



**DEERFIELD BEACH COMMUNITY
REDEVELOPMENT AGENCY
SPECIAL MEETING MINUTES**

Tuesday, April 26, 2011, 6:30 P.M.
City Commission Chambers, Deerfield Beach City Hall

The meeting was called to order by Chair Noland at 6:31 p.m. on the above date in the City Commission Chambers, City Hall.

Roll Call:

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

Also Present: Andrew Maurodis, City Attorney
Samantha Gillyard, Deputy City Clerk

APPROVAL OF MINUTES

DIGITAL TIME STAMP: 6:31:20

April 12, 2011

MOTION was made by Mr. Ganz and seconded by Vice Chair Popelsky to approve the April 12, 2011 meeting minutes as submitted.

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

APPROVAL OF THE AGENDA

DIGITAL TIME STAMP: 6:31:30

April 26, 2011

MOTION was made by Mr. Ganz and seconded by Mr. Miller to approve the April 26, 2011 agenda as submitted.

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

GENERAL ITEMS**ITEM 1****DIGITAL TIME STAMP: 6:32:08**

CRA Resolution 2011/009 – A Resolution authorizing the CRA Director to enter into an agreement for services from the Urban Land Institute to participate in the Technical Advisory Program

Keven Klopp, CRA Director, said that staff has met with the Urban Land Institute (ULI), Southeast Division, in Lighthouse Point and explained that ULI has a standard price for the Technical Advisory Program. He said that they bring in unbiased experts to provide guidance on the redevelopment vision for the Cove Shopping Center on the east end of the water, linking to Sullivan Park under the bridge, and the former Riverview site, as well as the Chamber of Commerce site. The program also includes a public input portion at the beginning and a public presentation at the end. As requested this was brought back to the Board in order to keep the momentum going. Upon approval, ULI will begin identifying the professional panelists; and allow Staff to proceed with the agreement.

Chair Noland asked that the final review be done by the City Attorney.

Mr. Ganz expressed concern with timing, to make sure that the public, as well as he, can attend. He asked if there is any reason why the Chamber's Hall could not be used.

Mr. Klopp said that the meeting should be held on site in order to get a better perspective on the property. He said that the meeting could be held at the Cove Restaurant or the Royal Fiesta to not only allow the public to look at plans, but to physically visit the location.

Andrew Maurodis, City Attorney, said that they need to be cognizant of the Sunshine Law.

Mr. Miller clarified the area, the Cove, Sullivan Park, Pal's O'Leary property and ULI's advice to the Board.

Mr. Klopp said that they will start negotiating with them in terms of size, parameters of the analysis, and what type of experts would be needed. The initial idea is not to get broader than the initial redevelopment area.

Mr. Miller asked if the acquisition and the technical advisory could be done together or what comes first.

Mr. Klopp replied that the planning comes first; thus, you have an overall idea as to why the property should be purchased. Moreover, Mr. Klopp said that the idea was to look at expanding and not limiting, look at the broader picture of what it could be.

In response to Mr. Miller's question, Mr. Klopp replied that the timeline is not definitive but could be between the end of June or beginning of August. He commented on the

GENERAL ITEMS - CONTINUED

Economic Development Technical Assistance which was awarded through Planning & Zoning, which is being planned for the end of June. He commented on whether the projects should merge, or be separated and put all efforts into one then the other.

Mr. Ganz said that he would like to move forward as soon as possible.

MOTION was made by Mr. Miller and seconded by Mr. Ganz to adopt CRA Resolution 2011/009, with final review by the CRA Attorney.

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

Mr. Klopp introduced Carla Coleman, ULI Executive Director.

Carla Coleman, ULI, Southeast Florida/Caribbean District Council, Lighthouse Point, said that the District Council runs from Vero Beach to the Keys and through the Caribbean, with 800 members in the area. ULI is a not-for-profit land use and redevelopment think tank. They do a number of these panels across the region and have done so for the last seven (7) years. She said that they are excited to work in Deerfield Beach on this property and that the advice they provide is non-binding. The experts that work on the panel are working on these projects every day. They are volunteered, and they do not recruit anyone who is doing business with the City now and ask that they do not solicit anything from the City until six (6) months after the panel is over. The panel is a two (2) day panel, stuffed into 1.5 days; they start at noon on the first day, take a tour of the property, have public input, and can look at property that is presently held or not held by the CRA. Over the next 24 hours, they will meet and develop a set of recommendations based on the questions and issues that have been worked out with the CRA Director. At the end of the second day, in a public forum, they will then invite everyone, including the public, and give a preliminary set of recommendations for the questions that have been posed. Within 30 days, a written report is provided. She said that they do not release the panelists until they have worked out the issues with Staff to make sure they have the right level of expertise.

Vice Chair Popelsky asked if the experts live in the City or work locally.

Ms. Coleman replied no. Additionally, she said that she has mentioned the project to various individuals, but none are from Deerfield Beach, as ULI does not want them to have a conflict of interest with the City.

ITEM 2**DIGITAL TIME STAMP: 6:43:49**

CRA Resolution 2011/010 – A Resolution of the Community Redevelopment Agency of the City of Deerfield Beach, Florida, approving additional architectural services for Garcia Stromberg for revision of the plans for the Pier Entrance Project.

Keven Klopp, CRA Director, outlined Item 2. He said that a lot of issues have been worked out with FDEP. Additionally, Steve Edwards, Garcia Stromberg, is present tonight to entertain questions. He provided a rendering that is prior to final plans;

GENERAL ITEMS - CONTINUED

however, there are changes to the plan. The restrooms and bait shop will be on the south side of the pier. The restaurant is moved slightly landward. He provided the rendering in plan view, without photos. Thereafter, he outlined the area that FDEP was most concerned with; they did not want anything seaward of the existing line of construction, which is where the deck in the sand and the second story observation deck was. Moreover, FDEP was concerned with the buildings south of the pier; they were also in the sand. He explained the compromises that were made; nevertheless, the buildings to the south were not compromised and that was the main goal.

Continuing, Mr. Klopp said that the vision was to keep the east/west pier open and then have the north/south access be the boardwalk coming down from Ocean's 234, JB's, and linking directly to the walkway to the south. The boardwalk was initially in the sand and has been compromised. There will still be a second story deck, with a capacity reduced from 110; to 92; however, there is still outdoor dining and a second story observation deck. The sand deck will be removed and they will cantilever a portion of the deck out over the stairs.

Additionally, Mr. Klopp outlined the revised landscape plan; the area that was suggested for a wooden deck is now an expansion of the dune and in front of Oceans 234 and JB's you have plantings. He said that they will not plant sea grapes, but lower plants, which will be an extension of the dune. There is a wooden walkway at the north portion of the site that will cross the dunes; therefore, access to the beach will still be at the north part of the parking lot, but will now be across the wooden walkway that will cross over the dune instead of right onto the sand. In doing this, it will help with the maintenance issues with sand that blows into the parking lot. Mr. Klopp provided a photo of the existing site. He also distributed photos, and outlined what they were able to save through negotiations with FDEP; restaurant stays, the restrooms, bait shop, and second floor observation for BSO and Fire Rescue all stay intact. The only thing they are doing is adding dune area where there was a wooden deck, and a slightly smaller public observation deck.

Continuing, Mr. Klopp said that the request allows Garcia Stromberg to complete the architectural drawings as they need to be revised.

Chair Noland thanked Mr. Klopp for his diligence. She said while walking on the beach, Stiles is already out there. However, she is a little disappointed that some of the outside seating was lost. She also thanked Steve Edwards, Garcia Stromberg.

Mr. Miller asked about the wooden steps going to the beach.

Mr. Edwards explained that FDEP was concerned that the sea grape in the dune was being trampled and not maintained, but is getting wider, wherein the plantings cannot be maintained. The crossover that they are including is a way of maintaining the integrity of the dune.

GENERAL ITEMS - CONTINUED

In response to Mr. Miller's question, Mr. Edwards replied that the area will be from 6 to 8 feet wide.

