

SEPTEMBER 30, 2021

5:46:53 p.m.

7:43:01 p.m.

R7 F ~~A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A FUNDING ALLOCATION OF UP TO \$400,000 AS PART OF THE FY 2022 CAPITAL BUDGET, FOR ALL WORK, INCLUDING CHARRETTES AND PREPARATION OF CONCEPTUAL DESIGN OPTIONS FOR THE BYRON CARLYLE THEATER RENOVATION WITH A GROUND FLOOR CULTURAL CENTER COMPONENT, WITH THE FINAL COST OF ALL WORK TO BE COMPETITIVELY NEGOTIATED, AND WITH THE FINAL PROPOSED CONCEPTUAL DESIGN TO BE SUBJECT TO THE PRIOR APPROVAL OF THE MAYOR AND CITY COMMISSION.~~

Office of the City Attorney
Sponsored by Commissioner Mark Samuelian

AFTER-THE-FACT RESOLUTION

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ALLOCATING UP TO \$400,000 FROM THE CITY'S FY 2022 BUDGET, TO BE USED BY THE CITY ADMINISTRATION TO DEVELOP CONCEPTUAL DESIGN OPTIONS FOR THE BYRON CARLYLE THEATER RENOVATION, WHICH WILL BE INFORMED BY COMMUNITY OUTREACH, SURVEY REMITS, AND INPUT OF INDUSTRY PROFESSIONALS, WITH THE FINAL APPROACH AND CONCEPT TO BE SUBSEQUENTLY PRESENTED FOR APPROVAL BY THE MAYOR AND CITY COMMISSION.

ACTION: After-the-Fact Resolution 2021-31921 adopted. Item heard with Items R7 A, R7 B, and R7 E. See motions below. **Office of the City Attorney to handle.**

R7 F MOTION

Motion made by Commissioner Samuelian directing the City Attorney and the Administration to draft an After-the-Fact Resolution allocating \$400,000 as a placeholder for the Byron Carlyle; seconded by Mayor Gelber. 6-0; Absent: Vice-Mayor Arriola. By acclamation. **John Woodruff and Office of the City Attorney to handle.**

MOTION 1:

Motion made by Vice-Mayor Arriola, seconded by Commissioner Richardson, to allocate \$100,000 for the Byron Carlyle line item, pending results of the survey with public input. The City Commission approved to move the motion and second to the budget item. Subsequently, after discussion, since Vice-Mayor Arriola had left the meeting, Commissioner Richardson withdrew his second. Motion died.

MOTION 2:

Motion made by Commissioner Samuelian directing the Office of the City Attorney and the Administration to draft an After-the-Fact Resolution allocating up to \$400,000 to be used for professionals to examine and provide advice on how to best move forward and to attract anchor cultural groups; seconded by Mayor Gelber. Vote: 6-0; Absent: Vice-Mayor Arriola.

Commissioner Samuelian highlighted that this property has been in the hands of the City for about 20 years; for the last three years, it has been dark. He has heard that it is uninhabitable, condemned, and at risk of demolition. From what he saw, there are early signs of graffiti on

the windows. It is not an incredibly good picture. The Commission went through an RFP process, and it was the strong will of the City Commission not to proceed with that offer. They have an alignment that what the Commission is looking for is a state-of-the-art culture center. When the Commission made that vote on the RFP, there was a strong consensus from the Body that they wanted to move forward. There have been various items and discussions in Committee. While these discussions have been productive, they have not landed for them. This conceptual design, if it is the will of the City Commission to move forward, would be their professional recommendation. They are talking about the early starting point for design; it does not prejudice the solution. It does not mandate what the Commission is going to do. It is an open process. He is keen that the Commission have a community-driven conceptual design. The last time it was presented, the Commission directed the Administration to go back to the Finance and Economic Resiliency Committee, there was feedback about it being less money, and today is \$100,000 less than the last time. The vision was discussed, and it is in the proposed Resolution. He also understands that there is a survey that the Commission agreed to do. When the survey comes, that is an input to the process. As a former marketing professional, at times surveys raise more questions than they answer. That data and input are going to feed this conceptual design. Commissioners may have different opinions on the path. He feels strongly that doing nothing is not an alternative. The Commission has let this go too long. Now, in the context of the budget, they are about to approve, it is this the right thing to do. The public is waiting for the Commission to act; this conceptual plan is the action.

Mayor Gelber explained that when they vote on this, they will vote in the context of the budget item. He welcomes his colleagues to comment.

Vice-Mayor Arriola has been advocating for renovating the Byron Carlyle since before he became a Commissioner; that will happen. His concern is that this is a large amount of money for something that is just in the idea phase. They do not have \$15 to \$20 million procured. His concern is that the Commission will spend \$500,000 on a design, the project gets delayed for two or three years, then the Commission finds the money, and then the Commission must redo this all over. He wants to be prudent with public money. He advocated for something less, around \$100,000 to do the charrettes and conceptual designs. He thinks it is prudent to get mockups and feedback from the community. He still thinks they should explore a P3 (Public-Private Partnership), to see if with the change in the market there are interested parties that can do this. This is going to be a long road for them to get done. It is a great deal of money and the government moves slowly. He wants to be prudent and not spend money upfront. He will be advocating for a P3 alternative and exploring a cultural bond that the City issues to spruce up art and cultural facilities in the City. He will bring that in time. He fully supports doing something significant with the Byron Carlyle. He thinks they are going to waste the money. In answering Mayor Gelber, he will move it at \$100,000.

Discussion held.

Commissioner Richardson thinks they do not need to revisit what happened six months ago, but it does trouble him when someone says they are kicking the can down the road because the can was kicked six months ago. They had a competitive process, two bidders came in, one dropped out, but they had a good proposal. However, his Body did not want to support it. Now this Commission needs to look for something else. He believes that if they want to do a standalone building with a build-out, they are probably looking at about \$30,000 million. The truth is that the City does not have that money. He agrees with Vice-Mayor Arriola that the only way to accomplish this is with a P3. There were issues people raised about selling

the land or that the City did not have all the ground level, so there is an opportunity to do a P3 where the City would retain the land, keep all the ground floor, and perhaps put workforce housing on top. The other thing he pointed out when this was brought up is that they can use CRA funds on the Byron Carlyle, but they cannot use CRA funds on the 72nd Street project. That must play into their decision-making. There are ways to do bridge loans, so the community does not wait 15 or 20 years for the City to do something with the Byron Carlyle. He is troubled because to him words matter, and in the presentation, the sponsor used the word "recommendation;" he asked City Manager Hudak if she recommends spending \$400,000 on this.

