



Flagler Street Task Force (FSTF) Meeting Minutes

Monday, March 13, 2017 – 9:00 AM

Olympia Theater - 174 E Flagler St., Miami, FL 33131 Tel: 305.374-2444

www.miamidda.com

Minutes

Attendees:

*David Adato
Elena Bondarenko
Robert Fenton
Barnaby Min*

*Brian Alonso
Angel Diaz
Terrell Fritz
Garry Ressler*

*Erik Austin
Humberto Escandon
Robert Geitner
Neal Schafers*

*Hector Badia
Fabian De La Espriella
Abigael Mahoney*

City of Miami

a. Construction Update and Status of Time Impact Analysis

- City of Miami Construction Manager Robert Fenton stated that construction is progressing, although slowly and that they have encountered a large number of utilities.
- They have also completed exploratory digs and they appear they will **not** have to replace the offset on the water main on Miami Ave, nor put in a new sewer lin. This will result in a significant amount of time saved. They can realistically expect to finish the north side of Phase 4 in roughly 3 to 4 weeks.
- City of Miami Construction Manager David Adato added that this is not a time reduction per se, it is just not a time addition. It may reduce some scope for the contractor.
- FSTF Co-Chair Brian Alonso inquired if the City has been able to come to an agreed upon new schedule with the contractor.
- Mr. Fenton confirmed not yet. There was one meeting to discuss and there will be another conference call on Tuesday (tomorrow).
- FSTF Co-Chair Brian Alonso inquired if the Atkins has finished their study on the time-impact analysis. Yes they have.
- FSTF member Gary Ressler inquired as to how the project can be delayed so much without any major storm events? Utilities is the answer.

- Mr. Ressler (and other Task Force members) stated that it is their understanding that in the contract it clearly stipulates that any utility delays were the responsibility of the contractor.
- Mr. Adato confirmed yes, but there are exceptions. For example in Phase 1, when TECO hit an FP&L line, FP&L delayed the project approx. 90 days. FP&L assessed that the line was too old to re-splice so they had to rerun the line from manhole A to manhole B. After scheduling, design, budget and work, the delay was approx. 90 days.
- Mr. Ressler stated that if that delay was caused by TECO's negligence, who is going after TECO to reimburse the City for the delays? If no one, then this issue to needs to pursued. What is the mechanism for following up on this?
- Miami DDA Government Relations Elena Bondarenko replied a construction attorney.
- As to some of the other actual delays, Mr. Adato mentioned the shallow water main in front of the Courthouse. There was a great deal of coordination with WASA and they had to adjust everything so the contractor could excavate under the utilities. This entire process took 4-5 weeks.
- The rest of the delays were time and materials for concrete slabs that were not called out in the plans and other miscellaneous which would total less than a month.
- Mr. Ressler stated once again that it is his understanding that in the contract, it is understood that if there are differing site conditions, it is the contractor's responsibility, unless they notify the City immediately.
- Mr. Fenton responded that if the contractor discovers something that is not indicated in the plans, the City issues a change order to the contractor; once it's approved, they proceed with the work.
- Mr. Geitner inquired that if the City and the contractor can come to an agreement on the time extension, what happens next?
- Mr. Fenton responded that once that agreement is in place, the contractor will update the schedule AND provide a recovery schedule to make up the lost time that is not agreed upon in the extension.
- Mr. Ressler is not pleased with the City and contractor making a final decision and presenting to the FSTF without their input or approval. What is the status of the MOU between the City and the DDA?

- City of Miami Attorney Barnaby Min stated that the MOU has been drafted and is going to City Commission on March 23rd, but there's no provision that the FSTF will oversee or have say in the City's negotiations.
- FSTF Member Mr. Terrell Fritz confirmed that the MOU discussion will actually be heard at the April 13th City Commission Meeting.
- Mr. Fritz also stated that the Flagler Property owners have requested a public discussion from both the City Manager and Commissioner Russell on the issue of the unacceptable delays. Further, that if a solution can be found before that date, the property owners would be delighted to support it. If by that date, no agreement has been made, the owners will demand a public hearing.
- FSTF Co-Chair Mr. Alonso asks what can the FSTF do to assist in resolving this issue? Is there any leverage that can be placed? What can we do to help? There is an immediate need for some kind of resolution, because not only are the delays impacting businesses, uncertainty as to the schedule is also damaging prospective clients/tenants.
- Mr. Fenton and Mr. Badia stated that their only leverage is withholding payments. Mr. Fenton also thought it might be good to have Mr. Alonso on the conference call to relay his message.
- Mr. Geitner reiterated once again that the both Commercial and Private Property Owners were assessed two years ago, and they have a stake in this game, thus the aggravation.
- Miami DDA Manager Mr. Neal Schafers asked City of Miami staff if it is even possible for the contractor to complete Phase 4 without opening up another phase, given the physical realities of the site, with machinery, equipment, supplies, etc.?
- Mr. Fenton responded that at some point, if the next phase is not opened, they would have to demobilize some of the equipment, because there is nowhere else to store it. Given that this phase is possible 1-2 months away from being finished, we need to make this decision within the next week or two.
- Mr. Fritz stated that if an agreement to an approved schedule cannot be made, then the City should not allow the contractor to move forward with another phase; this was a decision that all members of the FSTF agreed upon.
- City of Miami CIP Assistant Director Hector Badia agrees and notes that the recovery schedule is of equal importance. But it is a complicated process.

