



Deerfield Beach Community Redevelopment Agency

SPECIAL MEETING MINUTES

Tuesday, August 31, 2010, 6:30 P.M.

City Commission Chambers, Deerfield Beach City Hall

CALL TO ORDER AND ROLL CALL

The meeting was called to order by Chair Noland at 6:33 p.m. on the above date in the City Commission Chambers, City Hall.

Roll Call:

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

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

APPROVAL OF THE AGENDA*

August 31, 2010

Vice Chair Miller asked that Item 3 be discussed first.

Motion was made by Vice Chair Miller and seconded by Mr. Popelsky to approve the August 31, 2010 CRA Agenda as amended.

Voice Vote: YEAS: Mr. Ganz, Ms. Poitier, Mr. Popelsky, Vice Chair Miller, and Chair Noland. Nays: None.

GENERAL ITEMS

ITEM 3

TIME STAMPED: 06:35:01

Request to award the Cove Shopping Center Parking Lot Improvements Project Contract to West Construction.

Item 3 was discussed out of order.

GENERAL ITEMS - CONTINUED

Keven Klopp, CRA Director, gave a brief update of what took place since the last meeting, as well as the meeting that was held with the property and business owners, and Keith and Association to address concerns of all. He said that at the August 17th meeting, they also discussed the need for temporary construction easements from the property owners. Until they had that meeting, several property owners were uncomfortable signing the easement. However, the meeting was successful, and there was much input from all involved; additionally, the information exchanged was very helpful in obtaining additional temporary construction easements, which more have been signed and are in place.

Continuing, Mr. Klopp referenced the information he provided to the Board regarding West prequalification. He said that they were notified that there may be an issue with some information provided by West Construction in the prequalification application; contained in Item 1 of the packet. Further, Item 2 is from the CRA's prequalification requirements, which reads, "Has the firm been suspended from bidding by any government in the last three (3) years." Item 3 is a copy of West Construction's response to the CRA's RFQ, which reads, "West Construction's, its principals, officers, predecessor organization, have never been debarred or suspended from bidding by any government." Item 4 is a letter from Palm Beach County that states that West Construction had been suspended and unless they repealed, the suspension would be final. Item 5 is the contract between Palm Beach County and West Construction; the second page of the contract, #3, states that, "allegations of violations are of no force and effect, void, ab initio, and this agreement shall represent the only operative document relating to the disposition of such allegations. He explained that Palm Beach County reached an agreement with West Construction whereby they said the suspension never existed; basically a settlement of the allegation that resulted in the suspension having been issued.

Additionally, Mr. Klopp said that subsequent to the agreement, there was a letter from Palm Beach County to West Construction, dated July 9th, that the suspension instituted on May 21, 2009 has been lifted. He said Item 7 is satisfactory references for the contractor. Item 8 is West's first response to the CRA's inquiry about the suspension. He said that Martin County also inquired about the suspension and it was determined that West had not been suspended. Item 10 is an e-mail received today from the Palm Beach County Attorney's Office, also indicating that West Construction was not suspended by Palm Beach County.

Mr. Klopp explained the circumstances surrounding the alleged suspension of West Construction. In 2007, it was determined that West Construction did not notify Palm Beach County that they had grown to a company size such that they were no longer eligible to receive small business enterprise certification. Mr. Klopp said that the recommendation has not changed, but asked for feedback from the Board.

Andrew Maurodis, CRA Attorney, said that the low bidder, West Construction, is known to the Board; however, the question is whether there was a material misrepresentation, or material was omitted from the original bid or original prequalification process. He

GENERAL ITEMS - CONTINUED

said that this normally would not occur; however, there was a significant question, whether West was ever suspended or debarred (prohibited from bidding upon a contract from a particular agency within a certain period of time). Although it is difficult to determine whether West was suspended from that moment or the suspension was instituted and was going to be final; there was an action. However, rather than fighting through the administrative process, it appears that West entered into an agreement with Palm Beach County, where they agreed not to bid on a contract for a period of 15 months. He referenced to language complying to the agreement with Palm Beach County, which language read. However, the CRA will not know whether they fully complied with the agreement until November.

Mr. Maurodis continued reading from the contract between West and Palm Beach County; and said that it is almost like sealing the record; but based on public records, the concept really doesn't exist. Furthermore, he believes it was just for this purpose, so that West did not have to say they had been debarred; they agreed to the same penalty. The question asked "If you were ever suspended or debarred;" West was not officially debarred because they agreed to the penalty, voluntarily. However, the question of them being suspended is more interesting because the Palm Beach County attorney said that if they complied with the agreement, which does not end for another two (2) months, which the CRA does not know, then the suspension will be void ab initio. Therefore, this is more of a historical issue, it is not whether it was expunged, but were you ever suspended. Then Palm Beach County provides a letter that states that a suspension is being instituted against West Construction; but was never carried through.

