

**MINUTES OF MEETING
MIDTOWN MIAMI
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Midtown Miami Community Development District held a Regular Meeting on April 13, 2021 at 2:00 p.m., at the offices of the CDD, Shops at Midtown Miami, 3401 N. Miami Avenue, 2nd floor parking garage, Suite 132, Miami, Florida 33127.

Present and constituting a quorum were:

Joseph Padula	Chair
Alex Miranda	Vice Chair
Kiahna Perez	Assistant Secretary

Also present were:

Daniel Rom	District Manager
Cindy Cerbone (via telephone)	Wrathell, Hunt and Associates, LLC (WHA)
Ginger Wald	District Counsel
Deborah Samuel	Operations Manager
Pippa Brown (via telephone)	Site Centers

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Rom called the meeting to order at 2:10 p.m. The meeting was held on the second floor of the parking garage, adjacent to the regular meeting room. Notice was posted on the door to the regular meeting room for any members of the public wishing to attend.

Supervisors Padula, Miranda and Perez were present. Supervisors Vadia and Riccobono were not present.

SECOND ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

Update: City of Miami/CRA Audit and Incomplete TIF Disbursement to CDD

Mr. Rom provided an update on the City of Miami’s stance regarding outstanding TIF funds owed to the District, which was status quo, as the audit was still ongoing. The City only committed to continue to release funds for the required debt service payments. He gave several options to consider and asked for further direction from the Board.

Ms. Wald recalled that Staff provided additional information requested from the City. She explained the Audit process and noted that, once it is submitted to the City Commission, it would become available as public record. The City, through the CRA, has continued providing the funds to pay the debt service on the bonds, which the District must pay; however, the additional monies from the TIF fund are the surplus funds and the District notified the City and County when that occurred. As the District is just the conduit, through the Interlocal Agreement, to disperse funds to the property owners who are entitled to them, she discussed with Ms. Cerbone preparing a letter to the City and County of the inability to obtain the TIF funds. She asked for further direction from the Board. Staff was directed to continue monitoring and checking on the status of the audit; a letter was not necessary.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2021-03, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District For Fiscal Year 2021/2022 and Providing for an Effective Date

Mr. Rom presented Resolution 2021-03.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, Resolution 2021-03, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District For Fiscal Year 2021/2022 and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 28, 2021

Mr. Rom presented the Unaudited Financial Statements as of February 28, 2021. The “Worker’s compensation” line item exceeded budget due to the insurance carrier’s recent audit, which caused the premiums to increase.

On MOTION by Mr. Padula and seconded by Mr. Miranda, with all in favor, the Unaudited Financial Statements as of February 28, 2021, were accepted.

SIXTH ORDER OF BUSINESS

Approval of December 8, 2020 Regular Meeting Minutes

Mr. Rom presented the December 8, 2020 Regular Meeting Minutes.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, the December 8, 2020 Regular Meeting Minutes, as presented, were approved.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Operations Manager: *Deborah Samuel*

I. Monthly Report

Ms. Samuel presented the April 13, 2021 Operations Manager’s Report. She reported the following:

- The community park was expected to open once the defect in the padding is repaired, which could take another two weeks due to shipping delays, and final inspection is completed.
- The cleaning schedule was restructured and the plans were to follow the same procedures as the City, with regard to opening and closing the facility.
- The Fiscal Year 2022 budget, which included park maintenance, was being prepared and plans were to request completing capital projects, as certain landscape lighting was outdated and needs to be replaced.

Ms. Samuel discussed staffing upgrades for herself, Ms. Reyes and Mr. Bayzid. Ms. Reyes’ salary would be split into two positions; Ms. Reyes would work three days per week, as

she may be relocating out of the area, and another person would be hired for the remainder of the work week.

On MOTION by Mr. Miranda and seconded by Mr. Padula, with all in favor, the Second Amendment to Employment Agreement with Ms. Caroline Reyes for Office Manager Services and authorizing the Chair or Vice Chair to execute the final form, was approved.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, authorizing Staff to retain an additional employee, under part-time status, and authorizing the Chair or Vice Chair to execute an employment agreement with the person, in final form, was approved.

II. Parking Information

- **Executive Summary**
- **Transient Parking Year Over Year Comparison**
- **Revenue by Lane Reports**

These items were provided for informational purposes.

III. Discussion/Consideration: Additional DERM Expenses

Mr. Rom recalled that an additional \$20,000 for DERM expenses was approved at the last meeting; however, the total consulting cost was \$100,000. Management thought the Board previously approved \$80,000, which it had not.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, a total of \$100,000 for additional DERM Consulting Services, was approved.

Mr. Rom recalled that permitting delays with the City resulted in extending the deadline to submit the Reports to April 24, 2021; however, as permit delays continue, Terracon, the DERM Consultant, would request another extension, on behalf of the District.

B. District Counsel: *Billing, Cochran, Lyles, Mauro & Ramsey, P.A.*

There being no report, the next item followed.

C. District Engineer: *Alvarez Engineers, Inc.*

There being no report, the next item followed.

D. District Manager: *Wrathell, Hunt and Associates, LLC*

I. Consideration of Second Amendment to Employment Agreement Between the District and Carolina Reyes for Office Manager Services

This item was presented during Item 7A1.

II. NEXT MEETING DATE: May 11, 2021 at 2:00 P.M.

• QUORUM CHECK

Supervisors Padula, Miranda and Perez confirmed their attendance at the May 11, 2021 meeting. The proposed Fiscal Year 2022 budget would be presented for consideration.

▪ OBE Power Networks 1 LLC Agreement for Electric Vehicle (EV) Charging Stations

This item was an addition to the agenda.

This item was added to the agenda because Ms. Samuel was receiving calls from vendors about the EV charging stations. Ms. Wald recalled that, although she was not in favor, the District executed an Agreement with OBE Power Networks 1 LLC (OBE 1) in 2019 for two parking space charging units. The terms were that it would not go into effect until the equipment was installed and operational and functional. Ms. Samuel explained that OBE 1 had not proceeded with the installation because it would have been too costly; OBE 1 thought they could use the District’s electric panel, which would have to be upgraded.

Ms. Wald read the termination clause in Section 9.3 of the Agreement and stated that, since OBE 1 had not complied with the Agreement, she recommended sending a letter stating the facts and then proceeding with termination if nothing is done.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, authorizing Ms. Wald to send a letter to OBE Power Networks 1 LLC indicating they have 30 days to perform the services or the Agreement would be terminated, based on the facts being provided, was approved.

Ms. Samuel stated she was in discussions with Tesla and would request a proposal.

Ms. Wald asked if any new construction was expected. Ms. Samuel replied no, there were only rumors of such. Mr. Miranda asked about air rights.

Discussion ensued regarding the process of items placed on the tax rolls, defining assessments, development rights requiring submitting a request to the City to revise the site plan and the requirement for the CDD to be involved if anything changes from retail to commercial, as any changes may trigger the need to change certain items, such as the Special Assessment Methodology Report.

EIGHTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'

There being no audience comments or Supervisors' requests, the next item followed.

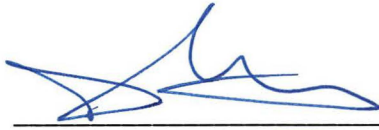
NINTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, the meeting adjourned at 2:46 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair