

**HOMELAND DEFENSE/
NEIGHBORHOOD IMPROVEMENT
BOND OVERSIGHT BOARD
MINUTES**

**1/22/03 - 6:00 P.M.
CITY OF MIAMI, 10TH Floor
Miami Riverside Center
Main Conference Room
MIAMI, FLORIDA 33130**

The meeting was called to order at 6:12 p.m., with the following members present:

**Rolando Aedo (Entered the meeting at 6:13 p.m.)
Sonny Armbrister
Luis Cabrera (Entered the meeting at 6:53 p.m.)
Ringo Cayard (Entered the meeting at 6:52 p.m.)
Mariano Cruz
Robert Flanders (Chairman)
David E. Marko
Gary Reshefsky
Manolo Reyes
Luis de Rosa
Larry M. Spring**

Absent: Marvin Dunn; Julie Grimes; Milagros Loyal; Jami Reyes

I. **APPROVAL OF THE MINUTES OF THE MEETING OF DECEMBER 10, 2002.**

HD/NIB MOTION 03-1

A MOTION TO APPROVE THE MINUTES OF THE MEETING OF DECEMBER 10, 2002, WITH A CORRECTION BEING MADE TO THE SPELLING OF THE NAME OF BOARD MEMBER LUIS de ROSA.

**MOVED: L. de ROSA
SECONDED: M. REYES
ABSENT: L. CABRERA; R. CAYARD; M. DUNN; J. GRIMES;
M. LOYAL; J. REYES**

Note for the Record: Motion passed by unanimous vote of all Members present.

II. NEW BUSINESS:

A. JANET PALACINO ADDRESSES THE BOARD.

* CIP Director Janet Palacino provided the Board with a packet of proposals for letting of design of various projects. The packet included Bond projects as well as other CIP projects from each of the five Commission Districts. The packet will be presented to the City Commission at the January 23, 2002 Commission Meeting. With assistance of the City Attorney's Office, Ms. Palacino has created a construction management at risk contract, which is a new and different method of procurement of construction for the City. The City would issue an RFP, lumping several projects together and solicit for construction managers. The concept is to get a construction manager on board, which is basically a contractor who will work with the City during the design process. The construction manager would provide an accurate scheduling, construct-ability review, value engineering, solicit subcontracts and provide a guaranteed maximum price before construction begins. The construction manager would be required to be bonded. The projects included in the packet have been identified by individual Commissioners as priority projects. A scope of work form must be completed for each project, identifying the work to be done at each project. Based on the scope of work, a conceptual budget would be generated which would include both soft and hard costs. The budget must fall within the amount of funds allocated for a particular project. This may require cutting the scope of a project. A conceptual schedule has been generated for each project in the packet as well. This procedure will be followed for every project that is presently not in construction, as required by the Financial Integrity Ordinance.

Ms. Palacino hopes to approach the Commission in February 2003 to request an amendment to the Financial Integrity Ordinance, asking permission to develop a ten-year comprehensive plan, including priority of projects, with the ability to modify the plan on a yearly basis. A workshop will be held on January 30, 2003 at 2:30 p.m. Out of the \$255,000,000 Bond issue, \$155,000,000 of bonds have been sold. \$129,000,000 of the \$155,000,000 have been allocated and appropriated to specific projects. \$26,000,000 is presently unallocated. The purpose of the workshop is for the Commission to discuss how the remaining \$26,000,000 will be allocated and appropriated. The workshop is open to the public.

* Board Member David Marko commented that he did not think any of the projects or expenditures identified in the packet were subject to the criteria that relate to actual construction of development except for some minor things. The major factor to consider at this point is time frame.

* Board Member Reshefsky suggested that the costs for design should be proportionate to the money set aside to actually build a particular project.

* Ms. Palacino informed the Board that time parameters would be set on a per project basis, and there would be a schedule for each project. If work is not completed within the scheduled time frame, it will be considered as non-performance of contract by the consultant and Ms. Palacino would not recommend payment of that consultant.

* Board Member Marko expressed support for the criteria established by Ms. Palacino and moved that the Board approve the criteria, subject to the time frame criteria identified by Ms. Palacino.

HD/NIB MOTION 03-2

A MOTION TO RECOMMEND APPROVAL OF THE PACKET OF PROJECTS PRESENTED BY THE CIP DEPARTMENT, SUBJECT TO TIME FRAMES; FURTHER REQUIRING THAT THE CIP DEPARTMENT PROVIDE A STATUS REPORT EVERY SIX MONTHS ON EACH INDIVIDUAL PROJECT.

MOVED: D. MARKO
SECONDED: L. de ROSA
ABSENT: L. CABRERA; R. CAYARD; M. DUNN; J. GRIMES;
M. LOYAL; J. REYES

Note for the Record: Motion passed by unanimous vote of all Members present.

