXECUTE SUCH FIRST AMENDMENT UPON EXECUTION THEREOF BY THE PARTICIPATING RENTAL CAR COMPANIES, AND TO EXECUTE ALL OTHER DOCUMENTS NECESSARY TO PLACE THIS RESOLUTION INTO EFFECT [SEE ORIGINAL ITEM UNDER FILE NO. 072100] (Aviation Department)

Forwarded to the BCC by the BCC Chairperson with favorable recommendation with committee amendments

Mover: Heyman

Seconder: Gimenez

Vote: 4-1

No: Rolle

Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Commissioner Heyman moved the foregoing proposed resolution. This motion was seconded by Commissioner Gimenez.

In response to Commissioner Rolle's inquiry, Mr. Jose Abreu, Director, Miami-Dade Aviation Department (MDAD), noted the Rental Car Facility (RCF) Concession Agreement required a substantial market share for space allocation with a cap.

Assistant County Attorney Tim Abbott advised the Concession Agreement called for space allocation based on market share.

Commissioner Gimenez noted he felt the

Committee should recommend approval of the foregoing proposed resolution to the County Commission and the space allocation could be addressed when the proposed RCF was about to be opened and the rental car companies knew whether they would be required to pay rent.

Commissioner Sosa suggested the Committee proceed with the proposed resolution.

Assistant County Attorney Tim Abbott noted it was suggested that the foregoing proposed resolution be amended to give the Aviation Director the authority to add to the amendments to the Concession Agreement, a provision that would address the space allocation if the Director was able to reach an agreement with all 16 rental car companies; and if an agreement could not be reached, the Concession Agreement would proceed as presented.

Chairman Diaz asked staff to prepare the appropriate memorandum requesting that the County Commission's Chairman Bruno A. Barreiro waive the Board's Rules of Procedures to allow the foregoing proposed resolution to be heard at the July 24, 2007 County Commission meeting. He also asked that pending issues relating to space allocations and other vendors be addressed before the July 24th meeting.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution with the amendment noted by Assistant County Attorney Abbott.

3F

072101 Resolution

RESOLUTION RELATING TO OPA-LOCKA EXECUTIVE AIRPORT; RATIFYING COUNTY MANAGER'S EXECUTION PURSUANT TO THE PROVISIONS OF SECTION 2-285(6) OF THE MIAMI-DADE COUNTY CODE, OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NO. 1 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) UNDER WHICH FDOT'S FUNDING WILL BE INCREASED BY \$619,420 FOR FINANCIAL PROJECT NUMBER 42155319401 (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Sosa
Vote: 5-0
Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

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

3G

072105 Resolution

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; RATIFYING COUNTY MANAGER'S EXECUTION PURSUANT TO THE PROVISIONS OF SECTION 2-285(6) OF THE MIAMI-DADE COUNTY CODE, OF THE THIRD SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) UNDER WHICH FDOT'S FUNDING FOR THE AIRPORT OPERATIONS CONTROL CENTER PROJECT WILL BE REDUCED BY \$1,555,000 FOR FINANCIAL PROJECT NUMBER 41254119401 (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Heyman
Vote: 5-0
Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

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

3H

072106 Resolution

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; APPROVING AMENDMENT ONE TO LIMITED REIMBURSEMENT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) IN THE AMOUNT OF \$2,048,465 TO BE PAID TO THE FAA IN REIMBURSEMENT OF FAA'S CONSTRUCTION AND OTHER WORK ASSOCIATED WITH THE RELOCATION OF NAVIGATIONAL EQUIPMENT NECESSITATED BY THE EXPECTED COMPLETION OF THE SOUTH TERMINAL AREA AND THE CONCOURSE J PROJECT IN 2007; AUTHORIZING MAYOR OR DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO INCREASE THE AMOUNT OF SUCH REIMBURSEMENT TO THE EXTENT FUNDS THEREFOR ARE AVAILABLE IN THE CONCOURSE J PROJECT ACCOUNT (Aviation Department)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Gimenez

Vote: 5-0

Absent: Martinez

Report: *Mr. Jose Abreu, Director, Miami-Dade Aviation Department, provided an overview of the foregoing proposed resolution.*

In response to Commissioner Sosa's inquiry, Mr. Sunil Harman, Manager, Planning, Miami-Dade Aviation Department, noted in August 2007 the Federal Aviation Administration would reimburse the County 75% of the estimated \$2,048,465 associated with relocation of Runway Navigational Aid Systems for Runway 27 at Miami International Airport.