City Manager Alina T. Hudak respectfully stated that many worthwhile projects need to be funded in the City. They heard today that the Fire Station is not fully funded. The Public Works Director had to leave the room because they have a sewer main break. She is a supporter and a recommender of a process. They started a budget process in this City that began in May, with a very lengthy all-day session at the Convention Center, where they highlighted where all the needs were and where the needs were for Capital Projects. It is difficult for her to comment on this. She understands and shares Commissioner Samuelian's vision. They had a detailed conversation about what it is that he expects. Commissioner Samuelian asked staff for the cost, and that information was provided. However, there are things for consideration today that have come, again, outside of the process, which will require policy decisions and policy direction that was not part of the Administration's budget recommendation. When Chief Financial Officer Woodruff presents today, they will see what they are recommending, and what they are asking for direction on. The City has reserves and this decision would be a function of using those reserves.

Commissioner Richardson listens to words very carefully, and when someone says that they met with staff and if they were to move down the road, the Administration's recommendation would be \$400,000. That is not a recommendation. The Administration is not recommending this. He keeps hearing the word "recommended" being used. He heard that if they wanted to do a conceptual design the cost is \$400,000; words matter here. He believes the Commission needs to do something at the Byron Carlyle but thinks they need to wait for the survey. He brought an Item six months ago. He understands that they are in the field now, they are going to get the results of that back. That is a good starting place for them to have a dialogue on what they can imagine. People may not want a movie theatre; they may want a cultural center or maybe they will find out that people want the entire ground floor. However, they need to wait for the survey and then have community outreach. He does not think it costs \$400,000 to have community outreach. They are having community outreach on the Fire Station. They do not need \$400,000 for that. Vice-Mayor Arriola moved \$100,000. He will second that motion, that they include up to \$100,000 in the budget, not to be spent until the survey comes back. If money is needed for conceptual design, they will have some, but it would be fool-hearted to spend \$400,000 and start to draw pictures when they do not even have a concept of what they want. They are putting the cart before the horse. He is a firm believer that the best way to do this is through P3. In that case, the private party could probably do all the design and it would not be money out of the City's pocket. That is what he would like to propose. He is also concerned about where the \$100,000 is going to come from. They set the millage rate, had five Budget Workshops, and anything that they do now in the budget will mean that they will cut another line Item in their budget or they must take it out of reserves. He is not prepared to spend the taxpayer's money in that way.

Moved by Vice-Mayor Arriola, seconded by Commissioner Richardson to approve \$100,000 to be used only after the survey comes back with public input. No vote was taken.

Commissioner Samuelian appreciates that his colleague is paying close attention to words. He is careful with the language that he uses. The Administration did not have this in the initial budget, which is a fact. He said that this is the approach that the Administration recommended. He did not say they recommended including it; he was very precise. This approach was developed in close consultation with the Administration. He requested this to be done as efficiently as possible. The last proposal was for \$500,000; this Body said they wanted to do it for less. He took it as legitimate feedback. He went back and the Administration scrubbed the numbers. They came to the \$400,000 number, and that is the City Manager's recommendation in terms of the cost to create and develop this conceptual design.

Chief Financial Officer Woodruff added that they had discussions, they met internally, and what they are recommending, if the Commission wants to do a conceptual design, or start on the path of a conceptual design, is the traditional path that will cost about \$400,000. This did not assume that they would have a third party that could potentially pay for the design. The \$400,000 scope did include taking the results of the survey, having community workshops, and then turning that into drawings and designs that take them through a certain portion of the full scope, which is the first part of the full scale.

Mayor Gelber addressed the movers and thinks it is important that they vote on the Item during the budget debate because it is a significant amount of money. The public will get a chance to speak on this issue when they get to the Public Hearing on the budget. It is only fair to give Chief Financial Officer Woodruff a chance to explain where the money might come from. There is no question in his mind that North Beach needs a cultural center, a multi-use facility that has exhibition space and may have a small movie theatre or a black box theater as well. They have done work on the Bandshell and the Normandy Fountain and the community does well with the culture. He thinks from his view, which is the best version of the City that the City should have culture everywhere. They must get something in North Beach because North Beach could and will use it, but there are unresolved issues. He does not know where the money is coming from. He likes what is happening in Collins Park with the ballet residents, and the *artsforce* housing, the performance center, and galleries on the ground floor. It is a P3 and it seems to be a model that worked for them. Is that still a viable option?

Eric Carpenter, Deputy City Manager, stated that the project is moving forward. The Administration plans to close on their bond in December, they are submitting for a building permit within the next 30 days and will hopefully break ground in early 2022.

Mayor Gelber added that is going to be a great project, with a residence hall, *artsforce* housing, and space on the ground floor. It is a P3 and it is set up in a way that makes a great deal of sense. He suggested not taking a lane now because if the Commission goes one path, then they do not have others; they may lose an option they want. With P3 done the right way, it can be a wonderful project. One of the most important functions of having a performance space is getting a performance company to go there. There are 400 to 500 art groups in Miami-Dade County. The premiere ones are places that have venues that are theirs, and that is why Miami New Drama and Miami City Ballet, and others were given space, to keep them in the City, like the New World Symphony. The City gives performing companies space. They become the City's anchor cultural organizations. He reached out to Beth Boone, Miami New Drama, and O' Cinema, in terms of what they needed as far as space. They need to know these details before programming funds towards that. However,

he is not opposed to programming funds to learn those things. They must get to the point where they say P3 makes sense. Regarding P3, Art Space Management does 40 or 50 of these around the country, and if they were interested in doing something, it would be the kind of thing the City would do back flips because their spaces are phenomenal and amazing. They do P3s, so that can be explored. He is concerned about selecting a lane too early, especially since he has not heard from the Finance and Resiliency Committee where the money is coming from. If coming from reserves, they can certainly take \$100,000 to begin the process. If they need more, they can go to reserves. For him, \$100,000 is a good way to light the fuse on this. He thinks the Commission needs to figure out the lane they are going to be in and figure out if there are cultural anchors the City wants to pursue. He does not want to go too fast or take half a million that they are not going to spend yet out of the budget because of selecting a lane that may change. The P3 may be the best option. He wants to hear from staff and the community. The P3 option in Collins Park is going to turn out to be a wonderful project. Private/public partnerships get done faster with a partner that is willing to accept some risks and is motivated competitively; those groups move faster. Putting something to allow them to start this is important. He does not want to prejudice it so much so that they are programming money they do not need to program and take it out of circulation when there is much need in the City.

