

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

The Board of Supervisors of the Midtown Miami Community Development District held a Regular Meeting on May 9, 2023 at 2:00 p.m., at the offices of the CDD, Shops at Midtown Miami, 3401 N. Miami Avenue, Suite 132, Miami, Florida 33127.

Present were:

Joseph Padula
Alex Miranda
Lindsey Vicha
Kiahna Perez

Chair
Vice Chair
Assistant Secretary
Assistant Secretary

Also present were:

Daniel Rom
Cindy Cerbone
Ginger Wald
Deborah Samuel

District Manager
Wrathell, Hunt and Associates LLC (WHA)
District Counsel
Operations Manager

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Rom called the meeting to order at 2:07 p.m. Supervisors Padula, Vicha, Miranda and Perez were present. Supervisor Riccobono was not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2023-04, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Mr. Rom presented Resolution 2023-04. He reviewed the proposed Fiscal Year 2024 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2023 budget, and explained the reasons for any changes.

Ms. Samuel discussed the issues of increased traffic in areas coming online, including dog traffic, owners not cleaning up dog waste and possible ways to remedy the situation, security, landscaping and maintenance.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, Resolution 2023-04, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon, for September 12, 2023 at 2:00 p.m. at the Shops at Midtown Miami, Office of the CDD, 3401 N. Miami Avenue, 2nd floor parking garage, Suite 132, Miami, Florida 33127, Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2023-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date

Mr. Rom presented Resolution 2023-05.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, Resolution 2023-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Tesla Florida, Inc., Tesla Supercharger Agreement

Mr. Rom presented the Tesla Florida, Inc., Tesla Supercharger Agreement.

Ms. Samuel stated 16 charging stations will be installed on the third floor of the South Block parking garage; the transformer will be on the northwest side of 32nd and will be hidden

by landscaping. The CDD will receive \$95 per space for maintenance. There will be 12 superchargers and four Level 2 chargers that will charge any vehicle.

Ms. Wald stated that she prepared this Agreement but Tesla needs to review it. The Agreement enable work to commence July 1, 2023. Ms. Samuel noted that Tesla wants some work completed before they commence work.

On MOTION by Mr. Miranda and seconded by Mr. Padula, with all in favor, the Tesla Florida, Inc., Tesla Supercharger Agreement, in substantially final form, was approved.

SIXTH ORDER OF BUSINESS

Update: M Park Dog Park Proposals

Ms. Samuel recalled the decision at the last meeting to defer this at this time.

This item will be removed from future agendas.

SEVENTH ORDER OF BUSINESS

Consideration of Windcave Agreements

Mr. Rom presented the following and noted that a few matters must still be resolved:

- A. Merchant Application**
- B. Gateway**

Ms. Wald discussed things that need to be changed in the Agreements, such as the state and venue for any litigation; a response from Windcave is pending. The indemnity clauses were removed. She noted the items that were adjusted, revised and added or removed. Windcave refused to accept the termination clause typically utilized the CDD but agreed to reduce the term of the Agreement from two years to one year; however, if something happens, such as a hurricane, the CDD would not be responsible for the remainder of the months. Mr. Rom stated the fixed fees are approximately \$3,000 per month. Ms. Wald stated that Windcave is working on being registered in Florida.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, the Windcave Agreements, including the Merchant Application and Gateway Agreement, both in substantially final form, were approved.

EIGHTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2023

Mr. Rom presented the Unaudited Financial Statements as of March 31, 2023.

On MOTION by Mr. Padula and seconded by Ms. Vicha, with all in favor, the Unaudited Financial Statements as of March 31, 2023, were accepted.

NINTH ORDER OF BUSINESS

Approval of February 14, 2023 Regular Meeting Minutes

Mr. Rom presented the February 14, 2023 Regular Meeting Minutes.

On MOTION by Mr. Padula and seconded by Ms. Vicha, with all in favor, the February 14, 2023 Regular Meeting Minutes, as presented, were approved.

TENTH ORDER OF BUSINESS

Staff Reports

A. Operations Manager: Deborah Samuel

I. Monthly Report

Ms. Samuel presented the Monthly Operations Manager’s Report. She discussed parking issues.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, engaging the services of a parking consultant for a parking evaluation, in an amount not-to-exceed the statutory limit, was approved.

Mr. Rom recalled that the initial Parking Facility Management contract expires September 11, 2023. It is not necessary to do anything now; it can be addressed at the September meeting. Ms. Wald noted that, if no action is taken, the contract automatically renews for one year; however, the CDD could still exercise the 30-day termination provision.

II. Parking Information

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

These items were included for informational purposes.

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

Ms. Wald stated that, once the legislative session is over, an update will be provided. Board Members might be required to attend an annual four-hour ethics training course.

C. District Engineer: Alvarez Engineers, Inc.

Mr. Rom stated that, per Mr. Alvarez, the Department of Environmental Protection (DERM) is extending the report deadline for Terracon Consultants to June 18, 2023.

Discussion ensued regarding where a new Brightline station might be located.

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

- **NEXT MEETING DATE: June 13, 2023 at 2:00 P.M.**
 - **QUORUM CHECK**

The next meeting will be held on June 13, 2023, unless cancelled.

ELEVENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests


There were no Board Member requests.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Vicha and seconded by Ms. Perez, with all in favor, the meeting adjourned at 2:54 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair