



**DEERFIELD BEACH COMMUNITY  
REDEVELOPMENT AGENCY  
MEETING MINUTES**

Monday, December 13, 2010, 6:00 P.M.  
City Commission Chambers, Deerfield Beach City Hall

The meeting was called to order by Chair Noland at 6:00 p.m. on the above date in the City Commission Chambers, City Hall.

Roll Call:

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

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

**APPROVAL OF MINUTES**

**DIGITAL TIME STAMP: 6:00:30**

September 15, 2010, October 12, 2010, and November 8, 2010

**MOTION** was made by Mr. Popelsky and seconded by Vice Chair Miller to approve the meeting minutes of September 15, 2010, October 12, 2010, and November 7, 2010.

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

**APPROVAL OF THE AGENDA**

**DIGITAL TIME STAMP: 6:00:40**

December 13, 2010

Chair Noland stated that the order of agenda items was revised.

**MOTION** was made by Vice Chair Miller and seconded by Mr. Popelsky to approve the December 13, 2010 as amended.

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

Keven Klopp, CRA Director, stated the order of the agenda items as they will be discussed: 1, 2, 4, 5, 6, 8, 3, 7, 9, and 10.

**GENERAL ITEMS**

**ITEM 1**

**DIGITAL TIME STAMP: 6:01:51**

**REQUEST TO PURCHASE BEACH FURNITURE AND RELATED ITEMS**

Keven Klopp, CRA Director, said that \$90,000 was budgeted for this item. He said that it is a sole source request because the City has standardized this manufacturer for its beach furniture.

Mr. Popelsky asked if other sources were checked for price and consistency.

Mr. Klopp replied yes; moreover, the sole source had the lowest price. He explained that other manufacturers would have to setup to make the equipment and the cost is passed along to us.

**MOTION** was made by Vice Mayor Miller and seconded by Mr. Popelsky to approve Item 1.

Roll Call: YEAS: Mr. Popelsky, Vice Chair Miller, and Chair Noland. NAYS: None.

*Burgess Hanson, City Manager, entered the meeting at 6:05 p.m.*

**ITEM 2**

**DIGITAL TIME STAMP: 6:03:37**

**REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING STAFF TO NEGOTIATE A PRE-CONSTRUCTION SERVICES AGREEMENT WITH STILES CONSTRUCTION CORPORATION FOR CONSTRUCTION MANAGER AT RISK SERVICES FOR THE PIER RECONSTRUCTION PROJECT\***

Keven Klopp, CRA Director, provided a brief history on the item, including the ranking of the construction manager at risk; wherein, Stiles Corporation was selected as the number one (1) ranked firm. He said that the Board has the option to proceed with Staff's recommendation or receive the presentations themselves after reviewing the submittals from the four (4) firms. Thereafter, he requested approval to proceed with negotiations with Stiles Corporation.

Chair Noland said that Mr. Ganz is en route and has requested that the item be discussed later.

Vice Chair Miller agreed to hold off until Mr. Ganz arrived.

**GENERAL ITEMS - CONTINUED**

Ada Graham-Johnson, City Clerk, read financial contributions into the record, pursuant to Ordinance 2008/009: Jerry DuBois, JWR Construction, contributed to Chair Noland in 2005; William Gallo contributed to Chair Noland, Ms. Poitier, and Mr. Popelsky in 2005.

**ITEM 4****DIGITAL TIME STAMP: 6:07:13****REQUEST TO BEGIN CONSTRUCTION ON COVE SHOPPING CENTER ENTRYWAY FEATURE**

Kris Mory, CRA Coordinator, stated that upon approval in August, a phased construction schedule was also approved. The entryway feature was originally scheduled for Phase 4. She said that the request is due to various stakeholders in the plaza, as well as West Construction's performance. She applauded West Construction for their performance. Moreover, Ms. Mory explained that this is a limited portion of the project and that the request is part of a very isolated area of the plaza, between the entryway and Hillsboro Boulevard; on the other side is American Rock Café. She explained that there will not be any disruption to parking in the main parking lot; the contractor will stage their material in the back of Phase 1 between the buildings and Hillsboro Boulevard. Additionally, the construction area will be fenced off to prevent any accidents.