Commissioner Góngora agreed that doing something at the Byron Carlyle is paramount. It is a key component of the North Beach Town Center. The residents from North Beach and Mid Beach go to the Byron Carlyle for the convenience of those that live in the corridor. The thought of having a theater or cultural center is important, and residents are calling out for it. There is a concern that the Byron Carlyle is being left behind. The perception of many people is that the City is pushing forward on several projects and leaving that one for last. To him, they are not voting on spending money, they are looking at the budget and see where they are allocating money for budgetary purposes, not necessarily to be spent. They allocate a line item and if they decide in the future to move forward, the money will be there. He thinks that is the reason the Administration was asked to produce some type of recommendation if this moves forward. According to the City Commission Conclusion Item, this is a resort tax reserve amount, so it is not causing the millage rates or taxes to go up, these are reserves. The City has resort tax for these types of items if deemed appropriate by the Commission. He does not think the \$400,000 is out of scope compared with the huge \$700 million combined budget. This Body is not approving the spending of it today, as that would probably be approved after the charrettes have taken place and after the companies interested in doing a P3 have come forward and identified themselves - when the Commission knows more about what their options are. From his perspective, an allocation of these funds from the reserves, should the Commission decide to move forward with the conceptual designs, would be good. It will give the community some assurance that the Commission is serious about doing something at the Byron Carlyle and getting this project done. The direction is to hold the funds as a placeholder. If the charrettes come back and it looks like the Commission needs to move forward with a conceptual design, they have the money there. He is prepared to support it and is curious to hear from the public. There is nothing wrong with an allocation.

Commissioner Meiner thanked the sponsor, Commissioner Samuelian, for putting this item on the Agenda because this is the only venue the Commission can discuss this by law. The Commission needs an action plan. He is in favor of public/private partnerships, but in February, he specifically asked the question about the fairness of the bid process; could anyone come in now and make a bid, and come up, and the answer was yes. It was not like they had negotiations with the party, as there was an open process. He is just wondering

whether if they change the scope of the design, maybe they could get a bidder, but there were no responses. Is this Item allocating a maximum of \$400,000?

Lester Sola, Assistant City Manager, explained that the Resolutions are clear. Depending on the dollar amount approved, they would have a stopgap; if the number is \$100,000 or \$400,000, they cannot spend over that amount unless they come back in front of the City Commission for additional delegated authority or allocation. In answering Commissioner Meiner, he explained that in the Item itself, there is a clear delineation of the work that could be done with the \$400,000 as written. The structure itself does not have the amount of design historical information they would need. First, they need to find out what is the current state of this building, or what the industry refers to as-built, to give some design of what the current building looks like, and additionally, what is the state of that infrastructure, whether it is the stability of the structure itself, the mechanical, the electrical, and the plumbing. Much of the work that would initially go into, based on the \$400,000, is looking at the structure, determining the current state of that structure, doing some preliminary design of what the composition of the structure is, as well as doing charrettes and community outreach, and preliminary, very conceptual basic design based on input from the community to represent what the new facility would look like based on that guidance. In answering Commissioner Meiner, he continued to explain that a recent survey was conducted, which was done to get a snapshot of what the community envisioned or was going to look for in that facility. Once they get that information, and what they start looking at what the facility is going to look like, then they will engage with the community, and start exploring possibilities. They would need stakeholder input to make sure that what ultimately gets designed satisfies the needs of the industry and the community. The charrettes and community input are significantly much more engaged and have a higher value of deliverables than just a simple survey.

Kevin Pulido, Neighborhood Affairs Manager, addressed Commissioner Meiner's question; the survey was done by ETC Institute and it cost \$5,000 for 300 completed survey results, with a 5.7 margin of error.

Vice-Mayor Arriola asked Chief Financial Officer Woodruff what the City paid for the North Beach Master Plan. He thinks it was \$250,000. A Master Plan, hiring professionals to do an entire section of the City with countless charrettes was about \$250,000; this is a ton of money.

Mayor Gelber wants to know whether they are going P3 or trying to build according to the reports, the \$15 million, \$20 million, or the \$21 million project, and the unknown cost of a P3 because they put the money in, but their partners are getting some revenue stream from the project, so it reduces the cost on the City's side. That is why at times it becomes available early. He asked how much the City was going to put in the Byron Carlyle deal the last time.

Commissioner Richardson answered that it was in the range of \$2 million. The City had to do the buildout, which might have been with numbers as low as \$5 million and as high as \$10 million. He heard 10 and 12,000 square feet mentioned tonight and clarified that the final deal was 15,400 square feet. It sounds like the first \$400,000 would be spent looking at the infrastructure to see what work needs to be done. It seems to him that the first question the Commission needs to answer is whether the public wants to try to save this building, which is four and a half feet too low, and it floods, or if they want a new building? If the community wants a new building, then the Commission would not spend money to look at the infrastructure to determine how much work needs to be done. These are the preliminary questions. Mayor Gelber referred to it as "What Lane do they want to take?" He thinks the

survey will be completed on October 15, so once the survey is back, then the Commission can start the conversation on that basis.

Mayor Gelber added that if they are going to build a new building, renovate, or if it is going to be a P3, they will be different plans. They are going to get something from the development community, or the arts management group, and the cash flow issues are different because they have someone with another revenue stream coming in. The last time they had one bidder and that was not successful. It seems to him that they must know what the other parties want first before they start designing. He does not want to start designing at \$15 or \$20 million; he wants to know first what makes sense. He directed the Administration to come back to the City Commission in whatever way they think is the best way to get this done, in a way that it is beautiful, productive, and realized fast. Not wait 20 years and have a project on a shelf that never gets done for decades. The Administration needs to tell the City Commission which lane, which model they should choose. He wants the Administration to tell them which lane they are in, so they can continue with the process. He has not decided that the best thing is one of those options. He is not even close to it, as he worries that they will never get it done if they do that. He wants a world-class cultural center preserved, with elements of the Byron Carlyle, or the entire structure, with partners like this; that is what they want to do. If it costs \$100,000 or \$500,000 to get to that point, he is willing to spend the money. It does not make sense to start designing something until they know those answers.

Commissioner Meiner added that they had done a conditions assessment, spearheaded by MC Harry & Associates, and asked how much money the City has spent on that. How different was that from what he is hearing now that they want to see what the condition of the building is? He thought they had done that already.

Maria Cerna, CIP Division Director, thinks they spent close to \$100,000. She will confirm the pricing with MC Harry & Associates; it included the entire assessment and recommendations report completed in May 2021. In answering Commissioner Meiner, she explained that this would provide more of a design concept that takes into consideration those recommendations.

Commissioner Meiner stated that one of the reasons they do the budget now is because they are budgeting for the next Fiscal Year. If they do not include funds in the budget now, will they be precluded from doing this for a year?

Chief Financial Officer Woodruff explained that they are not. Having a pot of money, whatever the amount, helps keep the project moving, instead of having to stop and delay the project to do a budget amendment. Some amount of money is helpful.

Discussion continued.

Commissioner Richardson explained that it sounds like a great deal of the work has been done. He does not want to spend \$400,000 looking at the condition of the building more until they decide. The public will help them decide, pending the survey, if they are going to keep the building or build something new. If they build something new, is it going to be a standalone or a P3? He has been clear that he wants something there. He thinks they will get there only with a P3, modeled to work specifically without the transfer of the land, but there are other ways to do it. That is why he was so passionate when he spoke about the vision. A vision is not a funding request; it is what is it going to look like, how is it going to serve the community; who is going to be their tenant, and how are they going to pay for it?

