



# Broward County

## Legislation Details (With Text)

<b>File #:</b>	19-287	<b>Version:</b>	1
		<b>Status:</b>	Agenda Ready
		<b>In control:</b>	PORT EVERGLADES DEPARTMENT
<b>On agenda:</b>	3/10/2020	<b>Final action:</b>	3/10/2020
<b>Title:</b>	<p>A. MOTION TO APPROVE Lease Agreement between Broward County and the United States of America for real property located at 3700 McIntosh Road, Hollywood, Florida, consisting of approximately 34,783.1 square feet of land and improvements at Port Everglades, for an initial period of one year, retroactively commencing on October 1, 2019, with four additional yearly automatic renewal options; and authorize the Mayor and Clerk to execute same.</p> <p>ACTION: (T-10:45 AM) Approved.</p> <p>VOTE: 9-0.</p> <p>B. MOTION TO APPROVE Lease Agreement between Broward County and the United States of America for real property located at 1801 Eller Drive, Hollywood, Florida, consisting of approximately 70,373.7 square feet of land and improvements at Port Everglades, for an initial period of one year, retroactively commencing on October 1, 2019, with four additional yearly automatic renewal options; and authorize the Mayor and Clerk to execute same.</p> <p>ACTION: (T-10:45 AM) Approved.</p> <p>VOTE: 9-0.</p> <p>C. MOTION TO APPROVE Lease Agreement between Broward County and the United States of America for real property located at 4325 McIntosh Road, Hollywood, Florida, consisting of approximately 34,443.3 square feet of land and improvements at Port Everglades, for an initial period of one year, retroactively commencing on October 1, 2019, with four additional yearly automatic renewal options; and authorize the Mayor and Clerk to execute same.</p> <p>ACTION: (T-10:45 AM) Approved.</p> <p>VOTE: 9-0.</p> <p>D. MOTION TO APPROVE Lease Agreement between Broward County and the United States of America for real property located at 2090 SE 42nd Street, Hollywood, Florida, consisting of approximately 43,485.1 square feet of land and improvements at Port Everglades, for an initial period of one year, retroactively commencing on October 1, 2019, with four additional yearly automatic renewal options; and authorize the Mayor and Clerk to execute same.</p> <p>ACTION: (T-10:45 AM) Approved.</p> <p>VOTE: 9-0.</p>		
<b>Sponsors:</b>			
<b>Indexes:</b>	Established Commission Goals		
<b>Code sections:</b>			
<b>Attachments:</b>	1. Exhibit 1 - Agreement Summary A thru D, 2. Exhibit 2 - Location Map, 3. Exhibit 3 - CBP Lease for 3700 McIntosh Road, 4. Exhibit 4 - CBP Lease for 1801 Eller Drive, 5. Exhibit 5 - CBP Lease for 4325 McIntosh Road, 6. Exhibit 6 - CBP Lease for 2090 SE 42nd Street		

Date	Ver.	Action By	Action	Result
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## Broward County Commission Regular Meeting

**Director's Name:** Glenn Wiltshire (Acting Director)

**Department:** Port Everglades

**Division:** Business Administration

### Information

#### Requested Action

A. MOTION TO APPROVE Lease Agreement between Broward County and the United States of America for real property located at 3700 McIntosh Road, Hollywood, Florida, consisting of approximately 34,783.1 square feet of land and improvements at Port Everglades, for an initial period of one year, retroactively commencing on October 1, 2019, with four additional yearly automatic renewal options; and authorize the Mayor and Clerk to execute same.

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**ACTION: (T-10:45 AM) Approved.**

**VOTE: 9-0.**

**Why Action is Necessary**

Lease Agreements extending beyond one year require Broward County Board of County Commissioners ("Board") approval.

**What Action Accomplishes**

Approves Lease Agreements between Broward County and the United States of America for the U.S. Customs & Border Protection to continue to provide and operate radiation portal monitors at the McIntosh Road exit, Eller Drive exit, and the Intermodal Container Transfer Facility entrance at Port Everglades. Further, this item approves a Lease Agreement for land in the Southport area of Port Everglades where U.S. Customs & Border Protection provides cargo inspection services.

**Is this Action Goal Related**

Yes

**Previous Action Taken**

None.

**Summary Explanation/Background**

THE PORT EVERGLADES DEPARTMENT RECOMMENDS APPROVAL.

This action supports the Broward County Board of County Commissioners' ("Board") Value of "Ensuring economic opportunities for Broward's diverse population and businesses" and the Goal to "Increase the economic strength and impact of revenue-generating County enterprises balancing economic, environmental and community needs."

Motions A, B, and C. The U.S. Customs and Border Protection ("CBP") currently occupies three sites on Port Everglades equipped with radiation portal monitors ("RPMs") operated by CBP to provide container inspection services. These sites are located on northbound McIntosh Road (34,783.1 SF), just after the exit from Southport; on Eller Drive (70,373.7 SF), just before the Eller Drive exit; and on Southport (34,443.3 SF), at the international entrance to the Intermodal Container Transfer Facility ("ICTF") (see Exhibit 2). The total area occupied by these sites is approximately 139,600 square feet. The Board previously approved no-cost leases for these parcels on June 24, 2014 (Item No. 58), and on November 12, 2014 (Item No. 3). The land for the RPMs and the associated booth complexes are used for the non-intrusive inspection of imported ocean shipping containers and trailers for radioactive sources before exiting Port Everglades into the commerce of the United States. The term of these new leases will retroactively commence on October 1, 2019. Each new lease term is for one year, with four additional one-year automatic renewals unless the United States of America provides written notice at least 120 days in advance of intent not to renew.

Motion D. CBP currently occupies 43,485.1 square feet of land in Southport for CBP operations that are key to the movement of cargo through Port Everglades. CBP uses the land for non-intrusive inspection of the cargo contents of imported ocean shipping containers and trailers after arrival at Port Everglades. The term of this new lease will retroactively commence on October 1, 2019, with four additional one-year automatic renewals unless the United States of America provides written

notice at least 120 days in advance of intent not to renew.

Due to the governmental use and public purposes for which these leases serve, rental payments have been waived pursuant to Section 32.6.c of the Broward County Administrative Code. Because the lessee is the United States of America, the County is required to execute the lease agreements before the federal government. Port staff started discussions with CBP regarding these new leases in July 2019 to complete the process prior to the expiration of the leases, however due to multiple exchanges of information and negotiations concerning the terms of the standard U.S. government lease form and the non-availability of CBP staff, mutually agreeable lease language was only recently finalized. While staff requested changes to provisions related to liability (Section 5.02) to limit liability to Lessor's negligence and with a statutory cap for federal government claims consistent with County's standard agreement language, CBP advised that the existing applicable provisions in the U. S. Government Simplified Lease form is non-negotiable. The leases have been reviewed and approved as to form by the Office of the County Attorney.

#### **Source of Additional Information**

Jorge A. Hernández, Director of Business Administration, Port Everglades Department, (954) 468-3501

#### **Fiscal Impact**

##### **Fiscal Impact/Cost Summary**

None. These are no-cost lease agreements for governmental use and public purposes. Thus, the Port will not receive any revenue from these. Port responsibilities for maintenance under the leases will be carried out by existing staff.