



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

South Dade Government Center  
Room 203  
10710 S.W. 211 Street  
Miami, Florida

October 22, 2007  
As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Kay Madry Sullivan, Director  
Clerk of the Board Division

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**CLERK'S SUMMARY AND FINAL OFFICIAL MINUTES  
NARANJA LAKES  
COMMUNITY REDEVELOPMENT AGENCY (CRA)  
OCTOBER 22, 2007**

The Naranja Lakes Community Redevelopment Agency (CRA) Board met in the South Dade Government Center, Room 203, 10710 S.W. 211 Street, Miami, Florida, at 6:00 p.m., October 22, 2007; there being present upon roll call: Mr. Stuart Archer, Mr. Kenneth Forbes, Ms. Marleen Volkert, and Chairperson Nina Betancourt; (Mr. Moe Hakssa was late); (Mr. Rene Infante, Mr. Daniel P. Lipe, and Mr. Parsuram Ramkissoon were absent); Mr. Mike Iturrey, CRA Coordinator, Office of Strategic Business Management (OSBM); Mr. Jason E. Rodriguez, CRA Analyst, Office of Strategic Business Management (OSBM); and Deputy Clerk Akira Spann.

**I. Meeting Call to Order and Roll Call**

Chairperson Betancourt called the meeting to order at 6:06 p.m. She noted as a quorum was not yet present, therefore informational items would be heard first.

There being no objection, the following agenda items were considered out of order.

**IV. Open Forum for Public Comments**

Chairperson Betancourt opened the floor for public comment.

Mr. Len Anthony, 14820 Naranja Lakes Boulevard, appeared before the CRA Board and inquired of the status of the proposed Community facilities pertaining to the Mandarin Lakes development, and the anticipated plans for the properties abutting Naranja Lakes Boulevard, where a school and commercial area were suppose to be.

Chairperson Betancourt noted the CRA Board would address Mr. Anthony's concerns upon receiving the sales update of Mandarin Lakes.

Mr. Philip Murray, 13248 SW 256<sup>th</sup> Terrace, appeared before the CRA and urged CRA members to expedite the selection and hiring of an Executive Director.

Chairperson Betancourt noted the CRA Board would address that matter upon consideration of the FY 2007-08 Budget.

There being no other persons to appear before the CRA Board, the public hearing was closed.

Chairperson Betancourt noted for the record that Mr. Infante and Mr. Lipe notified staff that they would be unable to attend tonight's meeting. Upon the arrival of a quorum, the CRA Board proceeded to consider the action items on the agenda.

## **II. Approval of the Minutes**

It was moved by Mr. Archer that the September 24, 2007 NLCRA Meeting minutes be approved. This motion was seconded by Ms. Volkert.

Mr. Forbe's comments that he received the minutes tonight and did not have the opportunity to review them, Chairperson Betancourt noted that CRA members received the minutes from staff via e-mail as soon as they were made available.

Mr. Archer noted a scrivener's error in the opening paragraph that needed to be corrected to reflect the correct meeting date.

Hearing no further comments, the CRA proceeded to vote on the motion to approve the minutes as amended. This motion passed by a vote of 4-1 (Mr. Forbes voted No); (Mr. Infante, Mr. Lipe, and Mr. Ramkissoon were absent).

## **II. Approval of Agenda**

It was moved by Mr. Archer that tonight's (10/22) agenda be approved. This motion was seconded by Ms. Volkert, and upon being put to a vote, passed by a vote of 5-0 (Mr. Infante, Mr. Lipe, and Mr. Ramkissoon were absent).

## **V. Old Business**

### **Community Policing**

Sergeant Ozzie Hernandez, Miami-Dade Police Department, Cutler Ridge District, provided an overview of the monthly community policing report entitled "Naranja Lakes CRA Initiative Monthly Productivity Report," dated October 17, 2007, along with an overview of the "Annual Executive Summary Report dated September 26, 2007.

Responding to Mr. Archer's questions regarding the communities of Mandarin Lakes and Hidden Grove, Sergeant Hernandez noted the pending issues between the Mandarin Lakes Homeowners Association (HOA) and the off-duty officers were being addressed; and recommendations were provided to the Off-duty Coordinator regarding foreseeable trends in the area. Regarding crime in the Hidden Grove Community, Sergeant Hernandez noted the area was relatively calm despite recent isolated incidents.

Sergeant Hernandez noted that he believed the future goals and operations for 2007-08 to improve the same quality of enforcement and community policing conducted in 2006-07; to initiate monthly RENEW walks in communities throughout the CRA district (RENEW is a grassroots strategy where community policing officers saturate the area and walk door-to-door to meet every citizen face-to-face); to add additional community policing events to encourage community interaction; and to perform security surveys in business and residences to educate the community in crime prevention) would be effective in the communities throughout the CRA District.