That is all part of a vision. They do not have the money in the budget; therefore, it must come out of reserves that the City has in case of an emergency, such as COVID-19. As a CPA, he looks at every penny. It is silly to authorize up to \$400,000 when they do not even know what they want. He suggested coming back later and putting in additional funds if needed. He is not going to authorize spending the money. He agrees with Mayor Gelber's recommendation to take this up as part of the budget, but as a point of order, he asked the lawyers that there has been a motion and a second, so is it out of order for them to carry the motion and the second to the other Item. He fully supports doing it as part of the budget.

Mayor Gelber explained that he will carry the Item into the budget.

Vice-Mayor Arriola stated that there is wide consensus, it is unanimous that they want to do something meaningful done with the Byron Carlyle. Some of them are hesitant to allocate \$400,000 to do yet another study before they know what is going to happen first. Secondly, this is not just an ask for money, there is a Resolution that binds how the funds are going to be used, which is unusual for a budget Item, as it ties their hands. He is not endorsing the adoption of the Resolution. He would support the earmarking of money to do charrettes and get a sense of where the community is at on this. Before anything, they must clearly understand where they are in the marketplace. During COVID-19 consumer behavior changed dramatically. The Commission does not know if a movie theatre is the wisest public use of funds, even if the community tells them to do so. He does not want to tie them to a Resolution that binds them to whatever output of the process is. O' Cinema averaged attendance of about 40 people per screening. To spend \$20 or \$30 million on a facility that is going to attract only 40 people per night is not a prudent use of public funds either. He does not want to bind them to something that does not make economic sense. There are many options. There is no doubt that there will be a cultural facility; that is a primary purpose. However, this is not a prudent way to go. He asked that they spend less money and be cautious with taxpayers' money.

Rafael A. Paz, Acting City Attorney, stated that there is a motion and a second on the floor. If they want to take Public Hearing for the Capital Project Item, they could do that first. Before voting on the CIP Item, they must dispose of the motion and second first.

Discussion held.

Commissioner Richardson requested to approve moving the motion and the second to the budget Item unless there are any objections, which would be in order.

Moved and seconded.

MOTION 1:

Motion made by Vice-Mayor Arriola, seconded by Commissioner Richardson, to allocate \$100,000 for the Byron Carlyle line Item, to be used only after the survey comes back with public input. The City Commission approved to move the motion and second (herein labeled as Motion 1) to the budget Item. Vote: 7-0.

Commissioner Samuelian clarified that the Resolution is not tying their hands it is helping them move forward. They are in a budget session. They have zero dollars allocated to this, and that is wrong. He spoke to City staff and asked for an estimate to get moving and the initial number was \$500,000; he presented that to his colleagues. They suggested doing it for less. He met with the Administration and reduced the proposed allocation to up to

\$400,000. That is what he brought back; they are not tying anyone's hands. Doing nothing and allocating zero dollars is wrong; that is where they are. Procedurally, he also thinks the Resolution should be moved, as it was to be heard as part of the budget and is part of the discussion. He looks forward to hearing from the public.

Discussion held.

In answering Commissioner Steinberg, Mayor Gelber explained that the reason he wants to hear the Items together is that Chief Financial Officer Woodruff is going to tell them what is in the budget and what is not. This Item may have an impact on that, so they should travel together. There will be a Public Hearing.

Discussion continued.

At the request of Mayor Gelber, City Clerk Granado read the titles for Items R7 A, R7 B, and R7 E.

Mayor Gelber explained that a presentation will be made, they will debate, and then see what Commissioners Richardson and Samuelian want to do. They will vote on R7 A through R7 E, depending on the results.

6:36:58 p.m.

R7 A

Mayor Gelber explained the process to be followed.

Vice-Mayor Arriola explained that Mayor Gelber suggested that before approving the millage rate, they can open and close the public hearing, and then start voting.

Chief Financial Officer John Woodruff showed a PPT slide. Click [here](#) to view. Tonight is the Second and final Public Hearing, and once they adopt the budget, they will start the Fiscal Year on October 1, 2021. In addition to what has already been recommended, they have the additional resources for Building and Planning due to statutory requirements, they added funds for the South of Fifth traffic calming study; they added the Connecting Heroes Program, Juneteenth Holiday, and created the Reserve for Public Safety from American Rescue Act Funds. They also talked about allocating \$35,000 for the Normandy Fountain of North Beach funds. The only recommendation they have that has changed is the Freebee for Seniors, a program originally slated to end at the end of the month, but this was a pre-Delta variant decision, so the Administration recommends continuing funding the program for six months at least, and re-evaluating at that point. Perhaps the resort tax revenues can fund the Freebee. The \$90,000 cost would be added to the Transportation Fund. They heard that there may be an interest in discussing fireworks in Collins Park for \$50,000, which includes \$25,000 of City services. This is not under the recommendations, but it is up for discussion.

Commissioner Richardson appreciates the Administration looking at the Freebee issue because they discussed this at their last meeting. He agrees with the recommendation of six months, but if they go that route, can they come back in four months or so and let them know what the plans are, then if the Body wants to continue it throughout the year, they will not have interruption of service.

City Manager Alina T. Hudak explained that is the goal, and the City Commission will see a contract amendment possibly at the October Agenda to be able to continue to provide Freebee services as described.

Commissioner Richardson is supportive of the Item.

Chief Financial Officer Woodruff added that since the Miami Beach Convention Center settlement was approved as Item C7 C, the Administration is recommending a Capital Budget amendment. Ideally, they would pay for the settlement largely through the RDA funds. That is to be negotiated with the County, but in the meantime, the City must make a payment on October 15, and another one on December 31, 2021. The Administration is recommending realigning funds from the Transportation Initiatives Capital Projects, the old light rail project, to cover the two amounts needed within the next three months. Hopefully, they will be able to restore that fund at a later day.

Commissioner Richardson believes they can restore the funding. He wants to make sure that there are no legal issues that will prohibit the Commission from doing that.

Rafael A. Paz, Acting City Attorney, stated that whatever funds they use from reserves amounts could be reimbursed to those accounts.

Chief Financial Officer Woodruff continued the presentation. If the amount for the conceptual design is approved for the Byron Carlyle, they recommend covering that through the resort tax reserves, since it is a cultural facility. Also, the Stillwater entrance improvements project came up at the First Public Hearing, if that is approved, they recommend that cost be covered by the general fund reserve, instead of cutting an existing recommended project that they already have programmed. Those are pending Items where they need to have a decision, and in summary, they also have the fireworks in Collins Park. They need direction on whether they are going to be included in the final budget.

Commissioner Richardson asked if the fireworks are in place of the fireworks done in South Beach.

