



**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Naranja Lakes Community Redevelopment
Agency (CRA)**

Board of County Commissioners

South Dade Government Center
Library Conference Room
10710 S.W. 211 Street
Miami, Florida

September 04, 2003
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Madry Sullivan, Director
Clerk of the Board Division

Judy Marsh, Commission Reporter
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**CLERK'S SUMMARY AND OFFICIAL MINUTES
NARANJA LAKES
COMMUNITY REDEVELOPMENT AGENCY (CRA)
SEPTEMBER 4, 2003**

The Naranja Lakes Community Redevelopment Agency (CRA) Board met in the South Dade Government Center Library Meeting Room, 10710 S.W. 211 Street, Miami, Florida at 7:08 p.m., September 4, 2003, there being present upon roll call Chairperson Nina Betancourt and members Mr. Stuart Archer, Ms. Joan Carter, Mr. Kenneth Forbes and Mr. Norm Kramer; (Mr. Rene Infante and Mr. Parsuram Ramkissoon were late); (Ms. Kathleen Richardson was absent); Assistant County Manager Tony Crapp; Assistant County Attorneys Gerald Heffernan and Geri Bonzon-Keenan; Mr. Jurgen Teintze, Office of Management and Budget, Mr. Steven Zelkowitz, Legal Counsel for the CRA; and Deputy Clerk Judy Marsh.

I. Call to Order

Chairperson Nina Betancourt called the CRA Board meeting to order at 7:08 p.m.

II. Roll Call

Upon roll call and a quorum being present, the Board proceeded to consider today's agenda.

III. Approval of the Minutes (July 14 meeting)

It was moved by Mr. Archer that the minutes of the July 14, 2003 CRA Board meeting be approved. This motion was seconded by Mr. Forbes, and upon being put to a vote, passed unanimously by those members present.

Mr. Steven Zelkowitz, CRA legal counsel, recommended that Agenda Item V(b) be changed to V(a) and considered first, as this authorized the CRA Board to approve the remaining resolutions on the agenda.

IV. Approval of Agenda

It was moved by Mr. Archer that today's agenda be approved, as amended by Mr. Zelkowitz' recommendation. This motion was seconded by Mr. Forbes, and upon being put to a vote, passed unanimously by those members present.

V. New Business

a. Resolution Ratifying Prior Approval of the Interlocal Agreement

It was moved by Mr. Forbes that the CRA Board approve the Interlocal Agreement between Miami-Dade County and the Naranja Lakes Community Redevelopment Agency. This motion was seconded by Mr. Archer, and upon being put to a vote, passed unanimously by those members present.

Mr. Zelkowitz advised that the Agreement would be effective as of the date it was signed by both parties.

Ms. Betancourt noted her name was incorrectly spelt as “Gayle” in the Agreement, and should be reflected as “Gail.”

b. Resolution Ratifying Prior Approval of the By-Laws

Mr. Zelkowitz presented the CRA Board’s By-Laws, which he noted was previously approved by the CRA Board.

It was moved by Mr. Forbes that the CRA Board approve the ratification of the CRA’s By-Laws. This motion was seconded by Mr. Archer, and upon being put to a vote, passed unanimously by those members present.

c. Resolution Approving Developer’s Site Plan (in the form recently approved by the County)

Mr. Jurgen Teintze, Office of Management and Budget, noted the Developmental Impact Committee (DIC) Executive Council had approved the Developer’s Site Plan for the proposed Naranja Lakes Primary Redevelopment Project.

Mr. Zelkowitz advised that inasmuch as the Site Plan was approved by the DIC Executive Council, the CRA Board was being asked to ratify approval of the Plan, prior to consideration of the Redevelopment Agreement, which included a provision that the CRA Board had approved the Site Plan. He noted the Site Plan remained the same as previously submitted to the CRA Board, with the exception of two park areas that were now incorporated within the Plan.

In response to Ms. Betancourt’s inquiry regarding the two park areas, Mr. Zelkowitz noted these two areas would be owned and maintained by homeowners associations in the area, along with the easement that was adjacent to the lake.