Additionally, Mr. Maurodis said that he believes this can be declared material. What would a reasonable person be looking for when they ask that question? There was a suspension that was listed because they agreed to the penalty without calling it a debarment; which is what happened. The question is asked to determine if the organization has had any problems with another governmental entity; however, the entity felt compelled enough to prohibit them from bidding on contracts for a period of time. Mr. Maurodis said that now the Board has to make the determination as to whether West honestly and forthrightly answered the question. Later the Board has to decide how specific to be on specific requests with West because they knew what happened and they made a deal so that they would not have to answer yes to the question.

Mr. Maurodis said that it is within the purview of this Board to find that West omitted a material fact in their prequalification material; however, there are technical aspects of it, the Palm Beach County Attorney's Office saying that once they complete the agreement, you were never suspended. He said that it was not debarment because they agreed to it. Therefore, if the Board finds that this was not material, they can award it to West; notwithstanding, Staff has concerns about the responsiveness and accuracy of the information. He said it hinges on a technicality and they are raising the technicalities.

GENERAL ITEMS - CONTINUED

Vice Mayor Miller referenced the question that allows them to explain the reason they were debarred. He said if they were straightforward, they would have said yes and provided an explanation and the Board would not have to have this discussion.

Mr. Maurodis said that West will show the Board the e-mail from the Palm Beach County Attorney's Office that indicates that they were not suspended and technically, it was not a debarment, but a voluntary agreement with Palm Beach County. He agreed that the Board would be in a different position now if West would have offered the information.

In response to Vice Chair Miller's questions, Mr. Maurodis said that the Board action is to award or not award; however, West is the number one (1) bidder.

Mr. Klopp said that MBR Construction is the number two (2) bidder.

Mr. Maurodis said that there are no such issues with MBR Construction. Mr. Maurodis said that all the bidders are qualified to do the work.

Mr. Popelsky asked if the difference in the price between bidder 1 and 2 was approximately \$300,000.

Mr. Klopp replied yes.

Mr. Popelsky asked for the difference between bidder 2 and 3.

Mr. Klopp replied approximately \$200,000.

In response to Mr. Popelsky's question, Mr. Klopp replied that people would know the prices and that the time it will take will throw off much of the scheduling. If go with either low bidder, both are ready to proceed. He said that Keith and Associates has been involved and they were represented on the prequalification committee and agreed with the recommendation of the three (3) prequalified firms, that they are all qualified to do the work; notwithstanding, he has not had any conversations with them concerning the Palm Beach County issue.

Mr. Maurodis said that they were a judge to be qualified; that is why they were allowed to bid, they would not have been allowed to bid if they were not qualified.

Chair Noland asked what the ramifications are if the Board disqualifies them; will they bring a lawsuit against us.

Mr. Maurodis said that they do have an option of suing, but so do the other bidders.

Chair Noland suggested that all be thrown out. She expressed concern about being put in a position that could result in the CRA being sued. She further commented on how the information came about.

GENERAL ITEMS - CONTINUED

Ms. Poitier said that CSR made the report and if they are not awarded, then they may take action.

Mr. Maurodis said that CSR does not have the right. Additionally, they were the third bidders.

Continuing, Mr. Maurodis said that the third bidder is not in the running when you have three (3) qualified bidders. If the first is eliminated, you go to #2.

Ms. Poitier said that there is a \$300,000 difference and everyone knows the bids now. What would make CSR blow the whistle on West.

Mr. Maurodis said that it is not relevant to him; only tracking down the information. He said that he does not know their motives and it is not relevant to the Board's decision.

Ms. Poitier agreed with Chair Noland to rebid the project.

Mr. Maurodis advised said decision will delay the project.

Ms. Poitier asked how long it will take to go back through the bidding process and whether there were only three (3) qualified bidders.

Mr. Klopp replied that the prequalification would have to be done over because it was the prequalification process where the potentially difficult information was received; the process originally took about 3 or 4 months.

Ms. Poitier said that she is not interested in delaying the project. She said that she would also like to adhere to the purchasing procedures.

Mr. Maurodis said that based upon the information, whether the omission was material enough to call into question their initial submission.

