

Committee members: Robin Reiter-Faragalli, Jeffrey A. Mishcon, Silvia Person, Juan T. Sanchez, Harry Hoffman, Elio Alfonso, Roger Hernstadt, Shelly Smith Fano, Richard Kuper, Michelle Mason, Alan Rubin, Barbara Bisno, Sandra Gonzalez-Levy, Wendell A. James, Jose "Pepe" Riesco

Attendees: MAM; George Burgess, Manager; Monica Rizo, CAO; Ana Finol, OCI; Ralph Cutie, OCI; John Martinez, OCI; Paula Musto, OCI; Henri Sori, CEO; Alex Munoz, CEO; Rick Glasgow, OCED; Eric Soraka, Aventura; Gerry Heffernan, CAO; Gillian Thomas, Museum of Science; Roslyn Alic-Batson, OCI; Heidi Johnson-Wright, ADA; Jose Galan, OCI; Jose Garcia, MAM; George Navarrete, OCI.

Meeting Summary

Welcome and Introductions

Discussion: The meeting was called to order at 8:30 A.M. and Chairwoman Reiter welcomed the group and introduced Johnny Martinez as the new Director of the Office of Capital Improvements.

I. Approval of Minutes

The Chairwoman called for a motion to approve the minutes of November 9, 2007. The minutes were approved.

III. Historic Preservation Appeals Process

Discussion: The Chairwoman introduced Jose Galan as the OCI staff member in charge of the Historic Preservation Fund and mentioned her observation that the Request for Proposals for the Historic Preservation Fund did not contain an appeals process as previously requested by the CAC. The Chairwoman made a motion requesting that an appeals process as had been previously requested by the CAC. The motion was seconded by Barbara Bisno. During a brief discussion, Jose Galan mentioned that the original submission deadline of January 15, 2008 had been extended to April 25, 2008 for submissions under this RFP. Mr. Galan went on to explain that the process for the Not-for-Profit Fund had proceeded smoothly without an appeals process. Mr. Galan indicated that this RFP was proceeding similarly. Jeffrey Michcon inquired as to whom the prospective proposers would appeal to and what would the appeals process entail. The Chairwoman answered that the appeals process would be developed and brought back to the CAC for review. Jose Galan commented that staff was comfortable with the process currently being utilized and that they work hand in hand with the County Attorney's Office during the entire process. George Navarrete stated that the issue was one of timing and all actions presented to the Board were considered recommendations until the Board voted. The Chairwoman mentioned that she believed that there was an existing process within the County that could be utilized that was transparent and not onerous on staff. A motion was made for staff to submit a process for CAC review at the next meeting. Motion passed. Voting in favor: Juan Sanchez, Richard Kuper, Barbara Bisno, Harry Hoffman, Robin Reiter-Faragalli and Jose "Pepe" Riesco. Motion passed

II. New OCI Director

Discussion: County Manager George Burgess joined the meeting and introduced Johnny Martinez, the new Director of the Office of Capital Improvements. Mr. Burgess mentioned that Mr. Martinez comes to the County from the Florida Department of Transportation, has many years of experience in the engineering and construction fields and understands capital projects. One of the charges Mr. Martinez has been given is to look at the County's capital processes and procedures. Mr. Burgess indicated that Mr. Martinez had been very successful at FDOT and wanted to use the Building Better Communities Program as a model for construction for the County.

IV. Significant Modifications

A. Revised list of Approved Projects

George Navarrete presented a report that detailed all the significant modifications approved to date.

IX-C Westchester Art Center (Oral)

Mr. Navarrete reported that the latest information from the Parks Department indicated that, in order to move the Westchester Arts Center from Tamiami to Tropical Park, this item would require a voter referendum in November.

IX-B MLK (Oral)

Mr. Galan gave an update on this project. Mr. Galan indicated that there are still some outstanding items that the MLK Development Group needed to provide before the County could sign a contract. The MLK Development Group is working with the Office of Community & Economic Development to restructure their existing loans. The resolution that was previously approved deleted the project from ballot question number three and added the project to ballot question number six but does not affect the actual signing of the contract.

