

HOMELAND DEFENSE/
NEIGHBORHOOD IMPROVEMENT
BOND OVERSIGHT BOARD
MINUTES

1-23-07 – 6:00 P.M.
CITY OF MIAMI
CITY HALL CHAMBERS
3500 Pan American Drive
MIAMI, FLORIDA 33133

The meeting was called to order at 6:09 p.m., with the following members found to be

Present:

Rolando Aedo
Kay Hancock Apfel
Eileen Broton
Luis Cabrera (entered at 6:35 p.m.)
Mariano Cruz
Ramon De La Cabada (entered at 6:30 p.m.)
Luis De Rosa
David Kubiliun (left at 7:06 p.m.)
Laurinus Pierre
Gary Reshefsky
Manolo Reyes (Vice Chairman)
Hattie Willis

Absent:

Robert A. Flanders (Chairman)
Walter Harvey
Jami Reyes

ALSO PRESENT:

Commissioner Angel González, District 1
Rafael O. Diaz, Deputy City Attorney
Gary Fabrikant, CIP Department
Danette Perez, CIP Department
Zimri Prendes, CIP Department
Lionel Zapata, CIP Department
Marcel Douge, CIP Department
Ed Herald, CIP Department
Ed Blanco, Parks Department
Teri E. Thomas, City Clerk's Office

January 23, 2007

I. **APPROVAL OF THE MINUTES OF THE MEETING OF DECEMBER 15, 2006.**

HD/NIB MOTION 06-33

A MOTION TO APPROVE THE MINUTES OF THE MEETING OF DECEMBER 15, 2006.

MOVED: M. Cruz
SECONDED: L. De Rosa
ABSENT: L. Cabrera, R. Flanders, W. Harvey, J. Reyes

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

II. **UPDATES:**

1. Juan Pablo Duarte Park Water Playground

Ed Blanco, Parks Department, reported that the project was previously before the Board on December 26, 2005, one day prior to the Department's pre-bid conference with the contractors for the park, which Mariano Cruz was invited to. The pre-bid conference was held on December 27, 2005. There was only one bid for the project on October 26, at \$599,000. There is only \$260,000 available for the project, so that bid had to be thrown out. The project scope is currently being scaled down in hopes of going out for bid one more time. There were some shortfalls in the building renovation project so it is on hold. The Department is considering using the funds from the splash park for the building renovations if a successful bid is not received for the splash park.

Gary Reshefsky requested an accounting at the next meeting of the Juan Pablo Duarte Park Water Playground.

2. West End Park Water Playground

Ed Blanco, Parks Department, reported that the renovations of the pool building and pool are currently underway and will probably be open before the summer. The funding of the splash park had to be reallocated to complete that particular project, so the splash project cannot be done.

Gary Reshefsky requested information regarding what other municipalities in Miami-Dade County are doing regarding splash parks; further, he requested an accounting of the funds for the splash parks in the City of Miami. Vice Chairman Reyes requested that the Department add any other projects with funding shortfalls to that list.

Vice Chairman Reyes stated that if the Department wants to scale down the project, then they should come back before the full Board and the Commissioner of the district where the park is located.

3. Glen Royal Parkway Project

Lionel Zapata, CIP Department, reported that the project has not started construction. A full blown set of plans will have to be developed to take care of drainage that is required as part of the scope of the project. Everything else is already taken care of. Once the project gets started, it should go very quickly, about 30-45 days from beginning to end; about 45-55 days until closeout. The project is well within its budget. The proposal already came in. A PO should be issued within two weeks.

4. Fairlawn Storm Water Pump Station Project - Phase IIA

Ed Herald, CIP Department, reported that construction began in January 2006. Ninety percent of the storm drain pipe is already laid in through the neighborhood streets. Currently, the last of the pipe is being wrapped up along 7th Street that's going to tie into the pump station on the south end of Antonio Maceo Park. The structure for the pump station itself is complete, and the remaining work effort consists of completing the storm drain pump and all the mechanical and electrical work. Construction completion is anticipated by April 2007. The project should be finished within budget.

5. Armbrister Park Recreation Building Improvements

Marcel Douge, CIP Department, reported that the project is currently under construction and is approximately 45 percent complete. The construction completion date is estimated for April 2007. The project is within budget.

6. Dorsey Park Building Renovation

Marcel Douge, CIP Department, reported that the building has completed design, fully permitted. The Department is currently in the process of selecting a JOC contractor for the construction. The project is within budget. The project estimated completion date will be established once the contractor is on board.

