MIAMIBEACH

Finance and Citywide Projects Committee Meeting City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive May 18, 2018 - 12:00 PM

Commissioner Ricky Arriola, Chair Commissioner Mark Samuelian, Vice-Chair Commissioner Micky Steinberg, Member Commissioner John Elizabeth Alemán, Alternate

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A meeting of the Finance and Citywide Projects Committee was held on Friday, May 18, 2018 at 12:00 p.m. in the Commission Chambers, 3rd floor of City Hall. Commissioners in attendance: Commissioners Ricky Arriola, Mark Samuelian, Micky Steinberg, and John Elizabeth Alemán. Members from the Administration and the public were also attendance.

Meeting began at 12:08 p.m.

OLD BUSINESS

1. DISCUSSION REGARDING G.O. BOND

January 17, 2018 – R9J Sponsored by Commissioner Arriola Finance

ACTION

Virgil Fernandez, Fire Chief, said that the he knows the Fire Department has quite a few items on the G.O. Bond and he said he is there in case there are any questions. He was present as the discussion pertains to Fire Stations.

Commissioner Arriola said they are all behind bringing all of our public safety needs up to par.

Virgil Fernandez said he thought last night's G.O. Bond community meeting went really well and it was very informative and it seemed like there was support from the residents that were there.

Commissioner Alemán requested that Chief Fernandez remind everyone on the top needs of the emergency services as you know them and why it is so important to cover them in the G.O. Bond.

Chief Fernandez said now the Public Safety Communications division is under the Fire Department, the radio system that is moving forward is important along with the CAD system and also the Fire Station 1, which is in pretty bad shape. He also believes that in the next 3-5 years Station 3 will need some replacement. In order to avoid that happening to station 2 and 4, he is suggesting we put some money there so that in the next 8-10 years we can start remodeling those Fire Stations, so they don't get to point of the Stations 1 and 3. He said those are the critical high items for the Fire Department.

John Woodruff, Chief Financial Officer, said we had the first of four G.O. Bond community meetings last night and there are two more meetings scheduled for Monday and Tuesday. One is scheduled on Monday, May 21st at UNIDAD at 6:30 p.m. and we have realized the elevator has failed and it is going to take a while to get that fixed, so for ADA purposes, the meeting will be moved to the North Shore Youth Center across the street.

Commissioner Alemán said those meetings are excellent because we have very well organized display boards that talk about all of the different projects that could be funded through the G.O. Bond. It is a big wish list and we will never be able to fund all of them and that is why we are asking the community to tell us what they think is most important. Unfortunately, the North Shore Youth Center doesn't have the greatest acoustics and it really wouldn't be bad if we could take the slides that John Woodruff put together and some introduction remarks that Commissioner Arriola and City Manager Morales and Commissioner Samuelian gave last night. To be able to have that presentation and the slides on demand on MBTV for people that cannot make it to the meetings and be pushed through social media wouldn't be a bad idea.

John Woodruff said he will pass that on.

DIRECTION: Come back to the June 8, 2018 FCWPC meeting with an update.

2. DISCUSSION REGARDING RECOMMENDATIONS OF THE BLUE RIBBON EMERGENCY RESPONSE COMMITTEE

February 14, 2018 – R9 J Sponsored by Vice-Mayor Steinberg Office of the City Manager

ACTION

Susy Torriente, Assistant City Manager/Chief Resiliency Officer, presented the item. She said she was able to staff the Committee and it met 5 times and discussed resort taxes, reserve policies, and the role of the Visitors and Convention Bureau. In addition they talked about messaging, social media, branding, and insurance. The Committee's discussions included what to do when emergencies happen and when we deal with a shock to our system, for example, how we dealt with Zika or maybe a Hurricane, or even an economic shock. They discussed how we could prepare, what we are currently doing, and how we can potentially do better. She believes at the last month's Committee meeting they talked about how we are currently evaluating how we insure our buildings and our Risk Manager is looking at new insurance tools that are about reducing risks and she is also looking into coverage over our resort taxes. She said there are some numbers being crunched and hopefully by next month we will have some numbers of how much it will cost to insure our resort taxes if something bad were to happen and what kind of trigger we would set in order to make a certain budget

number. The Committee talked about how the Commission already has a reserve policy and that is a policy of a 3 month goal. At the time when the Committee met we were short of the 3 month goal. The Committee said to do our best to always be at that goal level. The Committee also wanted to refer to the FCWPC to talk about and maybe establish triggers and parameters that when you do have to go into the reserve what that trigger is and maybe create a policy for that. She then continued to explain the Committee shifted to a communications strategy and our Communications Department is developing a citywide all hazards communications strategy handbook. She said we have a really good one for flooding messages and we do it as part of our community rating system and the Commission has approved that under Commissioner Alemán's leadership. Additionally, the Committee was interested in supporting film incentives, she said this Commission already supports film incentives, but the Committee wanted more. She said what she previously stated were essentially the findings of the Committee.

Commissioner Steinberg said just to break it down, what the Committee could be tasked with today or at a different time, since we are going into the budget cycle soon, to make sure our reserves are at the 3 month goal and bring them back to a healthy reserve. Also, to set some sort of policy with the triggers so that we know that those dollars should not be tapped into in the future unless a,b,c, or d happens, so they truly serve as a proper reserve.

Commissioner Alemán said it all looks really good to her, the one that she would wait on would be item 2, which is the reexamination of the transit reserve funds. She said we know that we probably want to use \$5 million or so for the bus rapid transit pilot calendar for the causeway and there will be some opportunities hopefully around the next few months about an intermodal hub.

Commissioner Steinberg said Jerry Libbin was the one that was focused on that, but she is fine with Commissioner Alemán's suggestion. She said we can move forward with the recommendations, with taking out item 2 for right now and have staff come back with that criteria that staff suggests for the reserve policy.

Commissioner Samuelian asked what the current policy is regarding reserves we are building on.

John Woodruff, Chief Financial Officer, said the current policy right now is that we are requiring 2 months of reserve, but shooting for 3 months. At the end of the last fiscal year we were at 2 months and 7 days, we were very close to our 2 month minimum, at this point things have gotten a little bit better thankfully, but that can change at any time. He said he thinks what we are really trying to do is get to that 3 month goal and once we achieve that try to keep it and not have someone tap into that easily for whatever reason.

Commissioner Alemán said she knows we will talk about it in the budget process, but we have done a really good job in the last few years of being much more fiscally responsible, reducing our dependency on the parking funds for other things, and so forth. She said she looks forward to the budget process to continue that, increasing the reserve is something she would definitely support. She said with Susy Torriente they talk about shocks and stressors and there was another shooting in Texas which is so sad. This is a world where we are used to seeing shocks and stressors all the time. She thinks it would be very prudent of them to want to make tough decisions in the budget process to increase these reserves and probably others.

MOTION: Commissioner Steinberg moved the recommendations as amended. Commissioner Samuelian seconded.

DIRECTION: Come back to the July 13, 2018 FCWPC meeting with a revised resort tax reserve policy.

3. UPDATE ON ENERGOV PERMITTING SYSTEM

April 26, 2017 – C7M Information Technology

ACTION

Mark Taxis, Assistant City Manager, presented the item. He said he thinks we have made a lot of great progress; we are not getting many complaints. He said we did get one complaint that came in from one resident and they met with them and they worked everything out. Henry Stolar's 212 items have all been resolved with the Customer Self Service roll out, which we have not gone live yet with. They gave it to us a few months ago and we have been testing it.

Commissioner Alemán said the Customer Self Service module is the front end for the community.

Mark Taxis said they did find a few small bugs and they have worked out every one of the bugs except for one. There is an issue when you are doing a search and then you hit the back button you lose all of your filters and it takes you all the way back. As soon as we have that resolved we are ready to roll that out. There are no more gaps and they are continuing to make other progress as well. He thinks things are going very well.

Commissioner Alemán asked what the vendor told Mark Taxis about resolving that filter. Mark Taxis said that it will probably be within the next 30 days and then they will test that. He said they have been working with Daniel Veitia and some other users that have been using it and they have found several glitches and he thinks we have now found everything and they are ready to roll.

Commissioner Alemán said when we are ready to roll to give them a presentation at the awards meeting because they have acted basically as our quality assurance team and the voice of the residents and our super users. That takes a lot of time and it could be very frustrating. They have tested fixes and worked with staff, they are saving us quite a lot of money on quality testing. She thinks they should be recognized as a subsequent awards meeting.

Mark Taxis said Henry Stolar had a lot of issues and concerns and spent a lot of time with staff and he thinks we have a better product as a result.

DIRECTION: Come back to the June 29, 2018 FCWPC meeting with an update.

DISCUSSION REGARDING A WATERLESS CAR WASH RFP AT GARAGES October 18, 2017 – C4 E Parking

ACTION

Saul Frances, Parking Director, presented the item. He said this was just to give a brief update and he explained that the proposals were received on May 16th and due to a few addendums that were issued and there were some questions, so there was an extension to that deadline. We were hoping to get an award at the June 6th Commission meeting and he said we are still working on that. An evaluation committee was recommended and they will try to have it ready by the June 6th Commission meeting if not the July 25th Commission meeting and they should be ready with that award and he said they can provide updates via LTC if that is acceptable.

Commissioner Alemán asked what a waterless car wash is. Saul Frances said an outfit actually reached out to the City and showed that they had a system which uses less than 2 liters of which is a lot less than a typical car wash. The water is based in the biodegradable chemicals that are cleansing for the car. There is no water that actually hits the ground. It is a concept that we think our customers would use.