Ms. Poitier said knowing that West had an agreement with Palm Beach County, they should have answered as Palm Beach County would have supported them. She said that she will wait for feedback from the other Board members.

Mr. Ganz said that the standard operating procedure is that if the agreement is not entered into with the number one bidder, then we go to the number 2 bidder; therefore, there is no reason why this should not be adhered to. The only thing that has changed is that some people would argue that this is a technicality and the number one bidder is out. He further expressed concerns with the process in general and the vetting process. He said when it comes to the vetting process, when do you double check for accuracy. He said this should not be thrown out and if you cannot negotiate with the first bidder, then you go to #2, and so on.

Chair Noland said that if we throw out all the bids, there is less likely to be a law suit.

GENERAL ITEMS - CONTINUED

Mr. Maurodis said that it is not Staff's recommendation.

Mr. Klopp said that there is no guarantee of a technical issue arising the second time around.

Mr. Maurodis said that normally we would not revisit the prequalifications. He reiterated that Palm Beach County has indicated that this was not a suspension, based upon compliance of the agreement. He said that West was found competent to do the work and one of their references, Palm Beach County found that they did a good job. Is this significant enough of an omission that you find material to cause them to be non-responsive; if so, the Board can select the low bidder. If not, it makes the path easy and the Board can award to the low bidder. Nevertheless, the Board has the right to reject all bids, but cannot do so for wrongful motives.

Ms. Poitier asked if there is room to renegotiate the cost knowing that there is a \$300,000 price difference between the first and second bidder.

Mr. Maurodis said that you cannot renegotiate as this is not an RFP. Notwithstanding, you cannot reopen because then other bidders will compete for a new cost.

Mr. Klopp reminded the Board that the bids came in under budget; therefore, it is not a matter of finding additional dollars to go with a different contractor.

Ms. Poitier said that the difference is substantial.

Mr. Ganz referenced the incidents surrounding the pier restaurant. He said that the Board should consider whether this is enough to throw out West Construction and if so, move on to the second lower bidder. Although, he would love to renegotiate the price, he does not believe it is legal. Furthermore, if someone wants to file a law suit they are going to regardless.

Mr. Maurodis said that as lawyers they look at contracts with everything in mind; however, not every contractor is going to sue as it is very expensive. He said that the remedy on most bidding cases, as established by the law, is the cost of the bid; they would have to do a lot to get around that. Further, Mr. Maurodis explained why unsuccessful bidders challenge the award of the bid, and that the measure of damages is the cost of the bid, not the loss profits. He said that there is no guarantee that there won't be a suit.

Discussion pursued regarding fighting lawsuits, West Construction's agreement with Palm Beach County, and what steps the Board should take.

Vice Chair Miller said that he had hoped that West had offered an explanation; however, he understands why they did not. He said that if West Construction abides by the letters, they do not have to say they were suspended. Additionally, they were prequalified and would save the City \$300,000; he understands why, in clear

GENERAL ITEMS - CONTINUED

conscience, they said no to this based on the letters. Since they prequalified and were recommended by the County, he suggested not to throw them out, but to award the bid to West to save \$300,000.

Chair Noland said that if it is awarded to West, there is less possibility of litigation.

Mr. Maurodis recommended that the Board do what they feel is best.

Mr. Popelsky said that he is leaning towards page 6, wherein it states that Palm Beach County has listed the restriction. He said no reason was given, but it appears that the County feels that they can still work with West. Therefore he is leaning toward allowing West to continue because it is not feasible to start over again. Notwithstanding, if they did something wrong the first time they should have been taken out of the running and used number 2. He reiterated that he is leaning toward West Construction.

Chair Noland asked if Mr. Klopp is comfortable with West being awarded the contract.

In response to Mr. Popelsky's question, Mr. Klopp replied yes, West has worked for Deerfield Beach and to the best of his knowledge, they have lived up to the contract; however, one of their subcontractors has an issue, but he is not fully aware of the circumstances. He reiterated, however, the issue was not with West.

Mr. Hanson explained the circumstances surrounding the incident with West as the general contractor of Pioneer Park, and stated it was the subcontractor who did the installation of the playground.

Mr. Maurodis said that the Board is at the point of determining whether to award the contract to either West or the second bidder.

Motion was made by Mr. Popelsky and seconded by Vice Chair Miller to award the contract to West Construction.

Vice Chair Miller requested a scheduling change that entails starting now and stop before Christmas and starting back up after Easter. He said that the people seem to be in agreement; and the merchant's Christmas season will not be interrupted.