7. Morningside Park Recreation Building Improvements

Marcel Douge, CIP Department, reported that the building design is 95 percent complete, but there is an issue with the Class II Permit. The project is on hold because there have been some objections from the neighbors to the addition of the building.

Gary Fabrikant, CIP Department, stated that a public meeting will have to be held at the site to determine all of the neighbors' concerns and reservations about the project and then work out the issues.

8. Lummus Park Recreation Addition & Renovation

Marcel Douge, CIP Department, reported that the building is fully dry run permitted and a contractor has been selected for the construction portion. The project scope has to be reduced to meet the budget. The project estimated completion date will be established once the contractor is selected, which should take place within the next month. The project will take about nine to ten months to complete.

9. Williams Park Improvements

Vice Chairman Reyes: Now Williams Park Improvements. That's yours too, Marcel?

Marcel Douge: Yes, still mine. Williams Park is also fully dry run permitted; design is completed, but also on this project, we have a serious short fund for construction, so it's on hold and shelved.

Vice Chairman Reyes: This is another project that we're short on funds?

Mr. Douge: Yes. We're short on funds to build the scope.

Vice Chairman Reyes: Is this a project that it was budgeted a long time ago, two years ago?

Mr. Douge: Yes.

Vice Chairman Reyes: Then we have the same problem again.

Gary Fabrikant: This is one of the projects we did not -- you know, as I said, we've met with the Parks Department and we continue to meet with them to identify what projects go forward. This, I believe, is -- will be -- may be one of those ones that actually does get built and then we go from there to see what other ones we can do, but there is a shortfall.

Vice Chairman Reyes: Shortfall of how much?

Mr. Douge: On five projects that we have identified.

Gary Reshefsky: What's the shortfall on this one?

Mr. Douge: I don't have the exact number, but I know the project's approximately \$500,000 shortfall. The design scope came out to 1.2, 1.3 million.

Vice Chairman Reyes: And this is one of the original projects that were funded about two or three years ago, right?

Mr. Reshefsky: It says 2005.

Vice Chairman Reyes: It's not that long ago.

Eileen Broton: I just want to make sure -- did the Commissioner know which ones were going to be left behind and which ones were going to move forward? Was it determined -- was she involved in the decision about --?

Mr. Fabrikant: No. At this point in time, the decision is made by the Parks Department, and then it will be up to the Parks Department to notify the Commissioners of which projects they selected, and that -- those decisions are just being finalized now, so at this point, nobody has been notified yet until we finalize which projects they'll be.

Vice Chairman Reyes: Yes, ma'am.

Hattie Willis: My question is I want to know is it possible for us to find out the actual procedure of how you determine which projects are going to be moved forward, how you're going to find the money, and which ones are going to be cut back and changed because,

right now, I'm feeling the insecurity of the unfairness that I know happened with my community park, whereas they were shrinking the project because of the dollar size, and I'm thinking that all of the communities are important and all of the children are important to me, so my thing is, who do we talk to talk or how do we find out, as the committee, what is the process for this because what I'm hearing is it may and it may not, and we don't know how it's going to be done, and our Commissioner won't know, and the Parks director is going to take the lead on who is going to be shortchanged and who is going to be increased upon, and I don't think that's fair to the community, so how do we keep abreast of that?

Mr. Fabrikant: The policy is relatively simple. CIT manages the end result. The choice is made by the department. What happens in these cases is we go -- in this case, with the Parks Department, where they have a shortfall on five projects. We go back to them and say you have a shortfall on five projects. You can't build all of them. Which ones do you want to build? The decision is left to the department to make. This is at -- it's occurring with the Fire Department, the Parks Department. The ultimate decision on which parks or buildings are chosen is up to the individual department. We will then, based on those decisions, CIT then proceeds, you know, with implementing the construction. The decision is --

Ms. Willis: So the question --

Mr. Fabrikant: -- made by the --

Ms. Willis: -- is how do we, as the community leaders and the people have to respond back to our communities, find out which parks are going to be funded, which are not, and what are the changes going to be made? What should we do? Because we're concerned constituent citizens and people that go back to our community and say this is what's going on. How do we find out --?

Luis De Rosa: Let me ask a question to the attorney. Can I ask the attorney a question?

Vice Chairman Reyes: Please.

Mr. De Rosa: Is there a legal situation involved? I mean, people sign contracts and I'm assuming -- is that the case? I mean, is there a legal ramification that we can --?

