



Deerfield Beach Community Redevelopment Agency

SPECIAL MEETING MINUTES

Wednesday, September 15, 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
Ms. Sylvia Poitier
Mr. Martin Popelsky - Absent
Vice Chair Joseph Miller
Chair Peggy Noland

Also Present: Burgess Hanson, Interim City Manager
Andrew Maurodis, City Attorney
Samantha Gillyard, Deputy City Clerk

Chair Noland advised that Mr. Popelsky would be absent.

APPROVAL OF THE AGENDA

September 15, 2010

Chair Noland said that Item 5 will be discussed at the end of the meeting.

MOTION was made by Mr. Ganz and seconded by Vice Chair Miller to approve the September 15, 2010 CRA Agenda as amended.

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

GENERAL ITEMS

ITEM 1

TIME STAMP: 6:34:10

REQUEST TO APPROVE AND PUBLISH CRA BOARD MEETING SCHEDULE FOR FY 2011

Keven Klopp, CRA Director, recommended that CRA meetings be held on the 2nd Tuesday of each month so that time is not limited by Regular City Commission Meetings. He provided a schedule for upcoming CRA meetings for FY 2011 and advised that the meeting in November would be on Monday and there would not be a meeting in July, 2011.

GENERAL ITEMS - CONTINUED

Ms. Poitier said that she has another commitment on the 2nd and 4th Tuesday of each month.

After a brief discussion, Ms. Poitier said that she will come when able, but will not miss four (4) meetings back to back.

Vice Chair Miller asked if there was a survey for Monday night.

Mr. Klopp replied no; however, there are often holidays on Monday.

Ms. Poitier said that she can scatter her schedule.

MOTION was made by Vice Chair Miller and seconded by Mr. Ganz to approve Item 1.

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

Mr. Klopp said that the CRA is flexible, but reminded the board that the meetings must be noticed.

ITEM 2

TIME STAMP: 6:38:15

**RESOLUTION TO AWARD PROFESSIONAL SERVICES
CONTRACT FOR LEED CERTIFICATION OF THE PIER
RECONSTRUCTION TO GARCIA STROMBERG***

Keven Klopp, CRA Director, outlined Item 2. He said that a cost has been set at \$72,000 and the goal certification is silver; however, it will be difficult to achieve. The level of certified is attainable and likely, but they are pursuing silver. He introduced Steve Edwards, LEED Certified Accredited Professional, of Garcia Stromberg.

Vice Chair Miller asked that Mr. Edwards entertain questions of the Board.

Mr. Edwards introduced himself for the record.

Vice Chair Miller asked if there will be an opportunity to offset the cost, such as a reduced electric bill.

Mr. Edwards said that the offset is multi-faceted; whereby, there will be energy savings and improved indoor air environment, a reduction in water usage and solar hot water which means a reduction in gas.

Ms. Poitier said that in having the LEED certification, does the city qualify to apply for grants or can that be accomplished without LEED certification.

Mr. Edwards replied that the certification provides more ability with the state and federal grants.

GENERAL ITEMS - CONTINUED

Ms. Poitier said that the State has increased its energy rebates.

MOTION was made by Vice Chair Miller and seconded by Ms. Poitier to approve Item 2, adopting Resolution 2010/006.

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

ITEM 3

TIME STAMP: 6:42:17

REQUEST TO AUTHORIZE STAFF TO ISSUE A REQUEST FOR QUALIFICATIONS FOR CONSTRUCTION MANAGER AT RISK FOR THE PIER RECONSTRUCTION*

Andrew Maurodis, CRA Attorney, said that this is an authorization for construction manager at risk.

Keven Klopp, CRA Director, said that this allows the CRA to advertise for the construction manager at risk. He said that it will be presented to the City Commission in October to provide an opportunity to review the contract, which method will result in a guaranteed maximum price, and not a low bid. He further stated that the contractor will be involved in the design to make sure the project is constructed as efficiently as possible at a guaranteed maximum price. He said that in May, the same request was before them for the concept and was subsequently approved.