It was moved by Mr. Archer that the CRA Board approve the Developer’s Site Plan as approved by the County. This motion was seconded by Mr. Forbes.

In response to Mr. Kramer's inquiry regarding provisions for fire safety or a police substation for the Mandarin Lakes Project, Assistant County Manager Crapp advised that both the Miami-Dade Fire Rescue Department and the Miami-Dade Police Department would have been included in the site plan review process.

Chairperson Betancourt noted the importance of the homeowners' association working cooperatively with the South Florida Water Management District (SFWMD) to ensure that the subject area would be utilized in a positive manner.

Upon being put to a vote, the motion to approve the Developer's Site Plan, passed by a unanimous vote of those members present.

- d. Redevelopment Agreement Presentation
- e. Resolution Approving the Redevelopment Agreement

Assistant County Manager Crapp apprised the CRA Board of activities relating to the Redevelopment Agreement subsequent to the Board's July 14, 2003 meeting. He commended the parties involved with preparation of the Agreement, and noted the final terms and conditions were reflected in the Agreement.

Mr. Zelkowitz provided an overview of the Redevelopment Agreement between the Naranja Lakes CRA; Miami-Dade County; Naranja Lakes Construction, LLC; Naranja Lakes Holdings, LLC; and Naranja Lakes Holdings II, LLC. He discussed the owners' obligations and the administration of the design and construction of the CRA Redevelopment Project. Mr. Zelkowitz noted Miami-Dade County would provide funding on behalf of the CRA in an amount not to exceed \$19 million for the Redevelopment Project.

Mr. Zelkowitz discussed Section 2.02.01 of the Agreement, relating to termination of agreement by the County and the CRA, which he noted was in the event the developer and the owner did not meet the construction benchmarks for the Project.

Mr. Teintze discussed the Reimbursement Payment to the County or the CRA in Section 2.02.01.

In response to Mr. Archer's concern regarding the CRA's liability for the Project, Assistant County Attorney Heffernan advised that the CRA would be liable to repay the County for funds secured on behalf of the CRA from tax increment revenues generated from the Project.

Assistant County Manager Crapp noted the Redevelopment Agreement adequately protected the CRA, the County and the developer.

Mr. Zelkowitz discussed Sections 4.05 of the Agreement relating to County and CRA Administration of Agreement; and Section 4.06, relating to Submittal and Review of Design Documents. He advised that Section 4.05(j) contained a provision to allow the

CRA Board to designate a representative to approve the Design Development Documents and Plans and Specifications, provided they were consistent with the Schematic Design Documents previously approved by the CRA. Mr. Zelkowitz noted this concept was not included in the original draft that was discussed at the last CRA Board meeting.

Mr. Zelkowitz discussed Section 4.08 of the Redevelopment Agreement, relating to Change Orders. He noted this section was revised to allow the CRA to issue Change Orders to the Project, provided that the Change Order would not result in an increase to the Guaranteed Maximum Price (GMP). Mr. Zelkowitz recommended that a member of the CRA Board with construction experience be appointed as the CRA representative. He noted the representative would act as a liaison between the developer and the Board.

Mr. Zelkowitz noted other than the specific provisions he enumerated, the Redevelopment Agreement had been refined for business and legal terms, however, the general concepts that were discussed at the July 14, 2003 meeting remained the same.

In response to Mr. Archer's inquiry regarding the County representative for the Redevelopment Project, Assistant County Manager Crapp noted the County representative would probably be an employee from the Office of Capital Improvement Coordination, or the Public Works Department. He concurred with Mr. Archer that the responsibilities of the CRA's representative and the County representative should be coordinated.

Mr. Teintze noted the County representative's primary role would be to verify payment approval and to ensure that the construction was completed, inspected and certified.

Assistant County Attorney Geri Bonzon-Keenan advised that the developer would be responsible for coordinating construction of the Redevelopment Project, and the daily project management, while the County representative would ensure the County's procurement processes were being adhered to. Ms. Bonzon-Keenan noted the CRA representative's role was limited to the provisions included in the Redevelopment Agreement.