Rafael O. Diaz: It's a matter of budgeting. There's not enough funds, and there's no contract involved.

Mr. De Rosa: But when the contract is signed, the funds are in place, aren't they?

Mr. Fabrikant: There are no signed contracts --

Mr. Diaz: There are none.

Mr. Fabrikant: -- for construction. There're no signed contracts for construction.

Mr. De Rosa: Really?

Mr. Fabrikant: Before construction is started, we get -- under the JOC program, we've gotten prices. Based on those prices, we have determined there's insufficient funds for the

project. There are no con -- no legally binding contracts in place where they've given award to proceed on a project, so --

Mr. De Rosa: That might be the problem.

Mr. Fabrikant: -- it's strictly a budget issue.

Kay Apfel: I'm listening to all of this with a lot of interest because it sounds like to me there's a serious problem when these projects are designed in the budgetary process, and you're getting estimates from contractors or you're getting firm prices from contractors, but no contract is being signed. Is that what I understand?

Mr. Fabrikant: That is correct, but you have to remember, these budgets were developed years ago and were insufficient when they were developed to begin with.

Vice Chairman Reyes: But they were updated.

Mr. Fabrikant: Pardon me?

Vice Chairman Reyes: They were not updated, right?

Mr. Fabrikant: They were what? No, they were not updated before we went out on a project. Those were the budgets for the project. We then went out and get pricing, and the pricing is firm, fixed price for the project. Based on that, we then make a decision of whether or not to award that contract for that work to a contractor. Because they submitted a price does not guarantee them the work, and what's happening is we are then making a decision not to award that work, so there's no issue of a legally binding contract or award.

Vice Chairman Reyes: OK. Yes, sir.

Mr. Cabrera: Maybe Ed can help answer this question. What other -- I understood it was five, so maybe I was mistaken -- what other project, if it's not five, which specific -- by name, which of the five, six, ten, projects that have not been allocated for funding yet -- and to answer my constituent's question -- what is the selection process that you're deciding on what projects are going to get chosen?

Mr. Blanco: I'm just getting back to Ms. Willis's question about the procedure of choosing which parks we go forward with and which not, and we understand your concern and the community's concern. What the director was trying to say -- the way the director was trying to make the decision is we looked at the parks projects that we have now and which parks we have made some improvements in. For example, let's take a look at Williams Park. Williams, we have a brand-new shelter there that we built. It cost us a great deal of money. We have walkways. We did field improvements. We did a vast other improvements at that park in the last couple of years, so the decision not to move forward on that one because we were shortfall was based on the fact that we have done major improvements to that park before, and as opposed to Henderson, which we have done absolutely nothing, so the director decided to go ahead and move forward with that particular park as opposed to the Williams, and the other parks are the same way. We took a look at -- try and look at the ones that have had some improvements done to it so it's not to ignore the parks and say we're ignoring the community. No. If we've done improvements to certain parks here but

we don't have the money to do this one, let's move on to the next one, and that's the way the parks are being done.

Ms. Willis: Let me -- I need to finish my question to you because now you're there. You know I worked closely with you guys, and I want everybody up here to understand that because I think that no one up here understands exactly what's going on but me because I've had a situation with this. The Little Haiti Park project, as an example. We're going to discuss that. The Little Haiti Park project was allocated \$25,000 by the bond --

Mr. Blanco: \$25 million.

Ms. Willis: -- I'm sorry, \$25 million, and \$4 million to build the building, OK. As time went on, it's just what they're saying, costs went up. As the project went forward, what the Parks decided to do, which was totally inappropriate, without any knowledge to the people or the community was to shrink the building and shrink the project, which would not have even sufficiently took care of the children and the community. The building was going to go from -- I think it was 4,800 square feet to 1,100 square feet. By me being so involved in my community, I found out aware about the project, and what I'm saying to you guys is, if you're not on top of this and you're going back to your community, your projects is not only going to not get funded, but they're not going to be pushed forward, so what we're saying to you, Ed, is how do we find out the process and keep on top of it so that we can go home and tell the people in our community, like he's saying, what is going on. That's all we want to know is the process and how do we get involved, you understand? Because this is smoke and guns and mirrors. Most of these things don't even have the pretty pictures yet, Ed, and I know this. They haven't even had design -- you understand, guys, there's been no design.

Mr. Cabrera: Ed, which of the projects have not been so far that you're aware of?