Commissioner Alemán asked who has ascertained that the chemicals are biodegradable. Saul Frances said our Environment and Sustainability Department, they provide specifications of what to include in the RFP for the company to meet.

Commissioner Steinberg asked if we had a pilot right now. Saul Frances said this is for the pilot. He said the pilot is a 2 phase RFP, there is a pilot for 6 months and if successful he said they would come back and expand it.

Commissioner Steinberg asked where exactly the pilot is going to take place. Saul Frances said the 17th Street garage.

DIRECTION: Try the pilot and provide updates via LTC.

5. DISCUSSION REGARDING LEVYING A VACANCY TAX ON EMPTY STOREFRONTS THROUGHOUT THE CITY OF MIAMI BEACH AS A WAY TO ENCOURAGE LANDLORDS TO KEEP THEIR RETAIL OR COMMERCIAL SPACE RENTED AND ACTIVE

April 11, 2018 – C4 J Sponsored by Commissioner Arriola Tourism, Culture, and Economic Development

ACTION

Commissioner Arriola said this is his item and the title of it is a little off, as he said at the last meeting. It is not his intent to label fines or levy taxes on empty storefronts, it really had to do with an observation he had and a lot of other people have with all of our commercial districts and what we are seeing, including empty storefronts and blight. He wants to know what kind of incentives and ideas we can deploy in order to encourage landlords to fill their stores more quickly and to increase commercial activity in our commercial areas. Right now there are portions of our City where there is an excessive amount of empty storefronts.

Michelle Huttenhoff, Economic Development Manager, said the last discussion at this Committee we worked with Code Enforcement to do a vacancy count in 5 of our denser commercial corridors and in the supplemental material you will find the full list. It is only ground floors storefront vacancies. She said we looked at 41st Street, Lincoln Road,

Washington Avenue from 5-15th Streets, Ocean Drive, and 63rd – 70th Street and Collins Avenue. This is just a sample study; we understand there are other corridors that need to be analyzed for example, Alton Road and Normandy Isle. She said we just wanted to do a base count. We have significant vacancies; right now we are working on crossreferencing those addresses with the Business Tax Receipt list, which many don't have, then cross-referencing them with Sunbiz and Code Source to get ownership information. That has taken a bit of time to do the research and get the contact information. A lot of those owners do not live locally; we are reaching out to them to basically understand what their challenges are for bringing in new tenants and what they are trying to do. With that information we will be better informed to create incentives or a registry. Until we have that information it is a bit premature for us to have a recommendation. She explained that we have been hearing a few different things. For example, rent is high because of property values and it is difficult to bring tenants in, some are not here and they are waiting to see who the best is. Once we go through the list we will have a better determination of a better path forward in terms of a plan or incentive we can do. She said other cities have registries and after a certain amount of days businesses have to self-register. The City staff and chambers can help bring a business to a different location. Municipalities here in Florida do not have authority to create our own taxing systems. We cannot do a vacancy tax, but we can look at other avenues.

Commissioner Arriola asked when Michelle Huttenhoff said significant, if they actually counted.

Michelle Huttenhoff said on Washington Avenue from 5-15th Streets, there are 55 storefront vacancies.

Commissioner Alemán said on Washington Avenue we have to recognize that we did the master plan, we did a hotel incentive that worked and those hotels are under development. Those shouldn't be called vacant for this analysis.

Michelle Huttenhoff said definitely and there are different things we can take into consideration and that is what we are trying to do when we are calling the owners. We asked them questions like if they are actively recruiting and if they have a permit with the building code right now.

Commissioner Alemán said Lincoln Road drives her crazy because there is no active construction and the rents are sky high, but that is the property owner's decision. We cannot control what rental prices they charge. She understands if someone makes a property acquisition and there are financing issues about what they can and cannot take, but that is not the case she doesn't think on Lincoln Road. We are looking at spending \$40 million on the Lincoln Road Master Plan to make the whole thing more beautiful and she wants to do that, but she doesn't want to do that if all they are going to do is charge even higher rents and still have vacant storefronts.

Commissioner Arriola said he put this item on here to encourage the Commissioners to be thinking about progressive ideas to change what is going on in our City. He suggested keeping this on as a discussion item for a while until we come up with some creative ideas with looking at what other cities are doing to have lively commercial corridors. In the case of Washington Avenue, for well over a decade it is a magnet for homeless and vagrancy. We cannot sustain the City with that kind of activity. He encourages everyone to keep thinking and looking for progressive ideas.

Commissioner Samuelian asked Michelle Huttenhoff to elaborate on the registry concept.

Michelle Huttenhoff said the City of San Jose recently passed an ordinance creating a storefront vacancy registry. After certain amount of allotted days, they use 60 days, you have to self-register your address as a vacant property then put forth your plan of action to recruit a new tenant or if there is a permit going through the building for any type of construction then staff will manage that platform, for them it is about 300 days, if there hasn't been progress made they invoke an annual registration. The registration fee, they structured goes back to financing the platform and staff time and business incentive program to support local businesses. It is just another funding avenue.

Commissioner Samuelian said he thought the data was very useful, knowing that we had 21 vacancies on Lincoln Road. He thinks we should consider as part of this process if we need to periodically update that data to see what the trend is, if we haven't already on our journey to hear from the business community, he would recommend we go to the Chamber of Commerce and hear their perspective. He enjoyed some of the pictures and some he didn't enjoy as much, he asked if all of these in compliance with our existing ordinance in terms of aesthetics.

Michelle Huttenhoff said the current ordinance states that they have to have opaque window covering, but if they don't have that they are able to purchase the blue window wraps from the City, but they do have to have a covering.

Sarah Saunders, Code Compliance Assistant Director, said as part of this effort with TCED, we went around and helped them come up with this assessment with how many vacancies we have in the storefronts. Some of these locations do have open violations on them because they are not in compliance. Other we found that already have violations, we determined whether or not they have come into compliance and closed out that had. We also found additional ones that aren't in compliance that did not have open violations on, so we cited those. This is something we have been working on for quite some time. Along Washington Avenue we have done blitzes there to really focus attention. It is something we will continue to monitor. They do have time to come into compliance and get those window coverings up. Another thing we noticed is that even when they come into compliance if the building itself is vacant, sometimes there is humidity in there, in perhaps 2-3 months the wall coverings actually fall down and we will have to get in contact with the owner to have them put back up.

Commissioner Samuelian said that is a great update. He thinks this is an important priority because getting the market to find tenants is a tough one. Making the aesthetics more pleasant is something we can do. He asked as part of the update if the Committee can stay posted on the number of citations and the follow up on that. He asked if staff needs anything legislatively, he asked if staff is 100% satisfied with the rules in the books or if we need to look at that in any way.

Sarah Saunders said she can speak with her staff and see if there are any recommendations they have and come back with that.

Commissioner Samuelian said we need to nail the aesthetics quickly.

Commissioner Arriola said that Commissioner Samuelian is 100% right. As he looks along Washington Avenue and some of the other areas, it really is unsightly. He said he knows Code Compliance does a great job, but he said to be extra vigilant and let the Committee know if they need legislative tools because it matters, the City needs to always look its best.

Mickey Marrero, present on behalf of Infinity Real Estate who own several properties on Ocean Drive and Espanola Way and are very actively trying to renovate the properties and restore them. All but one property have a tenant, the only one that is not is currently under renovation and is proceeding with the Historic Preservation Board approval and will be filled next year. The Committee addressed all of the comments he had. He said most vacant properties and staff will find out when they reach out to them are actively under a building permit and waiting to be renovated. He wants to make sure as long as properties are complying to make sure no action is taken against the property. Sometimes you pick a great tenant and then the tenant fails and the business takes a hit, it takes some time even with best efforts to get a new tenant.

Commissioner Arriola said we do need to engage the Chamber of Commerce like Commissioner Samuelian said and we have a small business task force that is being assembled, but he also wants to reach out to the business community to find out what the City can do to help businesses open more quickly because sometimes we are part of the problem because of our own red tape. One of the discussion items we are going to be having soon in the near future is streamlining our own processes. He has talked to businesses of how long businesses take to open with permits and such. He said he is not looking to tax anyone; he is just trying to solve a problem. He said for Mickey Marrero to talk to his clients to give us feedback on what we can do better.

Mickey Marrero said he will reach out to Commissioner Arriola's office with suggestions.

Commissioner Samuelian said he would underline Commissioner Arriola's point about the role the City is playing and it does call for a little bit of slicing of the data. He thanked Michelle Huttenhoff for the data and the pictures, they really highlighted the aesthetics.

Michelle Huttenhoff said thank you, but it was also Code Compliance.

DIRECTION: Deal with aesthetics as soon as possible, let the Commission know if any legislative tools are need and come back with an update after further analysis to the July 27, 2018 FCWPC meeting.

6. DISCUSSION TO EXPLORE DISCOUNTS FOR SHARED WORK SPACES IN ORDER TO ATTRACT ENTREPRENEURS AND SMALL BUSINESSES

April 11, 2018 – C4 H Sponsored by Commissioner Samuelian Tourism, Culture, and Economic Development

ACTION

Commissioner Samuelian said there is tremendous growth in people working in shared work spaces. This is an area that he feels fits very well with our residents and that there is a lot of opportunity, including part time opportunities or they are starting a business. We have a couple of private providers in the City that provide the space. He explained that WeWork one of the partners in Miami struck a partnership agreement, they have an

agreement where Miami is doing a little bit of marketing and promotion of this opportunity and in return the people going to the spaces are getting a discount. People who want to be here on Miami Beach, maybe on Lincoln Road or somewhere else would have a disadvantage to be in our location because of the Miami discount. At the same time he feels there is a great opportunity. The bottom line is we want to give a little direction to staff about out interest in perhaps offering some marketing to the providers and see if there are opportunities for us to expand in the space with additional providers to generate new business and employment in Miami Beach.