Vice-Mayor Arriola explained that the Collins Park Neighborhood Association requested that they have a firework ceremony, as it has never been done there. He asked if City services incur costs anyway, and then they are allocating them to this project. Are these park costs or are they soft costs?

Lissette Garcia Arrogante, Tourism and Culture Director, stated that with the Ocean Drive Association, the City owes them back, so they get credit for their fireworks of 47% of the total cost of fireworks; the fireworks are estimated at \$33,000, so they get a credit of \$15,000, and up to 47% of City services.

Chief Financial Officer Woodruff added that there are services the City would not pay otherwise; the Administration must pay employees overtime for extra cleaning, to have additional security, and public safety officers available in case something happens to the fireworks. It is more than \$15,000. They were planning on up to \$50,000, but this was a last-minute request. They were not able to do full due diligence.

Commissioner Meiner, addressing the Stillwater Drive entrance, stated that to him this seems like a fairness issue. To explain the history of what happened here, he continued that

this was part of the 2012 General Obligation (G.O) Bond. There was work done on Stillwater Drive, but funds ran out and a component of the project, which is the entrance point of Stillwater, was never completed. It is his understanding from conversations and emails that this money has been sort of allocated in the last three to four years, and it keeps getting pushed out because other projects take precedence. They had COVID-19, and now it is allocated again in next year's budget. He is sensitive that some of this is beautification and landscaping, but some of it seems to also be security-related. Some of it is about the positioning of the license plate readers to make sure they are properly read as cars pull in. Some of it relates to security cameras, which were paid for by residents but need better positioning or it may be related to lighting, which is a security concern. He is concerned that even though it is allocated in FY budget 21/22, this keeps being punted out three to four years. It is time the Commission fund this; they promised the residents and the City Commission has given their commitment for years. He added that Commissioner Steinberg has more knowledge about it, as she spearheaded this back in 2018. He has seen the emails going on for some time back and forth.

Commissioner Steinberg supports the allocation for the Stillwater project. The reason is that every year the Commission sees new needs come up, but if they are not fixing the existing needs. The Commission continues kicking the can down the road, those needs are just going to grow. They are going to be in a worse situation down the line. If that was promised, even as part of the prior General Obligation (G.O) Bond, they need to fulfill that. She knows it is difficult because there is only so much money to go around, but when commitments are made, they need to keep them.

Commissioner Richardson is also concerned about the way "this can has been kicked," but he is troubled by the fact that normally they would pay for this out of their Capital dollars, but Chief Financial Officer Woodruff is saying that if they do it since they do not have Capital dollars, it would come out of their general operation reserves.

Chief Financial Officer Woodruff stated that is correct because throughout this process they have allocated all the Capital dollars for FY 2022. The projects that are in the budget the Administration believes have higher priority. The Commission should not fund one thing, and un-fund something else to move it into the next Fiscal Year, which is the only option.

Commissioner Richardson clarified that this project has been pushed down the road, and it has not been given priority. He would imagine that there are projects in the Capital Budget now that have not been pushed down the road, so why not find something in the budget this year and kick that one down the road a year because this one has been kicked down the road for several years. That seems to be an option. Another option is that part of these expenses is beautification, the other part is security; he suggested moving forward with the security and saving the beautification for next year. He does not want to spend the General Reserve for this because it is Capital dollars, and that money will never get reimbursed in the capital.

Chief Financial Officer Woodruff reminded the City Commission of the process. What happened is that they ran into COVID-19, which was a problem and a big funding challenge. In 2018, when the project was recommended, the City Commission chose to fund other projects, and it got swapped out at the last minute. Since then, they had COVID-19. They had to push out all sorts of projects. This is just one out of 20 projects that have been moved around. It is programmed for FY 2023 because they are hoping to be past that point where is competing with much higher priority projects. Could they find funds money to try to swap

it out? They would come back to the City Commission with maybe three options and get the City Commission's response to that, but today they are at the last Public Hearing. He suggested leaving it as is and coming back with a budget amendment in October or November and bringing forward options. In answering Commissioner Richardson's request, he added that the City Commission can decide if they want to commit that this will be the first Capital Project funded in the next Fiscal Year, to give a sense of commitment to Stillwater Drive residents.

Discussion held.

Commissioner Steinberg understands and agrees with the comments, but every other year they have an election cycle, so it becomes a different City Commission. A project that becomes one Commission's priority, is not necessarily another Commission's priority; that is the risk they are taking.

Commissioner Richardson offered a solution. They could make a motion to include in the Resolution that the Stillwater project is the first Item on next year's budget and that it would require a 6/7 vote to change that Resolution. In that manner, it would be impossible for a new City Commission to change that decision.

Commissioner Meiner asked if the Commission funds the project now out of reserves, with the commitment to reimburse those funds next year since the residents of Stillwater Drive have been waiting for multiple years, how would that process work.

Chief Financial Officer Woodruff explained that there are options. They could allocate the funds from reserves and not restore the reserves. They could also fund the project using the reserve money and when they get to next year and have their capital allocation, they can subtract the cost of the project out and restore the reserve amount. From the options he has heard so far, Commissioner Richardson's option is the one he recommends, which is committing to leaving it where it is but committing to getting the project done in 2023. In answering Commissioner Richardson's comments, he clarified that it would be a simple swap; swapping in a traditional and operating capital source. It is something that is not normally done, as they are pre-spending next year's budget, but it is legal.

Commissioner Richardson added that if Commissioner Meiner made that as part of a motion, he would second it; if there is no legal problem doing so, he is in support.

Rafael A. Paz, Acting City Attorney, confirmed that the only limitation would be if bond proceeds are used, and that is not being contemplated.

Commissioner Richardson summarized what Commissioner Meiner has offered. The City Commission would move forward with the Stillwater project, pay for it out of the General Operating Reserves this Fiscal Year, and next Fiscal Year they will take that capital allocation and pay back the reserves, so they will have \$225,000 fewer dollars in next years' Capital Budget, as they will be repaying the General Reserves. The Commission is being advised that they can do this legally.

Commissioner Samuelian asked if there are any downsides or risks to that approach that the Commission should know.

Chief Financial Officer Woodruff stated that the downside is that they are pre-committing some of the money for next year's Capital Budget process. That is not normal practice, but at the same time, there is absolutely nothing wrong with it.

Discussion continued.

Mayor Gelber asked for consensus and a vote on R7 A.

Commissioner Richardson explained that he had offered to prioritize the Stillwater Drive project in next year's Capital Budget, and as part of the Resolution, make it a 6/7 vote to change that priority. That way it could not be kicked down the road next year.

Discussion continued.

Commissioner Meiner stated he does not want to make a practice of what he proposed, but this is a unique situation due to the years the people have been waiting, and the project keeps being pushed down the road. It is time they act. The money would be reimbursed into the reserves next year. It is the right thing to do. He made the motion to fund the Stillwater Drive Entrance Project out of reserves, with the commitment to reimburse those funds next year.

Motion seconded by Commissioner Richardson seconded.

Vote: 7-0.

7:00:26 p.m.

Mayor Gelber recessed the meeting and called the Normandy Shores budget Items.

7:03:38 p.m.

Per Mayor Gelber's direction, City Clerk Granado announced that one minute will be allowed for speakers during the Public Hearing.

Discussion held.

Former Commissioner Nancy Liebman stated virtually that the community has been working for more than two years to bring something back to the Byron Carlyle. They are concerned about the demolition, and they want to do something now. The conversation today was excellent, but they have heard that too many times. Now is the time to do something, create a committee, get people ready; people that know what is going on there and are supportive. They do not need to take another look at MC Harry.? They are trying to form an arts center, like the South Florida Art Center on Lincoln Road, which is the model they are trying to get to. However, it is impossible if the Commission sits and listens to conversations that have no bearing on it. It is time to get in line and do something respectable rather than allowing the Byron Carlyle to be demolished. She hopes to see progress shortly.

Bob Kuntz thanked the City Commissioners that shared their condolences for the passing of his beloved Doug. He thanked Commissioner Góngora for recognizing their gay rights struggle that impacted the nation and the world. In the context of this Item, Nancy Liebman brought up the issue of an arts center, one of the City Commission or the Mayor brought the idea of a cultural center, why not do a museum on the history of Miami Beach? By defining it on a much greater scale, there are Federal and State monies that would pay for it. Miami

Beach has a long and wonderful history, but they are always plagued by Miami and the Beaches. This started back in World War II; happening right out of their ocean here. There are thousands of things going on in the history of Miami Beach. He suggested a cultural center, an art center, and a museum. Do they want a new building concept? If they want something spectacular, why not have something like the Opera house in Sydney? They need something spectacular and it should include the City's history.

Julie Isaacson was called virtually but there were audio difficulties encountered. She is in support of the Byron Carlyle.

Wayne Roberts stated that Commissioner Richardson said that the P3 packet will cost \$12 million, perhaps \$15 million, plus the City would have to give up the land. There are two camps on the City Commission, one camp to try to save the Byron Carlyle and one camp is trying to tear it down. This is clear to him. What is the right choice? He does not know. He knows that if they do not do something fair and equitable to both sides that gets the process going on saving the Byron Carlyle, then it is P3 all the way or complete demolition. He thinks that is being used for political will to force that outcome. They can bring the existing Byron Carlyle up to Code and avoid its continued destruction by neglect. That would cost \$2 million. It seems to him that would be the obvious decision. Demolishing the building or doing a P3 will delay the project by ten years, and in the interim, they can make that street more livable for \$2 million.

Daniel Ciraldo, Miami Design Preservation League Executive Director, stated that they had an interesting forum on Zoom that Nancy Liebman organized to try to envision the Byron Carlyle. The idea was to inspire the City to do something like that because the best things they can create are when they work together as a community. There are plenty of angry people right now all over the City. They all hear from them, and one of the things they want is to be listened to. He thanked Commissioner Samuelian because this allocation during a budget cycle is the right thing to do at the right time. Appropriate up to \$400,000, and anything more must come back to the City Commission. He suggested getting the process started and not sitting on it for ten more years.

Mayor Gelber thanked Daniel Ciraldo and asked what the Miami Design Preservation League's recommendation is. He has immense respect for Former Commissioner Nancy Liebman. She seemed to be talking about a visual arts concept like the one that was on Lincoln Road for years. They did the study for performing art, so the point made earlier is what is it that they are going to design. What are his recommendations on behalf of the Miami Design Preservation League (MDPL)? He is hearing now that the community has diverging views on what the structure should be used for.

Daniel Ciraldo, Miami Design Preservation League (MDPL) Executive Director, stated that there is a document attached to the Resolution from that group, who have been more involved in the specifics, but there are many unknowns. They do not know if the entire structure is historic or if there are elements that could be readapted. They know that there is the issue of FAR increase for affordable housing in Town Center. There may be an opportunity for some FAR development of affordable housing like was done in the Ballet, which the Miami Design Preservation League (MDPL) supported. That sounds like the perfect project for arts and culture. From zero to \$400,000 as recommended, maybe there is a happy medium, but keep moving forward.

Jo Manning tries to think logically. She thinks she is looking at things in a fiscally responsible way. She agrees with Commissioners Góngora and Samuelian that \$400,000 is not a large sum to deal with for something like this. She thinks it is time to sit down and find out if the theater is falling apart. It seems to her that this is a structural engineering problem. She does not understand why so much time has elapsed wondering. Settle it. If it needs to be demolished, maybe that is the answer. As to the potential use of this or a new building, there are many ideas out there. They do not cancel each other out. They can have visual and performance. Using the Byron Carlyle as a performing art center, the legitimate theater aspect and the cinematheque aspect did not work. She was there and she may have seen ten people; it just did not work.

Elizabeth Scarlett virtually speaking complained about the three-hour delay to speak. She just wanted to say that this Resolution is only to fund up to \$400,000. It does not say that the funds must be spent, but it is also for conceptual design and preparation. They have been waiting a long time. She thinks it is right to fund this. As one Commissioner said, can't the City just find \$225,000?

Tania Dean, via Zoom, stated that rotten buildings increase crime. Rotten buildings increase the depressive look of a City, the economy, and the community spirit. Every day this building goes untouched it gets worse. The City adds a quarter of a million dollars easily in less than five minutes every single year to give staff an extra day off; Zyscovich was given \$100 million for the travesty that is Washington Avenue. Developer parking is now over-budgeted at \$17 million with a pool on top.

Manny Salazar virtually spoke in support of Commissioner Samuelian's Resolution and thanked him for making sure this was not left behind. North Beach has spoken loud and clear. They want to save whatever can be saved of the Byron Carlyle and build a cultural center there that could also have an art component. In a budget of \$700 million, there must be money for the Byron Carlyle. There must be money for the City Commission to keep its promise to North Beach and the promise that was made from the dais when the City Commission voted to keep the Byron Carlyle and turn down the RFP in March. How long has the City owned the theatre and left it abandoned? How long will it continue to languish? They cannot minimize the possibility of a County demolition order. Maybe that is what some people want to happen, to tie the Commission's hands and force a new building there. The question is not whether they want to have a new building or not, but what do they want to do there. What does the community want there? What potential cultural partners may be interested?

Joseph Magazine does not know what the proper usage for the theater is moving forward. He urged a revisitation of a possible P3 project. These are big numbers. They are talking about \$20 to \$30 million, and that does not account for the ongoing operation and funding budget. Those big numbers cannot be found by cutting programs or selling advertising on the back of buses. He recommends that the Commission not tie their hands, but instead broaden their scope as much as possible. One of the concerns was short-term rentals, so excluding that, he would not tie the Commission's hands with workforce housing, as some of that area is already affordable.