- Mr. Ressler just doesn't believe there is a strategy in place for resolving this issue and moving forward, both from a management and legal perspective.
- We would like to see a resolution by the next meeting: April 3rd.
- Conversation regarding large fruit tree on the southeast corner of the MDCC. It will be removed and replaced with a large live oak. There has not been a determination as to whether the concrete full of tree litter will be replaced.
- Co-Chair Mr. Alonso once again asks for a countdown timer on the Flagler Website to highlight which agency we are waiting for, for utility resolutions, and how long it has been.

b. Miami Parking Authority (Update on Valet Procurement & Loading Zone Times)

- Miami Parking Authority (MPA) Senior Operations Manager Angel Diaz Jr. opened his presentation with a draft handout of the Flagler centralized valet plan.
- Mr. Diaz stated the goal is to have 7 locations with 2 valet locations running 24 hours a day and 7 days a week, this will help the residents/employee's early morning and late at night.
- Mr. Diaz also added that having a monthly rate for the people that use the service everyday will also help the residents/employees. A validation program is in the works, the idea is to give the merchant a voucher of \$5.00 and it can be accepted through a mobile app or chip bar code. The plan is still to be determined.
- Co-Chair Mr. Alonso requested that Uber/Lyft have drop off and pick up locations because these types of services usually stop in the middle of the street causing a traffic issue.
- Mr. Diaz stated that it is very difficult to police Uber/Lyft briefly stopping in the middle of the street.
- Mr. Geitner agreed that policing these services will be extremely difficult because the MPA will need to physically see them in the act to enforce the rules.
- Co-Chair Mr. Alonso commented that a 24 hour valet service is ambitious and inquired if the service is going to be mandated.
- Mr. Geitner and Mr. Diaz both stated that there will be no mandate and it was up to the valet operator as to scheduling its employees.
- Co-Chair Mr. Alonso stated that when Phase 7 is completed then the RFP process will commence and asked how long the RFP process will last before they are ready.

- MPA Senior Operations Manager Mr. Humberto Escandon answered approximately 90 days would be the time frame of the RFP.
- Co-Chair Alonso re-iterated that after Phase 7 is completed the new valet operator would come in and they would have enough space of the completed phases to operate and then move accordingly down Flagler as construction continues.
- Mr. Escandon stated that there is no specific amount of storage spaces mandated by the MPA as long as the operator has a parking lot or garage that is up to code then it is up to them how they park and store the vehicles. The operator does have its own insurance for any type of incidents.
- Co-Chair Mr. Alonso requested that the Task Force be a participant of the RFP process. Also recommended that the mobile app is mandated.
- Mr. Diaz asked for a formal email stating that the Task Force requests this plan to commence once Phase 7 is completed.
- Mr. Geitner requested the DDA to draft the email being sent to MPA.
- Mr. Schafers acknowledged that this could be accomplished.
- New Public Information Officer Erik Austin inquired about the pricing of the new valet operators, will it still be half hour/hourly pricing or will it be one flat rate across the board.
- Mr. Diaz stated that it will be a flat rate for set hours and your price point will fall on which hour you pick up your vehicle.

PIO Update

- a. Welcome the new Public Information Officer, Erik Austin / Business Outreach Update
 - Mr. Erik Austin introduced himself to the Task Force and briefly spoke about his background experience.
 - Mr. Austin developed an action plan and door to door outreach plan that will be implemented throughout each and every phase moving forward.
 - Action Plan:
 1. Distribute informational pamphlets with contact information attached.
 2. Informing business owners/managers about the Flagler Street website and inviting them to the Public Information Office to further explain the vision and goal of the project.

3. Offer a tour of the completed portions of the project.
 4. Add to existing property & business owner contact list & database
 5. Answer all emails that are received by info@flaglerstreet.com
 6. Answer all phone inquiries regarding the construction efforts,
 7. Update www.flaglerstreetmiami.com website with construction/traffic updates every week.
- Mr. Austin also added that he will be going door to door to ground level businesses and discussing potential financial incentives during the length of the construction project such as: Outdoor dining fees being waived, facade improvement program, marketing & advertising free of charge on the DDA/Flagler website.

Adjourn:

- Next Meeting: April 3rd, 2017