Commissioner Sosa asked that the Fiscal Impact/Funding Source paragraph of the foregoing proposed resolution be clarified to reflect the reimbursement from the Federal Aviation Administration to the County.

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

3I

072111 Resolution

RESOLUTION AWARDING AIRPORT NETWORK MEDIA PROGRAMMING SERVICES AGREEMENT AT MIAMI INTERNATIONAL AIRPORT, RFP NO. MDAD 04-06 TO AC HOLDINGS INC.; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AGREEMENT AND ANY RENEWAL, TERMINATION, OR CANCELLATION PROVISIONS CONTAINED THEREIN (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Gimenez
Vote: 5-0
Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

The foregoing proposed resolution was moved by Commissioner Heyman and seconded by Commissioner Gimenez for discussion.

In response to Commissioner Sosa's questions, Mr. Miguel Southwell, Assistant Aviation Director for Business Development, said a competitive process was utilized and AC Holdings, Inc. was the only respondent to the Request for Proposals (RFP). He noted the RFP was advertised through the newspaper and the industry; however, this was a very specialized industry. Mr. Southwell said AC Holdings, Inc. would pay a Minimum Annual Guarantee of One Hundred Thousand Dollars (\$100,000) annually.

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

3J

072114 Resolution

RESOLUTION AUTHORIZING ADVERTISEMENT FOR COMPETITIVE BIDS FOR LEASING OF BUILDING 2082 AND RELATED LAND, AT MIAMI INTERNATIONAL AIRPORT, FOR NON-AVIATION USE; AUTHORIZING MAYOR TO AWARD TO HIGHEST BIDDER WITHOUT FURTHER BOARD CONSIDERATION AND TO EXECUTE ANY CANCELLATION OR RENEWAL PROVISIONS (Aviation Department)

Forwarded to BCC with a favorable recommendation
Mover: Gimenez
Seconder: Heyman
Vote: 5-0
Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

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

3K

072116 Resolution

RESOLUTION APPROVING FOUR NON-EXCLUSIVE CONTRACTS FOR THE MIAMI-DADE AVIATION DEPARTMENT, AIRPORT SIGNAGE FABRICATION AND INSTALLATION, PROJECT NUMBER RFQ MDAD 05-01 TO ACOLITE CLAUDE UNITED SIGN CO., INC., BROADWAY NEON SIGN CORP., BARON SIGN MANUFACTURING AND ARCHITECTURAL GRAPHICS, INC., FOR A MAXIMUM CONTRACT AMOUNT OF \$23,057,500, WHICH INCLUDES \$57,500 FOR THE INSPECTOR GENERAL AUDIT ACCOUNT, WITH A TERM OF 4 YEARS WITH AN OPTION TO EXTEND FOR 2 ONE-YEAR TERMS, PROVIDED HOWEVER THAT THE TOTAL EXPENDITURE AMOUNT TO CONTRACTORS HEREIN WILL NOT EXCEED \$23,000,000 FOR ALL FOUR CONTRACTS IN THE AGGREGATE, AND AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE TERMINATION AND RENEWAL PROVISIONS CONTAINED THEREIN (Aviation Department)

Forwarded to BCC with a favorable recommendation

Mover: Gimenez

Secunder: Heyman

Vote: 5-0

Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Commissioner Sosa asked the Miami-Dade Aviation Director to ensure the track record of all four companies were included in the foregoing proposed resolution as part of the recommendation to the County Commission.

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

3L

072175 Resolution

RESOLUTION AUTHORIZING EXECUTION OF FIRST AMENDMENT TO BFC AIRPORT STORES, LLC LEASE AND CONCESSION AGREEMENT AT MIAMI INTERNATIONAL AIRPORT, MODIFYING USE OF PREMISES PROVISIONS TO PERMIT SALE OF LUGGAGE AND TRAVEL ACCESSORIES, AND WAIVING COMPETITIVE SELECTION REQUIREMENTS (Aviation Department)

