



**Deerfield Beach Community Redevelopment Agency  
Meeting Minutes**

Tuesday, January 26, 2010, 6:30 P.M.  
City Commission Chambers, Deerfield Beach City Hall

The meeting was called to order by Chair Noland at 6:30 p.m. on the above date in the City Commission Chambers, City Hall.

**ROLL CALL**

Present: Mr. Bill Ganz  
Mr. Joseph Miller  
Mr. Martin Popelsky  
Vice Chair Sylvia Poitier – Tardy  
Chair Peggy Noland

Also Present: Burgess Hanson, Interim City Manager  
Andrew Maurodis, City Attorney  
Ada Graham-Johnson, MMC, City Clerk

**APPROVAL OF MINUTES**

December 15, 2009

**MOTION** was made by Mr. Ganz and seconded by Mr. Miller to approve the CRA Minutes of December 15, 2009 as submitted.

Voice Vote: YEAS: Mr. Ganz, Mr. Miller, Mr. Popelsky, and Chair Noland. NAYS: None.

**APPROVAL OF AGENDA**

January 26, 2010

**MOTION** was made by Mr. Miller and seconded by Mr. Ganz to approve the CRA agenda of January 26, 2010 as submitted.

Voice Vote: YEAS: Mr. Ganz, Mr. Miller, Mr. Popelsky, and Chair Noland. NAYS: None.

**OLD BUSINESS**

**ITEM 4.1**

**TAPE 1, COUNT 57**

**Cove Shopping Center Parking Lot**

Keven Klopp, CRA Director, stated that over the past year, Keith & Associates have prepared the engineering drawings for the first phase of construction for the improvements to the Cove Shopping Center Parking Lot. This is to procure a contractor for the project, based on Staff and Keith & Associates recommendation. Mr. Klopp suggested being more selective and not focusing only on the low bid, which includes a Construction Manager at Risk process or prequalification. He explained what factors are considered in a Request for Qualifications. He said that interested parties are present to see what steps the Board will take. He introduced Ms. Dodie Keith from Keith & Associates and explained her experiences in this process.

Andrew Maurodis, CRA Attorney, said that there is a prequalification procedure in the procurement code and for the Construction Manager at Risk.

Chair Noland suggested including a provision for a financial penalty if certain aspects of the construction are not completed by a specified date.

Mr. Maurodis replied that under the law, you cannot call it a penalty, but liquidated damages.

Mr. Miller asked that Ms. Keith be allowed to address the Board.

*Vice Chair Poitier entered the meeting at 6:35 p.m.*

Mr. Miller said that promises were made and were broken and that there is a fear because of what occurred with the road. He asked that the Board and public be given clear direction that this project will have a positive flow.

Ms. Keith said that the information presented by Mr. Klopp is a valuable tool used in other governmental agencies. She explained the prequalification process and the selection of contractors. She said that due to the economy, many contractors are bidding on work that they have not done in the past; whereby, in a low bid contract, you can end up with a contractor that has not performed and are locked in to what his means and methods are. She further commented on including specific restriction in the RFQ, to include what time the contractors are not allowed to work, the way the businesses need to be maintained, etc. Ms. Keith continued explaining certain aspects that can be addressed in the RFQ. Lastly, Ms. Keith said that this process will provide some assurance that there will be less disruption and that the plan will be followed in a more appropriate manner within the project.

**OLD BUSINESS – CONTINUED**

In response to Mr. Miller's question, Ms. Keith replied that a liquidated damage is very common in contracts; liquidated damages are determined on a case by case basis and can be determined by the Board. She commented on a contract whereby a certain amount of funds were contingent upon a specific completion date.

Mr. Miller asked what percentage will FP&L be responsible for.

Ms. Keith replied less than 10%. She said the existing light poles are the property of FP&L, but they are looking for them to be removed. Thereafter, there is no involvement with FP&L.

Mr. Miller said that according to Mr. Klopp, FPL is delaying the street project. He further stated that he would like the business owners to feel confident that the Board will do a better job in the selection process.

Ms. Keith said that the City has more control over the Cove Project, than the Streetscape Project, because entities were involved that cannot be controlled. Additionally, the Cove project will be more under the City's control and a minimal is FP&L participation. She said that with the two (2) step process, it will assist in acquiring the type of contractor that will be acceptable to the City.

Vice Chair Poitier asked if a multiplier will be used.

Mr. Klopp replied that there will certainly be various selection processes that will include multipliers.

Vice Chair Poitier said that multipliers are used as incentives; thus, a multiplier should be considered.

Mr. Ganz asked if a timeframe has been developed for the process.

Mr. Klopp said that a timeframe has not been set, but wanted to first make sure the Board supported the two (2) step process. He said that they will take at least a month or so of a reprieve to write the specifications and then allow the contractors time to respond. He said that this will increase the timeframe by approximately three (3) months or more. He also commented on writing the contract so that the season does not disrupt the work, or perhaps writing the contract to accommodate the season and the work going over into the following year.

