



## Deerfield Beach Community Redevelopment Agency Workshop Meeting

Tuesday, April 21, 2009

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  
Mr. Joseph Miller  
Mr. Martin Popelsky  
Vice Chair Sylvia Poitier  
Chair Peggy Noland

Also Present:  
Michael Mahaney, City Manager  
Andrew Maurodis, City Attorney  
Ada Graham-Johnson, CMC, City Clerk

### APPROVAL OF THE AGENDA

**TAPE 1, COUNT 12**

April 21, 2009

**MOTION** was made by Vice Chair Poitier and seconded by Mr. Ganz to approve the agenda as submitted.

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

### APPROVAL OF MINUTES

**TAPE 1, COUNT 20**

December 18, 2008 Meeting Minutes  
March 31, 2009 CRA Workshop Meeting Minutes

**MOTION** was made by Mr. Miller and seconded by Mr. Ganz to approve the minutes as submitted.

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

**OLD BUSINESS**

None

**NEW BUSINESS**

**ITEM 1**

**TAPE 1, COUNT 029**

**CRA Resolution 2009/001 - A Resolution approving the Hillsboro Streetscape Project – FPL Change Order for underground conversion of electric lines.**

The resolution was read by title only.

Michael Mahaney, City Manager, stated that Charles DaBrusco, Director of Public Works & Environmental Services, is available to answer any questions the Board may have. He stated that Florida Power & Light now has requirements in place whereby the underground conversion of electric lines must be looped to provide a 2-way feed which will increase reliability in hurricanes or other perils.

Mr. Popelsky stated that he does not object to the amount, but as to whether or not the Board knew of this condition prior to accepting the proposal. He asked why a change order at this late time and why does it have to be approved at this particular time. He asked if the wires will be placed underground or not.

Mr. DaBrusco replied that the original contract for underground conversion of the Hillsboro Streetscape project was not signed by the City in 2006; nonetheless, the project was introduced prior to Hurricane Wilma. He stated that during this time, the City did not have an engineer and projects were slow moving.

Mr. Popelsky commented on the City not having an engineer, because Carl Peter, Assistant Director of Public Works and Environmental Services, is an engineer.

Mr. DaBrusco stated that Mr. Peter was not in charge of the project; there was a CRA Director and an engineer on staff.

Mr. Popelsky asked if Vice Chair Poitier was aware of Carlos Baia, former CRA Director, mentioning that there was no engineer on staff. He reiterated his concerns with regard to moving forward with the change order.

Mr. DaBrusco replied that if not executed, the powerlines will not be placed underground and the entire project will be modified. He stated that the original contract was approximately \$415,000. However, this increase is strictly the cost associated with looping the powerlines underground. Moreover, this is for reliability as most things have changed since 2006 because of the concern for hurricanes. He explained the importance of the project being properly executed.

Mr. Popelsky asked if the lines are overhead, will there still be reliability.

**GENERAL ITEMS – CONTINUED**

Mr. DaBrusco stated that part of this project is traffic signalization and mast arms will have to be installed where the existing powerlines are. Mr. DaBrusco continued to explain in detail how the installation of mast arms and underground lines are relevant to the success of the project.

In response to Mr. Popelsky's question, Mr. DaBrusco replied that the lines will not stretch from Federal Highway to the beach, as there is a gap in between, at the bridge.

Mr. Ganz stated that it is his understanding that Mr. DaBrusco has worked diligently to save the City money on the project and requested clarification.

Mr. DaBrusco stated that the first cost estimate from FP&L was in January, which was not acceptable. He said that they evaluated every cost proposed by FP&L and was able to receive several reductions, from \$900,000 to \$586,000.

Andrew Maurodis, City Attorney, stated that this is a very complicated project and a huge undertaking for the City; but once it is complete, the Board will be pleased. He thanked FP&L for their cooperation, as they have been very helpful. He applauded Staff for their hard work and said that it is much less than originally quoted.

Mr. Ganz stated that he does not want the public to think the Board took the increase lightly and that it was fully investigated by all involved.

Chair Noland stated that she spoke with Mr. DaBrusco about the removal of the poles and questioned the cost of \$36,000 and if it was not originally included in the beginning.

Mr. DaBrusco stated that it was FP&L's understanding that there would be a separate agreement for pole removal. However, this was never submitted to the Board at the time the original undergrounding agreement was submitted. It is imperative that the Board is aware of all fees upfront, which is why two (2) change orders are being presented this evening. He said the agreement will not be needed for an additional six (6) months, but the agreements are good for six months. He further stated he wanted to avoid the possibility of a price increase in six (6) months.