Mr. Miller asked if there is a cost savings.

Mr. Edwards said yes; the wooden deck will be replaced by the dune enhancement also, the paved area under the second floor deck is also reduced.

Mr. Ganz said that he is pleased with the compromise.

MOTION was made by Mr. Ganz and seconded by Mr. Miller to adopt CRA Resolution 2011/010.

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

Mr. Edwards said that although it is not in their proposal, they will also produce renderings so the public will see how the dune project will look.

Vice Chair Popelsky asked if there will be any more change orders.

Mr. Edwards replied no.

ITEM 3**DIGITAL TIME STAMP: 6:56:07**

CRA Resolution 2011/011 - A Resolution to amend CRA Resolution 2010/001, setting forth the authority of the CRA Director to expend CRA funds

Keven Klopp, CRA Director, outlined Item 3. He said that CRA Resolution 2010/001 set forth authority for procurement by the CRA Director. The proposed resolution will grant additional authority to the CRA Director for changes as they become necessary during a project. If there is even a \$1 change, it has to wait until the Board can approve it. He said that this causes more maneuvering than realized and said that the best way to handle it is to allow the CRA Director to authorize the changes within certain limits. The new resolution will provide those limits hopefully in a comfort level. He said that changes will be reported to the Board through the weekly report, as well as at the next meeting; any change orders will be reported as part of the agenda process. He further explained that the Board would be fully informed, but it would be more efficient for Staff to handle and then report back.

Chair Noland commented on her experience in the construction business with delays. She expressed her confidence in Mr. Klopp and said that she does not object to the request; notwithstanding, Mr. Klopp will be providing reports on a weekly basis. Moreover, she said that we have been going through this for 2 years and would like to expedite this.

GENERAL ITEMS - CONTINUED

Mr. Miller said that he agrees that he would like to expedite the situation; however, he expressed concerns with the amount allowed for approval. He asked Mr. Klopp if he wants to take the responsibility himself.

Mr. Klopp replied no, he could not. He provided an example from the backup regarding the pier project; if the project has a \$2.2 million construction cost, he would request that the budget for that project be \$2.2 million plus a 10% contingency. His mission would be to bring the project delivered on-time, within budget. If there is a change order for more than \$25,000 he would have to come before the Board; if it is less than \$25,000, he can approve it himself. The overall change will be in the contingency budget of \$220,000.

Mr. Ganz said that he is confident that Mr. Klopp will make honest, fiscally responsible decisions that he can easily justify. He said that he is also confident that there will be clear, above the board, with full transparency with the report.

Vice Chair Popelsky said that he is also confident in Mr. Klopp, but there should not be any contingency above a contract, as it will be spent; either through change orders or if something comes up. He said he has no qualms authorizing a specific amount, but does not like the contingency factor. He said if additional funds are needed, it should come back before the Board. If you are given a 10% contingency, it will likely be spent.

Mr. Ganz agreed with Vice Chair Popelsky. He said that the biggest problem we have is that some of the contingency and other changes deal with public concerns. To not have a built in contingency, to have to wait for additional funding becomes a budgetary issue; in theory, contingency might be a problem, it may be used up, it is a smarter way to go about things. It may not be the best financially, but to have it is wise. He reiterated that the Board can watch it closely and address it if need be.

Vice Chair Popelsky said he does not like to allocate funds that he knows will be spent; i.e. the Mitigation Operations Center. He said that if the project was larger, the contingency would increase. He said that he has no issue providing extra money.

Mr. Miller said that they talked to the owners to get the project done before season and any delays can push it into season which is costly for the City's reputation. He said that there will be contingencies in any condition, which is why it is built into the price. He commended the contractor on the current project.

MOTION was made by Mr. Miller and seconded by Mr. Ganz to adopt CRA Resolution 2011/011.

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

GENERAL ITEMS - CONTINUED

Mr. Klopp said that the resolution approved is only a difference in his procurement authority, not in how the budget will be approved. If the Board is not comfortable putting contingencies into specific line items, then another method will have to be considered.