Ms. Poitier asked who the price would be negotiated by.

Mr. Klopp replied City representatives and the contractor. If the project goes above the price, then it is the contractor's cost; if under, the CRA pays the project costs.

In response to Ms. Poitier's question, Mr. Klopp replied that there is a cost estimate, but the price will be negotiated with the contractor.

Ms. Poitier suggested doing the cost estimate with a multiplier, to have better control over the cost.

Mr. Klopp said that in using a multiplier, you will have to go with the low bidder.

Ms. Poitier replied you do not have to go with the low bidder, but the most qualified. She explained her experiences using a guaranteed maximum price with a multiplier.

Mr. Klopp advised prior to this item coming before the Commission, he will investigate it.

Ms. Poitier asked that he check the Performing Arts Center and the Sunrise Sports Stadium, as they will show the difference between the guaranteed maximum price and multiplier.

GENERAL ITEMS - CONTINUED

MOTION was made by Vice Chair Miller and seconded by Mr. Ganz to approve Item 3.

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

ITEM 4

TIME STAMP: 6:48:23

**RESOLUTION TO AWARD MAIN BEACH PARKING LOT
CONTRACT TO TENEX ENTERPRISES INC.***

Keven Klopp, CRA Director, explained the condition of the parking lot and said that the expansion will offer additional parking and generate additional revenue. Tenex is the low bidder because they are currently working in the area.

MOTION was made by Vice Chair Miller and seconded by Ms. Poitier to approve Item 4, adopting Resolution 2010/007.

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

ITEM 6

TIME STAMP: 6:49:40

**RESOLUTION TO AWARD CONTRACT TO THE DREYER
GROUP FOR CRA MASTER REAL ESTATE PLAN SERVICES***

Keven Klopp, CRA Director, said that Items 6 and 7 both involve the Dreyer Group; the real estate consultant selected by the Board, and would approve work for the firm. The first request is for a real estate plan for acquisition strategy at a cost of \$8,000. Item 7 is for a retainer on an hourly rate on an as needed basis to provide services if properties are acquired. He introduced Mark Dreyer, Dreyer Group, who is present to entertain questions by the Board.

Chair Noland clarified that no commissions are made on the sale.

Mr. Klopp concurred.

Mr. Ganz asked for clarification on the item.

Mr. Klopp said that this is more of a strategy as to why certain properties would be acquired or why not. He provided an outline with regards to existing or planned projects. Additionally, they will review the property details from a realtor's perspective and provide a report to the Board after a strategy has been vetted.

Vice Chair Miller asked if this master plan will review and rank the 11 properties suggested by Mr. Klopp or will the Board advise Mr. Dreyer of their interests and then determine the viability.

GENERAL ITEMS - CONTINUED

Mr. Klopp replied both; however, it is not only the 11 properties suggested, as this is a starting point. He further stated that they have discussed various options for ranking, prioritizing, and categorizing; however, the best method has not been determined. Nevertheless, they will discuss it with the Board and have the realtor provide feedback.

Vice Chair Miller asked how long would it take to come to a conclusion on the master plan.

Mr. Klopp explained they have 30 days to provide a draft, during which period meetings with staff would commence, and then meeting with the Board; thus, by the end of the calendar year they should have something to adopt.

Mr. Ganz asked if this is the bulk of the work that they will be doing.

Mr. Klopp replied yes in terms of one (1) project, but if properties are acquired, then no; the bulk of the work will be in negotiations and acquisitions that they will handle.

Mr. Ganz said that since they are not making a commission, there will be a fee to provide the same services, which is essentially the same as a commission.

Mr. Klopp said that it is an hourly fee for services provided during the acquisition.

Ganz expressed concerns with the amount of work and the retainer fee; specifically, the strategic plan and whether properties are acquired after this point.

