



Deerfield Beach Community Redevelopment Agency

Special Meeting Minutes
Tuesday, June 1, 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 - Absent
Mr. Martin Popelsky
Vice Chair Joseph Miller
Chair Peggy Noland

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

APPROVAL OF THE AGENDA

June 1, 2010

MOTION was made by Vice Chair Miller and seconded by Mr. Popelsky to approve the June 1, 2010 CRA agenda as submitted.

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

GENERAL ITEMS

ITEM 1

TAPE 1, COUNT 0025

REQUEST FOR EXPENDITURE APPROVAL – COASTAL PLANNING AND ENGINEERING, INC., \$9,048

Keven Klopp, CRA Director, said that this item is a request for an expenditure approval for Coastal Planning & Engineering in the amount of \$9,048. He explained that the expenditure is an input for the process that Garcia Stromberg proceeded with to design the pier structure entrance buildings. He said that coastal projects are more in depth and have more requirements for the inputs; and was anticipated. Although, they were hoping that the information from the Department of Environmental Protection would be more helpful; after receiving it, they decided to collect their own

GENERAL ITEMS - CONTINUED

information which is the purpose of the proposal. He said that this item is being presented because he was uncertain as to whether he had the authority to proceed or if it had to be presented to the Board. Further, he said that the next item on the agenda pertains to his approval authority. He also introduced Chad Grecsek, Public Works & Environmental Services, and Doug Mann, Coastal Planning & Engineering, who are present to answer any questions.

Chair Noland asked for clarification that this has nothing to do with Garcia Stromberg trying to collect additional funds as discussed at the last meeting.

Mr. Ganz entered the meeting at 6:05 p.m.

Mr. Klopp replied that is correct; they are very similar amounts, but completely different services. He explained the differences in the services. He said that this pertains to outside engineering work that needs to be done both for the structure of the pier as well as the foundation design of the new buildings.

Mr. Popelsky asked if the CRA Director has any approval authority.

Mr. Klopp replied that it is not clear. The CRA does have an agreement with the City; which indicates that the CRA will follow all procurement ordinances of the City. The procurement ordinances indicate that a department head has a certain amount of authority, as well as the City Manager. He said that if the CRA Director is defined as a department head, it would grant him a certain amount of authority. Also, if defined as the executive of the CRA Agency, that would give him similar authority as the City Manager; the final option would be not granting any authority under the procurement ordinance; which would result to him coming before the Board for all expenditures.

In response to Mr. Popelsky's question, Mr. Klopp replied that as Acting Assistant City Manager, he would seek authorization from the City Manager whenever possible. In the instance that the City Manager is not present, i.e. being on vacation for a week, he would have the authority to make approvals.

Vice Chair Miller commented on the storm analysis and asked if the design would have to be redone or repeated, because of the studies being conducted. He said that he believes that once the studies are received, the plans may have to be changed again.

Mr. Klopp said that DEP could require that the CRA change the plans; however, the studies will not cause the plans to change. But will give the City the information needed to understand what the argument would be to DEP. He further stated that DEP could possibly use the results to bolster their argument as well.

GENERAL ITEMS - CONTINUED

Vice Chair Miller said that you cannot move forward without this being done. The question is now authorizing funds or not.

Mr. Ganz asked why this was outside the scope of work of the original contract.

Mr. Klopp replied that the scope of work as written with Garcia Stromberg anticipated inputs to the process, i.e. surveys, etc. The contract was written for services that would be obtained without knowing the cost of them at the time of negotiating. However, the contract was indicated that the CRA would be paying for those additional inputs. Therefore, it was left open whether those additional inputs would be procured by Garcia Stromberg and then billed through them or by the CRA separately. In this case, the CRA is procuring the service separately and will hand over the results of the engineering product to Garcia Stromberg as an input to their design.

Mr. Ganz asked if this is the same company that Garcia Stromberg has been using.

Mr. Klopp replied no, it is not. This company was selected through the CCNA process; they are a sub consultant to Keith & Associates.

MOTION was made by Vice Chair Miller and seconded by Mr. Popelsky to approve the expenditure.

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

Mr. Klopp said that he has received a subsequent proposal with one (1) minor technical variation which states that the third year erosion projection will also be signed and sealed by the engineer. He asked that Mr. Mann be allowed to address the Board.