Mr. Maurodis suggested adding a provision to the contract to not increase the price and authorize Staff to work on scheduling instead of bringing the scheduling issues to the Board. He reiterated that a provision would be added to change orders that do not increase the price or lengthen the term of the contract, and allow Staff to make administrative decisions in that regard.

Mr. Klopp said that it has already been communicated to the contractor as a possibility.

Ms. Poitier asked if it would be possible to ask West a question.

GENERAL ITEMS - CONTINUED

Mr. Maurodis said that it would have to be opened to others if the Board does not have enough information. *(Note: Commissioner Poitier voted not but later changed her vote to yes).*

Roll Call YEAS: Mr. Ganz, Ms. Poitier Mr. Popelsky, Vice Chair Miller, and Chair Noland. Nays: None.

Mr. Maurodis stated that the four assents would indicate that the finding was to materiality of that provision and that it will not go back into the prequalification process; he further expounded that after reviewing all the material, it was not the type of material omission that the Board wishes to press and they are waiving any issues with regard to that.

Ms. Poitier changed her vote and said that Mr. Maurodis's clarification gave her peace of mind.

Mr. Klopp announced that there will be an advertisement in the Observer on Thursday indicating that full access will be maintained to all the businesses in the Cove for Phase 1. He said that they are naming the businesses adjacent to the construction for Phase 1 and they will continue to update the public that the shopping center remains open throughout this process.

In response to Vice Chair Miller's question, Mr. Klopp replied that there will be signs to indicate being open.

ITEM 1**TIME STAMPED: 07:19:29****CRA BOARD RESOLUTION APPROVING FY 2011 BUDGET.**

Keven Klopp, CRA Director, introduced Kris Mory, CRA Coordinator, to present the budget.

Ms. Mory stated that at the last meeting, Mr. Klopp presented a PowerPoint presentation outlining their priorities for the proposed FY 2010/2011 budget. There have been changes to improve the budget and capture all the activities they want to consider this next fiscal year.

Continuing, Ms. Mory said that they will take on additional staffing. In the past, they have relied on the Engineering Department to assist in managing projects and administer programs. However, with infrastructure projects, such as the Cove Shopping Center, they will rely even more on the Engineering Department. Therefore, budget includes a portion of the salary for the Environment Services Director, Capital Projects Manager, Engineering Supervisor, herself and Mr. Klopp. She also stated that a portion of CRA Staff salaries is paid from other sources as well, since their duties span from CRA and other citywide activities as well.

GENERAL ITEMS - CONTINUED

Additionally, Ms. Mory said that the CRA will be taking on an expanded role of funding special events in the CRA District, notably, the Fourth of July Celebration. Another change includes an expansion of the advertising budget; more money has been allocated for advertisements, i.e. the Broward Alliance Economic Source Book. Ms. Mory also highlighted the Commercial Façade Improvement Program; \$600,000 has been allocated in the budget as an avenue for the City to partner with Cove businesses and elsewhere in the CRA to help them improve their facades.

Burgess Hanson, Interim City Manager, left the meeting temporarily.

Vice Chair Miller asked if funds from the advertising budget would be used for communication, i.e. communicating that the Cove is open during construction.

Ms. Mory replied yes.

In response to Mr. Popelsky's question, Ms. Mory replied that the largest expense from the Special Events budget is to fund the 4th of July Celebration, previously funded through the General Fund, and is \$90,000.

In response to Mr. Popelsky's comment, Vice Chair Miller said that last year the fireworks were \$30,000.

Mr. Popelsky asked what the remaining funds would be used for.

Ms. Mory said that two (2) meetings ago, the CRA Board amended the plan to allow for special events at which time, they gave the Board a list of criteria that they would use to consider special events in the future. One event is the Green Market, and there maybe other events in the area. She commented on the Island Partnership organizing family friendly events.

Mr. Hanson reentered the meeting.

Ms. Mory said that they have not determined where those funds will be spent. Additionally, they will use the special event criteria to decide what events to fund and then allow the Board to approve them.

Ms. Mory said that the next item is a presentation on the Capital Improvements Plan for the CRA. She outlined some of the projects that they will be funding; fire hydrants upgrades, the Cove Shopping Center Alley, \$320,000, drainage improvements in the Cove Gardens, \$40,000. Moreover, Ms. Mory said that ADA compliance is a priority and they have begun programming funds for such. She continued to outline various projects that they will undertake in the fiscal year.

Chair Noland said that at the last meeting she brought up the North Pavilion and was not sure if CRA money could be used for this.

