



**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

April 28, 2008  
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 OFFICIAL MINUTES  
NARANJA LAKES  
COMMUNITY REDEVELOPMENT AGENCY (CRA)  
APRIL 28, 2008**

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., April 28, 2008; there being present upon roll call: Mr. Danny Lipe, Mr. Moe Hakssa, Mr. Stuart Archer, Mr. Kenneth Forbes and Mr. Parsuram Ramkissoo; (Chairperson Nina Betancourt, Mr. Rene Infante and Ms. Marlene Volkert were absent); Staff members present were: Mr. Mike Iturrey, CRA Coordinator; Mr. Jason Rodriguez, CRA Analyst, Office of Strategic Business Management; and Deputy Clerk Jill Thornton.

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

Mr. Forbes called the CRA Board meeting to order at 6:07 p.m.

**II. Approval of the Minutes**

It was moved by Mr. Archer that the minutes of the January 28, 2008 meeting be approved. This motion was seconded by Mr. Hakssa, and upon being put to a vote, passed unanimously by those members present.

It was moved by Mr. Archer that the minutes of the February 25, 2008 meeting be approved. This motion was seconded by Mr. Lipe, and upon being put to a vote, passed unanimously by those members present.

**III. Approval of Agenda**

Mr. Archer requested tonight's agenda be approved as amended to include, under Old Business, status reports on staff's accomplishments and on the CRA's Business Grants Program; and under New Business, a status report on the construction of the S.W. 280<sup>th</sup> Street bridge. This motion was seconded by Mr. Hakssa, and upon being put to a vote, passed unanimously by those members present.

**IV. Open Forum for Public Comments**

Mr. Forbes opened the floor for public input and the following person(s) appeared:

Mr. Leonard (Len) Anthony, 14820 Naranja Lakes Boulevard, Naranja Lakes, appeared before the CRA and reiterated all issues he previously expressed at past CRA meetings concerning redevelopment. He expressed concern that these issues had not been addressed, and that he was quite dismayed with little progress seen since the creation of this CRA.

**V. Old Business**

## **Community Policing**

Sergeant Ozzie Hernandez, Miami-Dade Police Department (MDPD), Cutler Ridge District, provided an overview of the monthly community policing reports entitled “Naranja Lakes CRA Initiative Monthly Progress Report,” dated March 19, 2008 and April 23, 2008. He noted two significant arrests occurred in the CRA District last month, resulting in the recovery of two stolen cars. He further noted a Reside Empowering Neighborhood Enforcement Walk (RENEW) operation was conducted at the Modello and Vista Trace complexes. Sergeant Hernandez pointed out the number of occupants living in the Modello complex had decreased significantly, which might be of some concern to the CRA.

Sergeant Hernandez noted this month’s RENEW operation focused on the Sea Pines and Waterside communities, and resulted in the apprehension of a participant in a rash of armed robberies. He noted information regarding this arrest would be included in next month’s community policing report. Sergeant Hernandez further noted the Community Bank, located outside the Naranja Lakes CRA Boundary, was robbed twice this month, leading to the hiring of an off-duty Homestead Police Officer to secure the premises. He stated he was advised the police had a good lead on the robbery suspects.

Sergeant Hernandez responded to questions asked by Mr. Archer regarding surveillance used in hot crime spots; drug issues at the Villages of Naranja; and the impact to the CRA District’s patrolling resources by Cutler Ridge District officers sent to patrol the north areas of the County.

Sergeant Hernandez noted the MDPD-Cutler Ridge District had approximately three different security camera systems; and had placed cameras in hot spots. He noted, as a result, the number of robberies had decreased in the MDPD-Cutler Ridge District, as well as the CRA District. Sergeant Hernandez noted the issue with the Villages of Naranja was not with its residents, rather with too many entry points into the property, resulting in excessive criminal activity by individuals from neighboring communities. He stated he felt management should secure the premises with proper fencing and hire a security guard before installing a hidden security camera system. Sergeant Hernandez further noted the officers sent to patrol the north area of the County had no impact on the Community Policing Initiative program. He noted that program had sufficient participating officers and available funding, as compared to the Mandarin Lakes Security Program, which hired off-duty police officers, but lacked participating officers.

Mr. Archer expressed appreciation to Sergeant Hernandez for providing the Public Works Department with a report on the CRA’s lighting issue.

Mr. Forbes questioned the status of the security company, Guardian Angels, which was contracted by the Villages of Naranja’s management to secure the premises.

Sergeant Hernandez noted he had not received any positive feedback regarding this company. He noted that trespassers tended to leave the area and the activity quieted down once an MDPD officer drove through the area; however, he also noted, an officer must have good cause to stop or ID a person. Sergeant Hernandez further noted that very few people voluntarily approached a

uniformed officer, but the department has been successful at getting feedback and leads on criminal activity from citizens through the RENEW operations program.