Responding to Mr. Archer's question regarding an increase in crime watch groups throughout the CRA District, Sergeant Hernandez noted that Mandarin Lakes and Riverside Villas had established a crime watch group; and that MDPD was working with the Villages of Naranja to establish a group.

Ms. Volkert suggested Sergeant Hernandez coordinate with Team Metro to pool their resources in effort to rehabilitate an unsightly building located outside the CRA District on South Dixie Highway, near Moody Drive (S.W. 268<sup>th</sup> St)

### **Heritage Village**

Mr. Patrick Brown, Director of Public Housing, Miami-Dade Housing Agency (MDHA) presented the CRA Board with a status report on each unit within the Heritage Village development. He stated that the sale of public housing units required approval from the United States Department of Housing and Urban Development (US HUD), and need to meet specific criteria of affordability with respect to the price range selected and be supported by an appraisal at the time of contract. Mr. Brown noted the units must be offered in good faith to the existing or former residents of the property who are interested and qualified in order to promote homeownership among the residents in the Public Housing program.

Mr. Brown noted the MDHA was in the process of obtaining appraisals for the remaining 25 homes, and registering the required documentation with the State of Florida for the Homeowners Association (HOA) as a condition of sale. He stated the remaining units were required to be offered first to qualified public housing residents enrolled in the Family and Self Sufficiency (FSS) program, then to FSS participants in Section 8, and finally to qualified public housing residents by facilitating the enrollment in the FSS. Mr. Brown noted that MDHA would perform outreach to the pool of potential homebuyers registered with the Housing Finance Authority (HFA), and County employees prior to reaching out to the general public through realtors.

Mr. Forbes's question regarding whom to contact to arrange a tour, Mr. Brown noted he would personally arrange a tour for the CRA members to view the units.

Responding to Mr. Forbes's question regarding former resident's contact information, Mr. Brown noted that US HUD required MDHA to track their former residents.

Mr. Archer requested that Mr. Brown provide the CRA with the financial records of Heritage Village dating from 1992 to the present.

Mr. Hakssa's question regarding time-limits on resale of these properties now owned by qualified public assisted homeowners, Mr. Brown noted the homeowners were required to reside a minimum of five years at the property before listing it for sale.

Chairperson Betancourt reminded CRA members that at the September 24, 2007 NLCRA meeting, they voted to direct staff to forward a letter to the County Manager and

Commissioners Moss and Sorenson, notifying them of the CRA's frustration with MDHA's noncompliance of action items and information requested to be included in the Heritage Village report. She questioned whether that motion remained necessary in light of the information provided by Mr. Brown tonight.

Mr. Archer, as the mover of the motion, withdrew his previously approved motion.

## **Update on General Old Business**

### **Current re-zoning applications in CRA**

Mr. Iturrey advised that a letter of intent was submitted stating that an application was filed by DRG Properties, Inc. for the property located at S.E. corner on S.W. 280<sup>th</sup> Street and the Florida East Coastal Railway (FEC) Transit Corridor. He stated that the applicant requested that the district boundary change from multiple zones BU-1, BU-2, RU-2 and GU to BU-1A.

### **Mandarin Lakes**

Mr. Paul Herman, D.R. Horton Inc., provided an overview of sales for the Mandarin Lakes development. He stated that 14 units (7 Single-Family homes and 7 Townhomes) were currently scheduled to close in October 2007 and that 18 unit sales were lost (12 Single-Family homes and 6 Townhomes).

Responding to Chairperson Betancourt's question regarding the attributing factors to the loss of unit sales, Mr. Herman noted the factors included buyer's remorse, lack of finances, and incentive packages offered by other developments.

Chairperson Betancourt requested the CRA be provided with the number of potential homebuyer's who retained their deposit from the 18 unit sales that were lost.

Responding to Mr. Anthony's question regarding the Mandarin Lakes Community Center, Mr. Herman noted the proposed development plan included a Civic Center, a pool, and a clubhouse. He stated that construction had commenced on the clubhouse, which should be completed within five (5) months; and that construction of the pool should begin by the end of October 2007.

### **Infrastructure Construction**

Mr. Ignacio Serralta, SRS Engineering, noted several issues pertaining to the Infrastructure project needed to be addressed. He noted his staff met with County staff and Mr. DeGuardiola last week to address the punch list of pending items. Mr. Serralta also noted that 217 of the planted trees were deemed substandard and failed to meet the width requirement, and that the landscaper offered a discounted price to correct the problem. He pointed out that local nurseries usually charge significantly more to plant those trees, and recommended the CRA accept the discounted price. Mr. Serralta further

noted that negotiations were underway with a new landscaper to complete the work because the current landscaper under contract refused to proceed.