GENERAL ITEMS - CONTINUED

Mr. Klopp said that he discussed this with Charlie DaBrusco, Director of Environmental Services, and there is a grant to do the roof, but there is an issue regarding maintenance as opposed to improvements. He said that if they can determine it to be an improvement, the CRA will be happy to fund it. At this point, it appears that it has to be funded by the grant and other sources because it is a maintenance issue.

Chair Noland clarified that if they were to upgrade the showers and bathrooms, CRA funds can be used for that.

Mr. Klopp said yes.

In response to Mr. Popelsky's question, Ms. Mory said that the Board recently directed Staff to bring on a real estate consultant and that the CRA is interested in taking advantage of the market climate and perhaps select prime real estate to acquire for parks and open space, etc. Therefore, they are hoping that the real estate consultant will provide guidance on how to spend those funds.

Mr. Popelsky said that he had mentioned to Mr. Klopp not using a real estate consultant for acquisition.

Mr. Klopp said that the real estate consultant; will answer real estate type questions that he is not able to, but the Board must provide direction as to what they hope to accomplish in real estate acquisition. Therefore, he will be presenting a proposal from the consultant with a real estate acquisition strategy for the Board to consider. He recommended that a real estate professional be involved in this process as to not make critical errors. However, the consultant will not tell the Board what to buy or not buy, but will guide the Board.

Chair Noland commented on property that maybe in foreclosure and whether it is a proper time to purchase in that area. She further commented that the City should look into purchasing the Chamber of Commerce, as there is no recreational center on the east side of town. Also, she said that she would like to look into pricing for the old Riverview Restaurant; it would be a magnificent place for a park. She said that this is the gateway into the City's beach area; and emphasized her sincerity of these locations.

Vice Chair Miller said that it is his understanding that the oceanfront property is in foreclosure and it would be worth exploring if it is a good value. He said that it should be determined how much money needs to go into the building because it is in rough condition.

Continuing, Vice Chair Miller commented on the commercial façade improvement program; but only a few have taken advantage of the opportunity. He asked if more publicity was made to enhance the opportunity for the business owners to take advantage of this program.

GENERAL ITEMS - CONTINUED

Ms. Mory replied yes. She said that the businesses are not particularly in the construction business, and was opposed to it in years past; but now we have a fulltime person to assist the business owners through the design process, and show them how to use the funds. She said that she is hoping that with one-on-one assistance with Staff, that there will be more successful applications.

Vice Chair Miller asked if there is any way to make loans since businesses are tight in their own cash flow.

Ms. Mory replied that they have discussed additional flexibility. The program in the past was structured such that the property owner had to do the entirety of the work and obtain a Certificate of Occupancy (CO). They also discussed doing it on a draw schedule; however, they have not determined what that schedule would be. As work is completed, providing funds on a draw basis.

Continuing, Ms. Mory said that as the Capital Improvements Plan is presented, the Board will see the linkage between real estate acquisition and some of the Capital Improvements planned for the future. Additionally, Ms. Mory said that Florida Statutes requires that CRA adopt the CRA budget by resolution annually.

Vice Chair Miller commented on the A1A Streetscape.

Ms. Mory said that the A1A corridor is now the focus of a PD&E Study and they hope to receive funding for improvements from sources outside of the CRA Budget.

Vice Chair Miller asked if that was the case last year.

Mr. Klopp replied yes, but there was no CRA Director last year.

Vice Chair Miller asked if there is a timeline to complete the study.

Mr. Klopp said that there will be two (2) hearings; one will be in front of the Board, a resolution requesting the support of the A1A Study and then in November, a hearing before the State Department of Transportation on the same proposed alternative. If adopted by both entities, it will be sent to the Federal Highway Partner for their review. She further stated that they have narrowed it down to an alternative that improves Hillsboro Boulevard at A1A and the intersection by Flannigan's, on the S-Curve; those are the only two (2) traffic improvements for widening. The remaining improvements will be aesthetic, sidewalks, bike paths, lighting, landscaping, etc.

Ms. Mory read the additional language for the budget into the record, under Section 2, "The Deerfield Beach CRA Board of Directors hereby approves the Fiscal Year 2010/2011 Budget as attached hereto, and incorporated herein".

MOTION was made by Vice Chair Miller and seconded by Mr. Popelsky to approve the CRA FY 2010/2011 Budget.

GENERAL ITEMS - CONTINUED

Roll Call: YEAS: Mr. Ganz, Ms. Poitier, Mr. Popelsky, Vice Chair Miller, and Chair Noland. Nays: None.