Ms. Willis: On here, on this list.

Mr. Blanco: I don't have it -- all them with me, and I can tell you right now that they're underfunded -- some that are underfunded, from what I understand, of course, Williams, Duarte, Morningside, are three of the parks right now that have shortfalls.

Vice Chairman Reyes: OK, yes.

Mr. De Rosa: Ed, let me just ask -- maybe just take it --

Mr. Blanco: And, of course, Roberto Clemente's the other one.

Mr. De Rosa: You know I was going to --

Mr. Blanco: And that's a big shortfall.

Mr. De Rosa: Let me ask you a question. That building --

Mr. Blanco: Yes.

Mr. De Rosa: -- I know we allocated, I think it was \$800,000, right? Is that true, Gary? About \$800,000, Ed? What's the status now with that \$800,000 in that building.

Mr. Blanco: We need to identify more funds for that because what has to be done is build a brand-new building basically, as you know.

Mr. De Rosa: So that's going to be a white elephant for a year --

Mr. Fabrikant: Well, what it comes down to is the discussion with the Parks Department has been you have "X" number of dollars available to you. The cost for the five parks far exceed the available budget. Which parks do you want to move forward with?

Mr. De Rosa: But let me ask you. The money that was set aside for Roberto Clemente, is it still in place or has it been shift over somewhere else?

Mr. Fabrikant: No. As I explained earlier in a number of previous meetings, the only money that has not -- all the money for Roberto Clemente has been shifted, except the money necessary for a redesign of that project. All the other money has previously been reallocated, as has been stated in previous meetings.

Mr. De Rosa: That's probably the real reason why that building hasn't been renovated.

Vice Chairman Reyes: OK. Mariano.

Mariano Cruz: Yeah. I have a question for CIP. Of all these names that I see here, how many people remain with the City? How many of these people are gone already? Because one I thing I see is whenever there is no continuity in a project you have a lot of problems. You know, paper will get displayed, and I see -- I know Blanco is here, but of all these other names you got here, any of those still with the City?

Vice Chairman Reyes: We have had a lot of -- a great turnover of people here, Mariano.

Ramon De La Cabada: I just want to understand -- you know, I'm still -- like, this is like my third meeting, so are we basically paying for design for something only to find out that we can't afford to build it? Shouldn't we figure out whether we can afford to build it, then design it? You know, I'm not a politician, so I'm a little off.

Vice Chairman Reyes: Yeah. It seems that was the policy.

Mr. De La Cabada: That makes absolutely no sense to me.

Vice Chairman Reyes: That's very good.

[Later...]

Gary Reshefsky: Gary, I'll try to be brief, but Gary, you said that some of this stuff was costed out years ago. That was the term you used, "years ago." This one -- if I'm reading this, this is July 2005, which is about a year and a half ago, somebody estimated costs. Is that correct?

Mr. Fabrikant: On which park?

Mr. Reshefsky: This is Williams Park. The one that we're on.

Vice Chairman Reyes: Williams Park.

Mr. Fabrikant: On Little Haiti Park?

Mr. Reshefsky: No, no. I'm not talking about Little Haiti Park. Williams Park.

Mr. Fabrikant: Williams Parks, it was updated at that time. That is correct. We already knew that was the available dollars we had, you know, when we did the budget. That's what was estimated. By the time the design was finished, we go out to get the pricing, a year goes by --

Mr. Reshefsky: But I want to understand that timeline because we are owed an explanation here and so is the community when we go out and spend this much money. What is the timeline? When did we find out it was \$500,000? In a year and a half? That's ridiculous. We're renovating a parks building. I mean, we're not building concrete skyscrapers here. I don't understand, so I'd like to have a timeline of that, of what -- when we found out the prices on this project went through the roof. I'd like to know that, and the second thing -- question is, number one, who did the estimation of this? A firm did this or a City employee did this?

Mr. Fabrikant: The total dollar amount is either updated by the project manager or it was from the original budget, and I'd have to go back and --

Mr. Reshefsky: It says production phase here. Somebody was paid \$78,000. I assume we spent that money already; is that correct? The City spent that money.

Mr. Fabrikant: What page are you on?

Mr. Reshefsky: Page 2, Williams Park project analysis form, presented to -- prepared April, revised July 20, 2005. It says \$73,000 was paid to somebody. Were they the ones that did the cost estimation?

Mr. Douge: That was for the design fees for the consultant.

Mr. Reshefsky: Design fees.