B. AUDIT COMMITTEE REPORT.

* Report by Board Member Gary Reshefsky

- Consultant Services for FEC Corridor Regulating Plan.
- FEC Corridor Improvements.

The Department of Economic Development desires to go forward with a regulating plan that will assist in identifying what will be built in the FEC Zone. The Department intends to address the City Commission regarding this issue at the pending February 13, 2003 Commission meeting.

* Carmen Sanchez informed the Board that the Department of Economic Development would actually be addressing the City Commission on Thursday, January 23, 2003 regarding the FEC Corridor. The Department submitted a spreadsheet with regards to various initiatives to be discussed before the City Commission. Even though improvement projects made along the Corridor may not be capital improvement projects, they would lead to capital improvements and quality of life improvements in the FEC Corridor. The regulating plan is basically a guide as to what development occurs in the Corridor, including public rights-of-way, setbacks and public streets. A transportation analysis study will be conducted of the Corridor, as well as a financing plan and a marketing plan. The Department is asking for \$625,000 of Bond funds to be used on the regulating plan.

* CIP Director Palacino informed the Board that the funds requested would come from \$3,000,000 of Design District FEC Corridor improvements included in the Bond appropriations.

HD/NIB MOTION 03-6

A MOTION RECOMMENDING APPROVAL OF THE REQUEST BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT REGARDING FEC CORRIDOR IMPROVEMENTS/CONSULTANT SERVICES FOR FEC CORRIDOR REGULATING PLAN.

MOVED: M. REYES
SECONDED: L. SPRING
ABSENT: M. DUNN; J. GRIMES; M. LOYAL; J. REYES

Note for the Record: Motion passed by unanimous vote of all Members present.

- Land Acquisition located at 243 NE 61 St., 244 NE 62 St., 253 NE 61 St., 265-71 NE 59 Terr. in connection with Little Haiti Park.

* Report by Board Member Gary Reshefsky

* The Audit Subcommittee and representatives of the Economic Development (formerly Asset Management) Department reviewed appraisals of the above properties. The Subcommittee voted that the Board recommend approval of the land acquisition.

* Presentation made by Dirk Duval and Madeline Valdes of Economic Development Department.

* Mr. Peter Erlich addressed the Board. He informed the Board that, speaking on behalf of several business owners in the area designated for development of the Little Haiti Park, he is opposed to the plan to develop the park at the proposed location.

HD/NIB MOTION 03-8

A MOTION TO RECOMMEND APPROVAL OF LAND ACQUISITIONS LOCATED AT 243 N.E. 61ST STREET; 244 N.E. 62ND STREET; 253 N.E. 61ST STREET AND 265-71 NORTHEAST 59TH TERRACE IN CONNECTION WITH LITTLE HAITI PARK.

MOVED: M. CRUZ
SECONDED: M. REYES
ABSENT: M. DUNN; J. GRIMES; M LOYAL; J. REYES

Note for the Record: Motion passed by unanimous vote of all Members present.

- Margaret Pace Park.

* Report by Board Member Gary Reshefsky

* Board Member Julie Grimes requested that the Audit Committee meet to discuss the Margaret Pace Park Project. The meeting was held on the same day as the grand opening of the Park. Questions were raised regarding why it took so long to develop the park. Approximately 2.5 million dollars of Bond funds were allocated to the Park. There's approximately \$180,000 of Bond dollars left that have not been spent, which the City or the CRA would like to spend on the Park. There are some outstanding issues regarding ADA compliance. Additional dollars may have to be expended to bring the park up to ADA compliance. The City Attorney is researching whether there is any culpability of vendors or contractors for lack of ADA compliance, or whether the City is culpable. The subcommittee suggested, and the CIP Department concurred that there ought to be some sort of after-the-fact audit of the park to determine what went wrong, why it took so long to develop the park and why it ended up costing twice as much as initially expected. Mr. Reshefsky explained that only portions of the park are not ADA compliant.

* Chairman Flanders informed the Board that three of the four ramps in the park are not ADA compliant, according to the County, and it has to do with the grading, which is something that is relatively easy to remedy. A number of things went wrong with development of the park. It cost double. FEMA requirements were not met. The bathrooms had to be elevated, which doubled the cost of the bathrooms. Three of the four ramps in the park are not ADA compliant. H.J. Ross was the construction firm involved with this project. However, H.J. Ross was not the original construction firm on the project. The original architect on this project also left the project and was later replaced by another architect. H.J. Ross is also the construction firm involved in the pending Brentwood Village Project.