Mr. Ganz asked if the two (2) step process can be altered to a one (1) step process.

Mr. Klopp replied that Staff would like to review and select a contractor and determine why certain contractors were not qualified. He said a one (1) step process creates a back and forth dialogue with contractors who were not short listed or selected.

**OLD BUSINESS – CONTINUED**

Mr. Ganz said that with the streetscape project, there are a lot of factors that the City had no control over, such as the dilapidated underground piping and FP&L issues. Thus, this process should be much smoother. He said that he wants to assure that the City is not being lulled into a false sense of complacency by allowing the project to be dragged out because of the two (2) step process.

Chair Noland asked if the sewer lines have been checked to determine their condition.

Mr. Klopp said that the underground utilities have been identified in the plans; however, once construction begins, the means and methods will determine how to handle surprises so that they do not cause disruption. Additionally, Mr. Charles DaBrusco, Director of Public Works & Environmental Services, is a part of the planning team and all utilities are being accounted for.

Mr. Miller asked for assurance that if the Board agrees with the two (2) step process, that Keith & Associates will pursue the project diligently.

Ms. Keith explained the value of the two (2) step process; you do not want the contractors submitting their prices and means and methods while determining qualifications. The list should be determined purely on qualifications. When fees, means, and methods are received, it disrupts learning about the qualifications. She said the only factor that can drag the process out is the number of submittals. She explained the difference between having a small number of submittals, i.e. 10 – 15 and a larger number, i.e. 30 firms and the length of time that can lapse. She said that by not allowing means and methods until the short list is developed, keeps protesting out.

Additionally, Ms. Keith said that when the qualified contractor is selected, she should be able to stay on schedule and perform work as projected and this should expedite the project.

**ITEM 4.2****TAPE 1, COUNT 1414****Façade Program Revisions**

Keven Klopp, CRA Director, said that the current façade grant program has a \$10,000 limit; and suggested that it change from a lump sum amount to a linear feet basis. The maximum allowed would be \$100,000 which would be for a very large project; a typical 50' storefront would qualify for approximately \$20,000. He said this will provide an incentive for the Cove businesses to upgrade their façade. If agreed by the Board, this will come back as a resolution for final approval.

Chair Noland said that she met with Mr. Klopp and asked for further clarification on the amount. Additionally, this will not be allocated to any business until approved by the Board. She said that there are many properties in the Cove and beach area that have

**OLD BUSINESS – CONTINUED**

more square footage and linear feet that would benefit from this project and spoke in favor of the suggestion.

Mr. Miller spoke in favor of the suggestion because it provides more realistic funding.

Mr. Ganz asked if this is only for the Cove.

Mr. Klopp replied that it is for the CRA District and although other incentives were considered, this plan will be followed to determine the outcome.

**NEW BUSINESS**

**ITEM 5.1**

**TAPE 1, COUNT 1610**

**Review of and discussion regarding the Redevelopment Plan**

Keven Klopp, CRA Director, said that in reviewing the CRA Plan, there are certain components that are no longer applicable or too conceptual. He suggested amending the Capital Improvement Plan and map of future CRA projects which will be amendments to the CRA Plan and Capital Improvement Plan to be adopted along with the 2011 CRA budget. He said that the current vision will be included, but a better roadmap will be determined. Lastly, he asked that the Board consider allowing Staff to bond out future CRA revenues to do a more substantial capital improvement plan over the next five (5) years than the current method of pay as you go.

Chair Noland said that she is not in opposition.

Mr. Ganz said that he would like public input on what the thoughts and suggestions would be. With regard to bonding out CRA dollars, he said he would like more specific information on what that entails; the risks and rewards.

Chair Noland clarified Mr. Klopp's recommendation.

Mr. Klopp said that he brought it to the Board for feedback as to whether it is something they would like him to further research.

Mr. Popelsky commented on dialogue with Mr. Klopp, pertaining to a fire station being in the CRA District.

Mr. Klopp said that there is nothing in the plan that allows for this, but if it is the Board's desire to include this in the plan; this is the time to amend it. Nevertheless, he said to replace an existing facility is not an eligible cost unless capacity is increased to accommodate further economic development.

**NEW BUSINESS – CONTINUED**

Mr. Klopp said that he would be at the Art Festival with a CRA Booth to get input and suggestions from the public.

**BOARD/ADMINISTRATION COMMENTS**

**Mr. Ganz – No Report.**

**Mr. Miller – No Report.**

**Mr. Popelsky – No Report.**

**Vice Chair Poitier – No Report.**

**Chair Noland – No Report.**

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:05 p.m.

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PEGGY NOLAND, CRA CHAIR

ATTEST:

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ADA GRAHAM-JOHNSON, MMC, CITY CLERK