Eva Silverstein, Tourism, Culture, and Economic Development Director presented the item with Michelle Huttenhoff, Economic Development Manager. She explained that WeWork actually approached the City, they asked for a meeting with the Mayor and she thinks it was right after this agenda item was heard initially. She said we had a subsequent call with them; they would like to do a tour of City and look at spaces particularly in 41st Street corridor as well as North Beach for potential new locations. They are coming back in a few weeks and we are looking to arrange that tour as well as they spoke specifically of what they did with the City of Miami and it is exactly as Commissioner Samuelian described it. The City of Miami put out a marketing plan promoting the new WeWork facility and in exchange to that marketing plan they offered a discount to everyone in the City. She said they shared with WeWork that rather than just do sort of a copycat of that plan, we thought it would be good to announce a marketing campaign in tandem with announcing new locations in Miami Beach, so there is something newsworthy about it, but that is certainly at the Committee's discretion if they think we should move forward right away with the two current locations they can do that. They are ready to collaborate with the City in any way we see fit.

Commissioner Arriola said he is all for incentivizing more businesses and economic development in Miami Beach. With respect to WeWork specifically, they are a well-funded company, he doesn't know that they in particular need subsidies. He is open to discussion regardless. He is personally excited about the mention of the 41st Street corridor and North Beach and would support economic development and incentives for any business to relocate in those locations. A lot of people want to be in South Beach, but North Beach is a particular area where we would love to see more businesses open and 41st Street as well.

Commissioner Steinberg said in the memorandum it states that there are currently 2 locations where WeWork is located in South Beach as well as Buro another company in Sunset Harbour. She asked how that is going and if there is a status for the Committee. She asked if there is an opportunity to get the word out. She said she agrees with Commissioner Arriola's comments about North Beach and 41st Street being much more exciting because we already have some concentration.

Eva Silverstein said she doesn't think we have quantitative statistics but based on our call with WeWork they are looking for more people to participate. That is the nature of their request to provide some marketing assistance.

Commissioner Samuelian wanted to confirm that there is no subsidy involved, what we would do is a press release; maybe a link on our website and that will get the discount.

Eva Silverstein confirmed that is correct.

Commissioner Samuelian said his opinion on the locations, he would like to see us take a first pass with them and if we could identify a location on 41st Street and North Beach he is entirely supportive of it. If that is going to go on for an elongated process, then maybe we proceed with the partnership. That would be his recommendation on the location. As it relates to Buro in terms of equity, his opinion and he welcomes his colleagues input, whatever agreement we are heading towards with WeWork, if Buro would want to offer similar discounts he thinks it would be fair to give them that opportunity. In terms of other providers he thinks there is tremendous demand for some of the specialty providers identified lifestyle and social good and he would like staff to give some thought to on how we bring them to Miami Beach. He would like to know if it is recruitment or if we need to do something specifically because he thinks we could really develop a niche in this area.

Commissioner Alemán said there is a space on 41st Street, which is privately owned, the Roosevelt Theater. It is a big space. She doesn't know if there is an opportunity to reach out to them, but it is a great space.

Commissioner Samuelian asked if there is anything else Eva Silverstein needs in terms of direction given the discussion.

Eva Silverstein said perhaps just a timeframe. She said we would like to work with WeWork to locate a potential location either on 41st Street or in North Beach and how long we should wait. She said we can start that immediately.

Commissioner Samuelian asked what Eva Silverstein's recommendation would be for the quick run. Eva Silverstein said a month. Commissioner Samuelian said if we don't find a location or if we are not close then we would do the partnership and then still look for the location.

DIRECTION: Work with WeWork on a potential location in either 41st Street or North Beach, if no location is found in a month, create the partnership and continue looking for a location. Come back to the June 29, 2018 or July 27, 2018 FCWPC meeting with an update.

7. DISCUSSION REGARDING THE FEES CHARGED TO DEVELOPERS TO APPEAR BEFORE THE CITY'S LAND USE BOARDS

April 26, 2017 – C4 F Sponsored by Commissioner Alemán Planning

ACTION

Susy Torriente, Assistant City Manager/Chief Resiliency Officer, presented the item. She said since she was last before the Committee they retained the services of Keith and Schnars who have been looking at all of our spreadsheets and all of the work that has been done over the last couple of years to get to the current fee structure. They are in the process of looking at the fee structure for new development as well as for reuse and rehab and they are also looking at the potential of instituting a cap on the fee for some of those larger developments. Over the next 30 days they should be wrapping up their work. She said we have asked them to speak to the stakeholders and to members of the Chamber of Commerce to have real life examples of the types of developments that are going on before they come back to us and the Committee to have

conversations. She said we are hoping by the next meeting in June we will have results from Keith and Schnars, depending on what those results are the Committee can potentially include that in the budget for next year.

Commissioner Alemán suggested Susy Torriente talk about some of the levers that are part of the analysis, for example, the methodology is for us to really try to recover the operating costs of the Planning Department, not all of them but a large portion of them against developer fees. They are asking for the work, so they should pay for it she thinks is the simple way to explain it. One major thing she learned is called the Commissioner loophole. The Commissioner loophole is that if a Commission sponsors the project on an agenda, the developer doesn't have to pay the fees anymore. She herself sponsored one not even knowing that was a thing. In addition, the Planning Department cost recovery is entirely on the back of new development, nothing having to do with rehabs or modifications, which is not sustainable. The lead times on the very large projects are incredibly long and they don't come around very often. That is not a great model to rely solely on. They are going to explore tackling some of the rehabs, but, contributing historic will probably have a free pass.

Susy Torriente said the fee structure that is in place was for that, to make sure that it was balanced and we weren't subsidizing. There were issues that were previously discussed at this Committee, paying for itself, some sort of a cap or ceiling, some sort of a balanced approached between new development and like Commissioner Alemán mentioned any kind of rehab or reuse, eliminating the Commissioner loophole, a fee structure that would rely on what we spend most of our time on, showing options to incentivize workforce, we will have a menu of options there potentially. The consultant is also talking to 5 other cities; they are doing best practices in other cities and counties, and will be talking to the business community and coming back next month. The last thing they are doing is looking at those big projects that actually move the needle that we have talked about here that have a lasting positive impact to our tax base as a whole and they are looking to see if there is a way to capture that and if other cities are capturing that kind of project. Those are the 8 or so different elements the consultant is studying.

Commissioner Alemán confirmed that the consultant is turning data to test the rigors of their model and it will come back to this Committee first.

Susy Torriente confirmed. She said she is hoping it will come back in June.

Commissioner Samuelian said he likes where we are going, closing the Commissioner loophole and balance between new development and rehab makes sense. He asked about paying for itself regarding the model, he said if it is economically neutral it will make it a lot easier for us from a budget standpoint. He would like to underline that.

Susy Torriente said the intent of the current ordinance was for the development process to pay for itself. She said we are studying that over the last 2-3 years what the things are we need to do to balance it out and see how it is working and see how other cities are doing.

Commissioner Arriola said he is all for closing the Commissioner loophole, he also agrees with the logic that it shouldn't just be new development that has the cost.

DIRECTION: Come back to the June 29, 2018 FCWPC meeting with an update from the consultant, Keith and Schnars.

8. DISCUSSION TO REVIEW STATUS, ISSUES, AND PLANS RELATED TO THE INDIAN CREEK DRIVE FLOODING MITIGATION

March 7, 2018 – C4 F Sponsored by Commissioner Samuelian Public Works

ACTION

Commissioner Samuelian said he knows they talked on April 26th and there were a couple of issues and there was going to be a meeting to deal with some of the regulatory issues as it relates to sea walls. He also mentioned the 4 outstanding sea walls and we are exploring a special assessment district. He thinks the purpose is just to get the latest update on those major issues.

Eric Carpenter, Assistant City Manager, said that the news he has to report is that they have not made any movement with the 4 properties for the sea walls. We are still on track to have a follow up meeting with the regulatory agencies within an approximate 30 day window where we are going to submit to them our remedial action plan and we are actually kicking off a next step of public engagement on the phase 2 of the roadway work. We are going to be reaching out to all of the property owners again to make sure they are aware of what we have planned in the phase 2 of the roadway work and will begin to hopefully be able to move forward with that in the near future.

Commissioner Samuelian said he thought last time there was going to be a meeting on April 26th to move past the regulatory, he asked if that got delayed.

Eric Carpenter said we had the meeting on April 26th at which point in time we discussed with the regulatory agencies and the ask was to come back in 30 days with the remedial plan. He said we are on track to deliver the plan within that 30 day window. He said we are trying to get a meeting with them for the last week of May or first week of June.

Commissioner Samuelian asked what the timing is on the 4 sea walls and thinking about the special assessment district. He asked roughly when we need to tackle that.

Eric Carpenter said he thinks we want to try and figure out where we stand with the remedial action plan before we start tackling the special assessment district.

Commissioner Samuelian said he is fine with all of that; he would like an update after we get past the regulatory process.

Commissioner Arriola said to keep this on the agenda for an update.

DIRECTION: Come back to the next FCWPC meeting with an update.