Mr. Fabrikant: The design fees have been paid, yes.

Mr. Reshefsky: OK, so who estimated the cost of the project?

Mr. Fabrikant: Well, the consultant has to give us an estimated cost during design.

Mr. Reshefsky: Who's the consultant on this project? Who did this? Was it a City employee that did this or was someone paid as part of this to estimate a cost?

Mr. Fabrikant: This pro -- OK, I can tell you right now who did the analysis to come up with the pricing. It was a gentleman by the name of Jorge Saenz, who hasn't worked for the Department for about a year and a half, almost -- maybe about a year and a half.

Mr. Reshefsky: OK, so a City employee did the cost estimation.

Mr. Fabrikant: They do a cost estimate based on the pricing they get, typically, from a consultant. They'll get a pre-proposal during --

Mr. Reshefsky: Who's the consultant?

Mr. Fabrikant: Pardon me?

Mr. Reshefsky: Who did he get -- who was the consultant? Is that the guy who makes the JOC book?

Mr. Douge: No, no, the architect.

Mr. Reshefsky: The architect, OK.

Mr. Douge: The firm is called Architechnics.

Mr. Reshefsky: OK, so Architechnics designed the project and gave Jorge a cost estimate. That's who gave the --

Vice Chairman Reyes: Can I interject a question there? Are we paying those consultants too?

Mr. Douge: Yes. We have to pay those consultants.

Mr. Reshefsky: OK, so Architechnics, who gave us the price, was paid \$78,000 for this project already. Is that correct?

Mr. Douge: Yes.

Mr. Reshefsky: We've already given them that money.

Mr. Douge: Yes --

Mr. Reshefsky: OK.

Mr. Douge: -- progressively, as they --

Mr. Reshefsky: OK, so is that the only money that has been spent on this project, Williams Park, is the money we gave to --

Mr. Fabrikant: For design.

Mr. Douge: For design.

Mr. Reshefsky: For design. What other money has been spent on this project that's coming out of bond dollars?

Mr. Fabrikant: Just the -- right now, the design money. That's all.

Mr. Douge: The design money. There's nothing on construction.

Mr. Reshefsky: That's it, so \$78,000, we're out. If we stop right now, we're out \$78,000?

Mr. Douge: Yes.

Mr. Reshefsky: And that's -- that goes for the same for any of these five projects that you're talking about of getting -- of not doing them, right?

Mr. Fabrikant: Let me clarify. We're not necessarily out the \$78,000 either. We may be able to come up with funding eventually from other sources; could be from impact fees; it could be from a future bond --

Mr. Reshefsky: Well, that's the solution that we really need to be hearing because we're -- I mean, this is -- I mean, I just think it's unacceptable -- and the City Commission needs to really have this conversation if they're going to waste bond money on design fees and not build the projects. I mean, there's other things you can do. You can scale down a project and phase it, and at least use some of this design money, but to just put all these projects on the shelf, which is what everybody was racing to do to spend that phase I money, when this whole Board was saying that's not a good idea. Don't do it until you know you have the money to build the stuff, but everybody was saying no, no, no. We're going to get the money. It's going to be fine, and now you're coming back --

Vice Chairman Reyes: There was a question always that was asked by this Board is every time that a project came before us, are you sure that this is within budget and if you have enough resources to finish this project? Yes. Every time we have a yes answer.

Mr. Reshefsky: When did you learn that you were \$500,000 over budget on this project?

Mr. Fabrikant: The issue you have here -- when CIP was established about three and a half years ago, the City was already well behind in its spending of bond dollars and had to, as quickly as possible, get projects out there to design, and that's what happened, and at that time, we went with the budgeted dollars available, and as these projects were designed and came to fruition, we found they far exceeded the bond -- the available budget. Now for the second bond issuance, will that happen? My answer is it should not happen because we've been very careful. We've had the time that we didn't have under the first bond issue to make sure the budgets were correct, so we didn't have a shortfall. We are covering a lot of shortfalls in the second bond issue dollars where we didn't have monies available due to poor budgeting of the previous -- of the first phase.

Ms. Apfel: Well, I'm going to just jump in here, OK? You know, we are always looking at that sheet that tells us how much money is in the first issue, how much has been spent, how much has been left, so either we haven't been given good numbers or something. Then the last thing I'm going to say, when I look at something -- this Williams Park. This is not complex, complicated building here. I mean, it's just really renovating is what it is, and you know, we had certain things like the police, you know, bathrooms, which were chemicals and, you know, had to be chemical approve -- you know, approved for chemical warfare, whatever, and this is -- and then when this comes in \$500,000 over what the original budget, -- \$1.2 million is what you're basically saying it is, just to renovate some kitchens, to add some rooms for maintenance equipment, I mean, I really get very, very concerned.