Chair Noland said that the minimum monthly fee would be \$700.

Mr. Klopp said that the fee would entail a monthly report to the CRA and activity in the district; i.e. sales, listing activity, vacancies, monthly lease rates, etc. He said that these things are specific to the CRA and will allow him to have a better understanding of what is happening in the district.

In response to Mr. Ganz's question, Mr. Klopp said that he was hoping to not discuss item 7 simultaneously, but the retainer is in Item 7.

Mr. Ganz said that the cost appears excessive.

Ms. Poitier asked if you have to advertise among the residents what you anticipate doing in the area or is the decision made by the Board and Staff.

Mr. Klopp said what happens in the CRA is controlled by this Board.

Ms. Poitier said that she would hate to spend \$8,000 to hire a consultant, before seeing the potential sites and then you can determine if you want to pursue them. There are many areas along the beach and Intracoastal that you really cannot develop.

GENERAL ITEMS - CONTINUED

Mr. Klopp said that is why he wants to go through the process, but not void of real estate expertise. He said that the Board and Staff will come up with the priorities, but prefers the consultant's expertise.

Vice Chair Miller requested clarification regarding the retainer, and asked if the Board desires to acquire a property, will we pay \$700 plus additional fees for service.

Mr. Klopp replied \$700 is monthly and on average, the report will take four (4) hours per month. He said that any work done within the four (4) hours is billed at \$700; however, anything over four (4) hours will be billed to the City.

Vice Chair Miller expressed concern about the cost being based on various services and not just a straight line tab for the monthly report.

Mr. Klopp said that this can be accomplished, but he will not have the continual real estate knowledge. He said that it is very beneficial to Staff to know what is going on in the district. However, Staff can do it on their own, but he likely would not have the time to check for the components mentioned.

Vice Chair Miller asked if foreclosure listings would be on the report.

Mr. Klopp replied yes.

Vice Chair Miller asked what is the term duration for the \$700.

Mr. Klopp replied that it is ongoing and can be discontinued at anytime.

A brief discussion pursued regarding discontinuing the contract.

Andrew Maurodis, CRA Attorney, said that any contract is terminable with 30 days notice.

Mr. Ganz expressed dissatisfaction with the amount of the contract and the work being performed. He also commented on paying a realtor a retainer for a report, as well as the four (4) hour minimum. He inquired about comparables.

Mr. Klopp said that the comparables are all over the board. You can pay less or much more for these services; this is comparable for what is being paid by other governmental entities.

Mr. Ganz said that this is not a good comparison.

Mr. Klopp said the fact that there is no real estate commission is unusual, but it is the proper way for a government entity to access that expertise. He said he was most pleased with taking this issue off the table.

Mr. Ganz said that he thought it would be on an as needed basis; however, looking at the overall plan the cost appears to be steep. He asked who developed the contract.

GENERAL ITEMS - CONTINUED

Mr. Klopp said that it was his decision to request an overall strategic plan and a monthly report.

Mr. Ganz said that he wanted someone who was familiar with the area and on an as needed basis. He said that it appears that Mr. Klopp wants to take advantage of opportunities that develop throughout the month.

Mr. Klopp said that is correct.

Mr. Ganz reiterated that the price appears to be steep, but agreed with his concept. He also stated that he is not a huge proponent of purchasing properties in the CRA, but is concerned with the price tag.

Vice Chair Miller asked how long it would take to accrue this \$8,000 project.

Mr. Klopp said that they will provide a draft in 30 days.

Vice Chair Miller suggested engaging in the \$8,000 contract for the master report and hold the retainer fee to see their work product. He said that it will take at least one (1) month to work through the fee; thereafter, Mr. Dreyer can explain the benefit of continuing. He suggested tabling Item 7.

Mr. Ganz agreed with Vice Chair Miller, that the information should be up to date and should last for a few months. He further suggested holding off for three (3) months, reviewing the report, and then determining whether to continue on a retainer basis.