Andrew Maurodis, City Attorney, said that it is not an automatic 10%, you can build in any contingency the Board wants and can replenish it.

BOARD/ADMINISTRATION COMMENTS

No reports.

PUBLIC INPUT

Pier - Marge Hilton, 1101 SE 5th Court, Deerfield Beach, asked if there will be outside seating downstairs.

Steve Edwards, Senior Architect, Garcia Stromberg, replied yes, and explained the seating capacity as well as the seating view. The umbrella tables' forward, under the sun shades, there will be seating and it will continue under the covered deck where it connects to JB's and the other restaurants to the north. The second level will also remain intact and will be open to the public; it is not exclusive of the restaurant. Seating occupancy was 110; now it is 90; however, it could be more or less.

Chair Noland said that outdoor seating will not be on the sand. The outside dock will be a cantilever, so there won't be pilings holding up the second floor.

Mr. Edwards said that there will be pilings, but they will be aligned and the upper deck will cantilever over the sand, but will not touch the sand.

Urban Land Institute - Joan Maurice, 1227 SW 25th Avenue, Deerfield Beach, asked for the chronological order of how the Urban Land Institute (ULI) will work. They are going to work with the CRA Director to discuss what everyone wants, i.e. the residents, the CRA Director, the Board, and what the time frame will be. She expressed opposition to public meetings held in the middle of the afternoon when people are working; and recommended publicizing the meeting better than they were before. She further expressed her concerns with the lack of communication. Lastly, she objected to meetings held during morning hours or after lunch, and said that the taxpayers' desires should be taken into account.

Chair Noland said that Mr. Ganz made it perfectly clear that he would like to attend the meetings also; however, he is unavailable during work hours. She explained how the Urban Land Institute (ULI) experts work and provided suggestions of what is best for the residents and property. Moreover, Chair Noland said that there have been public meetings on this area and we will continue to have public hearings on this issue. She said that Sullivan Park is very important to everyone and ULI will look at how it can connect. She said that they do not have money to buy O'Leary's/Pal's, but need to

PUBLIC INPUT - CONTINUED

build something that the CRA purchases, that coincides and enhances the value of that property to attract new owners. She said nothing is in stone, but this is a very innovative idea.

Ms. Carla Coleman, ULI, said that they will work with the CRA Director on what they need.

ULI - Nancy Marchione, 1423 East Hillsboro Boulevard, Deerfield Beach, suggested that ULI have a meeting with the community to put their ideas together. There has been much discussion and the public knows what they want. She said that ULI may not have the same ideas as the residents.

Ms. Coleman said that the City will come to ULI with the information from the residents. ULI will not hold open meetings to hear from the public; the CRA collects information from the public and presents it to ULI. She said that they will only address the things that the City asks them to address; but they have never had anyone disappointed with the outcome.

Mr. Ganz said that there have been many public hearings and all of the information gathered will be provided to ULI; they use their expertise to come up with something compatible to what the residents want, based on their expertise and what they are actually working with. He said that they will provide a suggestion based on the best way to realize the vision that the citizens have provided.

Ms. Marchione asked if there will be advertising in the Observer and to have another public meeting to rehash what they have discussed.

Mr. Klopp said that at a previous CRA meeting, the Board amended their vision. The redevelopment plan in place was changed and at public meetings, they wanted to purchase property to expand Sullivan Park, look at the Pal's site for possible parking, and enhance the waterfront; these are all in the plan now. He said all input was finalized as part of a vision; which will now be provided to ULI to determine how to accomplish the redevelopment.

Mr. Ganz said that if it is not community compatible, then they will not go with the recommendations.

Mr. Klopp agreed.

Mr. Ganz said that as part of the process, ULI will have meetings in which people can come and reiterate what their positions are, and what they have already put in there.

Mr. Klopp concurred.

Mr. Ganz said that this fulfills that. He also commented on the public's comment about more meetings.