Mr. Douge: There is a major expansion -- there is an addition to the building. It's just not renovation. There is a major wing, an addition to the building incorporated.

Ms. Apfel: Well, you adapt to bring it into budget.

Mr. Cabrera: I want a motion to the Board that we prepare a report to the Commission because I can sense the frustration. I mean, it -- and that we clearly state in that report to the Commission what our concerns are, what our goals and expectations were, and what changes we would like to see in order for us to be able to move successfully as a board. I am tired, and I will not continue to entertain this type of foolishness, basically.

Vice Chairman Reyes: OK. There is a motion on the floor. Is there a second?

Ms. Willis: And I second.

Vice Chairman Reyes: Second. It's open for discussion. Restate the motion.

Rolando Aedo: I mean, simplify the process. We can have a resolution tonight, and it doesn't have to --

Mr. Cabrera: Well, I think that we should meet and put together a, you know, detailed report because we got to go back, and it's not just this part. Whatever the Board feels that we're not getting results on and we're not moving forward -- for example, the Clemente issue with the park that they spent over \$300,000 to determine it was infested with bugs, and then they got to tear the thing down and there's no money now. I mean, everything that this Board, you know, is not content with that we want to set goals, objectives, make recommendations, and so on, to prepare a report to this Commission on behalf of the Board and for us to be able to present that. I think we need that in order to be able to continue moving forward as a Board because, right now, we're just doing the song and dance back and forth and we're frustrated because we're getting numbers and figures that are not --

Vice Chairman Reyes: OK. I do understand our frustration and what everybody wants to do and we want to send a message to the City Commission that we're frustrated and that the -- we want some answers on why some projects were underfunded and all that. I don't think we need a motion for that. What we -- I think what we -- I mean, a resolution or anything for that. What we need to do, I think, is to just meet -- certain members should meet and, point by point, draft some sort of a letter or resolution, or whatever, and --

Mr. Aedo: And present it at the next City Commission.

Vice Chairman Reyes: -- present it to the Board or at the next City Commission.

Mr. Cabrera: I think if we pass it as a motion, although it may not be necessary --

Vice Chairman Reyes: OK, fantastic. There's a motion and we have to vote on it.

Mr. De La Cabada: We're still having discussion on the motion. Let's get to the point of what are we trying to do here. I think -- I haven't heard a response, and I'm still ignorant to the question that Gary asked, which I think is valid. How do we get to the point that you're so off on your numbers? And I think that's what we're frustrated about because the fact that we're off on the numbers is the fact that we're under budget, and so what is the process that requires the City to spend \$78,000 to determine they're not going to be able to build the project. I can do that over lunch, you know, and these aren't complicated things that are 50

floors. This is -- you know, and I understand your point, sir, that you're saying, well, there was an -- yeah, but you weren't ambushed with that information. That information was provided to you as part of the overall bid, and I just -- we need to figure out why this is happening and then tell the Commission.

Vice Chairman Reyes: I think that I have a suspicion of what happened and Gary said part of it. I remember that we were short on the amount of dollars that were assigned to projects, and we were going to be penalized because we had to meet certain amount by the bond issuers, and since we were going to be penalized, what happened was that CIP, or whoever it is, the Administration, they started -- the panicked, and they started bringing projects and projects without properly analyzing, which is wrong. I'm not excusing them. They shouldn't have done, but I think they bit more than what they could chew, and as a result of that panic is that some of these projects that we have now were never -- the costs were never recalculated. They were never updated, and they were presented to us, and we accepted them in good faith, but we find now -- now we're finding out that they were not properly calculated.

Mr. De La Cabada: With all due -- it goes beyond that. It goes back to his point. I mean, in a year and half worth of time --

Vice Chairman Reyes: No, no. That was -- I know it goes beyond that.

Mr. De La Cabada: You're off by \$500,000 and we paid somebody -- so -- did we pay five projects at 78 a clip? So we paid over three -- this is \$400,000 --

Vice Chairman Reyes: Ramon, what I'm saying is the following. I know that is totally wrong. I'm not excusing anybody.

Mr. De La Cabada: Oh, I know you're not.