*Mr. Ganz entered the meeting at 6:12 p.m., as well as Ms. Poitier.*

Continuing, Ms. Mory said that if granted, the construction will commence upon issuance of a permit.

Chair Noland said that she spoke with some of the Cove business owners and they praised the contractor for their performance.

Vice Chair Miller said that there was one person that was not in favor of the scheduling of Phase 1, and that there be no construction during Christmas and New Years. He said that the purpose of no construction was to avoid business interruptions; however, the current phase appears to be working. He asked if the entryway will be blocked.

Ms. Mory replied that there will not be any disruption to the entryway.

Vice Chair Miller said that it would be a positive to complete the project and that it may draw attention to the shopping center. He spoke in favor of proceeding with the project.

**GENERAL ITEMS - CONTINUED**

**MOTION** was made by Vice Mayor Miller and seconded by Mr. Popelsky to approve Item 4.

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

**ITEM 2 (CONTINUED)****DIGITAL TIME STAMP: 6:12:05****REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING  
STAFF TO NEGOTIATE A PRE-CONSTRUCTION SERVICES  
AGREEMENT WITH STILES CONSTRUCTION CORPORATION  
FOR CONSTRUCTION MANAGER AT RISK SERVICES FOR  
THE PIER RECONSTRUCTION PROJECT\***

Mr. Klopp provided a recap of the item. He reiterated the Board's options of accepting the committee's recommendations or the Board may rank each firm by presentation. He asked that the Board approve authorization to begin negotiations with the top ranked firm, Stiles Construction Corporation.

Mr. Ganz asked if it is normal to have people serve on the evaluation committee when they are not City employees; there are two (2) individuals that are not employees.

Mr. Klopp explained that the two (2) individuals served due to their expertise and closeness to the project. He said that the Ordinance for this particular matter has been changed to allow professional staff; thus, the engineer and architect are considered an extension of staff.

Mr. Ganz asked for the difference between the top two (2) ranked firms, as there is a one (1) point differential. He also stated that one firm is a local firm and the other is not.

Mr. Klopp said that each committee member did their own ranking, which was not discussed. He said that his ranking was consistent with the overall committee's rankings and Stiles Corporation had much more experience in constructing projects on the beach in the coastal construction area, which is the primary challenge of this project. He also commented on their staff size being a positive component. Lastly, he said that the experience and overall firm size were the major factors in the decision.

Chair Noland outlined the options, to accept or have the Board to interview the firms and re-rank them. She said that Stiles is a very good company and they built the Fire Station on SW 11<sup>th</sup> Way; however, she said that she would like to give work to people in the community.

**GENERAL ITEMS - CONTINUED**

Vice Chair Miller asked if the Board would have to hear the presentations if they chose not to go along with staff's recommendation.

Andrew Maurodis, City Attorney, explained the Board's options. He said that if the Board decides to listen to the presentations that a future meeting must be set for this purpose.

Vice Chair Miller commented on the scores for the first and second firm, as well as the ranking criteria. He agreed with Chair Noland regarding the selection of a local company.

Mr. Maurodis said that the selection criteria must be utilized. He emphasized that the Board cannot apply a criterion that is not in the standard.

Chair Noland asked if the Board would have to interview all the proposers.

Mr. Maurodis replied yes.

Mr. Ganz said that he has been consistent to go with staff's recommendation; however, he is not opposed to going along with the Board. He expressed concern with the two (2) individuals serving on the committee being outside the City. He said that he is willing to go with Staff's recommendation, as being a local company was not a part of the original criterion; nevertheless, he will follow along with the rest of the Board.

Ms. Poitier agreed with Commissioner Ganz regarding the individuals who are not City employees; she spoke in opposition to using non-City employees.

Mr. Maurodis explained that the two (2) individuals were considered Staff because they are retained by the City for purposes of this project.

Mr. Popelsky agreed to go along with Staff, as they are more qualified on certain disciplines.

Chair Noland said that she does have any qualms with using outside people, as they likely bring a different perspective. Additionally, she said that they will be working closely with whoever is awarded the bid and will look at things differently than Staff.

**MOTION** was made by Vice Mayor Miller and seconded by Mr. Popelsky to approve Item 2, adopting CRA Resolution 2010/013.

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

Chair Noland asked if there is a way to keep the work local. She referenced military personnel getting preference points.

**GENERAL ITEMS - CONTINUED**

Mr. Maurodis said that he will look into adopting a local preference ordinance. He said that he stressed this point because he did not want the Board making a decision based on something that was not in the criteria, because it would be subject to challenge.

**ITEM 5****DIGITAL TIME STAMP: 6:25:08****REQUEST TO APPROVE CHANGE ORDER FROM WEST CONSTRUCTION FOR THE RESTORATION OF PRIVATE PROPERTY BEHIND COVE SHOPPING CENTER PHASE 1 BUILDINGS**

Kris Mory, CRA Coordinator, outlined Item 5 and said that the request is valued at \$17,801.57. She said that West Construction is contractually obligated to restore areas outside of the right of way to pre-construction conditions. She outlined the pre-construction conditions, i.e. loose sand, weeds, mix match pavers, etc. She said that there are concerns for the French drain and requested approval of the change order to keep the area stable and keep debris out of the new system.

Chair Noland said that she went by the area on Saturday and recommended that it be consistent with the others and make it look nice. Also, it will help the parking for the businesses.

Vice Chair Miller asked if this includes curbing around a perimeter.

Ms. Mory explained where the curbing is and how far it will come up.

Mr. Ganz asked if the CRA has made any attempt to talk to the business about contributing to these changes, because it is private property.

Ms. Mory replied yes. She said that this change order was brought to the CRA's attention by a private property owner. The Board can vote to charge the property owners, but the problem is that the improvements are from the public right of way onto private property. She said that this change order will achieve uniformity rather than trying to enforce a private site plan improvement. Notwithstanding going through an improvement process with each property owner will have wasted time whereby all the soil and loose material will come into the French drain.

Mr. Ganz referenced the Deerfield Mall wherein the mall owner advised the store owners that the parking lot would be resurfaced; which was completed approximately 3 to 4 weeks ago. The owners did not have an option. He said that the only difference between these projects is that one is owned by City government and the other by private industry. He said that the Deerfield Mall did not have the opportunity that the Cove does. He expressed concerns with spending money on private property. He said that for the sake of time and not disrupting the project, he will go along with it. However, in the future, he believes that the people should contribute.

**GENERAL ITEMS - CONTINUED**

Ms. Mory said that the two (2) property owners that approached the CRA intend to improve their property and asphalt it. She said that they saw the improvement during the latter part of construction and are unable to effectuate a site plan at this time.

Chair Noland said that during construction, much of this was demolished. She explained the condition of the property because of the construction. Lastly, she asked what Ms. Mory hopes to accomplish.

Ms. Mory said that from an engineering standpoint, they are making changes that will allow the owners to lay asphalt in the future.

Vice Chair Miller asked if the improvements are related to the Admiral Building.

Ms. Mory replied yes.

Vice Chair Miller said that he spoke to the owners and they want to make improvements.

**MOTION** was made by Vice Mayor Miller and seconded by Mr. Ganz to approve Item 5.

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

**ITEM 6****DIGITAL TIME STAMP: 6:33:25****REQUEST FOR BOARD INPUT ON PROPOSED DATES AND LOCATIONS FOR PUBLIC HEARINGS ON 5-YEAR CAPITAL IMPROVEMENTS PLAN\***

Kris Mory, CRA Coordinator, said that she has located two locations for the public input sessions; Wednesday, January 19<sup>th</sup> at the Royal Fiesta at 6:00 p.m. and Wednesday, February 2<sup>nd</sup> at Briggs Hall, Community Presbyterian Church at 6:00 p.m.

After a brief discussion, the dates were changed to Thursday, January 20<sup>th</sup> at Royal Fiesta and Thursday, February 3<sup>rd</sup> at the Community Presbyterian Church.

**MOTION** was made by Vice Mayor Miller and seconded by Mr. Ganz to approve Item 6.

Ms. Poitier asked if both dates were on Thursday.

Chair Noland replied yes.

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

**GENERAL ITEMS - CONTINUED**

Keven Klopp, CRA Director, said that he would follow up with the facilities to verify availability and confirm with the Board.

**ITEM 8****DIGITAL TIME STAMP: 6:37:18****REQUEST TO APPROVE ADDITIONAL SERVICES FOR  
GARCIA STROMBERG TO DESIGN TEMPORARY BAIT SHOP\***

Keven Klopp, CRA Director, said that when the design of the pier project began, they were not sure how access to the pier would be addressed during construction. After Staff review and analysis, they decided to build temporary access, consisting of a ramp from the walkway along the beach, south of the pier, towards the ocean and then north to connect with the pier. He said that from the pier connection point back toward the land, is where construction will be and it will be closed off to the public. Furthermore, it was determined that access control would be needed which would give the City ability to collect a fee to use the pier. He said that a temporary access building is the same as constructing a new building; utilities, foundation, the structure, etc. He said that they think it is proper for Garcia Stromberg to build it. He provided two (2) options, a standard shed pre-fabricated building or have Garcia Stromberg design a building that would be fabricated for this purpose, for additional monies. He outlined the benefits of having Garcia Stromberg design a building; being more aesthetically pleasing. Moreover, Mr. Klopp said that the current shed is temporary and a new one would be temporary, but also aesthetically pleasing.

Vice Chair Miller said that the lifeguards have always wanted a shed. He asked if it is possible to use a pre made shed for the bait house during construction and ultimately have the lifeguards use it to store their equipment, instead of disposing of it.

Chair Noland said that she spoke with Mr. Klopp about this project, and if we let the architect do it, it will then go where the rental of the chairs are.

Mr. Klopp said that there may be an extra shed that could be refurbished for that purpose.

Chair Noland said that the pre-fabricated shed would not align with the aesthetics of the pier, once construction is done.

Vice Chair Miller commented on the shed having a dual purpose. He said that he would agree to spend the money for aesthetics if there is going to be long term use.

In response to Ms. Poitier's question, Mr. Klopp replied that the design will cost approximately \$13,000 for a pre-fab; \$19,000 for the design if it is designed in concert with the plans for the new pier buildings.

**GENERAL ITEMS - CONTINUED**

**MOTION** was made by Vice Chair Miller and seconded by Ms. Poitier to approve Item 8.

Roll Call: YEAS: Ms. Poitier, Vice Chair Miller, and Chair Noland. NAYS: Mr. Ganz and Mr. Popelsky.

*Item 8 was approved by a 3 – 2 vote.*

**ITEM 3****DIGITAL TIME STAMP: 6:44:00****REQUEST TO SPONSOR SPECIAL EVENT (FOUNDER'S DAY)**

Keven Klopp, CRA Director, said that he spoke with the CRA Attorney and the Attorney General on CRA expenditures and sponsor is not the proper word. He said that for special events, the CRA would have to directly expend funds for special events and not sponsor nonprofit organization special events. He requested feedback from the Board regarding support and involvement of Founder's Day. He said that the Founder's Day Committee has indicated that they will not be moving forward with the event. Additionally, other community stakeholders have expressed a desire to continue with the event. He said that the CRA sees this event as a benefit if they are able to support the event. Since it would be a direct CRA expenditure, they would have to coordinate with the Founder's Day Committee. Subsequently, the committee has decided to move forward with the event and have submitted an application to the Commission to hold the event. He asked what the pleasure of the Board was.

Ms. Poitier said that she discussed this matter with Mr. Klopp and suggested that the public be made aware of what a disaster it would be to lose this event. She said that Founder's Day is one of the oldest celebrations in the City that gives back. She commented on the history of Founder's Day, which was once called Cracker Day. She said that the Founder's Day Committee would be able to gather funds through sponsorships if they explained the history of the event; thus, without expending City funds. Notwithstanding, if you give to one organization, you have to give to all; if not, it is inequitable. Furthermore, she will not support anything that will further divide the City. She reiterated the opportunity to seek outside sponsors and offered to donate funds personally.

Mr. Popelsky asked if he can assume that the Founder's Day Committee changed their minds because of the possibility of receiving CRA funds.