Forwarded to BCC with a favorable recommendation

Mover: Sosa

Secunder: Heyman

Vote: 5-0

Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record. He noted the County Manager's memorandum attached to the foregoing proposed resolution contained a scrivener's error and should be corrected to state that the current agreement between the County and BFC Airport Stores starts on May 30, 2003 and was due to expire on May 29, 2008 in lieu of December 31, 2008.*

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

3M

072178 Resolution

RESOLUTION RELATING TO OPA-LOCKA EXECUTIVE AIRPORT (OPF); APPROVING FIRST AMENDMENT TO THE DEVELOPMENT LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND MIAMI EXECUTIVE AVIATION (MEA) SO AS TO REMOVE SECTION 1.08 THEREFROM IN ITS ENTIRETY AND TO INCREASE THE MEA PREMISES BY 5,600 SQUARE FEET, MORE OR LESS, SO AS TO PERMIT MEA TO COMPLETE ITS PROPOSED CONSTRUCTION OF A STORAGE AND AIRCRAFT MAINTENANCE HANGAR; APPROVING FIRST AMENDMENT TO THE DEVELOPMENT LEASE AGREEMENT BETWEEN THE COUNTY AND AA ACQUISITIONS LLC (AA) SO AS TO REMOVE THEREFROM THE SAME 5,600 SQUARE FEET FROM THE AA LEASEHOLD PREMISES AND AMENDING ARTICLE 9.04(A) TO PROVIDE FOR BOTH CONSTRUCTION AND PERMANENT FINANCING OF ITS PROJECTS ON THE PREMISES; APPROVING AA'S ACQUISITION OF THE LEASEHOLD INTERESTS OF FIGHTERTOWN, INC., AT OPF AND APPROVING THE AMENDMENT OF SUCH LEASE BY PERMITTING FIXED BASE OPERATIONS ON THE LEASEHOLD SITE TO BE CONDUCTED BY AA AS SUCCESSOR TO FIGHTERTOWN; AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE SUCH FIRST AMENDMENTS AND ALL DOCUMENTS NECESSARY OR REASONABLY REQUIRED TO PLACE THE FOREGOING INTO EFFECT (Aviation Department)

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

Mover: Gimenez

Seconder: Heyman

Vote: 5-0

Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Commissioner Sosa asked the Miami-Dade Aviation Department Director to ensure the fiscal impact was included in the foregoing proposed resolution.

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

Chairman Diaz asked staff to prepare the appropriate memorandum requesting that the County Commission's Chairman Bruno A. Barreiro waive the Board's Rules of Procedures to allow the foregoing proposed resolution to be heard at the July 24, 2007 County Commission meeting.

3N

072176 Resolution

RESOLUTION RELATING TO OPERATION OF PUBLIC PARKING FACILITIES AT MIAMI INTERNATIONAL AIRPORT; AND AUTHORIZING AWARD AND EXECUTION OF NONEXCLUSIVE MANAGEMENT AGREEMENT WITH AIRPORT PARKING ASSOCIATES FOR FIVE YEAR PERIOD (Aviation Department)

Forwarded to BCC without a recommendation
Mover: Heyman
Seconder: Gimenez
Vote: 5-0
Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez advised that the foregoing proposed resolution contained a scrivener's error and Article 1.01 ("Term") of the proposed Agreement should be corrected to state that the Agreement commences on October 1, 2007 in lieu of April 1, 2007.*

The foregoing proposed resolution was moved by Commissioner Heyman and seconded by Commissioner Gimenez.

Commissioner Sosa asked Inspector General Chris Mazzella to discuss the allegations received by the Miami-Dade Aviation Department (MDAD) against Airport Parking Associates (APA).

In response to Commissioner Sosa's inquiry, Mr. Chris Mazzella, Inspector General, said in March 2007, the Office of Inspector General (OIG) was asked by the Miami-Dade Aviation Department (MDAD) to review the proposed agreement for operation of public parking facilities at Miami International Airport (MIA). He noted several issues were identified that needed to be addressed including potential overpayments by MDAD in connection with certain fees and that issue was still being investigated. Mr. Mazzella said MDAD adopted a number of recommendations made by the OIG regarding the proposed agreement that prospectively would address problems which previously occurred. He noted he was pleased with the new agreement with the exception of one provision concerning restitution which he was under the impression would also address the issues retroactively; however, there was a disagreement as to whether this particular provision would be applicable. Mr. Mazzella said the operator was not amenable to proposed language to address this issue, and there was a possibility that the old agreement would have to be used to enforce overpayment claims versus the new agreement which would include a timetable schedule in which to retrieve overpayments.