Vice Chairman Reyes: I'm totally -- I mean, I'm more upset probably than what you are because we were -- I was here and I was voting all along in favor of that, but the problem is that that is why they -- we are in this predicament now because the Administration started bringing projects back and forth, I mean, by the dozens, in order for us to meet the required assignment of funds, and that was totally -- probably is the most, I would say, unprofessional thing to do.

Mr. Reshefsky: Manolo, I think that we should vote on the motion --

Vice Chairman Reyes: Sure.

Mr. Reshefsky: -- and I'm just discussing -- bringing something up for discussion. I think that there are some remedies that we need to come up with. I think this Board needs to be proactive and be a tool for the Administration to us and not someone who's just going to fire questions at them because there are some very serious systematic problems that are going on here, including the fact that some consultant got paid money to estimate a cost here less than a year ago, and there's -- so I'm going to support the motion when the vote's called.

Vice Chairman Reyes: And I think that presenting our grievances to the City Commission, it's a good start, and I agree with Gary and Ramon saying this goes way beyond what's happening here today. It's a precedent that was placed by having all of these projects that

are -- they are not properly funded, and we got to stop that. That precedent have to be stopped. OK. We have a motion on the floor, and I think we're ready to vote. All those in favor, say "aye."

The Board Members (Collectively): Aye.

Vice Chairman Reyes: Opposed?

HD/NIB MOTION 06-34

A MOTION TO PREPARE A DETAILED REPORT OUTLINING GRIEVANCES THE BOARD HAS WITH BOND-SPONSORED PROJECTS, TO BE PRESENTED TO THE CITY MANAGER AND THE CITY COMMISSION..

MOVED: L. Cabrera

SECONDED: H. Willis

ABSENT: R. Flanders, W. Harvey, D. Kubiun, J. Reyes

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

Vice Chairman Reyes: OK. Now I want -- we have a motion that we're going to prepare a document, right? That document's going to be prepared and it's going to -- what we're going to present to the City Commission is all our grievances and it's going to go point by point by point, every single grievance that we have, OK, and why we are so frustrated. Now who is -- or who volunteers to be --?

Mr. Reshefsky: The Audit Committee.

Vice Chairman Reyes: Oh, the Audit Committee. OK. We should -- then we should turn this into the Audit Committee to prepare this document that is going to be presented to the City Commission.

Mr. Aedo: Again, but with the Audit -- and I agree, and the Audit Committee has been and always will be open to all board members. It's just -- it's a second opportunity for us to meet individually, but it really is going to require some well thought-out words and phrases in a very formal fashion and put together and presented. In fact, I don't think this Board has been addressed by the still-relatively-new City Manager, but I do think that -- at least -- and if he has, I wasn't a part of that discussion, so I do apologize, but we, at a minimum -- and I think it should be presented to the Commission, but we should also use it as an opportunity to meet personally with the City Manager because we haven't had the pleasure, and ultimately, the buck stops with him, as well as with the Commission, so -- and I think he would want that. He would -- I think we owe it to him to meet with him before we go in front of the Commission, so Gary, what would be -- what would you suggest would be the most appropriate way to meet with the City Manager on this issue?

Mr. Fabrikant: Either the Chair could contact and notify the -- or I could notify the City Manager that the members of the Bond Oversight Board --

Mr. Aedo: And perhaps the Audit Subcommittee, if he wants to join us for that. Maybe he can join us for the Audit Subcommittee meeting. I mean, I suspect the majority of the Board will be there.

Ms. Apfel: Well, I think that, as being cochair of the Audit Committee, I think we need to get our ducks in a row. We need to know exactly what we -- and then we meet with him, and I think that --

Vice Chairman Reyes: That is something that you all on the Audit Committee should work out amongst yourselves.

Ms. Apfel: So why don't we just call an Audit Committee meeting, and then it's open to anyone who wants to be there, and we will start the process.

Vice Chairman Reyes: OK. Now we have to move forward.

Ms. Willis: I just want to say when this meeting -- to make it productive, I think it should be the Parks director and the people from CIP, whoever he's saying that's a part of this, so that we can ask the questions.

Vice Chairman Reyes: Yes. This meeting -- before this meeting takes place, Danette will -- I mean, he will let Danette know who do you want there and she will --

Ms. Willis: OK, great.

Vice Chairman Reyes: -- summon them.