Mr. Lipe questioned whether it was possible for the CRA to receive statistical crime rate reports quarterly rather than annually.

Sergeant Hernandez noted he had access to information that enabled him to provide a board report on crime status; however, he could not provide an official statistical report until it was approved by his superiors. He noted the process for obtaining an official report was lengthy and involved review through the chain of command, and signed off by the Director.

In response to Mr. Lipe's question whether crime had increased as a result of the downturn in the economy, Sergeant Hernandez noted he had seen an increase in foreclosures and abandoned properties within the CRA District, which provided opportunities for criminal activity. He noted, however, that crime had decreased overall in the MDPD-Cutler Ridge District, for every criminal category, except sexual battery, and crime continued in some pockets of the district.

### **Heritage Report**

Mr. Iturrey advised that Mr. Patrick Brown, Director of Public Housing, Miami-Dade Housing Agency (MDHA), was now under the authority of the U.S. Housing Urban Development's (HUD) administration. He noted staff spoke with Mr. Brown, who reported that MDHA staff anticipated hosting a grand opening for the Heritage Village project sometime in May 2008; however, their desire was to hold off on the grand opening until all twelve (12) Certificates of Occupancy (CO) had been obtained.

Mr. Archer expressed concern that new air conditioning units and electrical equipment installed in the Heritage Village units might be vandalized or stolen if the property remained vacant. He noted he did not see the purpose in delaying the grand opening until all twelve COs were obtained, and that he felt the property appraisals were taking too long to complete.

### **Update on General Old Business**

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

Mr. Iturrey reported that no current re-zoning applications had been submitted for properties located within the NLCRA district boundaries.

#### **Mandarin Lakes**

Mr. Iturrey noted this month's "Mandarin Lakes Sales and Closing" report was provided to CRA members via e-mail and included in tonight's agenda package.

#### **Staff Accomplishments**

Mr. Iturrey noted, pursuant to the CRA's requests, the following issues were addressed by staff:

- the Villages of Naranja issues in relation to the Miami-Dade Housing Agency;
- the street lighting issue in the CRA district;
- the contractor's request for payment applications;
- the Heritage Village issues (staff addressed constituent complaints and contacted appropriate departments to resolve these issues);
- the RFQ for Economic Development Coordinator;
- Office of Economic Development's (OCED) desire to recapture CRA grant funds (staff recertified the program already approved by the CRA); and
- the developers request for a reduction in the Letters of Credit

Mr. Archer concurred with comments made by Mr. Anthony, during Open Forum for Public Comments, regarding the slow progress of development. He noted he would also like to see some physical evidence of development being accomplished.

### **Status of proposed Business Grants Program**

Mr. Ramkissoon noted, at the January 28<sup>th</sup> CRA meeting, he appeared before this Board as a business owner in the CRA district, and requested assistance for his business. At that time, he noted he referenced a newspaper article pertaining to TIF monies used to revitalize downtown areas. He stated he felt this CRA had failed to deliver its promises made to the community regarding development improvements, and he now saw no residents of the primary project (Mandarin Lakes) frequenting the CRA business area. Mr. Ramkissoon further noted he supported the proposal to hire an executive director to oversee the CRA's objectives and entire district (1,200 acres); and also supported the Denny's franchise owner's request for assistance, but the Denny's restaurant had since gone out of business. Mr. Ramkissoon noted he has found himself in the same predicament, and may soon be forced out of business. He noted when the CRA was established, it was very clear to him that this Board was to oversee the primary project to completion and to transform the entire area. He expressed concerns that the CRA Board met once a month and waited for staff to get things done rather than directing action; and that he still awaits a response to his request for the status of the grants programs.

Mr. Archer pointed out that staff attempted to get feedback from CRA members via e-mail regarding the draft Request for Quotations (RFQ) for the Economic Development Coordinator position, but some CRA members failed to reply, which delayed the process.

Mr. Ramkissoon explained that when he received the draft, he responded within two days. He noted the fact that Board members had not responded in a timely manner had nothing to do with this CRA voting on the need for an Executive Director four years ago. Mr. Ramkissoon distributed a document regarding an Executive Director hired by the CRAs in the City of Pompano. He stated that he strongly supported the CRA hiring an Executive Director, and that he would not be blamed for the delay in this RFQ process.

Mr. Forbes noted Mr. Infante e-mailed CRA members requesting they respond to Mr. Zelkowitz' e-mail requesting input on the RFQ draft, in order to proceed with advertising. He noted he

understood, that as of tonight, only four board members had responded to Mr. Zelkowitz' request.

