



Flagler Street Task Force (FSTF) Meeting Minutes

Monday, February 06, 2017 – 9:00 AM

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

www.miamidda.com

Minutes

Attendees:

*David Adato
Neal Schafers
Terrell Fritz
Garry Ressler*

*Brian Alonso
Kenia Silva
Robert Geitner
Antoine Williams*

*Fabian De La Espriella
Melanie Dawn
Abigail Mahoney
Antonio Lara*

Michael Paris

City of Miami

a. Construction Update

- City of Miami Construction Manager David Adato stated that the PIO Maria Fernandez Porrata has been relieved of her duties. Moving forward the PIO responsibilities will be taken over by the DDA, as soon as the City and DDA can work out contract issues.
- Due to internal changes and streamlining the staff, CEI Inspector Mr. Wilfredo Mulkay is also no longer a part of the project. The senior inspector Evelio Hernandez is still on the project and from the City's side, Robert Fenton will remain on for day-to-day inspections.
- Phase 2 is now complete and open today to pedestrian circulation.
- Due to drainage issues and conflicts with Miami-Dade WASD, there's been a setback of a week and half on phase 3. Phase 2 and Phase 3 could both be open to traffic by Feb 15th.
- Mr. Adato reiterated that a water main and sewer line are tied together between Phase 4 and Phase 5. On the north side of the road of Phase 4, new trees have to be installed at a certain depth and the existing sewer main running underneath the trees needs to be removed. This is the sewer main that is connected and in conflict with the water main in Phase 5.
- That water main has to be tested for a period of one month by the Department of Health for bacteria testing. So if the work in Phase 5 is not started ahead of time, the project will have to be shut down for 4-6 weeks until we get clearance from the Department of Health.
- The work on the water main in Phase 5 could be done at night, from 7pm to 5am.
- Mr. Terrell Fritz again expressed the concerns of the FSTF about opening up any part of Phase 5 before the City of Miami produces an updated and agreed upon schedule. And that no daytime

work/disruptions should be allowed in Phase 5 until everything is worked out between the City and the contractor.

- Mr. Adato is pushing contractor to work shifts at night/weekends. Phases 5, 6 7 & 8 (Miami Ave to NE 2nd Ave might be the hardest to complete in terms of underground utilities. Mr. Geitner echoed these sentiments, stating that the amount of underground utilities on NE 2nd Ave, particularly plumbing and gas lines, is huge.
- FSTF Co-Chair Mr. Brian Alonso reiterated his dissatisfaction that the project was not bid out as both day and night work as it was promised to the Task Force previously. If there's an opportunity here to make up for that in any way, if the numbers work out, we should do it.

b. Status of Contractor Timeline/Construction Schedule/Time Impact Analysis

- Mr. Adato stated that contractor submitted three 4-inch binders at the end of December. The contractor has claimed that they need an additional 292 days due to delays beyond their control. The City has reviewed all of the claims with their scheduler, rejected most of these claims, sent them back to the contractor, and are awaiting the contractor's response. Mr. Adato stated that many of the days the contractor is claiming of lost time are not accurate/there are numerous discrepancies.
- As a property and business owner on Flagler Street, and having seen businesses go under, and seeing rental prospects disappear, Mr. Gary Ressler expressed his concerns about continuing with current contractor based on the contractor's history, performance issues, a lack of clear strategy moving forward, and an untrustworthy relationship. He believes that the plan is a moving target and every time there's a meeting the target moves. This doesn't help establish a timeline and have predictability as far as how long the next phases are going to take. As a concerned citizen, he does not see a cohesive, well-formed and well-planned strategy on getting this project back on track.
- Mrs. Melanie Dawn asked what if anything has City of Miami legal advised as far as dealing with the contractor and the discrepancies between what they are claiming for delays and what is actually occurring?
- Co-Chair Alonso stated the bonding company (surety) has financially guaranteed that project would be completed. However Mr. Adato stated that the way the contract is worded, it is not stipulated how liquidated damages can be assessed, and that the contractor is only required to finish the project by the end date, not by each phase.
- Mr. Adato confirmed that since May 2016 there hasn't been an updated schedule, and that based on actual delays, Mr. Ressler believes there is at least a 7-10 month lag on the project. Furthermore, the

current approved schedule is not reflective of where we are. The City and Contractor have not been able to agree on the incurred delays so far.