PUBLIC INPUT - CONTINUED

Cove Parking Spaces - Julio Pavone, 1646 SE 3rd Court, Deerfield Beach, said that after four (4) years, he has two (2) empty spaces, which are approximately 4400 square feet. He explained that he found good tenants and when they visited the City, they told him, that they did not have enough parking spaces. He said he is only granted 19 parking spaces and that the old Pal's restaurant had 127 parking spaces for the pond. However, no one came over there and asked why he can't get spaces as he needs them.

Chair Noland said they can not give away designated spots.

Mr. Klopp said that this is relevant to what they are talking about and one of the ULI panelists is a parking expert. Based on the number of businesses there, the Cove Shopping Center will need more than 1100 parking spaces; there are only 500 now. He said that he asked Mr. Pavone to come here to explain the situation to the Board. Additionally, he said that he would have to pay \$150,000 in technical deviation fees. He said this is now the time to look at the technical deviation ordinance. He commented on various scenarios that need to be addressed.

Chair Noland said that when the Cove was sold, there was a fee that the new owner should be responsible for. She agreed that it should be addressed.

Mr. Pavone said that 14 years ago, he paid for 16 parking spaces that were \$6,000 each, which were supposed to be allocated for the future parking garage. He said that he paid cash for the spots, \$6,000 each back then. He expressed concerns with the money that he paid along with the fact that there will not be a parking garage.

Mr. Klopp said that the money is still with the City.

Chair Noland suggested that Mr. Klopp speak with Gerald Ferguson, Director of Planning & Growth Management/Building, regarding this matter. She also commented that she was unaware that some of the people had paid.

Discussion pursued regarding people parking at the Cove Shopping Center who walk to the beach to avoid paying the meter.

Mr. Miller asked for clarification on the location and said that this section will be renovated next week. He asked what happened with the parking at the lobster restaurant.

Chair Noland said that it was a Chinese restaurant.

Mr. Miller asked if the prospective tenant wants to move quickly or if they are waiting for the renovations.

Mr. Pavone said that it is a million dollar renovation and it will take 6 to 7 months, for the next season.

Kris Mory, CRA Coordinator, said that the number of parking spaces in play is significantly greater than the physical amount of parking spaces, 500. There are about 1150 spaces on the books for people to claim. When the ordinance was passed, it was

PUBLIC INPUT - CONTINUED

a mixture of the number of spaces needed to park retail uses and the restaurants there at the time. Over time, when restaurants go dark, if they do not keep their business license active, those additional spaces go back in the pot for the other businesses to use. Unfortunately for Mr. Pavone, no restaurants are going dark; thus, there are no additional spaces for him to capture. Ms. Mory commented that the Station House was able to capture spaces previously taken by Café Claude's, who had 62 spaces, as well as the additional retail spaces that were allocated for the small bay that they took next door. Since there are no additional spaces there, no other restaurants can locate there because they do not have spaces to allot to them.

Mr. Miller suggested valet parking.

Chair Noland said that there is no place to park.

Ms. Mory said that parking is very dysfunctional now. It also penalizes future property owners that are vacant right now; it limits what they can do with their property and the development potential of the vacant spaces.

Mr. Ganz recommended that the CRA Attorney and CRA Director review the ordinance and bring it to the Board for future discussion.

Mr. Maurodis said that it will be taken through the normal development review process, Planning & Zoning, and then to the City Commission.

Chair Noland said not to rule out meter usage.

Mr. Maurodis said that this will deal with the ordinance itself, the legislation.

Vice Chair Popelsky said if meters are installed, they can not park there all day.

Mr. Miller said this does not alleviate Mr. Pavone's situation.

Chair Noland explained what restaurants and retail shops were once in the Cove.

Vice Chair Popelsky said that on Friday nights, if you go to the parking area, the cars are parked in the corridor and you can not pass.

Chair Noland said that she used valet parking for \$10; however, she is not sure where they took her car.

Vice Chair Popelsky suggested that Code Enforcement look into this.

Bett Willet asked to discuss the trees on Hillsboro Boulevard.

Chair Noland advised that that is not in the CRA area.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:38 PM.

PEGGY NOLAND, CRA CHAIR

ATTEST:

ADA GRAHAM-JOHNSON, MMC, CITY CLERK