Commissioner Sosa noted if the foregoing proposed resolution was approved today (7/19), she would like to propose an amendment that the contract be terminated if APA was found liable.

Responding to Commissioner Sosa, Assistant County Attorney Cynji Lee advised the agreement included a section on termination without cause that would allow the County to give notice to the operator without liability to the County. She noted at this point, more research would be necessary to determine whether Commissioner Sosa's suggestion could be included in the proposed agreement. Assistant County Attorney Lee advised that the current agreement was in place until September 2007, and the County would still reserve all rights to take action against APA if the IG or an audit determined any improper behavior.

In response to Commissioner Gimenez' questions, Mr. Mazzella noted the inquiries related to monies the County should have been credited with, particularly insurance premiums being paid and 401(k) contributions. He noted staff needed to determine whether there were overpayments and what led to them; however, he could not provide a definitive answer at this time.

Commissioner Rolle asked that Mr. De Grandy be recognized.

Mr. Miguel De Grandy, 800 Douglas Road, attorney representing APA, appeared before the Committee. He noted APA had already negotiated and agreed to a deal when MDAD came back with five points raised by the OIG relating to how the new agreement would be governed and APA negotiated these points in good faith. Mr. De Grandy said APA received a provision yesterday (7/18) stating that as a condition of the new agreement, APA needed to agree that any claims that a governmental entity may find and any allegation of money owed after a previous contract, relates to the current contract. He noted APA could not agree with this provision as it would be a post-submission provision applied to only one vendor in the entire county that would specifically target his client and that was illegal.

Mr. De Grandy said this was a contractual dispute and there was no allegation of criminal or ethical intent, other than an interpretation of language. In that regard, Mr. De Grandy said it

was APA's position that the County had all rights available under the current agreement to make a claim against APA, if an overpayment was determined by the Inspector General. He noted he would not agree that his client be treated differently from other proposers or agree to a provision that applied only to his client in a discriminatory fashion after negotiations had occurred and an agreement was reached. Mr. De Grandy said the County was fully protected under the previous agreement as it related to a contractual dispute. He noted APA had agreed twice to an agreement, negotiated the Inspector General's language in good faith, and agreed to all the terms.

Responding to Commissioner Rolle's inquiry, Mr. Mazzella said he could not provide a specific timeframe for providing a response on the investigation as his office had to work with agencies that were not in his control. He noted he was not accusing anyone of criminal misconduct, however, any potential overpayments needed to be addressed.

In response to Commissioner Gimenez' inquiry, Mr. Mazzella said the OIG's purpose was to determine whether there were overpayments and he did not anticipate this leading anywhere else but to civil or an administrative issue.

Commissioner Sosa indicated she was more comfortable with the foregoing proposed resolution.

In response to Commissioner Heyman's inquiry regarding Mr. De Grandy's statement, Mr. Mazzella said he found nothing illegal with the procurement process.

Assistant County Attorney Hugo Benitez advised Mr. De Grandy made a correct statement of law regarding the procurement process that everyone should be treated equally; however, it was incumbent on the County Commission to determine the responsibility of all vendors who appeared before them for contract award. He noted if an issue involved past payment on a contract, the Commission could consider failure to pay as a condition of the award. Mr. Benitez advised the Committee could consider whether APA had made or agreed to make restitution as a condition of the contract award.

In response to Commissioner Heyman's inquiry whether APA had met the County's requirement to obtain a contract award, Assistant County Attorney Benitez advised pursuant to County ordinance, the County was not to contract with people in arrears unless a payment plan was in place. He noted he was not sure whether the record had developed to the point where it could be determined APA was in arrears and it was his understanding that the matter was still under investigation; therefore APA was in compliance. Mr. Benitez said based on existing information, APA was not in arrears because they had not been billed for a specific amount.

Responding to Commissioner Heyman, Assistant County Manager Ysela Llort said no current violation existed with the entity that was being considered for award and the contract stipulations were in line with any recommendation the Inspector General would have going forward.

Mr. De Grandy urged the Committee to proceed with the proposed agreement, noting the record established today indicated no evidence of any wrongdoing.

Commissioner Sosa asked Commissioner Heyman, maker of the motion, to accept an amendment to add that APA agreed to make restitution as a condition of the award.

Mr. De Grandy said APA could not agree to make restitution as a condition of the award as that constituted a post-submission requirement that would be applicable only to APA.

Commissioner Sosa said the amendment was not applicable only to APA. She noted it was difficult to ask the County Commission to approve a contract with a company that was under investigation and there had to be a mechanism to ensure the County was not placed in that position until the investigation was completed.

Chairman Diaz noted he was comfortable with Assistant County Attorney Lee's comments regarding the termination provisions within the proposed agreement.

Commissioner Gimenez suggested the foregoing proposed resolution be forwarded to the County Commission without a recommendation.

Commissioner Sosa's amendment was not accepted by Commissioner Heyman. Commissioner Heyman noted the amendment was premature because the investigation was not concluded and it was stated that currently there was no debt or restitution.

Hearing no further questions or comments, the Committee voted to forward the foregoing proposed resolution to the County Commission without a recommendation.

30

072173 Resolution

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; APPROVING DEVELOPMENT LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CENTURION AIR CARGO, INC. (CENTURION), FOR THE CONSTRUCTION OF A CARGO WAREHOUSE FACILITY ON THE NORTHEAST CORNER OF MIAMI INTERNATIONAL AIRPORT; APPROVING CENTURION'S ASSIGNMENT OF THE AGREEMENT TO AERO MIAMI III, LLC (AEROTERM) IN ORDER FOR AEROTERM TO CONSTRUCT THE FACILITY AND LEASE THE COMPLETED FACILITY BACK TO CENTURION, WITH BOTH CENTURION AND AEROTERM BEING LIABLE TO THE COUNTY UNDER THE AGREEMENT AS LESSEES; APPROVING THE LESSEES' DEMOLITION OF EXISTING AIRPORT FACILITIES AND LESSEE'S USE OF EXISTING BUILDING 5A IN PHASE II IF LESSEES EXERCISE THEIR OPTION TO USE SUCH BUILDING; APPROVING LESSEES' CONSTRUCTION OF AN EXTENSION TO EXISTING TAXIWAY K WITH THE COSTS THEREOF TO BE REIMBURSED TO THE LESSEES BY THE AVIATION DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$6.4 MILLION EXCEPT FOR UNKNOWN ENVIRONMENTAL CONDITIONS; APPROVING THE SALE OF BUILDINGS 890 AND 891 TO THE LESSEES FOR THE LESSEES' USE DURING THE LEASEHOLD PERIOD FOR THE SUM OF \$6.4 MILLION, SUCH PURCHASE PRICE PROCEEDS TO BE USED AS AN OFFSET TO THE COUNTY'S OBLIGATION TO REIMBURSE LESSEES FOR THEIR CONSTRUCTION OF THE TAXIWAY K EXTENSION; AUTHORIZING MAYOR OR HIS DESIGNEE TO EXECUTE SUCH AGREEMENT AND ALL DOCUMENTS REQUIRED IN CONNECTION THEREWITH AND TO EXERCISE THE TERMINATION PROVISIONS THEREIN (Aviation Department)

Amended

Report: (See Agenda Item 30 Amended, Legislative File No. 072483)

30 Amended

072483 Resolution

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; APPROVING DEVELOPMENT LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CENTURION AIR CARGO, INC. (CENTURION), FOR THE CONSTRUCTION OF A CARGO WAREHOUSE FACILITY ON THE NORTHEAST CORNER OF MIAMI INTERNATIONAL AIRPORT; APPROVING CENTURION'S ASSIGNMENT OF THE AGREEMENT TO AERO MIAMI III, LLC (AERO MIAMI) IN ORDER FOR AERO MIAMI TO CONSTRUCT THE FACILITY AND LEASE THE COMPLETED FACILITY BACK TO CENTURION, WITH BOTH CENTURION AND AERO MIAMI BEING LIABLE TO THE COUNTY UNDER THE AGREEMENT AS LESSEES; APPROVING THE LESSEES' DEMOLITION OF EXISTING AIRPORT FACILITIES AND LESSEE'S USE OF EXISTING BUILDING 5A IN PHASE II IF LESSEES EXERCISE THEIR OPTION TO USE SUCH BUILDING; APPROVING LESSEES' CONSTRUCTION OF AN EXTENSION TO EXISTING TAXIWAY K WITH THE COSTS THEREOF TO BE REIMBURSED TO THE LESSEES BY THE AVIATION DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$6.4 MILLION EXCEPT FOR UNKNOWN ENVIRONMENTAL CONDITIONS; APPROVING THE SALE OF BUILDINGS 890 AND 891 TO THE LESSEES FOR THE LESSEES' USE DURING THE LEASEHOLD PERIOD FOR THE SUM OF \$6.4 MILLION, SUCH PURCHASE PRICE PROCEEDS TO BE USED AS AN OFFSET TO THE COUNTY'S OBLIGATION TO REIMBURSE LESSEES FOR THEIR CONSTRUCTION OF THE TAXIWAY K EXTENSION; AUTHORIZING MAYOR OR HIS DESIGNEE TO EXECUTE SUCH AGREEMENT AND ALL DOCUMENTS REQUIRED IN CONNECTION THEREWITH AND TO EXERCISE THE TERMINATION PROVISIONS THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 072173] (Aviation Department)