9. DISCUSSION REGARDING SIMPLIFYING THE SIDEWALK CAFÉ APPLICATION PROCESS FOR BUSINESSES IN NORTH BEACH AND WASHINGTON AVENUE

February 14, 2018 – C4 AE Sponsored by Commissioner Arriola

ACTION

DIRECTION: Deferred to the June 29, 2018 FCWPC meeting.

10. DISCUSSION REGARDING SELECTION OF POTENTIAL FUTURE STORMS' DEBRIS MANAGEMENT SITES

Public Works

ACTION

Jay Fink, Public Works Assistant Director, presented the item. He explained that at the last FCWPC meeting the Committee asked staff to do an analysis and they are in the process of doing that analysis. He said they are looking at the parcels that are off the beach as far as potential of using those as debris management sites. The problems they are facing is that when they are pulling up the parcel that some of the vacant sites are actually retention ponds for developments, they consequently won't prove much of a staging area. The other thing he wanted to impress upon the Committee is that one of the reasons we were able to do such quick and successful recovery during Hurricane Irma was the ability to get the debris removed out of the neighborhoods and into a central staging area. When we started to look at taking the same number of trucks that we are able to acquire and transporting them across the causeway into a neighborhood, they are dealing with post hurricane streets and dropping then loads and come back in the daylight hours we are reducing the number of trips we can take. They are going to be looking at that in the analysis as well. In addition, they are continuing the request and negotiation discussions with FDOT to try to get the parcel at the end of the causeway. At the last minute during Hurricane Irma they said they were going to be using it and then they never did.

Commissioner Arriola said we also talked about on an emergency basis using the golf course's driving range. He asked if that was explored.

Eric Carpenter, Assistant City Manager, said they are still looking into that. Commissioner Arriola said it is our property and asked why we wouldn't be able to do it. Eric Carpenter said we can certainly do it, they just wanted to look at the size and he doesn't know exactly if it is large enough.

Commissioner Arriola said we should find out, as an emergency. If we had to use the range at the golf course or more of that space. Eric Carpenter said we can absolutely use it the question is whether the driving range is enough or whether we would have to bleed over to some of the adjacent holes. Commissioner Arriola said to consider that as well, if people have to only play 9 holes for a month or two they can.

DIRECTION: Continue conversations with FDOT, keep looking at the golf course with driving range as an option based on the size including adjacent holes. Come back with an update to the June 29, 2018 FCWPC meeting.

11. DISCUSSION REGARDING THE REQUEST FOR QUALIFICATIONS (RFQ) NO. 2017-119 KB, SMART CITY LIGHTING SYSTEM – DESIGN, BUILD, OPERATE, AND MAINTAIN AS REQUESTED AT THE APRIL 5, 2018 G.O. BOND WORKSHOP April 11, 2018 – C4 AD

ACTION

DIRECTION: Deferred to the June 29, 2018 FCWPC meeting.

NEW BUSINESS

12. DISCUSSION REGARDING THE NORTH BEACH TOWN CENTER GARAGE

April 11, 2018 - R7A

Office of the City Manager/Tourism, Culture, and Economic Development

ACTION

DIRECTION: Deferred to the June 29, 2018 FCWPC meeting, per developer's request.

13. DISCUSSION REGARDING RESTROOM FACILITIES FOR THE COLLINS PARK ROTUNDA

April 11, 2018 – C4 C

Tourism, Culture, and Economic Development

ACTION

Brandi Reddick, Cultural Affairs Program Manager, presented the item. She explained that the Cultural Arts Council dedicated \$800,000 worth of funding from the Cultural Arts Council endowment to transform the rotunda into an artist design performing arts space. Earlier this year in February we had 3 artist architects present proposals, Daniel Arsham/Snarkitecture from New York, Gia Wolff from New York and Frida Escovata from Mexico City. Both the Art in Public Places Committee and Cultural Affairs Council have recommended Frida Escobedo from Mexico City. She said we will probably see some of her this summer; she was selected to design the 2018 Serpentine Pavilion in London, the second female architect following Zaha Hadid. She is exhibited at the Libson Triennale and the Venice Biennale. She said we are very excited because she is a young architect we are catching at the right time in her career. As part of the \$800,000 the rotunda is required to be up to code in every way. Within the \$800,000, none of the presenting artists were able to fund a restroom; by putting a restroom inside the rotunda we would lose the circular shape inside the rotunda. All of the presenting artists proposed a restroom facility outside of the rotunda. She said we have been working with CIP on a feasibility study as well as a cost out of building restrooms. CIP came back with about \$175,000 for the building of the restroom facilities.

Commissioner Alemán said she doesn't necessarily have a problem with that, but it is mentioned in the memorandum about using the restrooms that are inside the Bass Museum and the other facility that is right by the rotunda is the Miami Beach Library. She asked if we can use the library and the Bass Museum bathrooms to accommodate the need for a restroom.

Brandi Reddick said that we are looking at that as part of the feasibility study with M C Harry and Associates. We have two different linear feet we have been given by Code Compliance. The first was a 500 feet distance from door to door and the second was a

300 feet. We are exactly 388 feet from door to door, so it depends on which code applies.

Commissioner Alemán asked what the issue is with the library.

Brandi Reddick said the issue is that you have to cross the street. With the Bass Museum a different issue is that they spoke with the Bass Museum staff, Silvia Cubina and she expressed concerns about using the facility after hours and what that would have to do with security of the art work in the Bass Museum.

Commissioner Alemán asked if the rotunda will have longer operating hours than the Bass Museum. Brandi Reddick said yes.

Commissioner Arriola said for him it sounds reasonable, he just wants to make sure it is designed well so it goes with the park and the rotunda. He wanted to know if it sufficient money to do a nice job. As long as we are doing the construction he asked what else we might want to do here for an increment cost that has additional utility.

Eva Silverstein, Tourism, Culture, and Economic Development Director, said that is a very good question and she thinks we need some time perhaps to look at it, although we want to move forward as quickly as possible with activating the rotunda. She said that Ray Breslin brought to their attention that there was a previous plan a decade ago to build an attachment. There was a pre-functioned glass space attached to the rotunda that included a pre-functioned area with a small kitchen and restrooms. The current design does not incorporate any attachments.

Commissioner Arriola asked if Eva Silverstein wants to look into any of that. He would feel comfortable giving direction to explore, as long as we are going to have to do the construction and spend the money, he imagines with an incremental cost we can add utility that could be of a great public benefit, whether it is a storage or small kitchen, etc.

Commissioner Samuelian said he thinks we should explore that, he is very pleased to hear we are in touch with Ray Breslin and the Collins Park Neighborhood Association, he would assume whatever recommendation came back they would have had a chance to vet it and give input one way or another.

Eva Silverstein said Ray Breslin was present at the artist review for the rotunda.

Commissioner Alemán said whatever we do there needs to be beautiful and it needs to reflect the fact that it is in this incredible open lawn park that displays world class works of art. It needs to reflect its environment properly.

Commissioner Arriola asked if we can proceed with the renovation of the rotunda while we explore what we are going to with the restrooms or we have to wait until we know what we are going to do with the restrooms before.

Eva Silverstein said she thinks that any funding for the expansion or connectivity of a restroom would have to go through the FY 2019 budget process, that is one vertical and then we would need to really work with Frida to look at how her design could possible incorporate an attachment.

Commissioner Alemán suggested a temporary facility while we figure it out so we can proceed with Frida and not have a problem with that.

Commissioner Steinberg said she thinks it is a great idea, although her concern is what Eva Silverstein just stated, if we are working with the artist to create an environment she would hate to start on one thing because it could change maybe the look and feel of what we want to do with incorporating the restrooms and everything else.

Commissioner Arriola asked if the rotunda work is all interior. Eva Silverstein said that she has exterior work as well; she is extending the circles of the rotunda to have outdoor performing and viewings.

Commissioner Arriola said we should do it all at once. He said the budget approval is September, so we lose a bunch of months. He asked what we can do to not lose so much time.

Eva Silverstein said we can speak with Frida immediately and see if there is a way we can quickly amend the design.

Commissioner Arriola said she is going to get the funding is his guess; he gives his commitment to give the funding.

Commissioner Alemán asked how long the Frida installation is.

Eva Silverstein said it is permanent.

Commissioner Arriola said assuming we are going to get the money to do the additional facility, can she start planning that now.

Brandi Reddick said she can, she is in London this summer at the Serpentine Gallery, she is committed for the month of June to open that project.

Commissioner Arriola said we don't know how much money we are going to be able to appropriate for this, but maybe tee Frida up and say we are going to likely get additional funding to do a restroom facility, but we don't know how much. He suggested giving her some ball park numbers. It will be enough to do the restroom facility and maybe a kitchen and some storage.

Eva Silverstein said perhaps the first step would be to go to Frida and ask that perhaps by July she could give us some estimate with a new rendering that would include a restroom facility and some other amenities, so then we at least have a number we can work through the budgeting process rather quickly.

DIRECTION: Commissioner Steinberg moved to proceed with engaging the artist to look at additional facilities with a revised proposal. Commissioner Samuelian seconded. All in favor.

