(Proposed Motion A and a Replacement for Exhibit 1)

ADDITIONAL MATERIAL

Regular Meeting SEPTEMBER 25, 2018

SUBMITTED AT THE REQUEST OF

AVIATION DEPARTMENT



AVIATION DEPARTMENT - Fort Lauderdale-Hollywood International Airport

2200 SW 45th Street, Suite 101 • Dania Beach, Florida 33312 • 954-359-6100

MEMORANDUM

DATE: September 24, 2018

TO: Broward County Board of County Commissioners

FROM: Mark Gale, CEO/Director of Aviation

SUBJECT: September 25, 2018 Commission Meeting - Agenda Item No. 2, Lease with Bobby's Landing

at North Perry Airport

Item No. 2 requests Broward County Board of County Commissioners ("Board") approval of a lease at North Perry Airport ("HWO") with a term of 35 years. In order for the lease to be approved, two sections of Chapter 39 in the Broward County Administrative Code need to be waived. The motion for the request of the waivers was inadvertently omitted from this Board action and is now proposed as Motion A. The original motion to approve the lease is now Motion B. Below are the proposed motions for Item No. 2:

A. <u>MOTION TO WAIVE</u> Chapter 39, Fees and Other Charges, Aviation, Broward County Administrative Code, Section 39.3.a.1. and Section 39.3.a.2., Non-Terminal Rates and Charges-Fort Lauderdale-Hollywood International Airport and North Perry Airport; to approve a 35-year term and to permit the amortization period included for investments to exceed 20 years in a lease at North Perry Airport.

B. <u>MOTION TO APPROVE</u> Agreement of Lease between Broward County and Bobby's Landing, LLC, for a Fixed Base Operation at North Perry Airport, effective upon Board approval and terminating on the last day of the Lease's 35th year; and authorize the Mayor and Clerk to execute same.

The new Motion A will waive two sections of Chapter 39, Fees and Other Charges, Aviation, in the Administrative Code. The request to waive Section 39.3.a.1. will provide for a 35 year lease term, instead of the limit of 30 years in the Administrative Code. This will permit Bobby's Landing a one year due diligence period and four years to complete all construction of the new improvements on the premises. The waiver of Section 39.3.a.2. permits the amortization period included for investments to exceed 20 years in a lease at HWO to allow Bobby's Landing to amortize the loan needed for the construction of the new improvements over a 30 year period

Additionally, a replacement for Exhibit 1- Agreement Summary is attached to correct that there is no termination for convenience in the proposed lease.

MG/CS/ml

Bertha Henry, County Administrator
Monica Cepero, Deputy County Administrator
Andrew Meyers, County Attorney
Robert Melton, County Auditor

BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA				EVIUDIT 4	
AGREEMENT SUMMARY				EXHIBIT 1	
1. Other Contracting Party:					
BOBBY'S LANDING, LLC					
2. Proposed Action:	_	_	3. Document Type (select one):		
New Contract	Renewal	Extension	Lease Agreement		
4. Purpose/Description:					
Approval of a Lease Agreement between Broward County and Bobby's Landing at North Perry Airport.					
5. Special Provisions (select if applicable):					
Living Wage Program	SBE Sheltere	SBE Sheltered Market Program			
Workforce Investment Pilot Program	M/WBE Prog	M/WBE Program			
Federal DBE/ACDBE program		In-Kind Match	In-Kind Match Required: \$ %		
☐ CBE Program	Cash Match	Cash Match Required: \$ or %			
6.a. Effective Dates (for new agreements only):	6.b. Effective Date	6.b. Effective Dates (amendments only):			
Start : 09/25/2018	No Change	☐ No Change			
End: 09/25/2053		End date ha	End date has changed from to		
LIN. <u>07/23/2033</u>		Term has			
7. Contract Administrator:	8. Contract Type:				
Name: Nina Macpherson		Cost reimbursement Open-end			
Phone: 954-359-1016		Firm fixed price Time and materials			
11010. 004 <u>557 1010</u>		Performance		SE AGREEMENT	
9.a. Contract Value (new contracts)			9.b. Contract Value (amendments only)		
Actual Estimated		No change			
Base amount \$179,895		5	Original approved contract value		
Reimbursables			Approved previous adjustments		
Optional Services		-	Value of this action		
Total contract value \$6,476,220		0	Amended total contract value		
10. Payment Method	11. Payment Terms				
Lump Sum Payment	5)	agreement is subject	et to 3% or CPI adjustment of	each vear	
Milestone or Progress-Based	The rent for the lease agreement is subject to 3% or CPI adjustment each year.				
Scheduled or Time-Based					
Other					
12. Cost Adjustment					
Not Applicable Fixed Percentage% Actual Cost					
CPI or other Index	\$	Other:			
13. Equity Program Participation Summary					
a. County established M/WBE, SBE, CDBE, CBE, DBE or ACDBE participation goal for this action or project: N/A					
b. Contractor-committed M/WBE, SBE, CDBE, CBE, DBE or ACDBE participation goal planned for this action or project: N/A					
c. M/WBE, SBE, CDBE, CBE, DBE or ACDBE participation to date: N/A					
14. Renewal or Extension Terms:	15. Termination and Car	5. Termination and Cancellation Provisions			
N/A		For Cause: WRITTEN NOTICE OF TERMINATION BY COUNTY			
1		For Convenience: NONE.			
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16. Deliverables, milestones or scope of this action:		Lease Agreement			

N/A

17. List terms, considerations or deviations from standard county form.