Mr. Iturrey noted, for the record, that both Chairperson Betancourt and Mr. Infante contacted him and requested they be excused from tonight's (04/28) meeting; and that Mr. Infante requested his e-mail be read into the record.

Mr. Zelkowitz, Legal Counsel for the CRA, clarified that five members had contacted him regarding the draft RFQ, and based on their consensus that the draft was acceptable; he advised staff to proceed with advertising it.

Following Mr. Iturrey's comments that staff had proceeded with advertising the RFQ, it was moved by Mr. Archer that the CRA ratify the action of staff to move forward with advertising the RFQ as quickly as possible. This motion was seconded by Mr. Hakssa, and upon being put to a vote, passed unanimously by those members present.

Mr. Iturrey discussed the CRA's charge to eliminate blight and slum, and its commitment to support the primary project. He noted although staff was trying to move forward with other instructions, the CRA needed to take into consideration its primary obligation.

Mr. Forbes noted the CRA Board was not limited to the Mandarin Lakes project, but had a responsibility to develop the entire CRA district for the benefit of the entire community. He pointed out that special taxing districts should have the ability to tap into other funding sources, but this CRA had not been successful in doing so for the past six years. He supported the CRA moving forward with hiring an Economic Development Coordinator in order to develop a master plan for redeveloping and revitalizing the area.

Mr. Iturrey clarified that staff welcomed the support of an Economic Development Coordinator.

## **VI. New Business**

### **Status of Bridge Construction at SW 280th Street**

Mr. Scott Hedge, Naranja Lakes Construction, LLC, noted the progress of construction had been slow due to several issues. He noted his firm was working with County staff to resolve some issues this week that would allow construction to resume. He also noted a contract was in place to begin construction on the vertical improvements and the civic plaza at SW 140<sup>th</sup> Ave. He noted some concerns regarding the terms of the property conveyance between D.R. Horton and the CRA needed resolving, and D.R. Horton wanted to convey the property before construction began due to liability issues. Mr. Hedge indicated this would be the last step before construction began on the vertical buildings, and once construction started, the building should be completed within eight months. Mr. Hedge stated his contractor was also anxious to proceed with construction since building material prices continued to increase.

In response to Mr. Archer's question regarding NLC's delay in completing construction of the bridge and other items in Phase I of the project, Mr. Hedge noted they were ready to begin

construction of the bridge and other work on the east side of the canal, as soon as negotiations between staff and concerned parties regarding the letters of credit, were finalized.

Discussion ensued between Mr. Archer and Mr. Hedge regarding the letters of credit agreement, and reasons for the delay of construction in phase I of the project.

Mr. Zelkowitz advised that he and the attorney representing NLC LLC had met to discuss the language in the letters of credit and the risks involved in reducing them; and they were now awaiting approval of the County Manager. He also noted an agreement existed between the CRA and the contractor that actually prohibited the contractors from moving forward with constructing the bridge without a performance bond in place. NLC has said they would not proceed without a reduction in the letters of credit, which has been worked out, he noted. Mr. Zelkowitz advised he was comfortable with the agreement on the letters of credit, and Mr. Hedge was waiting to receive it from the County Manager's Office. He further noted another reason for delay in this process was the draft, submitted by the attorney representing Mr. DeGuardiola, needed to be re-drafted, but was now close to completion.

Mr. Iturrey clarified the letters of credit agreement was not sitting in the County Manager's Office, but needed to go through a process before the Manager signed off on it.

Mr. Archer expressed concern that the bridge infrastructure at SW 288<sup>TH</sup> Street was a safety hazard. He noted this project needed to be prioritized and completed as soon as possible.

Mr. Hedge explained the construction of the bridge was part of the amendments in Phase II of the project, and that a condition contained in the letters of credit agreement required all concerned parties meet to resolve issues with phase II modifications.

Mr. Iturrey noted two major issues preventing phase II from moving forward were the approved benchmarks that needed further discussion, and the construction portion of the redevelopment agreement that needed to be identified for purposes of bonding the work.

Mr. Hedge noted when the CRA was created, the tax was capped. He pointed out that Naranja Lakes has generating more TIF revenues than projected and suggested the excess in revenues be used to help pay down the commitments sooner. He expressed confidence that the CRA could anticipate seeing some vertical improvements very soon. Mr. Hedge noted the NLC's contractor was anxious to proceed with construction as well, since the permit would expire in three months.

Mr. Iturrey pointed out, although the County had legal rights pertaining to this agreement, the County's intention was to work with the CRA. Regarding the conveyance of the property, he noted Mr. Zelkowitz was working with D.R. Horton's attorney to obtain the necessary documents for conveyance of these properties to the CRA. He noted D.R. Horton was required by State Statute to create an escrow account with the County to pay the prorated taxes in advance. