

# COMMUNITY REDEVELOPMENT AGENCY BOARD

## REGULAR MEETING

May 11, 2016

### MINUTES

**Present:**

Frank B. Talerico, Chair  
Joanne Simone, Vice Chair  
Lesa Peerman  
Joyce W. Bryan  
Tommy Ruzzano

**Also Present:**

Douglas Gonzales, Attorney  
Diane Colonna, CRA Executive Director  
Kim Vazquez, Project Manager  
Cotter Christian, CRA Engineer  
Ben Ziskal, Director, Economic Development  
Douglas Smith, City Manager

The regular meeting of the Margate Community Redevelopment Agency having been properly noticed was called to order at 7:00 p.m., on Wednesday, May 11, 2016, by Chair Frank Talerico. There was a moment of silence followed by the Pledge of Allegiance. Chairman Frank Talerico recognized new City Attorney Doug Gonzales. Ms. Simone requested a moment of silence for the family of Claudia Brown, who passed away during the week. Her husband Howard Brown was a member of the Planning and Zoning Board.

Chair Talerico requested to move Item 4C after Item 1A.

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1A. **MINUTES FOR APPROVAL:** Minutes from April 13, 2016 CRA Board Meeting

After Douglas Gonzales, Board Attorney, read the item title, Ms. Simone made the following motion, seconded by Ms. Bryan:

**MOTION:** SO MOVE TO APPROVE

**ROLL CALL:** Mr. Ruzzano, Yes; Mrs. Bryan, Yes; Mrs. Peerman, Yes; Ms. Simone, Yes;  
Mr. Talerico, Aye. The motion passed 5-0.

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2. **PUBLIC DISCUSSION** - No comments

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4C. **APPROVAL OF TEMPORARY USE AGREEMENT BETWEEN THE FRATERNAL ORDERS OF POLICE LODGE 75, INC. AND THE MARGATE COMMUNITY REDEVELOPMENT AGENCY**

After Douglas Gonzales, Board Attorney, read the item title, Ms. Peerman made the following motion, seconded by Ms. Bryan:

**MOTION:** SO MOVE TO APPROVE

**ROLL CALL:** Mr. Ruzzano, Yes; Mrs. Bryan, Yes; Mrs. Peerman, Yes; Ms. Simone, No;  
Mr. Talerico, Aye. The motion passed 4-1.

3A. APPROVING AN AGREEMENT BETWEEN THE MCRA AND SPORTS FACILITIES ADVISORY, LLC FOR A COMMUNITY CENTER FEASIBILITY STUDY

After Douglas Gonzales, Board Attorney, read the item title, Ms. Peerman made the following motion, seconded by Ms. Simone:

**MOTION:** SO MOVE TO APPROVE

Eric Sullivan, of Sports Facility Advisory (SFA), explained to the Board that SFA supports the MCRA in exploration of a feasibility analysis for a new community center. The analysis will include a review of multi-generational programming, active and passive recreation options and many common elements the Board would like for community and sports events. SFA will submit an operational analysis, schematic design and cost estimate proposal including operations. SFA proposes a 14 week process, to conduct site visits and detailed market research. They will hold public open houses and workshops to gain additional feedback from stakeholders.

Ms. Bryan asked Mr. Sullivan to explain more about the market research. Mr. Sullivan explained the report would analyze the local user groups for trends. Additionally, SFA would produce reports on what types of facilities are currently available in Margate and the surrounding areas, and what other programs or facilities are needed. SFA would look at the impact of the radius of influence in the area, traffic patterns, and immediate and regional market trends.

Mr. Ruzzano asked if SFA has completed projects in the area. Mr. Sullivan responded they have completed a basketball facility in the City of Fort Lauderdale and other projects in Broward County and Florida. Mr. Ruzzano asked what the biggest project the firm has completed. Mr. Sullivan responded the firm completed a study for a 760,000 square foot, indoor facility in Lancaster, Pennsylvania. It's the largest in the country. Ms. Peerman suggested that Mike Jones, Parks and Recreation Director, be included in the planning. The company is also available to manage and operate recreational facilities.

Mitch Pellecchia, 6890 NW 9<sup>th</sup> Street, said he is excited to see the community center get off the ground. The Board has taken the right steps to move the project forward. He noted that there have been several market and demographic analysis completed for the City in the past and suggested that maybe some of that information could be used instead of conducting new studies.

**ROLL CALL:** Mr. Ruzzano, Yes; Mrs. Bryan, Yes; Mrs. Peerman, Yes; Ms. Simone, Yes; Mr. Talerico, Aye. The motion passed 5-0

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3B. APPROVING AN AMENDMENT TO THE TASK ORDER FOR KIMLEY-HORN AND ASSOCIATES, INC, FOR PROFESSIONAL CONSULTING SERVICES FOR THE COPANS ROAD MEDIAN IMPROVEMENT PROJECT.

After Douglas Gonzales, Board Attorney, read the item title, Ms. Peerman made the following motion, seconded by Mr. Ruzzano:

**MOTION:** SO MOVE TO APPROVE

**ROLL CALL:** Mr. Ruzzano, Yes; Mrs. Bryan, Yes; Mrs. Peerman, Yes; Ms. Simone, Yes; Mr. Talerico, Aye. The motion passed 5-0

3C. APPROVING AN AGREEMENT WITH AXIA CREATIVE FOR THE PLANNING AND DESIGN OF WAYFINDING SIGNAGE

After Douglas Gonzales, Board Attorney, read the item title, Ms. Peerman made the following motion, seconded by Mr. Ruzzano:

**MOTION:** SO MOVE TO APPROVE

**ROLL CALL:** Mr. Ruzzano, Yes; Mrs. Bryan, Yes; Mrs. Peerman, Yes; Ms. Simone, Yes; Mr. Talerico, Aye. The motion passed 5-0

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3D. APPROVING AN AGREEMENT BETWEEN THE MARGATE COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF MARGATE REGARDING THE BEAUTIFICATION OF COPANS ROAD BETWEEN STATE ROAD 7/US 441 TO HAMMOCKS BOULEVARD.

Mr. Ruzzano asked if the landscaping plans for the median have been finalized. Kim Vazquez, CRA Project Manager, responded that there was a revision to the original plans to meet Broward County's requirement for fifty percent native species. The plans include flowering trees and glass aggregate design elements. .

**ROLL CALL:** Mr. Ruzzano, Yes; Mrs. Bryan, Yes; Mrs. Peerman, Yes; Ms. Simone, Yes; Mr. Talerico, Aye. The motion passed 5-0

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3E. APPROVAL OF A TASK ORDER WITH SALTZ MICHELSON ARCHITECTS, INC. FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR THE MARGATE SPORTS FIELD, COVERED PLAY STRUCTURE AND RESTROOM/CONCESSION BUILDING

After Douglas Gonzales, Board Attorney, read the item title, Ms. Simone made the following motion, seconded by Ms. Bryan:

**MOTION:** SO MOVE TO APPROVE

Charles Michelson, Principal, Saltz Michelson Architects, Inc. presented a visualization study of the sports park. He explained the vacant site is located next the existing Sports Complex on Banks Road. He presented design concepts of possible coverings for the field. The field designs can be changed to accommodate a number of activities such as children's flag football, tee ball and movies in the park. The plan may also include visually enhancing the overhead structure with plants and green walls. The estimated time of completion is eighteen months.

Ms. Bryan presented photographs of public art and structures from the City of Tampa as examples or artwork that could be used to visually enhance public spaces.

**ROLL CALL:** Mr. Ruzzano, Yes; Mrs. Bryan, Yes; Mrs. Peerman, Yes; Ms. Simone, Yes; Mr. Talerico, Aye. The motion passed 5-0

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3F. RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH FRANK WEINBURG & BLACK, P.L FOR LEGAL SERVICES RE: CITY CENTER DEVELOPMENT AGREEMENT

After Douglas Gonzales, Board Attorney, read the item title, Ms. Peerman made the following motion, seconded by Mr. Ruzzano:

**MOTION:** SO MOVE TO APPROVE

Ms. Colonna noted that the original amendment approved in the prior month had not taken into consideration pending charges. This request is for an additional \$5,000.

**ROLL CALL:** Mr. Ruzzano, Yes; Mrs. Bryan, Yes; Mrs. Peerman, Yes; Ms. Simone, No; Mr. Talerico, Aye. The motion passed 5-0

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3G. RESOLUTION AUTHORIZING THE APPROVAL OF CONTRACTS FOR CRA OFFICE RENOVATIONS

After Douglas Gonzales, Board Attorney, read the item title, Ms. Peerman made the following motion, seconded by Mr. Ruzzano:

**MOTION:** SO MOVE TO APPROVE

Anthony Caggiano, 7856 NW 3<sup>rd</sup> Street, asked about other items not included in the contracts that the Board was voting on. CRA Engineer/Project Manager Cotter Christian responded that they include flooring, design, permit fees, dumpsters and ceiling tiles. Some of the work is being completed by the Public Works department.

Mr. Ruzzano asked if the contractors are bonded. Mr. Christian responded bonding had not been required because of the relatively small amount of the contracts, and the short term.

**ROLL CALL:** Mr. Ruzzano, Yes; Mrs. Bryan, Yes; Mrs. Peerman, Yes; Ms. Simone, Yes; Mr. Talerico, Aye. The motion passed 5-0.

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4B. APPROVAL OF TEMPORARY USE AGREEMENT BETWEEN THE MARGATE COMMUNITY REDEVELOPMENT AGENCY AND ST. VINCENT CATHOLIC CHURCH

After Douglas Gonzales, Board Attorney, read the item title, Ms. Bryan made the following motion, seconded by Ms. Peerman:

**MOTION:** SO MOVE TO APPROVE

**ROLL CALL:** Mr. Ruzzano, Yes; Mrs. Bryan, Yes; Mrs. Peerman, Yes; Ms. Simone, No; Mr. Talerico, Aye. The motion passed 4-1

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#### 4A. PRESENTATIONS AND SELECTION OF LAW FIRM – MCRA LEGAL SERVICES

Douglas Gonzales, Board Attorney, read the item title.

Ms. Colonna reported that based on discussions held at previous meetings, the CRA had issued a Request for Proposal (RFP) for legal services, and received three responses. One submission was deemed nonresponsive due to a failure to meet the minimum requirement of seven years' experience. The selection committee ranked the remaining two respondents based on various criteria. Goren, Cheroff, Doody and Ezrol ranked number one with 285 points. Gray Robinson was ranked 2<sup>nd</sup> with 265 points. Both firms have extensive experience with CRA's, and were prepared to make a brief presentation to the Board.

David Tolces, Goren, Cheroff, Doody and Ezrol Law Firm, reported that the firm has been established for 40 years and specializes in serving local government. The firm has 13 attorneys on staff. Mr. Tolces has practiced law since 1989 and previously worked in Delray Beach as an Assistant City Attorney. His firm specializes in contract negotiations, real estate, hotel development and mixed use-development. If selected Mr. Tolces will be the primary attorney for the CRA Board, and another partner, D.J Doody, will be the secondary contact. Mr. Doody introduced himself and stated he looks forward to representing the CRA.

John Herin, Gray Robinson, reported that Gray Robinson serves as assistant general counsel to the Hallandale and North Miami Beach CRA's. He noted that he has had a professional relationship with the former City of Margate Attorney for over 16 years. Gray Robinson serves as attorney for nine CRA's in Florida and has 13 offices statewide with over with 300 employees.

Ms. Simone suggested monitoring the cost for legal services closely for six months to determine if set fees for meetings are necessary.

Motion made by Peerman, second by Ms. Bryan:

**MOTION:** TO ENTER INTO CONTRACT AGREEMENT WITH GOREN, CHEROFF, DOODY AND EZROL FOR CRA LEGAL SERVICES

Mitch Pellicchia recommended hiring an Assistant City Attorney who would serve the CRA Board Attorney.

Arlene Schwartz, 7800 NW 1<sup>st</sup> Street, recommended a one year term for the firm.

Mr. Ruzzano and Ms. Simone commented that they weren't clear if the Board had decided to hire a firm or have an Assistant City Attorney serve as CRA Attorney. Ms. Colonna stated she understood the board's direction to be to obtain outside counsel, as she herself could not hire an Assistant City Attorney. The decision to create an Assistant City Attorney position would have had to be made by the City Commission.

Mr. Talerico suggested having a three year contract for continuity purposes in light of the volume of new CRA projects.

**ROLL CALL:** Mr. Ruzzano, Yes; Mrs. Bryan, Yes; Mrs. Peerman, Yes; Ms. Simone, Yes;  
Mr. Talerico, Aye. The motion passed 5-0.

#### **4D. DISCUSSION OF DRAFT DEVELOPMENT INFRASTRUCTURE ASSISTANCE PROGRAM**

Kim Vazquez reported that at the April meeting the Board asked staff to draft an incentive/assistance program for new development locating in the MCRA District. She presented a PowerPoint presentation on the proposed Development Infrastructure Program. The program is geared to projects investing \$1 million or more, and refunds a portion of the tax increment revenue generated by the improvements.

The program was drafted to encourage property owners to make exterior improvements within or adjacent to a public right-of-way or commercial building.

Mr. Talerico asked if the program would apply to new businesses. Ms. Vazquez responded yes.

Ms. Peerman asked if the program is legal under Chapter 163 (CRA). Ms. Vazquez responded yes.

Ms. Vazquez will bring the final program guidelines to the Board for approval at the next CRA Board meeting.

#### **5A. MCRA WORKPLAN FOR MARCH 2016**

No comments

#### **5B. NOTIFICATION OF BUDGET TRANSFERS**

Ms. Colonna reported that the following Budget transfers have been processed:

From Contingency to Bank Fees: \$250  
From Contingency to Office Supplies: \$1,000  
From Contingency to Office Equipment: \$8,000

#### **5C. TENANT UPDATES**

Ms. Colonna reported that all tenants are up to date on rent except for O'Meara's which has been closed and Backstreet Restaurant which has received a three days' notice for April rent. Additionally, rent for May is also due. The tenant came in with a rent payment after the seventh day of the month. Ms. Colonna asked for direction from the Board and whether payment should be accepted.

Attorney Doug Gonzales commented that Partnership II (Restaurant) is frequently 30 days behind because the CRA policy allows that much leeway. The tenant first brought in a regular check which is not permitted when rent is past due, and later replaced it with a cashier's check, but the payment was returned to him because it submitted after the seventh day of the following month, which is the deadline. Jim Nardi, property manager with Advanced Asset Management, stated that the three day notice of delinquent rent had been posted on the premises.

Ms. Simone commented she takes no pleasure in shutting down a business but this tenant has been given many opportunities. She recommended starting the eviction process. She also recommended allowing a 10 day grace period to pay rent, as opposed to the current policy which allows a month. The consensus of the Board was to change the policy, and that if rent is late staff can proceed with an eviction without coming back to the Board.

Motion made by Ms. Peerman, seconded by Ms. Simone:

**MOTION: TO BEGIN THE EVICTION PROCESS FOR BACKSTREET RESTAURANT**

**ROLL CALL:** Mr. Ruzzano, Yes; Mrs. Bryan, Yes; Mrs. Peerman, Yes; Ms. Simone, Yes;  
Mr. Talerico, Aye. The motion passed 5-0.

**6. BOARD MEMBER COMMENTS**

Ms. Peerman: No comment

Ms. Bryan: No comment

Mr. Ruzzano: No comment

Ms. Simone encouraged everyone to attend the In The Biz events. She commented the first event as a success.

Mr. Talerico: No comment

Respectfully submitted,

Transcribed by Courtney Easley

Frank B. Talerico, Chair