HD/NIB MOTION 03-3

A MOTION TO RECOMMEND AN AUDIT REVIEW OF THE MARGARET PACE PARK.

MOVED: G. RESHEFSKY
SECONDED: M. REYES
ABSENT: M. DUNN; J. GRIMES; M. LOYAL; J. REYES

Note for the Record: Motion passed by unanimous vote of all Members present.

HD/NIB MOTION 03-4

A MOTION RECOMMENDING TO THE CITY COMMISSION THAT THE PARKS RANGER PROGRAM BE RE-ESTABLISHED IN ORDER TO PROTECT CITY ASSETS PROCURED BY HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND FUNDS AND THAT THE MARGARET PACE PARK PROJECT BE IDENTIFIED AS THE PILOT PROJECT AT WHICH THE PARKS RANGER PROGRAM WOULD BE RE-ESTABLISHED.

MOVED: G. RESHEFSKY
SECONDED: M. REYES
ABSENT: M. DUNN; J. GRIMES; M. LOYAL; J. REYES

Note for the Record: Motion passed by unanimous vote of all Members present.

HD/NIB MOTION 03-5

A MOTION RECOMMENDING THE ESTABLISHMENT OF AN OFFICIAL PALETTE OF COLORS TO BE USED FOR DEVELOPMENT OF PARKS PROJECTS WHICH HAVE BEEN FUNDED BY HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND DOLLARS.

MOVED: D. MARKO
SECONDED: M. REYES
ABSENT: M. DUNN; J. GRIMES; M. LOYAL; J. REYES

Note for the Record: Motion passed by unanimous vote of all Members present

- Athalie Range Mini Park #1 (Domino Park)

* Report by Board Member David Marko.

* Previously, the Board was requested to allocate funds from the 8th Street Drainage project to acquire the building behind the Tower Theater. The Board was uncomfortable with making such a recommendation and asked the City Commission to identify a source of funding for the allocation. Despite the fact that the Board requested the City Commission to identify a source of funding for the acquisition, when the Administration presented the issue to the City Commission, the Commission voted to allocate funds from the 8th Street Drainage project for the acquisition, without bringing the issue before the Board for consideration. The significance of this action is that it shows there are monies being spent from Bond dollars that did not flow through the Board. And this action represents “the first hole poked through the dike.”

* At a recent Audit Subcommittee meeting, the Athalie Range Mini Park Project was a topic of discussion. The Subcommittee informed the CRA that the Subcommittee was not in a position to consider this project, because the CRA had not come forward with any concrete information, but merely asserted that \$300,000 of Bond monies would be necessary to complete this project.

* Board Member Marko voiced a concern that the Athalie Range Mini Park Project might be handled in the same manner that the acquisition of the building behind the Tower Theater was handled. He also expressed his opposition to this project. The CRA appeared before the Audit Subcommittee with a proposal for a park to be located underneath I-95, between 10th and 11th Streets, with artificial lighting and artificial turf to be used as a dominos park. The location of this proposed park and the fact that artificial lighting and artificial turf would be used make this an infeasible project for the allocation of Bond funds.

* Discussion was had concerning the legality of the action taken by the City Commission with reference to allocating Bond funds toward acquisition of the building behind the Tower Theater without the benefit of consideration of such action by the Board.

* Assistant City Attorney Ralph Diaz opined that the fact that the issue was brought before the Board and the Board did not make a recommendation one way or the other might be the reason why the City Commission approved the issue when it came before the Commission as a consent agenda item for consideration.

* Madeline Valdes of the Economic Development Department explained that Director Laura Billberry did bring the issue to the Board for consideration.

* Ms. Valdes understood that the question posed was: "Could" the money come from something other than the Calle Ocho funds?

* At that time, the Board did not know if the money from the Calle Ocho funds could be used for such acquisition.

* Ms. Valdes stated that she believed the answer to the question posed was: Yes, the funds from the Calle Ocho Improvements "could" be used for the acquisition of the building in question.

That is the reason the issue went to the City Commission for approval. With respect to this particular issue, there was an option agreement that had to go before the Commission or the Department of Economic Development would lose the sale. The person who lives on that property uses that property as his homestead and has an option to buy another property. If the Department did not provide him with its option, signed, executed and sealed by a certain period of time, then he was going to withdraw from further negotiations with the City, because he was trying to sign an agreement with someone else to purchase another property.

* Board Member Marko explained that a second full Board meeting was had before the Commission meeting where the City Commission approved the acquisition as a consent agenda item. At that time, Board Member Marko asked whether or not the issue was coming up again, and he was told that the issue was not coming up anymore. Secondly, the Board requested of the Commission to identify by priority as to what project should be de-funded in order to allocate Bond funds towards the subject acquisition. He reminded the Board Members that the Homeland Defense/Neighborhood Improvement Bond Oversight Board should be the winnowing process by which expenditure of Bond funds should be considered.