Mr. Klopp said that he is unsure, but they have indicated that they would like to seek CRA assistance; nevertheless, they do have funds to operate the festival. He explained that the revenues obtained from this year's festival will run next year's festival. He said that they have also heard from possible sponsors; which may have swayed their decision.

**GENERAL ITEMS - CONTINUED**

Chair Noland said that she received calls from businesses and residents that did not want to see this fall aside. She recommended that they contact the committee as she is not involved. She said that CRA funding had no impact on their decision, but was due to the outpour from the community. She said that there are sponsorship requests in the newspaper because this is the 64<sup>th</sup> year and it has never been broken.

Mr. Popelsky said that they received a letter from them saying that they were going to cancel. He said that he would like to see Founder's Day happen, but expressed concerns about Mango Festival and the Brazilian Festival.

Ms. Poitier said that we must be fair and should not spend money on one and not the other.

Mr. Popelsky agreed.

Mr. Ganz said that this was first put on as an action item and he did not want to be put in the situation of making a decision. Although, he would like to see Founder's Day continue, as well as other festivals, but if you give to one, you have to give to the others. He said that he does not support using CRA funds for special events. He further stated that this is an end around on the Commission's vote to not have City funds going towards this festival. He also commented on the event starting outside of the CRA and ending in the CRA boundary; therefore, the perception would be that this is choosing one over the other. He agreed with Ms. Poitier to reiterate to the businesses and the community the importance of this festival and try to obtain private sponsorship. He objected to using CRA funds for Founder's Day.

**ITEM 7****DIGITAL TIME STAMP: 6:52:44****REQUEST FOR ADDITIONAL FUNDING FOR THE GREEN MARKET**

Keven Klopp, CRA Director, said that they have received input from individuals who attended the Green Market and there are ways to improve it. However, those improvements will cost money; therefore, the Board can decide on whether to implement improvements now or see what occurs during the remainder of the year. Continuing, Mr. Klopp outlined various options to improve the Green Market, live entertainment, parking, and advertising. Essentially, they are looking at the green market being viable; thereafter, he outlined the purpose of a green market. He asked for feedback from the Board with regard to improvements, and suggested they be addressed at a future meeting. Additionally, if there is a desire to make improvements in the very next week of the market, authorization is needed because the funds set aside have already been expended.

Chair Noland said that she attended the Delray Beach Green Market and they have no more fruit and vegetable vendors than we have. She said that she has handed out cards to get more businesses. She also commented on the Boca Raton Green Market

**GENERAL ITEMS - CONTINUED**

and why theirs appears to be so large. She suggested finding other ways to improve the market without expending additional funds. She also suggested locals playing music at no cost.

Mr. Klopp said that there was a vendor who considered it, but could not accommodate a Sunday. Mr. Klopp said that they will continue to work on it and will try to get volunteers to assist as much as possible.

**ITEM 9****DIGITAL TIME STAMP: 6:58:16****COVE CONSTRUCTION UPDATE****ITEM 10****DIGITAL TIME STAMP: 6:58:16****GREEN MARKET UPDATE**

Keven Klopp, CRA Director, said that Items 9 and 10 are for informational purposes only; and the updates have been provided in the backup. He said that he or Kris Mory, CRA Coordinator, are available for questions.

**BOARD/ADMINISTRATION COMMENTS**

*There were no Board or Staff comments.*

**PUBLIC INPUT**

Maureen Kenny, 615 SE 7<sup>th</sup> Avenue, Deerfield Beach, said that she spoke to a few residents that are willing to play their own music at the Green Market.

Chair Noland suggested that she speak with Keven Klopp, CRA Director, and provide the information to him.

Ms. Kenny said that one person wanted to be paid and the others thought it was a good idea.

Mr. Klopp said that they too think it is great, but there will likely be a cost to have someone set up the sound system.

Mr. Ganz suggested that this be discussed with the residents prior to considering this.

Chair Noland said that in Boca and Delray, there is only quiet music playing.

Ms. Kenny said that they are only suggesting one (1) or two (2) people playing guitars.

**ADJOURNMENT**

There being no further business the meeting adjourned at 7:01 p.m.

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PEGGY NOLAND, CRA CHAIR

ATTEST:

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ADA GRAHAM-JOHNSON, MMC, CITY CLERK