Douglas Mann, Coast Planning and Engineering, Boca Raton, said that he appreciates the vote of confidence to assist the City and CRA with moving forward with the pier redevelopment and restaurant. He said that they are hopeful that they will be able to generate the data necessary to redevelop that site.

ITEM 2**TAPE 1, COUNT 313****DISCUSSION REGARDING CRA EXPENDITURES IN GENERAL**

Keven Klopp, CRA Manager, stated that at the last meeting Garcia Stromberg's request was turned down, and the CRA Board did not want to give him approval authority. He said that with a lot of these items, he is frequently approving things, such as permit applications, engineering requirements and so forth. He requested clarification from the Board regarding them indicating that he did not have authority to add additional services to existing contracts previously approved. He said that Garcia Stromberg has a \$295,000 contract to design and assist in construction management

GENERAL ITEMS - CONTINUED

for the pier. For example, Keith & Associates has a contract for design and construction assistance with the Cove Shopping Center parking lot. He said that additional services to those contracts would be presented to the Board for approval, and asked if the Board wishes to set a limit on his authority, greater than the limit that currently exists in the procurement code.

Vice Chair Miller asked what is the current limit on the procurement code.

Mr. Klopp replied that the department heads have authority of up to \$10,000; beyond \$10,000 and \$25,000, the City Manager has to approve it.

Burgess Hanson, Interim City Manager, clarified that department heads have to seek approval from the City Manager for anything between \$5,000 and \$25,000. He said that the department director can purchase anything up to \$2,500 without seeking formal quotes; anything from \$2,500 to \$5,000 requires three (3) formal written quotes, but can still be purchased by the department director without City Manager approval.

Vice Chair Miller asked what figure Mr. Klopp was hoping for.

Mr. Klopp replied that the simplest way to do it is to apply the same procedures that apply to the City to the CRA; with the qualification that does not allow for additional services or change orders to contracts which originally had to be approved by the Board.

Mr. Ganz stated he has no objection to allowing the same authority as department heads, but with some stipulations. He said that the CRA can easily be influenced by outside parties, and that concerns him, more so than any other department. He said that Mr. Klopp has given him some examples of things that warranted Board approval; and although some were of concern to him, other Board members may have an issue with some things that were spent. Therefore, he has no objection, as long as it does not apply to change orders; and recommended that it be approved by the Board. He further recommended that all invoices be included in the CRA Board's backup prior to CRA meetings, to ensure that checks and balances are in place to monitor expenditures. He agreed to give Mr. Klopp the same authority as the department heads.

Chair Noland also agreed; however, she said that if there is an incident, such as the last one with Garcia Stromberg, she would prefer to not put Mr. Klopp in that position. She said that if a situation of this nature were to arise, she would prefer that it be presented to the Board to reduce any conflict with Mr. Klopp and the organization.

Andrew Maurodis, CRA Attorney, recommended a resolution authorizing the CRA Director and CRA to accept and adopt the City's procurement code as set forth in the City's Code of Ordinances. Mr. Klopp would be analogous to a department head, which means any expenditure over \$5,000, would be presented to the Board. He said

GENERAL ITEMS - CONTINUED

that the City Manager is not in the line of the CRA. This does not apply to change orders and all payments would be reported on a biweekly basis.

Mr. Hanson asked if the \$10,000 would be more appropriate.

Mr. Klopp said that \$10,000 would be more realistic.

Mr. Maurodis suggested bringing back a resolution for \$10,000 at the next meeting.

Motion was made by Vice Chair Miller and seconded by Mr. Ganz to approve the CRA Attorney to draft a resolution with a \$10,000 limit and bring it back at the next meeting.

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

BOARD/ADMINISTRATION COMMENTS

Mr. Ganz - No Report.

Ms. Poitier - Absent.

Mr. Popelsky - No Report.

Vice Chair Miller - No Report.

Chair Noland - No Report.

PUBLIC INPUT

There was no one from the public who wished to speak.

ADJOURNMENT:

There being no further business, the meeting adjourned at 6:22 p.m.

PEGGY NOLAND, CRA CHAIR

ATTEST:

ADA GRAHAM-JOHNSON, MMC, CITY CLERK