14. DISCUSSION REGARDING THE 2660 COLLINS AVENUE GARAGE PROJECT April 11, 2018- R7A Parking

ACTION

Saul Frances, Parking Director, presented the item. Saul Frances gave a little bit of background on the item. He said initially Walker Parking did a data analysis and that was done in FY 2014. At that time there seemed to be a high demand for parking in the area, since then a number of things have happened. Uber and Lyft has taken place, there was a rate increase in 2014, which also managed the demand in the area, utilization at that lot P55, where the project would take place, has decreased over the last few years cumulatively by 45%. At this point we don't see the level of demand. Also, we were also able to open up the lot that FAENA was using as part of their staging area, so that now opened another 57 spaces in the corridor. He said at this point they don't see the need for a garage at this time. He said they are seeking a motion to remove this from the Capital budget.

Commissioner Samuelian said he thinks he supports Saul Frances' recommendation. One thing that struck him when Saul Frances mentioned the 45%, the rate of decline is actually accelerating. Back in Fiscal year 2017 we were down 19%, now we are down almost 26% the year after. It is reducing at a faster rate. He also asked how much money is on the table. He said the total budget was \$366,000. He asked how much money we would be able to reallocate. He said there are also design funds which are the \$366,000 and we have only spent \$41,000 of that. He would recommend that we stop here.

MOTION: Commissioner Samuelian moved to recommend that we stop the project and remove it from the Capital Budget. Commissioner Steinberg seconded. All in favor.

15. DISCUSSION REGARDING A MID-YEAR CAPITAL BUDGET AMENDMENT TO FUND THE INSTALLATION OF A PERIMETER FENCE AT POLO PARK, ALONG 42ND STREET AND MERIDIAN AVENUE

April 25, 2018 – C4 B Sponsored by Commissioner Alemán Parks and Recreation

ACTION

Jose Del Risco, Parks and Recreation Assistant Director, presented the item. He explained that they received a request from the community at Polo Park. He said they had meetings with the community as well last the PTA and they have a consensus that they would like a perimeter fence along the southern and eastern border of Polo Park. It would include 42nd Street and Meridian Avenue as well with some access gates.

Commissioner Alemán said the community has asked for a fence to control access to and from the park during school hours for Nautilus Middle School and it is \$24,000.

MOTION: Commissioner Steinberg moved to approve the item. Commissioner Arriola seconded. All in favor.

16. DISCUSSION REGARDING A TERM EXTENSION OF SIX (6) MONTHS AT THE COMPLETION OF THE SCHEDULED CONSTRUCTION PROJECTS AT THE NORTH SHORE TENNIS CENTER FOR VAN DAALEN TENNIS, LLC. TO PROVIDE PROGRAMMING AT THE CITY'S NORTH SHORE TENNIS CENTER

April 11, 2018 – C4 F Sponsored by Commissioner Alemán

ACTION

Cindy Casanova, Parks and Recreation Assistant Director, presented the item. She said that this extension would follow the scheduled construction projects for the Miami Beach Tennis Center, which include the enclosure, the outside restrooms, and the cafe. As part of the term extension, she said they would like to amend the agreement to keep it consistent with Flamingo Park Tennis Center and they modified some of the language in the agreement as it pertains to the renaming of the center, Summer Camp instruction, club baskets and light fees, Martin Van Daalen's contribution to the education compact fund, and uses of courts for City sponsored special events. The term extension and the amendment was discussed with the Parks and Recreational Facilities Advisory Board and they unanimously passed a motion supporting both the term extension and the amendment.

Commissioner Alemán asked if the 6 months would begin upon the completion of the projects. Cindy Casanova said correct, the enclosure project is scheduled to being in June and completed in time for the ITF in October and she spoke to CIP today and it looks like the restroom and cafe projects are slated to being in January and it will take about 4-5 months of construction for that.

Commissioner Alemán asked how Van Daalen tennis has been performing. Cindy Casanova said they have been performing amazing, she said they get nothing but positive feedback from the community, the revenue numbers are great, people are happy and the culture of that tennis center has changed tremendously.

Commissioner Alemán said she is in favor of the 6 months post completion of the enclosure, cafe, and restrooms.

Commissioner Steinberg said she would second that and she has gotten a lot of great feedback, she said kudos whatever we are doing seems to be working and it is a great asset to North Beach.

Commissioner Samuelian said it sounds like there is a consensus.

Commissioner Alemán asked if 6 months is enough.

Commissioner Steinberg said she wants to understand the timeline, from post construction the whole thing will be destructed during that time and that is not fair.

Cindy Casanova said the contract ends July 31, 2018. They anticipate based on the timeframes they are getting from CIP that the construction would be 5 months. If we gave the 6 month extension we are looking at December 2019.

VOTE OF ACCLAMATION TO APPROVE THE ITEM.

17. DISCUSSION REGARDING THE CITY'S FY 2018/19 FEDERAL ALLOCATION FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND ITS USES

April 11, 2018 – R9 M Office of the Housing and Community Services

ACTION

Maria Ruiz, Office of Housing and Community Services Director, presented the item. She stated that the City receives these HUD grants from the federal government. She stated that due to issues with Congress; the time when the City gets notified for when this money will be available to the City, it kept getting back pushed further and further. Normally the City gets notified in the Fall of the previous year, this year the City was notified of the allocation last month, therefore it creates a challenge for the City. The other issue that is important is the fluctuating amounts of these funds; at one time there were 12 people managing these grants, now there are only 2 people.

This year in January the City received a notification that the administration was recommending the elimination of the Home program in its entirety and decimated the CDBG program to 10%. Interestingly enough the City received a small increase however, they are working on the next year's budget and they will eliminate these allocations. Last time the City issued an RFP several agencies that were awarded money by the Mayor and Commission subsequently resented the request when they saw how much requirements are tied to the actual receipt of these funds. Some of the things that the Office of Housing and Community Development prioritizes from the capital dollars are the City own residential properties, because the City has to ensure that these properties are safe, decent, and up to code.

Commissioner Samuelian spoke and stated that there is a funding gap of \$460,000 and \$1.58 million for two of those properties, and asked where is the City in closing the gap, What is the timing, and how is the City going to do it? Maria Ruiz replied and stated that the expectations were to fully fund these properties with Federal money. The City has applied to a FEMA grant, and ranked number 1 for the Neptune and number 2 for the Madelaine. The City will use this allocation to max these dollars and hope to close the gap at least for the Neptune down to \$400,000. The City will keep trying to get grants as available however; the City is limited as to where they can receive funding. The City will continue to try and get grants not just to fix the properties, but to acquire new property as well.

Commissioner Arriola asked what action is needed from the Committee. Maria Ruiz explained that the action is on how to proceed with the next year's allocation, and offered 4 options.

- The City may issue a simplified or limited application with grantee follow up;
- The City may survey qualified organizations via a direct solicitation;
- The City may respond to unsolicited applications after review of eligibility; or
- The City may review the performance of existing Sub-recipients before renewing their ongoing programmatic participation.

Commissioner Samuelian asked if there dollar amounts associated with these options. Maria Ruiz responded and said that public funds are capped at 15% of the CDBG award which is about \$160,000, which is not a lot of money however, the paperwork required to receive this money is significant. Maria Ruiz recommended keeping things as they are for the time being to ensure that the City meets compliance and obligations.

Commissioner Arriola agreed and asked if the City will need extra money once the obligations are met. Maria Ruiz expressed two concerns; one being that the Presidential Administration is planning on decimating these programs so there is the

risk of not getting any funds. The other concern is that the census that is coming up. When the census takes accountability of the population the City might lose funds due to the decrease in lower income residents in the City. Maria Ruiz and Commissioner Arriola continued to discuss the options and agreed to leave things as they are for another fiscal year.

Monica Mateo Salinas, Chairperson of the MBCDC, spoke and expressed that they have not been funded by the City since 2015 and it would be very helpful to receive funding. Without any funding they are having operational gaps. Commissioner Alemán spoke and stated that she met with Ms. Mateo Salinas and added that Ms. Mateo Salinas did not come to request money to feed seniors forever but presented a business plan, and stated that just needed funding to get started and that they can become self-sustainable with the meals to elderly program. Commissioner Alemán stated that the only issue was that their business plan was not sustainable and suggested to find the help of someone who will help them put together a plan. Ms. Mateo Salinas stated that there is a plan to meet with developers and improve their properties. She stated that the City should be able to fund indefinitely however they understand that the City wants them to become self-sustainable. Ms. Mateo Salinas also added that if they are the point of being absorbed by another CDC and it would be sad for the City. She said it would be great to get some support from the City of Miami Beach to help out the 11 properties in the City.

Discussion continued regarding the difficulties that MBCDC is having regarding the availability to get funds and draw funds.

Commissioner Samuelian spoke and thanked the MBCDC for all their work, however due to the sustainability issue and the gap with the Madelaine and Neptune properties he cannot approve funding for MBCDC at this moment. Commissioner Steinberg spoke and stated that this is not over, and that the City needs to keep working with MBCDC to try and find funding sources for their program. Ms. Mateo Salinas offered a few other alternatives that can help out the MBCDC such as discounts in water and sewer, and code compliance fees. Catherine Smart, from MBCDC spoke and stated that time is of the essence and the issue is serious. She asked the Committee to think of the consequences if they do not receive help soon then who is going to service these residents. Commissioner Alemán stated that MBCDC meets with City Staff to work on suggestions and recommendations. Maria Ruiz stated that they need to meet and speak with the County and the Office of Housing and Community Service.

MOTION: Commissioner Steinberg moved to continue with the funding recommendation as the City had this past year, with the expectation to evaluate for the next fiscal years and how the City would determine the funding recommendation. Commissioner Samuelian seconded. All in favor.

18. DISCUSSION REGARDING THE NEW FLORIDA LAW REQUIRING THE STATE BOARD OF ADMINISTRATION TO DIVEST SPECIFIED INVESTMENTS AND PROHIBITING INVESTMENTS WITH THE GOVERNMENT OF VENEZUELA, OR IN ANY COMPANY DOING BUSINESS WITH VENEZUELA IN VIOLATION OF FEDERAL LAW, AND POTENTIALLY AMENDING THE CITY'S INVESTMENT POLICIES AND PROCEDURES, AND THE MIAMI BEACH EMPLOYEE'S RETIREMENT PLAN, TO REQUIRE SIMILAR DIVESTMENT REQUIREMENTS AND INVESTMENT PROHIBITIONS

April 11, 2018 - C4 I

Sponsored by Commissioner Rosen Gonzalez

Finance

ACTION

DIRECTION: Deferred to the June 29, 2018 FCWPC meeting.

DEFERRED ITEMS

19. DISCUSSION REGARDING CABLERUNNER AND ITS TECHNOLOGY

February 14, 2018 – C4 V Sponsored by Commissioner Alemán Public Works

ACTION

DIRECTION: Deferred to the June 29, 2018 FCWPC meeting, pending analysis.

20. DISCUSSION REGARDING THE CONTINUED RENTAL OF THE WAREHOUSE CURRENTLY OCCUPIED BY THE SPECTRA TEAM DURING THE CONVENTION CENTER RENOVATION

February 14, 2018 – C4 N Emergency Management

ACTION

DIRECTION: Deferred to the June 29, 2018 FCWPC meeting, pending further research and discussions.

21. DISCUSSION REGARDING THE DUAL MEMBERSHIP MODIFICATION TO SUBSECTION 10 OF THE MIAMI BEACH TENNIS MANAGEMENT, LLC AGREEMENT

March 7, 2018 – C4 C Parks and Recreation

ACTION

DIRECTION: Deferred to the June 29, 2018 FCWPC meeting to allow staff additional time to evaluate options pending further discussions.

22. DISCUSSION REGARDING MOVING FORWARD WITH AN ART INSTALLATION THAT CELEBRATES DIVERSITY IN OUR COMMUNITY, AS REQUESTED BY THE LGBTQ ADVISORY COMMITTEE

April 11, 2018 – C4 X Sponsored by Vice-Mayor Steinberg Tourism, Culture, and Economic Development

ACTION

DIRECTION: Deferred to the June 29, 2018 FCWPC meeting, pending discussion at the NCAC.

23. DISCUSSION REGARDING MAURICE GIBB MEMORIAL PARK'S BUDGET AND DESIGN SCOPE

February 14, 2018 – C4 AA Sponsored by Commissioner Arriola

ACTION

DIRECTION: Deferred to the June 29, 2018 FCWPC meeting in order to work with the community to gain feedback and to come up with alternatives for the master plan.

24. DISCUSSION REGARDING THE 72ND STREET PARKING AND PARK COMPLEX

January 17, 2018 – C4 D
Sponsored by Commissioner Alemán
Office of Capital Improvement Projects

ACTION

DIRECTION: Deferred to the June 29, 2018 FCWPC meeting, pending completion of feasibility study.

25. DISCUSSION TO CONSIDER REVISING THE "SPECIAL EVENT REQUIREMENTS AND GUIDELINES", BY AMENDING THE FOLLOWING SECTIONS: "MINIMUM REQUIREMENTS," "EXTERNAL REVIEW PROCEDURE," "BOOKING POLICY," "USE OF PUBLIC PROPERTY," "SPECIAL EVENT FEE SCHEDULE, AND "SPECIAL EVENT CLASS MATRIX", HEREBY PERMITTING AND RESTRICTING FURTHER USES ON PUBLIC PROPERTY AND RECONCILING SPECIAL EVENT FEES TO MATCH RECENT INCREASES ASSOCIATED WITH OTHER PUBLIC RENTAL USES

October 18, 2017 – C4 F Tourism, Culture, and Economic Development

ACTION

DIRECTION: Deferred to the June 29, 2018 FCWPC meeting, pending meeting with industry.

26. DISCUSSION REGARDING THE COSTS RELATED TO HAVING MIAMI BEACH COMMIT TO ENSURING THAT ALL GOVERNMENT BUILDINGS WILL BE POWERED BY 100% RENEWABLE ELECTRICITY

May 17, 2017 – R9 AB Sponsored by Commissioner Rosen Gonzalez Environment & Sustainability/Property Management

ACTION

DIRECTION: Deferred to the June 29, 2018 FCWPC meeting, pending direction from the Sustainability and Resiliency Committee.

27. DISCUSSION REGARDING THE TRACKING OF TOTAL SHORT TERM RENTAL VIOLATIONS IMPOSED AGAINST PROPERTY OWNERS

October 31, 2017 – C4 A Sponsored by Commissioner Alemán Finance/Code Compliance

ACTION

DIRECTION: Deferred to the June 29, 2018 FCWPC meeting, pending report.

28. DISCUSSION REGARDING THE FUTURE USE OF THE CORAL ROCK HOUSE, CONSISTING OF APPROXIMATELY 1,307 SQUARE FEET, LOCATED AT 1701 NORMANDY DRIVE

April 11, 2018 – C4 A Tourism, Culture, and Economic Development

ACTION

DIRECTION: Deferred to the June 29, 2018 FCWPC meeting, per request of UNIDAD pending further discussions.

ADDENDUM

29. DISCUSSION REGARDING THE CREATION OF A CITY OFFICE OF INSPECTOR GENERAL

December 13, 2017 – C4 Q Sponsored by Mayor Gelber and Co-sponsored by all City Commissioners Office of the City Attorney

ACTION

Raul Aguila, City Attorney, presented the item for the creation of a potential City of Miami Beach Office of Inspector General (OIG), which will be an independent Charter Officer much like the City Manager, City Attorney, and City Clerk. He presented the proposed draft ordinance which sets forward the powers and duties of the Inspector General, selection, the proposed ballot question, and the Charter text amendment; which was prepared to be presented to the City Commission for approval. If approved by the City Commission, the question will be presented before the voters on the November 6, 2018 election ballot. If the voters approve the creation of the Office of Inspector General, an ordinance will be presented in the December 2018 City Commission Meeting, which formalizes the specifics of the powers and duties, the budget, the scope, etc. If the Ordinance is approved on second reading then the City Commission can move forward with the selection committee, and if this process moves forward according to schedule, the City of Miami Beach can open the OIG as early as February or March 2019. Raul Aguila, City Attorney, stated that for this meeting he wants to read the proposed ordinance to the record and answer any questions or concerns regarding the ordinance. Raul Aguila again reiterated that this will be an independent office that reports directly to the City Commission, and is hired and fired by the City Commission; therefore the position can only be abolished by referendum.

Raul Aquila said he met with County officials when the City Ordinance was drafted, and it was based on the County Ordinance. The reason why the City is creating a city OIG is because the County office has no jurisdiction over municipalities, unlike the Commission on Ethics which has jurisdiction. This will be the first municipality to have their own OIG to have jurisdiction over employees and elected officials. For the selection of the Attorney general, the City Attorney envisions a candidate with at least 10 years of cumulative experience in Federal State or Local Law enforcement, Federal or State Court Judge, Federal State, or Local state Attorney, and or progressive supervisory experience in an investigative public agency. The selection committee will consist of the following seven (7) members: 1. the State Attorney of Miami-Dade County, 2. the Inspector General of Miami-Dade County, 3. the Chairperson of the Miami-Dade County Commission on Ethics and Public Trust, 4. the City of Miami Beach City Attorney, 5. the Chairperson of the City's Audit Committee, 6. an Attorney licensed to practice law in the State Attorney with at least 5 years of experience representing local government, 7. a Citizen at large who is a resident of the City of Miami Beach. The Selection Committee will gather, and review all recommendations, and present a group

of finalists for recommendation to the City Commission for selection. The final selection will be made by the City Commission. After selection, the Office of the City Attorney will negotiate a 4 year contract, which is the same term as the Miami-Dade County OIG.

An OIG is an independent authority and does not report to the City Manager. The idea of this position is to identify and prevent fraud, waste, corruption, mismanagement, and inefficiency in government. They have the authority to make independent investigations, and conduct audits and review of any city contract, records, programs, and transactions. The budget of the OIG is subject to approval of the City Commission as part of the annual Budget process. If an OIG is on board with the City for March of 2019, funding will need to be identified from March through September 2019; following that the budget the will be allocated as part of the Budget process. Raul Aguila said he met with John Woodruff, Chief Financial Officer, and Tameka Otto Stewart, Budget Director to determine what would be a recommendation for funding. The City envisions an office of five (5) members to serve in the following capacity: the Inspector General, the Assistant Inspector General, one Investigator, and 2 clerical positions. This is what is desired however is subject to the City Commissions and Budget allocations. The OIG will provide a yearly report to the City Commission, highlighting the scope of work, and statistical data on all of their investigations and their findings.

Commissioner Arriola replied and praised all of the hard work and effort devoted to this ordinance by the City Attorney's Office and City Manager. Commissioner Arriola is concerned about the fiscal impact and asked if the OIG will be a full-time position. Given that not many issues occurs in the City that would be concerning to the OIG, he would not want to have someone twirling their thumbs all day due to the lack of necessary work. City Attorney replied and stated that the major concern would be to find the budget for the first few months after the OIG is established. He then added that in order to offset the expenses, Miami-Dade County has a provisions in many of their contracts where .05% of certain County Contracts go towards supporting the OIG, he is hoping the City cuts down is cost by doing the same. He added that this is a full time position and the composition of the OIG is the recommendation from the City Attorney's Office. Raul Aguila also mentioned that the County OIG has 38 members and all of their resources are stretched out. The 5 person team that is recommended would be ideal given that the OIG is not just involved when bad things happen; they are also actively involved in procurement contracts to help avoid issues before they occur, Auditing functions and other issues. Raul Aguila added that they will be very busy with the City's GO Bonds; he suggested looking at the County's OIG annual report which is very informative in the scope of the work of the OIG.