Mr. Aedo: But just for clarification's sake, because this meeting is literally to compile our grievances and -- so I don't necess -- I think we know what our grievances are at this point, and for the staff to present what we're asking them to present is almost what the response to the grievances would be because I -- I mean, I've got enough to craft a three-page letter as it is. I do suspect that the meeting that you're envisioning, which is, in my mind, a response to our grievances, where they -- the staff would need to present detailed answered to the questions being raised and responses, so I don't think we're going to accomplish it all in one meeting because I think a large portion of that is going to be OK, you know, what are the grievances.

Ms. Apfel: Exactly. We need to know exactly what we're presenting.

Vice Chairman Reyes: Listen, I think the Audit Committee is the one that should -- that you organize this and you decide what they're going to do and when they're going to do it, OK, and invite whoever they want to invite.

[Later...]

Mr. Aedo: Just as a last procedural issue, regarding this Audit Subcommittee, again, I would ask that everyone, and on behalf of my cochair -- I'm sure we want as much involvement as possible, and I don't know how procedurally -- and counsel may have some suggestions. For those that can't attend the Audit Subcommittee, which I would like to schedule within the next two weeks, at the most -- for those that can't attend, are they able to forward, if they wanted information included to consider for this document that we're

preparing but can't attend the Audit Subcommittee, is that something that they would e-mail to Danette and Zimri to then forward to us? Is that the appropriate way to do that?

Mr. Fabrikant: Correct. You -- the Audit Committee or whoever wants the information would have to give in detail what specific information you're requesting through Danette, and we will provide that information.

Mr. Aedo: Again, and I would counsel my colleagues, in terms of detail, there's going to be plenty of opportunity for requesting detail, and I think it's inevitable, but what I'm envisioning -- and again, I want the Board to buy into this -- is almost in a resolution format where we're actually hitting some major grievances that we have, and we've actually identified several of them today.

10. Gibson Park Improvements – Phase II

Marcel Douge, CIP Department, reported that the project is currently under construction, about 25 percent complete. The construction is estimated to be completed by October 2007.

11. Shenandoah Park Improvements – Phase II

Marcel Douge, CIP Department, reported that the project is currently in design. He reported that there are no funding issues with this project.

III. CHAIRPERSON'S OPEN AGENDA:

IV. ADDITIONAL ITEMS:

➤ Request for Little Haiti Park Update

Laurinus Pierre requested information regarding the Little Haiti Park Project.

Gary Fabrikant, CIP Department, stated that an update on Little Haiti Park will be provided at the next meeting.

➤ Roberto Clemente Park Update

Luis De Rosa requested information regarding improvements at Roberto Clemente Park.

Gary Fabrikant, CIP Department, stated that part of the projects that were included as part of the bond was a renovation to Roberto Clemente, which was a closed facility. An architect was hired to renovate the facility, not just to replace the roof. The architect of record does due diligence. That means they inspect the facility. They do not do destructive testing. They do not rip down walls. They do not rip down ceilings. To do that is cost prohibitive on any project. They did their due diligence, as any design firm would do and designed the project. The project was bid out through the JOC program and pricing was obtained for the project. The project was then awarded and the work proceeded. Only during demolition, extensive, destructive demolition to the facility was it determined that there was extensive termite damage that would only be seen when you tear apart a facility. That resulted in an analysis by the structural engineer that the building could not be renovated for the cost estimated. The issue was

looked at with the Parks Department. The cost difference between renovating the original building and building a new facility is minimal. The time frame for designing a new facility versus revisions to the contract drawings that would be required is minimal. This is what happened with this project. It is an unfortunate situation, and it's not the only building that this has been discovered in. This results from an extensive amount of deferred maintenance for years throughout the City. A lot of this damage cannot be found until work is actually started on the facility, and this has happened at Athalie Range and several other facilities where, during construction, hidden conditions are found which can substantially increase costs. It's unfortunate that at Roberto Clemente the amount of extensive damage found resulted in the need for a total renovation of the facility or a new facility. It's not cost effective to try to renovate the facility as it exists.

When questioned by Luis De Rosa whether a renovated building could be built for \$800,000 of that size, Mr. Fabrikant stated that the building could not be built for \$800,000. The cost would be 2 to \$2.5 million.

HD/NIB MOTION 06-35

A MOTION TO ADJOURN TODAY'S MEETING.

MOVED: R. Aedo
SECONDED: R. De La Cabada
ABSENT: R. Flanders, W. Harvey, D. Kubiliun, J. Reyes

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