Bennett A. Bramson, virtually speaking on behalf of his brother Seth Bramson, explained that they submitted a proposal to Commissioner Samuelian. They would offer the entire Bramson archive, several hundred million dollars worth of historic memorabilia, Miami Beach memorabilia, and collectibles to the City free of charge. Culture is not just about performing arts and movies; culture is about history. He encouraged Commissioner Samuelian to share

that. To expand this concept to include this amazing collection. His brother and he are natives of Miami Beach, both born and raised, attended school, and worked on Miami Beach. It is an offer that is greater than The Wolfsonian. Nothing like this has been offered in the City before. He encouraged them to accept it.

Lori Bakkum is in support of Commissioner Samuelian's proposal. When they live in a community, they get a different sense, appreciate working and having fun with friends, and being an integral part of the City. The Byron Carlyle's location is the heart of this community. It is an activated community as it has been said earlier. They see the activation there. She asked that the Commission do this as a commitment to the City.

Tania Bhatt was called twice but was mute.

Daniel Veitia virtually stated that the North Beach Master Plan follows what needs to be done to activate the ground floor retail with a nice retail edge. He supports an art component and supports some form of affordable or workforce housing because the situation has changed significantly in North Beach. They do not have that artificial affordable housing anymore. He feels déjà vu because this conversation of the status of the building, its condition, and whether it can be saved or not, is the same conversation they had 15 years ago; here they are again today. He does not think they can save the building. He is happy to listen to the engineers, but after 15 years of listening to the City's experts, if it cannot be saved, it should be redeveloped into something beneficial to the community.

Rick Kendle stated that the neighborhood has demonstrated its commitment to the Byron Carlyle multiple times. Dozens of people have come out and do not want it demolished. This is one of the few projects that can be funded with CRA money. Many of them did not support the CRA map, but they supported a CRA in Town Center so they could fund these kinds of projects. Spending \$400,000 would be the impetus to getting the CRA money and getting things going so they have results. Their neighborhood does not want another building knocked down like it was previously done with the Log Cabin by a former City Commission. There is much resentment. He pleaded not to do that with the Byron Carlyle. Fund this, move on, it may cost less than \$400,000. They will hear from the neighbors if they do the charrettes.

Tania Bhatt, on behalf of Miami Beach United (MBU), apologized for the technical difficulties and explained they are hearing a lot about absolute; they are talking about a budget allocation of up to, not more than \$400,000. The survey is already in the field and when it comes back it must go someplace. This allocation will provide the place for that survey to land, and then use that information along with the existing MC Harry study. They will be able to determine where they are, what needs to happen next, and what further evaluations need to be done to the structure itself. It is not an either-or of demolishing or keeping the whole thing. It is not a movie theatre that people want to see brought back. It is a cultural center that will link the Normandy Isles Fountain to the Byron Carlyle, to the Bandshell, which is about to be designated historic, and to the Oceanside Park.

City Clerk Granado announced the conclusion of the Public Hearing.

Mayor Gelber apologized for having the public wait to speak. If someone had to wait and listen to them talking about other things, he is sorry about that.

Chief Financial Officer Woodruff stated that the Item for discussion is the Byron Carlyle, they did Stillwater entrance, and the fireworks in Collins Park, which they resolved.

Mayor Gelber recognized Commissioner Samuelian.

Commissioner Samuelian is enthusiastic that there is unanimous agreement to do something. There was no money in the budget for the Byron Carlyle, but now they all agree to put some money towards it; that is progress. He shared that there have been many questions about the vision. He took the time to address that and included the community. They heard from former Commissioner Liebman and Manny Salazar; it is not that complicated what they said. the Byron Carlyle could be used as a cinema multiplex, for one or more indoor/outdoor cafés, a bookstore, a gift shop, a venue for live performances and lectures, classrooms for after school programs, adult classes in art, an art studio; that is what the community is saying. Is that the final answer? No, but that is a starting point of what they want. He appreciates Mr. Bramson's offer, it was shared by the City Clerk and communicated to his colleagues. It is amazing when new ideas come up from listening to the public, from the historical element. They are getting offers just by having this conversation. They heard from the Miami Design Preservation League (MDPL) and Miami Beach United (MBU); no one has said do not do anything. The Commission should also pay attention to the will of the CRA Advisory Committee members. That body voted unanimously in support of the Resolution. They have documentation from the Chair of the CRA Advisory Committee. They heard from the public, Miami Design Preservation League (MDPL), Miami Beach United (MBU), and the Commission's own appointed Advisory Committee that they support the Resolution. He hopes they can get this done. He believes that they have a path to move forward unanimously.

Commissioner Steinberg supported the Item to fund the Byron Carlyle at the last Budget Meeting because she felt it was important to begin the process in good faith, but today is different in terms of the Resolution. She supports an allocation for the Byron Carlyle but passing this Resolution along with that creates an expectation. They need to create a budget and set a process that does not cause them to unnecessarily spend any of these dollars. They should also direct the Administration to further explore possible partnerships, whether a P3 or a cultural anchor. There are many possibilities for the reduction of the cost before they start any design process. The Commission can have a thoughtful and intentional process to explore options and deliver a worthy product to the community. Before they spend the money for a design that may be viable or not, pending the survey, she is in favor of a placeholder to show good faith. However, before any dollar is spent, it should come back to the City Commission to ensure they are moving forward in the right direction. It is not a *carte blanche*; it is allocated money. Whatever that money is going to be used for the Commission needs to know the details. She is in support of the allocation of \$400,000; however, she is not in favor of the Resolution as written.

Commissioner Richardson stated that it is unanimous that the City Commission wants to do something. A motion was made earlier and seconded to have \$100,000 funding without a Resolution. He has a problem with the Resolution as well. At the top of Page 3, which reads: "*WHEREAS, residents have crafted a preliminary vision for the Byron Carlyle, a copy of which is attached as Exhibit "A" to this Resolution, and which should be given the fullest consideration as part of the Conceptual Design.*" He asked who are the committee members that want to preserve the Byron Carlyle Theatre; who are they? There are people in the community that have definite ideas of what they want, others are open-minded, yet others want to listen to everyone, and others want to do the charrettes. He is not at all comfortable with the Resolution. He does not even know who wrote the document, there is no signature. He does not know whom the committee to preserve the Byron Carlyle is. He wants to hear

from everyone. The first step is to get this survey in, which will be October 15, 2021. The maker of the motion has left the building, and Commissioner Steinberg also has concerns with the Resolution. They can move forward with the motion made and seconded, or he can proffer an amendment if the City Commission wants to consider that, to put a placeholder for \$400,000 in the budget with no Resolution, and the City is required to come back to the City Commission before any money is spent and get approval on action items.