ITEM 2**TIME STAMP: 7:40:30****DISCUSSION REGARDING DRAFT FY 2011-2015 CAPITAL IMPROVEMENT PLAN.**

Keven Klopp, CRA Director, introduced the civil engineer for the CRA. He said that the Five Year Capital Improvement Plan was provided to the Board in their packet. However, this item does not require any action, but is only discussion that will continue over the next year. At that time, the Board will adopt a Five Year Capital Improvement Plan that will set the budget for future years.

Peter Moore, Chen and Associates, said that the goal today is to have a brief discussion regarding the purpose of this study; and the idea is to create conceptual designs for budgeting purposes. Thereby creating a CIP Plan that allows a manageable schedule; thus, allowing implementation by Staff. He commented on the budget which included a smaller portion for design and planning. In the future year, to plan for construction and manage the workload by not taking on too many projects at once. He reiterated that today's overview is for discussion only and many of them are conceptual and contingent upon property acquisition. Mr. Moore outlined the PowerPoint presentation that is attached hereto.

Continuing, Mr. Moore commented on the drainage improvements, sidewalk and streetscape improvements, as well as improvements to parking facilities, and lighting improvements. He said that with regard to fire hydrant coverage, there are some areas within the CRA that do not meet the 300 feet radius; nevertheless, they can be easily identified and handled. He said that a drainage issue for the Cove Gardens area was identified; however, the issue can be remedied. Mr. Moore commented on the three-way intersection in the Cove Gardens; and would like to review concepts to move the intersection and add safety improvements. He further stated that the area has issues relating to trash pickup and the interaction with the parking area. Additionally, Mr. Moore said that there are some drainage issues in the alley way and differentiation between the different land uses that need to take place. Also according to the Property Appraiser, there are only 15 feet between the two (2) properties; however, they explored the idea of a privacy wall and there must be coordination with Public Works for various aspects of the project. He commented on a study being conducted by Keith & Associates for ADA sidewalk compliance, which they will at some point incorporate. Moreover, Mr. Moore said that they would like to review the beach area sidewalks; there is a potential to upgrade the sidewalks between A1A and Ocean Way. He said that this is a good opportunity for additional streetscaping, with this being a gateway to the beach area.

Additionally, Mr. Moore commented on the parking improvements for future expansion that maybe in the area. He said that there are certain projects that may take away

GENERAL ITEMS - CONTINUED

parking from the area; notwithstanding, current and future needs must be discussed. They further reviewed the existing parking facilities, in three (3) general locations; the northern lot is disjointed, they are accessed from two (2) separate streets; the southern lot is the larger lot, and the area along the beach area. They first considered combining the north parking lot for more circulation; and can look at expansion, in terms of property acquisition. However, he does not want to imply acquiring this property; only illustrating that because it is connected to the existing parking facility, it has a much greater impact for connectivity.

Continuing, Mr. Moore said that they have also considered combining the north and south lot, by having a partial closure for 1st Street; thereby eliminating a lot of the side setbacks, improve connectivity of the lots, and allow people to circulate through the entire parking area. They also reviewed residential lots because they have the lowest cost options; as other cities are purchasing residential lots as they become available. Notwithstanding, residential lots can fill certain voids for facilities being impacted by other facilities. He commented on the use of the southern lot for a parking deck community facility. Moreover, Mr. Moore said that they looked at a current project, the idea of moving the fire station and combining it with a community facility in order to increase the effectiveness of that area, updates the facilities and the marine patrol. He said that they recently constructed a fire station at \$235 per square foot. He said that in the Capital Improvements Budget, there is not a capital cost, but a debt service figure to give them the opportunity to investigate further. He said that this facility would not be purchased in one year, similar to the Hillsboro Boulevard facility, it will be planned for and if well accepted by the public, they will do a bond issue for it.

Ms. Poitier asked what would be the cost in terms of square footage.

Mr. Moore said that for a recent fire station in Coral Springs, the cost per square foot was \$235. He said that there are different costs for different types of facilities; but can range up to \$350 per square foot or as low as \$180 per square foot. He said that this fire station was a LEED station, the first LEED gold station in South Florida; so there is a return on investment. He commented on certain specifications of the station and said that they are being conservative with the figures.

Ms. Poitier said that \$235 is shocking.