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

Mover: Heyman

Secunder: Gimenez

Vote: 5-0

Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez read the foregoing proposed resolution into the record.*

Assistant County Attorney Tim Abbott advised the following language should be added after the first clause labeled (a): "with the principal of Centurion providing assurances of payment of all rental and other charges arising out of Centurions cielos's and uno handling company's use of the airport that are payable up to the date rental payments are due under the attached development lease agreement."

Hearing no questions or comments, the Committee voted on the foregoing proposed resolution as amended.

3P

072087 Resolution

RESOLUTION AUTHORIZING THE FUNDING OF SIXTEEN (16) GRANTS FROM THE FY2006-2007 FOURTH QUARTER TOURIST DEVELOPMENT ROOM TAX PLAN AND SURTAX CATEGORY TO PROMOTE MIAMI-DADE COUNTY TOURISM WITH: CARIBBEAN CULTURAL CONNECTIONS, INC.; CITY OF HOMESTEAD PARKS AND RECREATION DEPARTMENT; CITY OF MIAMI BEACH, DEPARTMENT OF TOURISM AND CULTURAL DEVELOPMENT; CITY OF MIAMI, GENERAL SERVICES ADMINISTRATION/OFFICE OF PROTOCOL; CORAL GABLES CONGREGATIONAL CHURCH, INC.; JAMAICA AWARENESS, INC.; MIAMI BACH SOCIETY, INC.; MIAMI CLASSICAL GUITAR SOCIETY, INC., THE; MIAMI HISPANIC BALLET CORPORATION; MIAMI LIGHT PROJECT, INC.; MIAMI NORTHWEST EXPRESS TRACK AND FIELD CLUB, INC.; MIAMI-DADE SPORTS COMMISSION, INC.; MUSEUM OF SCIENCE, INC.; TEATRO AVANTE, INC.; UNIVERSAL HERITAGE INSTITUTE, INC., F/A PAKISTAN AMERICAN CULTURAL SOCIETY; UNIVERSITY OF MIAMI SCHOOL OF MUSIC AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE GRANT AGREEMENTS FOLLOWING COUNTY ATTORNEY APPROVAL OF FORM AND LEGAL SUFFICIENCY AND TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN (Cultural Affairs Council)

*Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Gimenez
Vote: 5-0
Absent: Martinez*

4 COUNTY MANAGER

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

6A

071775 Report

CLERK'S SUMMARY OF MINUTES FOR APPROVAL BY
THE AIRPORT AND TOURISM COMMITTEE OF MAY
17, 2007 MEETING (Clerk of the Board)

Approved
Mover: Heyman
Seconder: Gimenez
Vote: 5-0
Absent: Martinez

Report: *Assistant County Attorney Gerald Sanchez read
the foregoing report into the record.*

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

7 REPORTS

7A

072141 Report

MIAMI-DADE AVIATION DEPARTMENT CAPITAL
IMPROVEMENT PROGRAM REPORT

(County Manager)