- Co-Chair Alonso stated some unforeseen conditions one of them being Hurricane Matthew and Contractor had to prep base on the contract so this created delays in the project.
- Co-Chair Alonso stated to not open Phase 5 until there is an agreed upon schedule (City and Contractor) – and to have a community meeting held to engage citizens and inform them about where we are.
- Mr. Adato stated that the one element of leverage he and the City had were withholding payments. Unfortunately he was advised by the City Attorney's Office to release payments under dispute. Therefore they have lost that leverage. The City Attorney's Office attorneys that have worked on the Flagler Project are Daniel Diaz, Carlos Gamez and Joseph Ruiz.
- Co-Chair Alonso stated based on their past experience with these lawyers, the Task Force has very little confidence in those lawyers and their legal opinion.
- Mr. Adato concurs and gave an example of the County assessing liquidated damages per phase, not waiting until the end of the contract; and that when the contractor actually catches up, that's when they release the money, not before.
- Mr. Ressler added that that by doing that, they City is setting up a repeated scenario whereby the contractor knows they are going to get paid, and the City will deal with the issues thereafter.
- Co-Chair Alonso added that the DDA hired a professional construction attorney to review the contract, project correspondence and provide us with better legal counsel than what we've been given by the City Attorney's office.
- Mr. Geitner inquired as to the progress of the MOU (Memorandum of Understanding). Mr. Schafers thought that the MOU was in the City's possession, but will check and give an update at the next meeting.
- Co-Chair Alonso stated that although the contract is exclusive between the City and the Contractor, he hopes that the MOU, and by becoming a 3rd party to the contract, will provide Mr. Adato and his construction team with more legal support and leverage.
- Co-Chair Alonso expressed his appreciation to Abigail Mahoney (Commissioner Russel's Office) for showing her concerns for the project and any assistance Commissioner Russell's office can lend.
- Mr. Geitner inquired as to why the sidewalk colors are not consistent.
- Mr. Adato stated that the curing compound has a color that will fade with time. But, there also has been consistency issues with the concrete mix, temperature and timing.

- Mr. Adato informed the Task Force that a large shade tree on the southeast corner of the MDCC has been dropping seeds into the concrete mix and on top of the finished sidewalk and it is ruining the sidewalk. He spoke with the County to remove the tree.

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

- DEC Parking is waiting on the MPA (Miami Parking Authority)
- Mr. Fritz reiterated that the MPA will oversee valet parking operations with their current vendors for any new loading bays that are opened. Once Phase 7 is completed (NE 1st Ave), then the MPA will turn the operations for the whole street to the new selected vendor.

PIO Update

- DDA staff member Mr. Fabian De La Espriella stated that the DDA was waiting on the City to provide us with the full budget for the PIO contract (or what's remaining). We still haven't received that info.
- Mr. Adato stated that he provided CIPT Director Jeovanny Rodriguez with the number. The remainder of the contract is for the duration of the project, which is 716 days.

Miami DDA Update

a. Business Outreach Update – Antoine Williams and Neal Schafers

- Mr. Schafers stated that as soon as they receive the necessary information from Jeovanny and Alberto, the DDA will hire a new PIO. Miami DDA Executive Director Mrs. Alyce Robertson has a candidate in mind that can start right away. Once they are hired, they will be in office from 9am to 5pm daily. In the meantime, DDA Business Concierge Mr. Antoine Williams and Mr. Schafers will be manning the office.
- Mr. Schafers stated that the DDA has spoken with the owner of Granny Field Goods, Laurent Wajnfeld and his wife, and that he has expressed his concerns and issues related to his loss of business. He also asked for help regarding the homeless and the fact that the streets were dirty and smelly. We have asked DDA Enhanced Services Team Leader Jennifer Rodero to instruct her DET Team to powerwash the sidewalks on a bi-weekly basis in the construction zone. Further, Mr. Williams has been working with City of Miami Police Officer James Bernat and he has increased patrols in the area to assist and have more of a presence.