It was moved by Mr. Forbes that the recommendation of SRS Engineering to agree to the discounted price of the trees be accepted. This motion was seconded by Ms. Volkert for discussion.

Hearing no further questions or comments, the CRA proceeded to vote on the motion on the floor. Upon being put to a vote, the motion passed unanimously by those members present.

Mr. Serralta noted issues with the location of the entranceway at S.W. 272<sup>nd</sup> Street being on ordinance property and with obtaining the signatures for the permit. He noted the difficulty of gaining the Public Works Department approval for the second entrance.

Responding to Mr. Archer's question whether the portion of the project in question was included in the initial plan approved by the County, Mr. Serralta noted this matter needed to be reviewed, but felt that some flexibility was allowed for public infrastructure because the Traditional Neighborhood Development (TND) was a development district.

Chairperson Betancourt noted the CRA's decision to hire a construction consultant was based on the fact that the TND was a new zoning component.

Mr. Serralta noted other issues concerning the Canal Street Bridge green areas and pathways. He stated these properties were adjacent to the east land of South Florida Water Management canal and the plan was being redesigned to move it away from the canal. Mr. Serralta noted these two changes would result in a loss in square footage of a walkway.

Mr. Serralta noted another issue pertaining to the Letter of Credit, in which the developer requested to reduce the current Letter of Credit from \$3.25 million to \$1.7 million. Mr. Serralta noted County staff was working with the developer to reach an agreement that would allow the developer to continue under the Letter of Credit with conditions that the developer moves from item to item until completed and approved. Mr. Serralta stated that a few items may exceed the amount requested in the revised Letter of Credit, but the developer agreed to work under this scenario until the bonding issues were resolved; and agreed to complete the pending items on the punch list before submitting a new schedule. He stated that the developer was awaiting approval to begin work on the Canal Street Bridge and awaiting revisions to begin the irrigation work. Mr. Serralta noted if the revised letter of agreement was approved, then work on the irrigation revisions could begin the week of November 4, 2007.

Responding to Mr. Forbes's question regarding the \$1.7 million Letter of Credit and its impact on D.R. Horton Builders, Mr. Herman advised that they would not be affected by the reduced Letter of Credit.

Mr. Zelkowitz explained that in the past, Naranja Lakes Construction (NLC) could not provide the payment performance bond required by the Redevelopment Agreement, therefore, they entered into a series of agreement letters that ultimately ended with a letter of agreement between the NLCRA, the County and NLC to allow NLC to move forward with certain portions of the redevelopment project (Phase I) under a Letter of Credit for \$3.25 million. He stated the remaining work was valued at less than \$3.25 million, and NLC wanted to reduce the Letter of Credit to commence with the outstanding work. Mr. Zelkowitz noted that pursuant to the Statute, a person was allowed to accept a Letter of Credit as a guarantee under a public construction; however, the agreement for this project was more stringent because NLCRA wanted the bond, which required an external party to complete the job.

Mr. Zelkowitz noted NLC would like to continue performing construction work for Phase II of the primary project, which has not been authorized under a \$1.7 million Letter of Credit, and would only cover work currently being performing and would not provide a surety bond for the work under Phase II. He stated that the developer informed them that the bond would be obtained at that point, which was not the case. Mr. Zelkowitz noted that it was his understanding that they would not get the bond and would like to pursue the reduced Letter of Credit.

Discussion ensued among CRA members regarding the Letter of Credit for \$1.7 million.

Mr. Ricardo Torres, Representative, Naranja Lakes Construction, explained they were trying to keep the project moving forward and could only perform work for Phase I under the current \$3.25 million Letter of Credit, and could not move into Phase II until Phase I was completed. He stated that since most of Phase I work was completed, except a handful of punch list items remaining; they would like to reduce the Letter of Credit to free up some of the funds available to them.

Mr. Serralta noted he would recommend the CRA keep the \$3.25 million letter of credit; however, since this contract was unique in that the cost within the agreement was not a market value, and given that the CRA would like to help NLC and keep the project moving. He stated that if the letter of credit could be reduced and NLC could continue to work on the project it could be beneficial to the CRA then holding a higher letter of credit and putting the NLC through hardships.

Mr. Zelkowitz and Mr. Serralta proceed with on-going negotiations with NLC in order to allow the project to move forward. This motion was seconded by Ms. Volkert, and upon being put to a vote, passed unanimously by those members present.