In response to Chairperson Betancourt's inquiry regarding the timeframe for designating the CRA representative, Mr. Zelkowitz advised that the representative could be designated at tonight's meeting.

Mr. Kramer noted he had 25 years of construction experience and volunteered as an interim representative.

Mr. George De Guardiola, developer, concurred with the Agreement.

It was moved by Mr. Archer that the CRA Board approve the Redevelopment Agreement. This motion was seconded by Mr. Forbes, and upon being put to a vote, passed unanimously by those members present.

It was moved by Mr. Infante that Mr. Norm Kramer be designated as the CRA Board representative to approve the Design Development Documents and Plans and Specifications. This motion was seconded by Mr. Forbes, and upon being put to a vote, passed unanimously by those members present.

Assistant County Attorney Bonzon-Keenan advised that pursuant to the CRA Board's By-Laws, the Board needed to designate a secretary in order to execute the documents.

It was moved by Mr. Ramkisson that Mr. Kenneth Forbes be designated as the CRA Board Secretary. This motion was seconded by Mr. Infante, and upon being put to a vote, passed unanimously by those members present.

Assistant County Attorney Bonzon-Keenan advised that the CRA Board's By-Laws required that in the absence of Mr. Forbes as Secretary, that one or all of the CRA members could act as Assistant Secretary in his absence.

It was moved by Mr. Archer that all remaining CRA Board members be designated as Assistant Secretaries. This motion was seconded by Mr. Forbes, and upon being put to a vote, passed unanimously by those members present.

In response to Mr. Infante's inquiry, Assistant County Manager Crapp advised that the Redevelopment Agreement would be considered by the County Commission on September 9, 2003. He noted an agenda briefing would be held tomorrow (9/5/03) with the County Commission aides, at which time staff would be available to respond to any questions relating to the Agreement. Mr. Crapp emphasized the importance of members of the CRA Board attending the September 9th Commission meeting to possibly address the Agreement.

Chairperson Betancourt and Mr. Forbes noted they would attend the September 9th County Commission meeting.

Assistant County Attorney Heffernan noted the signature pages for the Redevelopment Agreement would be prepared for the parties' signatures subsequent to approval of the Agreement by the County Commission. He advised that the County Commission could possibly discuss the funding issue relating to the Redevelopment Project at the September 9th Commission meeting.

In response to Mr. Archer's inquiry regarding the CRA Board's budget for the coming fiscal year, Assistant County Manager Crapp advised that staff would discuss the CRA's budget for the fiscal year beginning October 1, 2003, at the Board's next meeting.

Assistant County Attorney Heffernan responded to Mr. Kramer's inquiry regarding the Riverside Villas project. He noted the taxes generated from the increased assessed value would be allocated to the CRA's Trust Fund.

Assistant County Manager Crapp asked the CRA Board to consider rescheduling its September 22, 2003 meeting to September 29, 2003, as he would be out of town on September 22nd, and he wanted to discuss the CRA's budget.

Mr. Teintze asked that the CRA's budget be available by October 15, 2003.

The CRA Board agreed to reschedule its September 22nd meeting to September 29, 2003 at 7:00 p.m.

Chairperson Betancourt asked the County administration to provide the CRA Board at the September 29th meeting with available dates in October for the Conference Room.

Mr. Teintze distributed an outline of the budget initiatives to be discussed at the next CRA Board meeting, to members of the Board.

In response to Mr. Archer's inquiry regarding repayment to the County, Mr. Teintze noted the CRA Board was not required to repay the County for the next two years, however, it would be prudent for the Board to start building its income.

Mr. Zelkowitz stated that he would provide the CRA Board and the County Administration with the CRA's legal expenses for the coming fiscal year.

VI. Open Forum for Public Comments

(No comments from the public)

VII. Adjournment

There being no further business to come before them, by motion duly made, seconded and carried, the Naranja Lakes Community Redevelopment Agency meeting was adjourned at 8:29 p.m.

Nina Betancourt, Chairperson
Naranja Lakes Community Redevelopment Agency