Report Received
Mover: Sosa
Seconder: Gimenez
Vote: 4-0
Absent: Martinez, Rolle

072297 Report

NON-AGENDA ITEMS REPORT

Presented

Report: *South Terminal*

Mr. Jesus Vazquez, representing Parsons/Odebrecht Joint Venture (POJV), 1331 N.W. 193 Avenue, gave an oral report on the South Terminal Project. He noted the progress on the South Terminal and he expressed appreciation to Airport Director Jose Abreu and Deputy Aviation Director Max Fajardo for their assistance. Mr. Vazquez said substantial amount of challenges were encountered; however, he was confident that the first flight would be achieved. He noted over the past three or four months the Building Department had begun inspections and representatives from POJV was meeting continuously with Building Department Director Charlie Danger regarding issues involving the Project. Mr. Vazquez said the projected opening date for the South Terminal was August 15, 2007 and a phase-in plan on how to move the airlines into the Terminal was developed.

Brazil Air Tragedy

In response to Chairman Diaz' comments regarding assistance to Brazil as a result of the recent air tragedy, Mr. Jose Abreu, Director, Miami-Dade Aviation Department, noted he contacted the Director of the airport in Brazil regarding Miami-Dade County's offer to provide assistance.

072311 Resolution

RESOLUTION AUTHORIZING COUNTY MAYOR OR DESIGNEE TO ADVERTISE FOR BIDS AND TO AWARD A CONTRACT FOR MAINTENANCE OF E-SATELLITE TRANSIT SHUTTLE AT MIAMI INTERNATIONAL AIRPORT IN AN AMOUNT NOT TO EXCEED \$15 MILLION DOLLARS TO LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, SUBJECT TO RATIFICATION BY BOARD; TO EXECUTE SAME, AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS THEREOF (Aviation Department)

*Forwarded to BCC without a recommendation
Mover: Gimenez
Seconder: Diaz
Vote: 5-0
Absent: Martinez*

Report: *(See report under Non-Agenda Report; Legislative File No. 072312.)*

072312 Resolution

RESOLUTION AUTHORIZING INTERIM AGREEMENT FOR MAINTENANCE OF SATELLITE TRANSIT SHUTTLE AT MIAMI INTERNATIONAL AIRPORT TO BOMBARDIER TRANSPORTATION (HOLDINGS) USA INC. FOR A MAXIMUM CONTRACT AMOUNT OF \$2,526,972.17 MILLION FOR A SIX MONTH PERIOD; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN; WAIVING COMPETITIVE BID REQUIREMENTS AND BID PROTEST PROCEDURES (Aviation Department)

Forwarded to BCC without a recommendation
Mover: Gimenez
Seconder: Diaz
Vote: 5-0
Absent: Martinez

Report: *Chairman Diaz noted he needed the Committee's support and a motion regarding the following issue which would be presented by the Aviation Director.*

Mr. Jose Abreu, Director, Miami-Dade Aviation Department, requested the Committee's support. He noted for 27 years, Bombadier had been providing services to Miami International Airport for the People Mover that transported passengers through Satellite E. He noted last February, through the Department of Procurement, the County Commission approved an extension of the East Satellite Transit Shuttle contract for six months, and staff sent the contract to Bombadier who did not agree to the extension terms. Subsequently, it was discovered that the trains had cracks in them. He noted operations of the trains were halted, inspections were conducted, and one of the trains was put back in operation following inspection. Mr. Abreu noted he was seeking continuity of service pending a bid solicitation.

Mr. Abreu requested the Committee to forward the following motion to the July 24, 2007 Commission meeting.

Assistant County Attorney Cynji Lee read the motion as follows: "motion to forward to the Board of County Commissioners without recommendation, approval of a temporary contract for maintenance of East Satellite Transit Shuttle due to potential interruption of essential airport transportation services and to direct the Mayor, or his designee, to advertise and to award during that period, a long-term contract for those services subject to ratification by this Board.

The foregoing motion was moved by

*Commissioner Gimenez and seconded by
Chairman Diaz.*

*In response to Commissioner Sosa's inquiry,
Assistant County Attorney Lee noted this item
would be prepared in the form of a bid waiver to
allow this contract to go forward, based upon
extreme operational need.*

*Upon being questioned by Commissioner Sosa,
Assistant County Manager Llort stated the
Mayor's Office was briefed on this emergency
request.*

*Chairman Diaz noted this item would be added to
the July 24, 2007 County Commission agenda.*

*The Committee proceeded to vote on the foregoing
motion as presented.*

8 ADJOURNMENT

Jose "Pepe" Diaz, Chair