Continuing, Mr. Moore further highlighted the improvements to existing park facilities. He said that he was instructed to review the intensity of development. Therefore, looking at the developments, it is not particularly the type of development, but the intensity of development. They looked at Sullivan Park and preserving the existing shuffleboard and restroom and upgrades to those facilities. The crux of the development was the idea of a jogging trail, adding in tot lots, which were low intensity development; but to ensure that it will be used they will use a more passive development. They also reviewed intense development, which included property acquisition for park expansion. An attempt was made to create a very intense

GENERAL ITEMS - CONTINUED

development along the narrow skating area; however, there was not an opportunity to do much as you cannot have any athletic fields, and were limited in terms of parking.

Furthermore, Mr. Moore said that the linear park lends itself to a more passive park type facility. He said that in terms of having a development with more expansiveness, the only direction would be west. He also commented on having adequate parking facilities. He said that the facility can have many community functions, but the idea is that the activity is centered on that combined lot. He commented on the acquisition being key in this project. Additionally, he commented on the connectivity between this and Deerfield Island, with the potential of a marine facility, as well as revenue development from this type facility. He said that they are currently implementing summer marine facilities for other CRA's. Another key for this development is the connectivity between this and the Cove Parking lot. He said that he wanted to make sure that everything was including, pricing wise, and with an explanation of the differences in the intensity of the developments.

Additionally, Mr. Moore said that lighting improvements are occurring with regard to turtle nesting. They did an overall survey of the lights in the area and there are over 140 street light bulbs in the area; however, they determined that there are 57 potential locations where there may be a gap in the lighting. He said that these are some of the items that they want to investigate, as well as the tree coverage. Although they have had some success in other areas in installing solar powered lighting; in these areas there is no need for the transmission lines to connect the lights. He said that they have been able to fund these through a variety of areas.

Finally, Mr. Moore highlighted the Five Year CIP Scope of Services. He said that they wanted this to be a well planned and thought out effort as to not duplicate efforts, which allows for a balanced workload and achievable projects.

Chair Noland said that the infrastructure, the fire hydrants, and water lines have to be done. She commented on the pipes collapsing on Hillsboro Boulevard during construction. She said that the sewer lines have not been upgraded in the last 30 years. She said that she was happy to see discussion concerning the pipes. She further commented that she would like Sullivan Park redone, and connection to the Riverview Restaurant, in the Chamber of Commerce building. She said that she sees this as a passive type facility, with jogging or an exercise pool.

Additionally, Chair Noland said that she would like to see a swimming pool in District 4. In terms of a swimming pool in the proposed area, Chair Noland said that there needs to be adequate parking and the area must be able to handle an influx of people, which this area is not capable of handling. She commented on the street lights and the area by the Cove Shopping Center. She commended Mr. Moore for bringing various issues to light and said that she would like to continue discussion with him and Mr. Klopp.

GENERAL ITEMS - CONTINUED

Mr. Ganz said that there were things that he liked and disliked; however, the things that have been laid out by Mr. Moore are things that needs done with regard to setting up a plan. He said that by tomorrow, the rumor mill will have started that a pool is being built in Sullivan Park. He said that this is a clean slate process that they are about to go through. He said that they and the public have agreed on some low hanging fruit, but some of the other projects, this is the starting point. He said that the projects presented are not gospel, but only a guideline.

Vice Chair Miller said that there are currently shields to the east which makes it very dark at night. He asked if they are considering replacing them or the lights in the main parking lot.

Mr. Klopp replied that in one week there will be an agenda item on this matter. They are attempting to be in compliance by doing things properly, not having shields that have to come off or blow off in strong wind. He said that they want to have permanent lights that will be compliant. This is programmed in the Five Year CIP, but will also be presented to the City Commission due to a grant opportunity that may make funding in the CIP less necessary.

PUBLIC INPUT

Bob Reeve, 201 SE 15th Terrace, Suite 105, Deerfield Beach, said that the Board received information concerning the Cove Shopping Center and Block D. He provided a brief history as to the deed transfer of the Cove Shopping Center Parking Lot. According to the Broward County Property Appraiser's Office and the Florida Department of Transportation, the only thing that the City owns is Lot D. From 2008 – 2009, it was valued at \$344,000; today, it is valued at over \$1.3 million and that is the entrance to the Cove Shopping Center, with two (2) parking areas along side of it. He said that there is no record of any ownership of the Cove Shopping Center.

Chair Noland said the City Attorney has more information on this issue.

Andrew Maurodis, CRA Attorney, said that a title opinion was performed by Robert Klein in 1999 and he found that both the Cove Center and Parcel D have been dedicated to the use of the public; although the City of Deerfield Beach does not own it, it holds it entrust for the public.

Mr. Reeve asked how only one parcel be registered with the Property Appraiser's Office and the rest is not.