* Chairman Flanders remarked that the gravity of Board Member Marko's concern was well taken. He suggested that the Subcommittee should bring forth evidence of what took place regarding this issue, in a specific language for this Board to consider and perhaps adopt and send to the Commission expressing disappointment in how this issue was handled. The intent of the City Commission is to have this Board working on its behalf.

* Board Member Reshefsky suggested that when an item comes before the Board and no action is taken (inaction), that may qualify as a "litmus test." So the Board needs to take action on items, and if that means turning down some requests, then that is what the Board will have to do.

* Ms. Valdes suggested that Director Billberry appear at the next regularly scheduled Board meeting and report to the Board her understanding of what happened and how it happened regarding the subject acquisition.

* Board Member Reshefsky expressed concern that if the Board does not approve a request, then that request should not appear on a consent agenda for Commission consideration.

HD/NIB MOTION 03-7

WHEREAS THE LOCATION OF A DOMINO PARK UNDERNEATH THE I-95 EXPRESSWAY BETWEEN NORTHWEST 10TH AND 11TH STREETS IN OVERTOWN, AND THE USE OF ARTIFICIAL LIGHTING AND ARTIFICIAL TURF TO DEVELOP SUCH A PARK ARE CONSIDERED INFEASIBLE BY THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND OVERSIGHT BOARD (HOMELAND BOARD); FURTHER, THE AUDIT SUBCOMMITTEE OF THE HOMELAND BOARD WAS NOT PROVIDED WITH ENOUGH INFORMATION REGARDING THE PROPOSED PROJECT. THE BOARD THEREFORE RECOMMENDS DISAPPROVAL OF THE ATHALIE RANGE MINI PARK #1 (DOMINO PARK) PROJECT WITHOUT PREJUDICE, PENDING FURTHER INFORMATION AND FURTHER DISCUSSION REGARDING THE PROJECT.

MOVED: D. MARKO
SECONDED: M. REYES
NAYS: M. CRUZ
ABSENT: M. DUNN; J. GRIMES; M. LOYAL; J. REYES

Note for the Record: Motion passed by unanimous vote of all Members present, excepting Board Member M. Cruz.

SCHEDULE FUTURE BOARD MEETINGS. (Dates and locations)

HD/NIB MOTION 03-09

A MOTION SETTING THE REGULAR MEETING DATE OF THE HOMELAND DEFENSE/NEIGHBORHOOD IMPROVEMENT BOND OVERSIGHT BOARD FOR THE THIRD TUESDAY OF EACH MONTH.

MOVED: D. MARKO
SECONDED: M. REYES
ABSENT: M. DUNN; J. GRIMES; M. LOYAL; J. REYES

Note for the Record: Motion passed by unanimous vote of all Members present.

III. CHAIRPERSON'S OPEN AGENDA.

A. BOARD ANNUAL REPORT.

Chairman Flanders notified the Board that the Annual Report has been generated and invited all Board Members to be in attendance at the February City Commission meeting, as he will be presenting the report to the Commission at that time.

V. ADDITIONAL ITEMS.

Board Member Marko reminded the Board that the City Commission is holding a workshop on January 30, 2003, at which time consideration will be given to allocation of the remaining approximately \$26,000,000 of unallocated Bond funds. He suggested that the Board should pass a resolution requesting that the City Commission cautiously consider expending those unallocated funds and there should be a reluctance to identify any future expenditures without a master plan.

HD/NIB MOTION 03-10

A MOTION REQUESTING THE CITY COMMISSION TO CAUTIOUSLY CONSIDER IDENTIFICATION OF ANY FUTURE PROJECTS TO WHICH THE REMAINING \$26,000,000 IN HOMELESS DEFENSE/ NEIGHBORHOOD IMPROVEMENT BOND PROCEEDS ARE TO BE ALLOCATED, AND THAT ANY FUTURE BOND ALLOCATIONS SHOULD BE CONDITIONED UPON THE INCLUSION OF A MASTER PLAN.

MOVED: D. MARKO
SECONDED: R. CAYARD
ABSENT: L. de ROSA; M. DUNN; J. GRIMES; M. LOYAL;
J. REYES

Note for the Record: Motion passed by unanimous vote of all Members present.

HD/NIB MOTION 03-11

A MOTION TO ADJOURN TODAY'S MEETING.

MOVED: M. REYES
SECONDED: R. AEDO
ABSENT: L. de ROSA; M. DUNN; J. GRIMES; M. LOYAL;
J. REYES

Note for the Record: Motion passed by unanimous vote of all Members present.