## **VI. New Business**

### **a. Status of Supreme Court Ruling on Strand v. Escambia County**

Mr. Zelkowitz noted a rehearing was held on October 9, 2007 at the Supreme Court of Florida in Tallahassee and no decision was rendered to the lower courts. He stated that a

revised decision came down to validate all prior debts. Mr. Zelkowitz noted that prior to the rehearing, the court issued a revised opinion that clarified a question raised by the Attorney General with respect to prior debt issued by CRA's and other agencies that pledge their Tax Increment Financing (TIF) revenue, not validated by the court. He stated that the court clarified the term "validated" meant that prior debts were validated by the courts or issued in connection and in accordance with the Miami Beach decision and Chapter 163, which authorized the CRA to issue their own bonds. Mr. Zelkowitz stated that everything issued prior to the date of the September 6, 2007 decision was validated.

Mr. Zelkowitz noted the Courts asked that additional briefings be submitted from both parties; therefore a decision was not likely to be rendered before another month. He stated that it appeared as if the judges were leaning towards helping the CRA's; they didn't realize the impact that their decision had on CRA's and their ability to conduct redevelopment work and issue bonds. Mr. Zelkowitz noted that a couple of cases would occur at the Florida Supreme Court in January 2008 that dealt squarely with the constitutionality of chapter 163 - authorization for CRA's to issue bonds.

Responding to Mr. Forbes's question regarding the constitutionality of chapter 163, Mr. Zelkowitz noted that it would be declared unconstitutional if the Supreme Court continued along the lines of their first ruling that declared that any kind of bonds issued had to go to the referendum.

**b. Adoption of 2007-08 Budget as amended by the Tax Increment Financing Committee**

It was moved by Mr. Forbes that tonight's (10/22) meeting be extended by no time certain to consider the remaining items on the agenda. This motion was seconded by Ms. Volkert, and upon being put to a vote, passed unanimously by those members present.

Mr. Iturrey noted the Tax Increment Finance (TIF) committee met on October 5, 2007 to review the Naranja Lakes proposed FY 2007-08 budget; and after review and discussion, they recommended the NLCRA request to draw down the sunshine state loan in the amount necessary to cover the funding gap for FY 2007-08. He noted a reduction was made to the "New Bonds Issues" in line with the anticipated funding gap and an increase was made to the "Debt Service Payments" line-item in the Naranja Lakes CRA proposed FY 2007-08 proposed budget. He noted the line-item "Construction Reserve," was deleted from the budget as recommended by the TIF Committee.

Mr. Iturey noted the next step in the process would be for staff to prepare a legislative item to be presented to the BCC through their committee process for approval of this budget. He stated that a proposed resolution had been drafted.

Mr. Archer that the proposed budget for FY 2007-08 be accepted as amended by the Tax Increment Financing Committee. This motion was seconded by Ms. Volkert, and upon being put to a vote, passed unanimously by those members present.

**c. Discussion on Naranja Lakes Area Charrette Studies prepared by  
the Department of Planning and Zoning**

Mr. Sean McCrackine, Legislative Aide to Commissioner Sorenson, noted the most recent ordinance adopted included the Naranja Lakes Leisure City Charrette.

Mr. Iturrey noted he invited the Department of Planning and Zoning to attend the NLCRA meeting in December 2007.

Responding to Ms. Volkert's comments, Chairperson Betancourt requested the CRA members be provided with a copy of the adopted ordinances.

Mr. Zelkowitz noted the Executive Director Selection Committee submitted its report, following the direction of the CRA to interview the three candidates once the budget including the amounts necessary for the Executive Coordinator position was approved. He noted he was contacted by Mr. Infante, who recommended that the CRA Board put out another request for proposal to a broader audience within the period between now and when the budget was approved by the BCC.

It was moved by the CRA to direct Mr. Zelkowitz to advertise a Request for Proposal (RFP) for Executive Coordinator acting in the capacity of a consultant for a six month period from now until approval of the FY 2007-08 NLCRA budget as suggested by Mr. Infante. This motion was seconded by Ms. Volkert, and upon being put to a vote, passed unanimously by those members present.

Following further decision, Ms. Anthony questioned whether the community facility was for the benefit of the entire CRA district or only for the Mandarin Lakes community.

Mr. Herman clarified that one facility was for the Mandarin Lakes community but the facility located east of S.W. 140<sup>th</sup> Avenue and north of the canal was for the entire community.

**VII. Next Meeting Date**

Chairperson Betancourt announced that the next NLCRA meeting would be held on November 26, 2007 at 6:00 p.m. at the South Dade Government Center.

## **VIII. Adjournment**

There being no further business to come before this Board, the Naranja Lakes Community Redevelopment Agency meeting was adjourned at 7:52 p.m.

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Nina Betancourt, Chairperson  
Naranja Lakes Community Redevelopment Agency