Commissioner Samuelian congratulated Raul Aguila and his team. He added that given the G.O. Bond's the timing is amazing. He clarified with the City Attorney that the OIG will have oversight of the Mayor and Commission as well, and added that is a mature thing to do. In reference to the economic aspect, with an operating budget of \$600 million, the OIG can absolutely pay for itself. He commented that in the ballot question he wants to focus on efficiency, and if can be incorporated in the final language it would be great. He also commented on costs; he stated that costs drives are driven by headcount which is driven by organizational focus.

Ronald Starkman, Chairperson of the Budget Advisory Committee spoke. He stated that in reference to issues of fraud waste and abuse, that the emphasis and additional funding be directed mostly towards prevention and early detection of problems, as opposed to thinking it in terms of prosecution of offenders. The majority of issues of the

City in the past have included things like lapses in the collection of payments, timely reconciliations of bank accounts, and instances of a few City employees would use their position for personal enrichment. He mentioned that the problem has been not enough policing on the beat, rather than prosecutors on the bench. His thoughts based on the problems in the City looking whether or not the resources are aligned with prevention and detention versus the power to prosecute.

MOTION: Commissioner Steinberg moved the item and added to incorporate the suggestion regarding prevention and early detection. Commissioner Samuelian seconded. All in favor.

30. DISCUSSION REGARDING THE RENEWAL OF THE CITY'S \$60 MILLION LINE OF CREDIT

May 16, 2018 – C4 C Finance

ACTION

Allison Williams, Deputy Finance Director, presented the item along with Julie Santamaria the City's Financial Advisor. She said this item is requesting the approval of the Committee for the \$60 million line of credit. She said that we have used the line of credit as bridge financing to open purchase orders for contractual agreements that the City has before issuing bonds. Currently, the line of credit expires in July 2018 and they are asking for a 2 year renewal.

John Woodruff, Chief Financial Officer, said this is consistent with our past practice and we need to renew a new line.

Commissioner Samuelian said he thinks we need a line, but his question is if we need the full \$60 million.

Allison Williams said that in the past we have issued \$100 million tranches of Stormwater bonds with \$60 million with Water and Sewer and we also have the future potential General Obligation bonds, so \$60 million is on the conservative side.

Commissioner Arriola said it should be the \$60 million because otherwise we have to do an amendment. He asked if the banks charge us actually what we are going to use. He asked if we have the pay the fee on the \$60 million line if we don't use it all.

Allison Williams said correct, that there is a fee and it is currently \$172,000 per year and it is split amongst the funds that would more than likely use the line.

MOTION: Commissioner Samuelian moved to approve the item. Commissioner Alemán seconded. All in favor.

31. DISCUSSION REGARDING EQUIPMENT FINANCING LINE OF CREDIT

May 16, 2018 – C4 D Finance

ACTION

Allison Williams, Deputy Finance Director, presented the item along with Julie Santamaria the City's Financial Advisor. She said that this item is similar to item 30, in the past we have had a line of credit for equipment which includes vehicles. Currently, we have some capital budget items for vehicles and we would like to request a \$50 million line to fund vehicles. This works a little differently, once we acquire the vehicles it becomes a fixed rate loan and we pay it over a 5-7 year period.

John Woodruff, Chief Financial Officer, said in the last example, we have the line of credit and we usually use it for contracts, but we don't normally really draw down on it. In this example, we do draw down on this and basically finance the purchase of vehicles annually and replace them on predetermined schedules. We have had some discussion on potentially changing the mechanism and that is something we are getting a report soon from a consultant on. For the time being, so we don't have a gap, we would like to approve at least having the line of credit and we can continue to explore the best way to finance our vehicles because whatever we do is going to have a big upfront cost if you want to switch over to financing to a more pay as you go model. We just want to preserve the ability to do that while we try to transition in the next few years.

Commissioner Steinberg said she has concerns when we talk about this because she knows right now we are doing a full fleet assessment. She doesn't want to tie our hands to any sort of financing model when it comes to any sort of fleet because we could really be changing a lot of what we are doing with our fleet moving forward and she is concerned about that.

John Woodruff said he can see why Commissioner Steinberg could be concerned and he thinks this is really a separate issue because what we are talking about there is if we have the right amount of vehicles and when should we replace them. Those are all questions that would actually cost less when we have to go pay for them. This is just the mechanism to have a line of credit in place for however many vehicles and what types of vehicles we want to replace, we would have the ability to do that. We would actually be tying our hands if we didn't do this.

Commissioner Arriola said to him it is a no brainer.

MOTION: Commissioner Samuelian moved to approve the item. Commissioner Steinberg seconded. All in favor.

32. DISCUSSION REGARDING PARKING RATES FOR THE NEW MIAMI BEACH CONVENTION CENTER GARAGE (G11)

May 16, 2018 – C4 F Parking

ACTION

Saul Frances, Parking Director, presented the item. He explained that we need to codify rates for the Miami Beach Convention Center garage. The timeline is going to a first reading in June and second reading in July so that we have the rates in place by the time the center opens in September. The proposed rates are the same as the other garages in the area, including City Hall garage, 17th Street, and Pennsylvania. Those rates will be in effect when the center is dark, whether it is the ballrooms or the halls, when the center is active there will be a \$20 flat rate. That is slightly higher than our flat

rate at the Pennsylvania Avenue or City Hall garage during events and that is based on the fact that the parking is premium parking.

Commissioner Arriola asked Saul Frances what he recommends. Saul Frances said the \$20 flat rate while the center is open and in addition to that there is a valet piece there because it affects the valet as well. Since valet is the highest level of service, when the valet RFP is awarded we will include language in the contract that gives the City Manager the authority, for up to a \$25 valet rate for the Convention Center, and he just wanted to put that on the record so when everyone sees the contract go through for award for valet that is what it is based on.

Commissioner Steinberg asked what the preexisting cost was for valet at the Convention Center. Saul Frances said \$20. Commissioner Steinberg said that she sees that it also mentions a monthly parking pass for that garage and she has a concern about that. She said that we are taking the parking spots that were in the p-lot across the street and are putting them on top of the Convention Center itself, so when things are happing in that area we are already at an issue with parking and capacity. She asked why would be taking away spots if we have never done it before.

Saul Frances said we just wanted that rate codified, but the plan is to not have any monthly parking at the Convention Center garage at least in the first year and have one year of operational experience under our belt to see how it is used and if there are opportunities perhaps for monthly parking at some point. We don't want to impact the center and have those spaces available for transient parking or for the flat rate for people attending the center, but if there are opportunities potentially down the road and we see there is availability for monthly we wanted to have the rate codified.

Commissioner Steinberg just doesn't want the public to think they can reserve the spots there.

Commissioner Samuelian said he is obviously going to defer to Saul Frances' expertise; the only think he would say is how our parking funds have been under some financial pressure. He asked if we are being appropriate in our pricing to help the financial position.

Saul Frances said yes, the \$20 flat rate at the Convention Center garage, there is a \$5 premium there as opposed to the flat rate at 17th Street or the City Hall garage. It increases additional revenue and also helps us manage the parking availability between the different garages in the vicinity.

Commissioner Steinberg said she has a different philosophy, she also would defer to Saul Frances' expertise, but at the end of the day she hears what Commissioner Samuelian said about the change in model of cars and parking and everything. Her concern is that if we charge more to make up the difference we will end up losing more because more people won't pay the rate and find other modes of transportation. She wants to be very careful and not just raise the rate to try to recoup costs, by then causing an additional deficit.

Saul Frances said Commissioner Steinberg made a valid point, he agrees with that, but it is managing the use of the facilities as well. For example, if the rates were the same at all four garages in the area, the Convention Center, City Hall, Pennsylvania Avenue and 17th Street garages there would be no incentive. Everyone would more than likely

gravitate towards the Convention Center garage and then have queuing on Convention Center Drive and so on. We are trying to manage it so that there is a differentiation in the rate.

Commissioner Arriola said that it is a simple solution, that Saul Frances is the expert and whatever he recommends he is going to support. He asked if we can always adjust this if we find out we made a bad decision. Saul Frances said absolutely.

Commissioner Alemán said the only thing she wants to point out is that in the memorandum it says monthly parking \$100 per month. She asked if that needed to be struck per Saul Frances' comment about monthly parking after having a year to evaluate.

Saul Frances said we manage that component of it; we don't have to provide the monthly parking. He said it is the pleasure of the Committee. He said we can strike it and come back later with a monthly rate if we see there is demand we can do it that way as well.

VOTE OF ACCLAMATION TO MOVE THE ITEM AS IS.

33. DISCUSSION REGARDING THE LISTING OF THE PENNSYLVANIA GARAGE RETAIL SPACE

May 16, 2018 – C4 G Sponsored by Commissioner Arriola Tourism, Culture, and Economic Development

ACTION

Commissioner Arriola asked why we cannot get the space leased, it is a beautiful space.