Chair Noland expressed opposition to restricting it to three (3) months.

Vice Chair Miller said that it can be brought up when the Board feels it necessary.

Motion was made by Vice Chair Miller and seconded by Chair Noland to approve Item 6, adopting Resolution 2010/008.

Chair Noland passed the gavel to Ms. Poitier prior to seconding the Motion.

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

ITEM 7

TIME STAMP: 7:11:28

RESOLUTION TO AWARD CONTRACT TO THE DREYER GROUP FOR CRA CONSULTING SERVICES*

Based on discussion on Item 6, Keven Klopp, CRA Director, withdrew Item 7.

GENERAL ITEMS - CONTINUED**ITEM 5****TIME STAMP: 7:11:43****RESOLUTION TO AWARD CONTRACT ADDENDUM #5 –
PROJECT MANAGEMENT AND OVERTIME NIGHTS AND
WEEKENDS INSPECTIONS TO KEITH AND ASSOCIATES***

Item 5 was discussed last as noted under “Approval of the Agenda”.

Kris Mory, CRA Coordinator, said that this agenda item results in the Board’s direction to expedite the construction schedule for the Cove Shopping Center Parking Lot. The item consists of two tasks. Task 1 - The contractor will be working 10 hour days, 6 days per week, including Saturday; however, this was not anticipated. He said that City Staff is not available to inspect after hours or on Saturdays. However, Keith & Associates has the resources to do those inspections, if needed.

Continuing, Ms. Mory outlined Task 2; additional resources for project management. Bernard Buxton-Tetteh, Project Manager, is on staff and manages the project; however, due to the condensed timeframe, they are not certain that they have the resources to manage the project. She said that they will start the project and determine from there; however, Keith & Associates is an additional resource, if needed. She explained the importance of Staff being present throughout the process.

Ms. Poitier asked if the \$97,000 is to keep the project on schedule or to advance the project.

Ms. Mory replied that the request is not for \$97,000, but an anticipated cost. She said no additional funds or fewer funds may be required.

Keven Klopp, CRA Director, said that an alternative would be to get started and use the existing dollars in the contract, but when this contract was written in 2008, they did not anticipate nights and weekends. Thus, the funds set aside will be used faster; however, the item can be revisited thereafter and they will have more experience after starting.

In response to Ms. Poitier’s question, Mr. Klopp said that it is a 2008 contract with Keith & Associates for design, building services, and construction inspection. He further explained that this is for Keith & Associates as the engineers, not for building it. He said that the project will be built for the given price, but this relates to management of the project being accelerated.

Ms. Poitier asked how much of the current activities by Keith & Schnars will go above the amount.

Mr. Klopp replied not more than \$97,000; however, it may be less. He said it can be approved and then base it on what they were authorized to do or hold off, get experience with Phase 1, knowing that this will be revisited by the Board for additional work. Then you will have a better understanding of what additional work is needed.

GENERAL ITEMS - CONTINUED

Chair Noland said that when she spoke with Mr. Klopp, he explained what occurred with the 2008 contract with Keith & Schnars. She said that she firmly believes that we need their project managers because if there was more diligence on Hillsboro Boulevard, the current issues would not have happened. She further stated that she would not have a problem if the request was for \$25,000; and all future requests approve by the Board. She also commented on there being money from the original contract. Chair Noland said that the Board can approve the request now, lower the amount, or allow them to expend the current funds. By doing so, will give Staff an opportunity to monitor the inspector present on the project and costs; thereby allowing a better figure to be presented.

Ms. Poitier said that the scope of services has changed.

Chair Noland agreed and outlined how the schedule has changed. She asked that the Board decide what direction to pursue

Mr. Ganz said that the additional \$45,000 was in the contract for standard overall project management for the life of the project, in all phases. He clarified that the request is part of the obligation to the store owners to meet the criteria and promises made to them, i.e. working off hours to minimize the inconvenience. He agreed that the funds from the existing contract should be depleted and then determine how it is working before entering into another agreement. If obligations are being fulfilled, and the Board decides to move forward with them as project manager, then this agreement should be reviewed. He reiterated that the funds from the current contract should be depleted first.