D. Aventura PAC

This modification first came before the committee on March 21, 2007 to change the project description. The original description was "to acquire land for park or public facility" and was modified to allow for the "purchase of land and/or to provide funding for the design and construction of a performing arts center to be located at the Northeast Dade Library facility. Aventura's council decided to build this facility on city-owned property because they did not want to follow the County's procurement procedures. A motion to approve this change was made by Mr. Michcon and seconded by Ms. Gonzalez-Levy. Ms. Bisno asked what procedures the City had an issue with. Mr. Galan indicated that the City did not understand the County's procurement process and that they had their own procurement process that they would be utilizing. Motion passed.

D. Bal Harbour Village

The original description was to "construct a city hall and police building". Bal Harbour is now requesting that this description be changed to "construct city hall/police building and/or renovate the existing facility". The Village also wants to construct two new holding cells for the police building. Mr. Hernstadt had an issue with the lack of definition regarding the scope of the project. Bal Harbour only wants to add the word "renovate" to the description. Mr. James wanted to know if this was really a need at this time. Mr. Galan responded that this change represented the best use of their money at this time. Motion to accept staff's recommendation made by Mr. Kuper and seconded by Mr. Rubin. Unanimous vote. Motion passed.

Discussion:

Ms. Bisno had a question regarding the modification on the \$137.7 million affordable housing money that does not meet the capital charges because it provides for subsidized mortgages. The Chairwoman asked the Assistant County Attorney if there were any other items in the bond program that did not meet the criteria for a capital expenditure. Assistant County Attorney Heffernan answered that there were no other items that he was aware of and suggested not changing the language because the law may change. It was never specified in the Bond Program how much of the \$137.7 million could be allocated to mortgage- subsidies.

C-i Bear Cut Fishing Catwalk

Mr. Navarrete gave a brief description of the Bear Cut item. Public Works is requesting take \$400,000 to demolish and use the balance to create a new fishing pier at the William Powell Bridge about a mile away. Motion to accept staff's recommendation made by Ms. Gonzalez-Levy and seconded by Ms. Bisno. Motion passed.

C-ii Portable Emergency Bridges

Public Works has requested to delete this project and use the \$100,000 allocation and transfer it to the Sonovoid Bridge project. Motion to accept staff's recommendation made by Mr. Hernstadt and seconded by Ms. Gonzalez-Levy. Motion passed.

B. NE Library

The original project description was to renovate and the modification being requested is to build a new library. Motion to accept staff recommendation made by Ms. Gonzalez-Levy and seconded by Ms. Person. Motion passed.

V. Changes to Administrative Rules & Grant and Inter-Local Agreement Forms

Discussion: Mr. Galan stated that these were clarifications. A motion to accept the proposed changes to the Administrative Rules and the grant and inter-local agreement forms was made by Ms. Fano and seconded by Mr. Rubin. Mr. Hernstadt asked if these changes had been circulated to the stakeholders. The Chairwoman asked that the motion be modified to accept staff's recommendation based on input from the public within 30 to 45 days. If input is received, then the item will be presented again at the next meeting. Otherwise, it will not be approved. Motion passed

VI. MOU and Grants for Museums

The Chairwoman commented that 9 members of the CAC had participated in a very informative workshop on the museums yesterday and briefly explained some of the points covered during the workshop. Two key issues that were discussed were the limited waiver of site control of the land and the ownership of the building. Mr. Navarrete gave a presentation on what is covered in the MOU. These items are as follows: 1) The MOU asks the Board to approve the initial grant agreements for the Museums- Art (\$235,000) and Science Museum (\$3.3 million). 2) The MOU asks the Board to authorize the Mayor to sign, on behalf of the County, an MOU between all parties-the City, County, the Miami Sports and Exhibition authority (MSEA) and the museums. 3) The MOU asks the Board to authorize a waiver of the requirement in the administrative rules indicating that stakeholders must demonstrate site control before they can receive GOB funds for this limited funding allocation.