**MOTION** was made by Mr. Miller and seconded by Mr. Ganz to approve CRA Resolution 2009/001.

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

**ITEM 2****TAPE 1, COUNT 279**

**CRA Resolution 2009/002 - A Resolution approving the Cove Parking Lot Project – Keith & Associates Contract Amendment to include bringing the sidewalks into ADA compliance.**

**GENERAL ITEMS – CONTINUED**

Andrew Maurodis, City Attorney, stated that this is a resolution approving a change order with Keith & Associates for the Cove Parking Lot project in the amount of \$21,500.00.

Michael Mahaney, City Manager, stated that Charles DaBrusco, Public Works Director, and Keith & Associates are present to address any questions the Board may have. He said that this was discussed at length during the CRA workshop regarding the ADA compliance on the sidewalks.

Mr. Maurodis introduced Tony Newbold, FPL, the City's representative and thanked him for assisting the City through many perils.

Mr. Newbold said he has been working with the City since 1995, as the Governmental Affairs Coordinator for FP&L. He introduced Isabelle Hebert, who has 27 years and a wealth of experience; they share the responsibility of assisting with Broward County. He announced that she will be the City's new Governmental Affairs coordinator; however, he will remain as backup.

Mr. Maurodis said that they are Governmental Affairs coordinator for FP&L.

In response to Vice Chair Poitier's question, Mr. Newbold replied that he has been with FP&L for 39 years.

Vice Chair Poitier said that when we discussed the project, she was sure that the underground project would be successful because Mr. Newbold is considered a friend of the City.

Gerald Ferguson, Director of Planning and Growth Management/Building, referenced the Cove Parking Lot Project and said that this was discussed at the workshop and they asked Keith and Associates to include the costs of the sidewalks as the scope of the project included only the parking lot; sidewalks would be extra. The cost of design and survey work was proposed at the amount of \$21,500.00, which means that a rough estimate on the sidewalk repairs is approximately \$250,000; nevertheless, it will not be known until the design specifications are finalized and put out to bid.

Chair Noland asked if this is the City's share, and if it is for the entire construction.

Mr. Ferguson replied that it would be for the entire construction and how it is financed is to be determined. He said he arrived at that because the cost for preparing the plans is a percentage of what the expected cost of the project to be; approximately \$250,000 to \$300,000 is the estimated cost of the sidewalk after design.

**MOTION** was made by Mr. Miller and seconded by Mr. Ganz to adopt Resolution 2009/002.

**GENERAL ITEMS – CONTINUED**

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

**ITEM 3****TAPE 1, COUNT 433****Cove Master Plan Phase 2 – Staff authorization to prepare and advertise a RFP for public/private parking garage.**

Gerald Ferguson, Director of Planning and Growth Management/Building, stated that the Commission directed staff to place this item on the agenda at the Workshop meeting for discussion on proceeding henceforth. He said there are no preconceived notions as to what the Board wishes.

Mr. Ganz said that the RFP is premature because there are a lot of questions that needs to be answered before proceeding.

Vice Chair Poitier said that she requested that staff consider a request for qualification (RFQ), not a request for proposal.

In response to Mr. Ganz's question, Vice Chair Poitier replied that those questions, concerning cost per space and actual space would be presented in the RFQ. She stated that anyone with experience will understand that the square footage would be needed. She said the Board would also have to be sure as to what should be added. She added that it would be a public/private venture.

Mr. Ganz asked who would be the private partner. He said that prior to sending this out, questions need to be asked, such as how much money is required to build, is financing needed, and if so, where will it come from. He asked if these concerns would be addressed in the RFQ.

Vice Chair Poitier replied yes. She said that she has seen many RFQ's wherein it is believed that you have to spend money; however, the City is the main stakeholder in this venture, since we own the land. If the Board wishes to negotiate, it should not take place in a public venue. Nonetheless, in an RFQ we can get someone to build the garage for free.

Mr. Ganz said that the City does not own the land.

Vice Chair Poitier disagreed.

Mr. Ganz said according to the Master Plan, Phase 2, this would be built on someone else's property and asked for clarification.