Vice Chair Miller said he understands the necessity for additional inspections due to the schedule; however, it does not mean we will spend more money. This is like a promise to not have another Hillsboro Streetscape project, to complete the project in a timely manner, with the least disruption. Moreover, he said that the contract came in much lower, but with the schedule change, additional costs will be incurred. He said that Keith & Associates is trustworthy and that they would document their after hour inspections. This is simply a book keeping matter to complete this project; as this is needed and he urged the Board to be fair.

Motion was made by Vice Chair Miller and seconded by Ms. Poitier to approve Item 5.

Roll call: YEAS: Ms. Poitier and Vice Chair Miller. NAYS: Mr. Ganz and Chair Noland.

Chair Noland said that she is not comfortable with \$97,000 and although it will likely cost more, she prefers to have more control, and use the contracted amount.

MOTION was made by Mr. Ganz and seconded by Ms. Poitier to use the \$45,000 in the existing contract and revisit this at a later date.

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

PUBLIC INPUT

Kester Cottage Project - Carolyn Morris, Director of the Deerfield Beach Historical Society, 380 E. Hillsboro Boulevard, asked that the Board consider a joint project with the Historical Society to move a Kester Cottage. There is a local company that desires to donate to the Society, but they have no place to put it. She suggested moving it to Sullivan Park, near the Chamber of Commerce and treat it as a Deerfield museum to lure guests and tourists, as well as focusing the Chamber on a visitor's center. She provided a letter to the Board.

Ms. Morris explained what Kester cottages are; William Kester donated land in the City and built the cottages during the depression when many men needed jobs and were able to find work during that time. The cottages sold for approximately \$500 each. Additionally, he built about 150 between here and Pompano Beach. There are five (5) in the City and two families live in them. There is one on the Butler property and they were built from extinct Dade County pine. She commented on the cottage's attributes, and other treasures that are a part of the City's history. She said that it would make a great museum.

Chair Noland said it is the little house near Kraeer Funeral Home.

Ms. Morris said that they want to donate the one on the back property.

Chair Noland explained the location. She said that Staff would look into it and bring it back to the Board with information.

Vice Chair Miller asked if transportation would be donated.

Ms. Morris replied no.

Vice Chair Miller said that he likes the idea and agreed that it should be explored.

Ms. Poitier said that it would be a good museum; however, if an agreement cannot be made, there is a family in need and asked that they not allow it to be destroyed, if it is not approved.

Ms. Morris said that there is one in Pioneer Park that is in dire need of paint.

Ms. Poitier said that the Brown's on SW 3rd Street need a home.

Ms. Morris said that the lady who lives there is in her 90s and she believes that the house goes to the City, when she no longer needs it.

Mr. Ganz said that he wishes to pursue it.

Ms. Morris said that they went through the museum assessment program with the American Association of Museums and they are implementing suggestions that were given to them. She said that the goal is to create a museum using the Kester Cottage. She said that the cottage has the first mayor's furniture in there and they wish to keep those items.

BOARD/ADMINISTRATION COMMENTS

City Manager - No Report

CRA Attorney - No Report.

City Clerk - No Report.

Mr. Ganz - No Report.

Ms. Poitier - No Report.

Vice Chair Miller - No Report.

Chair Noland - Pink Heals Tour - Chair Noland reminded everyone of the Pink Heals Tour and encouraged them to purchase a shirt for \$15. She announced that the parade starts Monday, September 20, 2010 at 5:00 P.M. at the Fire Station on Powerline Road; there will be six (6) pink fire trucks.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:36 P.M.

PEGGY NOLAND, CRA CHAIR

ATTEST:

ADA GRAHAM-JOHNSON, MMC, CITY CLERK