\$100 million in GOB funds are allocated for the Miami Art Museum. This building is estimated to cost \$131 million. The Science Museum is estimated to cost \$181 million and \$175 million in GOB funds are allocated for this project. Both museums have set aside 15% of the projects for local firms.

Michael Spring reported that the cultural plan was to have a cluster of cultural facilities in the downtown area and have neighborhood centers located across the County. Both museums have contracted with world class design professionals. The County commission and the City of Miami have recently approved the parameters of what is referred to as the "global agreement" which is designed to do a number of things, including, in the case of the museums, providing the funding to carry out the master plan presented by Cooper Robinson (the consultant hired by the City of Miami for the Master Planning of the Museum Park.) All of these actions give staff the confidence to recommend this limited waiver of the administrative rules and to proceed with the allocation of GOB funds.

Mr. Rubin recused himself on this item as his firm is involved with both museums.

Discussion: The Chairwoman called for a motion to approve staff's recommendation to move forward with both grant agreements for the museums. The motion was moved by Ms. Gonzalez-Levy and seconded by Ms. Fano. A discussion ensued regarding the museums. Mr. Sanchez reminded staff that they should perform their due diligence and "take control" of the project. The lease agreement was explained by staff to describe Miami Sports & Exhibition Authority involvement in the process. Staff explained the number of safeguards that are in place by both the City and the County regarding the operation of the facilities. The County is a major supporter of these museums and will continue to be a major supporter in the future.

Ms. Person suggested that the museums adopt the Metromover station close to the museums. Terrance Riley from the Art Museum and Gillian Thomas from the Science Museum addressed the committee. Ms. Mason stated that she was supportive of the museums and hopes they take their responsibility seriously and live up to the commitment of the community. Ms. Bisno stated that she appreciated all the information provided but did not agree with the limited waiver and didn't think the CAC should be asked to vote on it. Mrs. Bisno would like the MOU to change to include more representation from the community. The Chairwoman asked if the pending lawsuit would have an impact on these negotiations. Mr. Rubin replied that lots of things can happen and you cannot stop the process due to something pending or outside action.

The Chairwoman called for a vote regarding staff's recommendation on the MOU for the museums. 12 members voted in favor of staff's recommendation and one was opposed (Barbara Bisno). Motion passed.

X. Program Updates

A. Use of Surplus Funds

i. & ii. Commissioner Rolle's Resolution – The Chairwoman read a letter into the record from Commissioner Rolle. The Chairwoman asked staff if there was a way to expedite this request without using interest earnings. Staff explained that the Northside Police Station had a funding shortfall of approximately \$10 million. The Chairwoman stated that there were two resolutions before the Committee asking for a surplus funds process, which staff has prepared and is currently under review by new OCI Director and the County Manager. Assistant County Attorney Geri Bonzon clarified the difference between the Moss and Rolle resolutions.

Mr. Kuper left the meeting at 10:20 am

Discussion:

Mr. Hernstadt stated that there was a process that was contemplated. Mr. Michcon stated that, in his opinion, it was wrong to allocate funds until there is a plan in place to deal with interest earnings and premium funds. It was suggested that the item be tabled until a suitable plan is brought back to the Committee. Mr. Michcon indicated that the record should reflect that the CAC was not voting for or against the item but waiting for staff to return with a definite formal process no later than the March meeting. Motion made by Mr. Michcon and seconded by Ms. Bisno. Motion passed.

Mr. Hernstadt left the meeting at 10:30

The Chairwoman apologized to the representatives from ADA, Vizcaya and OCED for the lateness of the meeting and asked them to please return at the March 7th meeting and make their presentations then if possible.

There being no further business, the meeting adjourned at 10:35 A.M.

Next CAC Meeting Date March 7, 2008 – 8:30 am conference room 18-4.