Vice Chair Poitier said that the City owns a majority of the land. She explained that a small strip was intentionally left out. If the Board so desires, City Staff would do their due

**GENERAL ITEMS – CONTINUED**

diligence and research this matter, and use it as a negotiating tool. She further stated that she has enough information that will enable the City to enter into an RFQ. However, there are ways the City can get a garage built for little of nothing.

Michael Mahaney, City Manager, provided an estimate to build a 500 space garage that, based on proposals, would be approximately \$16,500 per space, excluding land costs. He said a unit of that size would be approximately \$8.3 million excluding land cost.

Andrew Maurodis, City Attorney, said that the issue is there is not a project to describe, thus, we do not know what to put into the RFQ. He said that with the item being discussed, it gives a higher level of detail so that when we move forward, there will be a real project to describe. He said that a request for qualification is only requesting the qualifications; a request for proposal is to describe the proposed project and ask that they provide what they are capable of doing.

Mr. Miller commented on verbal quotes that he had received.

Mr. Mahaney clarified that \$16,500 per space, excluding land costs, for 500 spaces, is today's price. There are proposals for certain pieces of property, there was an offer for \$8 million for the land. He said if calculated, the cost for the garage would be \$8.35 million, excluding land costs.

Mr. Miller said that one advantage with this economy is to be able to acquire land at a better price. He asked where the RFQ process begins. He said that Phase 2 is in the charrette; and many have indicated that there is not enough parking in the Cove area. He said it would be wise to look into this especially when prices are better than they have ever been for land.

Vice Chair Poitier said that it appears that we are not familiar with the term RFQ. She said because of the Sunshine Law and because commissioners cannot talk with each other, the Commission would send out RFQ's, and would receive myriad responses, to include large developers. She said once the information is received, you would listen attentively to those that would like to submit a proposal. In an RFQ the City can submit advertising for interest in a garage. She explained what process would take place next.

Continuing, Vice Chair Poitier said a visioning meeting would be an open meeting which would allow the general public to know what the Board's desire is. First would be to set the parameters by which the Board will proceed in the Cove. She suggested some of the things that can be included in the Cove to make it a more viable place for shoppers.

Mr. Ganz said that it was his belief that the Board would discuss the idea of a parking garage; with regard to other ideas, it is somewhat premature. He said the charrettes were held, there are programs and now phases. This item on the agenda states RFQ, however, an RFQ, although premature, would have been a good idea and then move into the RFP; nevertheless, the Board needs to have some parameters as to what this project is before moving forward. He said that parking in the Cove is a serious issue and

**GENERAL ITEMS – CONTINUED**

something must be done. Nevertheless, it is premature to take the next step before answering additional questions. He asked who from City Staff would be responsible for the project. Additionally, he asked what is the size of the garage, the cost, who will operate it, who is the private/public partnership, etc.

Mr. Miller said the RFQ is the beginning of the process and from his understanding, the cost is minimal. He said it would be beneficial to gather information and talk to people in the industry, the public and determine what might be best. He said that he is not sure if this is an extensive undertaking and it appears to be the beginning of the project.

Chair Noland asked if we consider an RFQ, would it be a mechanism to ask questions. She said based on tonight's conversation, if an RFQ is conducted, and we receive information, there may be people who may purchase the property or go into partnership with the owner of the property to develop the garage. She asked if that is a possibility.

Mr. Maurodis replied that there are a number of possibilities. For example, if there were a motion made to do an RFQ, would Staff know what direction to take.

In response to Vice Chair Poitier's comment, Mr. Ferguson said that there must be parameters of the Board for an RFQ. The first question that needs to be answered is whether the Board is amenable to a public/private partnership.

Vice Chair Poitier concurred with Mr. Ferguson.

Mr. Maurodis said that there are a lot of questions that must be answered. He said that the Board must think where they want to be at the end of the RFQ; would it be to show that they are qualified to do engineering, planning, business part, design/build. He said there are so many permutations that the Board must consider, i.e. would they like to have staff or hire someone for advisement. Additionally, there could be firms that can direct the Board on how to achieve certain goals, etc.

Vice Chair Poitier said that a design/build would not cost the City anything; all design/builds are strictly out.

Mr. Ganz said that we are all looking for the same answers. He said that with an RFQ, as previously indicated, all major developers will respond. However, he does not believe an RFQ is necessary at this stage, but there are questions that need to be answered before proceeding with an RFQ.

Vice Chair Poitier said that they have different views; however her dialogue comes from her experience as a county commissioner. She said that she is capable of obtaining a design/build for no additional funds, if the City would trust her. She mentioned various businesses that are interested in assisting the City with the parking garage. Further, she recommended tabling if a consensus could not be met.