Mayor Gelber agrees with the \$400,000 if they are going to use it, it is not typical, but it can be done. He does not think there has been consensus. He does not want to start going on a path of designing something and then listening to someone he has a great deal of respect for, Nancy Liebman, says that she wants to recreate what was on Lincoln Road, which is a beautiful Art Center. That is much different than what the attached Resolution requires, which not only keeps the theatre but the stadium chairs. The Resolution contains such a detail of what they want, that it does not make sense to him to tell the Administration to go ahead and spend \$400,000 on this. They have professionals who do this for a living. He requested having professionals look at this, and directed the Administration to figure out an approach that will bring the community in. He has never believed the survey is going to be the best thing because of the lack of details and cost, but they need to figure out what they should be doing with the Byron Carlyle. Vice-Mayor Arriola said something significant today. He wants to do a cultural bond; an interesting idea, which made Michele Burger extremely excited. If the Commission did something like that, they would probably want to know exactly what the public envisions. He recommended the Administration figure out a process for bringing the public and professionals in so that they can give the Commission viable options, whether that be a theatre, a black box, or a room rehearsal. This is no way to build an arts complex by letting everyone send a Resolution. Mr. Kuntz had a great idea to make it a Miami Beach Museum. There are so many ideas right now, but they need professionals to put them together. He does not want to give the Administration the direction given in the Resolution because it is clear and concise but possibly not workable, which would lead many people down if they went down that road. He agreed to place \$400,000 as a placeholder and asked that they do not use the Resolution that says this is precisely what the Commission wants.

Commissioner Samuelian agreed and stated that they can draft that as part of the Resolution, but it sounds that it is the will of the Body to allocate up to \$400,000 for the City Administration to do exactly what Mayor Gelber said.

Mayor Gelber explained that the only thing that bothers him is that building an art center by Resolutions from different groups and people who stand up and say this is what they need is not the way to go. They need professionals to tell them what is going to work. Many organizations would fall over themselves to be in a renovated Byron Carlyle, including three amazing anchor groups. To him, the more anchor cultural groups they attract to the City the more sustained cultural environment they have. Until they got Miami New Drama, the Colony Theatre was lit up to 40 nights a year, and now it is like 280 nights a year. The difference between a place with a cultural anchor and just another place is the difference between a cultural center and just a building; there are professionals who know how to do that.

Commissioner Richardson clarified that while they are allocating \$400,000 from the reserves, they are not going to spend anything or hire consultants. The Administration will come back with a plan for the City Commission to approve.

Commissioner Samuelian heard Mayor Gelber describe the intent. He thinks the Administration needs guidance from the City Commission tonight as well as direction. The up to \$400,000 amount is to help them do exactly what Mayor Gelber described.

Mayor Gelber stated that City Manager Hudak now knows what the City Commission wants. They are about to get a \$400,000 set aside, it may not all be spent because of the charrettes that take them through a year. They do not have to program money since it is from the reserves, and it is technically not programmed.

Commissioner Richardson stated that if they do not need to spend the money to do infrastructure, and the public decides they do not want to go in that direction. To keep things in order procedurally, he withdrew his second on Vice-Mayor Arriola's motion; that motion is off the floor. He then moved the Item as described by Mayor Gelber.

Rafael A. Paz, Acting City Attorney, stated that there was a motion and a second on the floor, and now there is an amendment to that motion; is there a second to that.

Commissioner Richardson clarified that the maker of the motion left the Chamber. He can amend the motion.

Discussion held.

7:43:42 p.m.

R7 F MOTION

Commissioner Samuelian stated that Mayor Gelber described the essence of what they were trying to do, which is allocating \$400,000. It was never meant to have a specific vision; it was an illustrative vision. He was hopeful to get a unanimous vote. He would ask that the City Attorney and the Administration draft an After-the-Fact Resolution consistent with what Mayor Gelber said and he made that in the form of a motion; seconded by Mayor Gelber. 6-0; Absent: Vice-Mayor Arriola.

7:44:12 p.m.

John Woodruff, Chief Financial Officer, stated the other line Item was for fireworks up to \$50,000 in Collins Parks.

Discussion held regarding firework celebrations.

Commissioner Richardson moved the Item to approve \$50,000 for fireworks in Collins Parks; seconded by Mayor Gelber. All in favor. 6-0.

Chief Financial Officer Woodruff suggested adopting the Millage Rate, the operating budget with the amendments with the Freebee for Seniors, and the fireworks in Collins Park. They suggested putting the Byron Carlyle conceptual design in the operating budget, so if they want to go for the CRA funding, they do not compromise that, so that would be the operating budget. On the Capital Budget, the Stillwater entrance Item, and the settlement Item at the Convention Center to realign funds from the old light rail project to help cover those first two payments.

Commissioner Richardson moved the budget with the changes.

City Clerk Granado clarified that they must vote on Item R7 A.

7:45:52 p.m.

R7 A MOTION

Moved by Commissioner Steinberg, seconded by Commissioners Richardson and Samuelian. Voice vote: 6-0; Absent: Vice-Mayor Arriola.

7:46:11 p.m.

R7 B MOTION AS AMENDED

Moved by Commissioner Richardson, seconded by Mayor Gelber. Voice vote: 6-0; Absent: Vice-Mayor Arriola.

7:46:25 p.m.

R7 E MOTION AS AMENDED

As amended moved by Commissioner Richardson, seconded by Mayor Gelber. Voice vote: 6-0; Absent: Vice-Mayor Arriola.

City Manager Alina T. Hudak explained that she inherited this process mid-way through it; this is the single most important policy document that this Board approves every year. It sets the tone for the coming year. She commended Tameka Otto Stewart and Chief Financial Officer Woodruff for their outstanding leadership, and she recognized the hard work of the Budget Analysts and the entire Finance team. She asked the Finance and Budget teams to stand up so they could be acknowledged for their amazing work. She thanked all the Department Directors and their leadership as well and the creativity that goes into finalizing a budget.

Mayor Gelber recognized the Finance Department for their efforts and expressed their gratitude on behalf of the City Commission and residents.

Handouts and Reference Materials:

1. Miami Beach United Resolution at City Hall Thursday, September 30, 2021, RE: Funding of Conceptual Design for the Byron Carlyle Theater - IN SUPPORT.
2. Electronic correspondence from Rafael E. Granado to Mayor's Office dated September 30, 2021, RE: Fund the Byron Carlyle – THURSDAY, with a proposal from Seth H. Bramson to move his archives to the theatre.
3. Email from Jose Smith dated September 29, 2021, to RafaelGranado@miamibeachfl.gov, copying the City Commission and City Manager, RE: Byron Carlyle Resolution in support of Commissioner Samuelian's Resolution seeking funding for a conceptual plan for the Byron Carlyle.
4. Email from Daniel Ciraldo, daniel@mdpl.org, dated September 29, 2021, to Mayor and Commissioners, RE: MDPL Position on the Byron Carlyle – Reminder.