Mark Milisits, Real Estate Division Director, said that it is a good space and it has been vacant since about 2015. We have used it for various uses by the City. It has been listed since last year with Koniver Stern and they just haven't seen the activity that we would like to see or would expect. We have seen about 5 prospects.

Commissioner Arriola said they already got paid for having found an original tenant for this.

Mark Milisits said they identified an original tenant and they were representing the City. To clarify the memorandum, there was a \$303,000 commission paid to them, but they did share that with a broker that was representing the tenant. They got about half of it.

Commissioner Arriola asked under their current contract with us, if they release the space do they get paid again.

Mark Milisits said no they do not get paid again.

Commissioner Arriola said that is the problem, they have no incentive to lease this space when they have other spaces they can lease and get paid for, which is a conflict of interest.

Mark Milisits said that is why we are recommending reaching out to the other group that we have. CVRE was present.

Commissioner Arriola said definitely switch it, CVRE is a reputable firm, he asked them to quickly give some ideas on how they might target and what they are expected rate would be for this space, and how they long they think it will take.

Danny Diaz, CVRE and Abachi Diaz, CVRE spoke. Danny Diaz said they grew up in Miami and graduated from Columbus High School. He explained some ideas they had. He said currently the space is a restaurant, which is the number 1 choice. He said it makes the most sense. The infrastructure is in place, these days bigger is not always better.

Commissioner Arriola said if it is going to be a restaurant, he suggested doing a local operator as opposed to a chain, he would love that. He said he would be flexible on the rent if we can attract a quality entrepreneur to be there.

Danny Diaz said one of the ideas they had was Eating House, they actually did a deal with the City of Miami at the Glass House in Coconut Grove at Peacock Park. They thought it could work in favor for the City and for them too because Eating House already knows the process it takes to get a deal done.

Commissioner Arriola said he would love if it would be a local operator, it doesn't have to be a Miami Beach operator, but it would be great if it was. It would be great to help an up and coming chef who is trying to get a foot hold in the market. The problem is that our prices are so high that they cannot afford our rent, so they are going to Wynwood and other places that are more affordable. He thinks we can be flexible on rent for a quality Miami Beach operator who is trying to get into the marketplace.

Mark Milisits said yes we can be flexible on rent. He said one other point that he mentioned to CVRE that we are willing to subdivide the space. He said we have talked about it. The way the space is broken up is that there is sort of a clean break between the northern 3 quarters of the space and the other 1 quarter. The 3 quarters of the space can be for a restaurant and maybe get another type of retailer for the remainder 1 quarter.

Commissioner Steinberg said that was her question because she thinks the original issue was the space was too large for the restaurant space. She is happy they can subdivide it appropriately.

Commissioner Samuelian asked what CVRE's expectation is on when we might have a tenant.

Danny Diaz said it usually takes about 2-3 months to identify a qualified tenant, after that depending on how long it takes to negotiate a lease, they can occupy the space. He said it will take 2-3 months before we know more or less who we are talking to.

VOTE OF ACCLAMATION TO APPROVE SWITCHING THE FIRM TO CVRE TO LEASE THE SPACE.

34. DISCUSSION REGARDING THE RECOMMENDATIONS MADE BY DOVER KOHL PARTNERS ON THE RESTORATION, PLACEMENT, AND FUTURE USE OF THE NORTH BEACH LOG CABIN

May 16, 2018 – C4 AS Tourism, Culture, and Economic Development

ACTION

Michelle Huttenhoff, Economic Development Manager, presented the item. A part of the agreement we have with Dover Kohl as part of analyzing the West Lots is to make considerations of future uses of the Log Cabin, what is its purpose and where it should be located. The commitment we made to the public in the Fall is that we would look for different funding sources including crowd funding, state and federal grants, and also through our own channels, it is currently on the G.O. Bond list. To create a proper budget to inform that we need to know what the future use is. Dover Kohl has analyzed different methods that are based off of other cities that have transformed historic landmarks into multipurpose spaces. They have their own recommendation, we also provided images at the community Charrettes we did for the West Lots and there was synergy around option 2, which would be to have a portion of it be a concession because currently there isn't a place in the park to get snacks and drinks and to also have a portion of it to be a community center where people can come and learn about the park maybe there would be a turtle component, a lot of people really like that. The location would now sit within the park. The location in the image needs to be properly matched with the design of the park plan. We need to match with the current greenway path, which we are working with the design firms to determine where is the best location and we would have that for the June 6th Commission meeting. Right now is the future use is the main thing we have urgency on.

Commissioner Alemán said one thing is a log cabin, but as we look at these future uses, she doesn't want to make work and make jobs here to the point we pick a use and all of a sudden the City has to staff an ongoing funded position with benefits to just be at the log cabin. She would like to see us work a little bit harder and perhaps there is another organization that if we can renovate the log cabin, that they have another use that they want to operate on their nickel. Whatever that operation is could help fund ongoing maintenance of the log cabin so it never gets again to the condition it ended up in.

Commissioner Samuelian said that is well stated. He said we are trying to identify the upfront capital is to understand the outlook from the future operating cost and revenue. If it is a concession stuff is coming in, but Commissioner Alemán was appropriately calling out the cost. It would be hopeful to see the forward looking financials.

Commissioner Arriola said he loved option 2, the location and concept, he thinks Commissioner Alemán's point is very well taken and he actually took that for granted, but he is happy she stated it. He wasn't thinking the City would have to operate the concession, he was thinking someone else could run it and therefore we wouldn't have to.

Kirk Pascal, resident, spoke on the item. He said hopefully we are moving forward and this is not the controversial part anymore. He said he likes the location of option 2. He has been open minded. His only little concern was that during the Charrette the focus was more on the West Lots, which is a huge project, not as much as particularly the use

of the log cabin. In terms of location he thinks 81st Street is a great choice. He thinks 79th Street isn't bad. To have a community space in the North Shore would be a great benefit. The Youth Center is not ideal and UNIDAD is not very available for community use.

Commissioner Steinberg asked in terms of the use and trying to find grants if there is use to apply for the grants that would make more sense than others. For example, if it is a landmark there may be other eligibility for grants versus if it is used as something else.

Michelle Huttenhoff said she would defer to our Grants Division, most of the grants we are going after have a historic preservation component to it. Spaces that offer community benefit and an education component are most compelling to a lot of the State and Federal agencies. It couldn't just be a concession; it would have to have some type of public benefit to it and some authentic tie to the environment that it is in. Option 2 is a little bit of a mixture between both that could provide revenue, but also have a public benefit.

Commissioner Steinberg asked if something can be a landmark and a concession. Michelle Huttenhoff said yes. Commissioner Steinberg suggested doing it in a way so we have the most benefit and return back on potential.

Kirk Pascal said that there are a lot of great ideas that people threw out during the discussion with Dover Kohl that could be great. Personally in terms of vision, if it were a hospitality use maybe it could be licensed out in a way that it doesn't cost the City money, maybe it actually generates money. In a perfect world for his personal vision he would like it to be a hub sort of like the boat house is a hub for Central Park in New York City, so it is sort of a gathering place for people in North Shore Oceanside Park. He said he does want to emphasize that the interior is what we really saved. It is key importance to somehow allow people to come in to appreciate it because it is really beautiful.

Commissioner Alemán said she thinks the idea of a hydroponic farm is being referred to the Sustainability and Resiliency Committee and there could be a tie in to its old gardening days as sort of a garden market for all of us to go by to purchase locally grown produce.

Commissioner Arriola asked if the reason this is before the Committee is to simply to sort of identify a potential future use so that we can budget it.

Michelle Huttenhoff said it is to apply for grants; the main timeline for State and Federal grants is June 1st. In order to form the application we need a consensus of what it is going to be.

Commissioner Arriola said let's say it is going to be whatever is going to get us the most money. He asked if it would be a landmark designation.

Michelle Huttenhoff said probably a combination between option 1 and option 2. It is really calling it a landmark destination or landmark convening space at North Shore Oceanside Park.

Commissioner Steinberg said concession can be so broad, it can be that coffeehouse or gardening location, it can be so much. She thinks the hybrid of the two would help us go further and not tie our hands too much.

Kirk Pascal said that during the historic preservation session of the Charrette kind of overlapped with the resiliency discussion and at that point we were all talking about the educational component, a green component, and there was a discussion about the environment. The only maritime hammock tree is located in North Shore Oceanside Park.

Commissioner Steinberg said she would do it all; it should all be a part of the application.

Michelle Huttenhoff confirmed that the motion would be to move forward with this future use and the placement would be in North Shore Oceanside Park. She said we will have a better sense of where that placement will be, come the June 6th Commission meeting because we need to overlay it with the green pathways within the park design.

Commissioner Arriola said he loves the entrance listed in option 2, the gate is the entrance to the beach and the park, it is across from the North Beach Yard, and so traffic flow will be very good.

Michelle Huttenhoff said the only thing with that is that the image in option 2 has not been overlaid with the park design.

Commissioner Steinberg confirmed that Commissioner Arriola wants it in a prominent position in the park so that everyone can enjoy it.

Commissioner Alemán said the framing of the gate is complimented.

Commissioner Arriola said if it is going to be a concession and if you put it away from where people enter, they will never go. It should be in the pathway of where people are walking to the beach.

Commissioner Alemán said the hydroponic farm discussion will be on the June 20th Sustainability and Resiliency Committee.

VOTE OF ACCLAMATION TO MOVE FORWARD WITH THE GRANT APPLICATIONS FOR HYBRID OPTION.

Meeting adjourned at 2:28 p.m.