**GENERAL ITEMS – CONTINUED**

Mr. Miller said that he respects Mr. Ganz's decision to have more answers prior to moving forward and suggested that Mr. Ganz meet with the City Manager or City Attorney prior to placing this on the agenda. He said he wishes to move forward and asked if a timeline could be established, and if he would be seeking answers on his own.

Mr. Ganz said that staff should have better prepared the information for the Commission. Once the questions are answered, he will be prepared to move forward. Again, he reiterated that Staff should provide the necessary information and not have the Board investigate.

Mr. Ferguson stated that the last formal action taken by the CRA Board was to approve the Phase 1 of the Master Plan; Phase 2 was on hold. The direction at the workshop was to place this item on the agenda. Before proceeding, Staff needs formal direction, from the Board, to proceed with Phase 2. Within Phase 2, comes the question of how the Board would like to proceed; are you interested in public/private partnership. He said the City cannot revert back to square one, as the time has passed (this encompassed building a parking garage in the existing parking lot). With regard to the private partnership, would the City be interested in partnering with the owner, etc. He said Staff will need the details of the garage. He suggested that the Board determine whether they would like to move forward with Phase 2.

Chair Noland said that we all have questions on the garage. She asked Vice Chair Poitier whether the businesses, that she mentioned, would be willing to undertake a partnership with the City.

Vice Chair Poitier replied that she had not spoken to anyone in depth.

Chair Noland stated that it is agreed upon that more parking is needed in the Cove. She suggested calling the question and recommended that the board members meet with the City Manager.

Mr. Popelsky said that many of the comments are valid. However, he has never heard of going out for an RFQ to see who is interested in a project. He said that an RFQ is typically sent out to determine what business is capable of handling certain criteria. The question that is apparent is whether the Board wishes to have a public/private garage. First, would the City like to be partners with a private entity? Secondly, do you want to park there for free? Furthermore, he is not in favor of partnership. He said in small business, whenever you have a partner, you gain an enemy. He asked who will be liable with regards to insurance.

Continuing, Mr. Popelsky said that he asked the finance director eight (8) questions concerning money. He asked that the information be conveyed to the Board through the City Manager. Again, he asked if the Board really wants to enter into a partnership. And unless the Board provides specifications, Mr. Ferguson will not be able to write an RFQ. He said Mr. Ganz asked who would be responsible for overseeing the project on a day to day basis. He said that the City has experienced a lot of issues with major projects

**GENERAL ITEMS – CONTINUED**

that they have entered into. Therefore, he suggested having someone involved in the day to day activities.

Chair Noland asked if Mr. Popelsky is inquiring about the hiring of a CRA Director.

Mr. Ganz said that whether it is a CRA Director or CRA Project Manager, someone is needed to oversee daily activities. He said that he would like to see the Board review the hiring of a CRA Director or CRA Project Manager.

Vice Chair Poitier said if there is a design/build, the City will not have to spend any money from its coffers. Further, \$3 million for CRA should be utilized as it was originally intended, removing the blight from the beach. When the blight is removed, the balance of funds should be spent within the town. If the CRA cannot find a way to spend, she will create one in her area.

Chair Noland said that when Carlos Baia, former CRA Director, was here 65% of his salary was paid from the CRA Fund and 35% was paid from Economic Development. She said that if the position is only for a CRA Director, 100% of the salary could come from this fund.

**MOTION** was made by Vice Chair Poitier and seconded by Mr. Miller to table Item 3 until April 30<sup>th</sup> at 5:30 p.m.

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

Chair Noland asked if anyone wished to discuss the CRA Director.

Vice Chair Poitier reminded the Board that the City Manager manages the City on a day to day basis and the Board should not overstep the Charter.

Chair Noland said that item will be discussed on April 30<sup>th</sup>.

**BOARD/ADMINISTRATION COMMENTS**

**Mr. Ganz – No Report.**

**Mr. Miller – No Report.**

**Mr. Popelsky – No Report.**

**Vice Chair Poitier – No Report.**

**Chair Noland – No Report.**

**ADJOURNMENT**

There being no further discussion, the meeting was adjourned at 7:00 PM.

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PEGGY NOLAND, CRA CHAIR

ATTEST:

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ADA GRAHAM-JOHNSON, CMC, CITY CLERK