- The DDA has also offered to assist with marketing and outreach, and post any business advertisements and specials on both the DDA website and the Flagler website to those ground floor businesses within the construction zone.
- Mr. Schafers and Mr. Williams spoke with the store managers and store owners at both Jimmy John's and Mario the Baker as well, and they have asked if City of Miami Public Works can waive their outdoor dining permit fees. Especially since they can't realistically utilize their outdoor space during the last six months of construction.
- Co-Chair Alonso believes that that would be a huge financial relief (as well as morale) to those businesses. DDA staff will pursue.
- Mrs. Wood and Co-Chair Alonso discussed archaeology zones and that the City's Archaeology Expert Bob Carr was brought on at the beginning of the project and will only be notified moving forward if something is encountered. The review, cite and permit, but are not necessarily advocates or champions for the project.
- Co-Chair Alonso reiterated that once the schedule and plan to move forward/catch up has been approved, that would be the ideal time for the new PIO to host a town hall meeting and reengage the public and disseminate that information.

b. Signage and Wayfinding Update by Fabian De La Espriella

- Mr. De La Espriella presented the latest Flagler Street Signage package to the FSTF, and reviewed the nearly 10 year history of the project, including the \$1million LAP grant with FDOT. The project has at various times attempted to be bid, only to discover information discrepancies or lack of certification on the part of the City. FDOT required City of Miami to conduct a utility clearance certification.
- This latest draft has been reviewed by City of Miami Public Works and all of the comments and 240 signage locations should be finalized by February-March.
- Each signage package will have a ROW (right-of-way) sketch, look and detail of the sign, as well as the GPR (ground-penetrating radar) sketch for utility clearance.
- Mr. Ressler expressed his frustration with the fact that the FSTF had been told that all of the signs had already been designed, fabricated and were sitting in a warehouse, and therefore no changes could be made. Further that the only thing they were waiting on was a permit to install and the GPR.
- Mr. Geitner reiterated his concern that the signs have the correct names on them, i.e. Gusman Center for the Performing Arts, Bicentennial Park, Cultural Center, etc. Moreover, that they, the FSTF was not able to give their input since everything was already fabricated.

- Mr. De La Espriella confirmed that nothing has been fabricated, has not gone out to BID, and has not acquired FDOT approval nor been installed. The \$1 million is still with the City
- Mr. Fritz and Mr. Ressler firmly believe that proceeding with graphics produced ten years ago is absurd.
- Mr. Adato added that due to the depth of most of the sign footers, when the signs do go in, they will have to break up parts of the street/sidewalk once more to install.
- Mr. De La Espriella confirmed that the original idea was that this S&W project would be timed to coincide with Flagler construction and obviously that did not happen.
- Mr. Fritz inquired as to the possibility of not installing the signs on Flagler. Mr. De La Espriella confirmed that is a possibility.
- Mr. Geitner request that sign #485, the kiosk in front of the Olympia Theater, to be removed or relocated, as it is too big when the theater cues people up.
- Mr. Fritz: please make sure Mrs. Jennie Rogers receives this packet.
- Co-Chair Alonso asked if either Curtis & Rogers or BCC Engineering need to review to coordinate underground locations. Mr. Schafers will send the package to them.
- Mr. Adato asked if it has been signed and sealed by a structural engineer. Mr. De La Espriella confirmed yes.
- Mr. Adato brought up the fact that the chairs are still being stored in a warehouse In Hollywood. Does the FSTF want them to be installed now? Still hold?
- Co-Chair Alonso stated his preference that we still wait to install until the project is complete. We don't want to encourage bad habits by the homeless until the project is done.
- Co-Chair Alonso reiterated that if we are going to do signage design modifications that at some point it would be good to incorporate the long-term branding/marketing initiative.
- Mr. Ressler stated that at the last DDA Business Development and Marketing Committee Meeting, he brought up the marketing/branding for Flagler Street and that an RFQ should be put out eventually. He received pushback that other projects were being considered and that it might be too early for Flagler.
- Mr. Williams stated that the DDA is looking at creating a pool of qualified branding/marketing companies; and then hire them as needed on a project-by-project basis.
- Co-Chair Alonso added that Mrs. Rogers was going to add to that list.
- Mr. Fritz inquired as to where the FSTF falls under committee wise.
- Mr. Schafers confirms that the FSTF reports to the Urban Placemaking Committee and the Chair, Mr. Jerome Hollo, is then responsible for relaying those updates to the Board of Directors.

- Mr. Fritz inquired as to if the MOU is being discussed at the Urban Placemaking Committee.
- Co-Chair Alonso stated that it is between the DDA and FSTF Co-Chair and DDA Board Member Neisen Kasdin.
- Mr. Fritz stated that at the last Urban Placemaking Committee meeting, Mr. Schafers addressed all of the painful situations regarding construction, but that having an added presence amongst the FSTF members there would help.

Adjourn:

- Next Meeting: March 13th, 2017