Mr. Maurodis said they are going by Mr. Kleinman's opinion as a title attorney.

Mr. Reeve further stated that he spoke with Vice Chair Miller regarding moving this project forward. The idea surfaced that Phase 1 would start by America Rock, next week, September 2nd, and stop right before Christmas and restart around Easter and through to September. He said that everyone is in favor of that, but it was not

PUBLIC INPUT - CONTINUED

mentioned tonight that it would be guaranteed. If that is not going to happen, business owners need to determine how they are going to handle their customers and patients.

Chair Noland said that staff was directed to proceed, as that was the Board's consensus.

Mr. Joe Biondo, 1619 NE 3rd Court, Biondo's Pizza, Deerfield Beach, expressed concern with Phase 1. He asked if they were going to tear everything out at one time and how the customers would get in and out.

Keven Klopp, CRA Director, said that he will be happy to meet with them and address their concerns. However, they will get started as soon as possible, but it will not be tomorrow, but possibly in two (2) weeks. He said that on tomorrow, they will be talking with the property owners about their concerns and mitigating them.

Mr. Ganz said that it was explained to him that there would be phases within the phases; i.e. Phase 1 would not be completely renovated at once.

Vice Chair Miller said that his understanding is that only 20% of any zone will be done; 15 - 20 spaces at any given point and still allowing access to the store.

Joe Marco, Bellissima Bride, 1605 SE 3rd Court, Deerfield Beach, said that he has 32 feet between his front door and Phase 2. He expressed concern about his business being accessible to the customers. He said that he is concerned that his clients will go to Boca Raton to purchase wedding dresses.

Phyllis Robinson, Cove property owner, said that she originally thought that this project was about building a parking structure. She expressed opposition to this because of the timing; the businesses have suffered because of construction on Hillsboro Boulevard. She also commented on the timing being horrendous. She commented on various occupants whose businesses did not survive. She expressed concerns about the timing of the construction and how it would negatively impact the businesses. Ms. Robinson further stated that she thought they would be able to present their opinions this evening; however, the Board is moving forward with the contract. She said that she has been here since 1969 and the shopping center needs improvement, and is willing to make improvements to her buildings, either by painting or facades. She reiterated that construction in this economy is a big mistake.

Pam Militello, 884 SE 19th Avenue, Deerfield Beach, thanked the Board for moving forward with the project. She said that a year from now, the people will be happy with the parking lot. She again thanked the Board for moving forward with the project.

Caryl Berner, 3130 Cambridge F, Deerfield Beach, said that she is sorry that the businesses feel that this will bring a hardship, but this will make the Cove beautiful.

PUBLIC INPUT - CONTINUED

Gheorghe Romega, 1633 and 1649 SE 4th Street, Deerfield Beach, said that he has been there for 14 years. When he came, there was criminal activity, but not now; we must start somewhere to accomplish something. He said that he believes that everyone will benefit from this and there will be some inconvenience, but this is the time.

Fred Gushue, 1617 SE 4th Street, Deerfield Beach, said that he has been there for 38 years and for that amount of time, the alley has been a problem. He suggested that a wall be installed to make it nice. When the beach was under construction, there were trucks coming in and out of the neighborhood, but with this work, the beach is beautiful.

Mr. Popelsky left the meeting.

Mr. Gushue said that he will personally try to support the Cove during these hard times. He commented on Boca and Delray Beach being beautiful and how he is able to relax there, and would like the same thing for the Cove. Mr. Gushue said that this is a wonderful project and thanked the Board for moving forward. He recommended placing an ad in the newspaper seeking help from the residents in supporting the Cove. Eventually, in a year from now, everyone will be pleased; nonetheless, he wants the Cove to stay in business which will only happen through support.

Yvonne Scott, 867 SE 14th Terrace, Deerfield Beach, asked if the funds for CRA salaries come from the City or a different source.

Burgess Hanson, Interim City Manager, said that this money is from the Community Redevelopment Agency tax dollars. The money from the City side, being covered by the CRA, the bulk of it is in the Utility Fund. He listed the positions that are currently included.

Ms. Scott said she thought they were requesting additional staff, considering that there has been a recent layoff.

Mr. Hanson said that it is for current staff that is funded through a different part of the City budget.

Mr. Maurodis explained that CRA money is tax increment money that would normally go to the County, but is allowed to stay in the CRA and can only be used for CRA purposes.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:19 p.m.

PEGGY NOLAND, CRA CHAIR

ATTEST:

ADA GRAHAM-JOHNSON, MMC, CITY CLERK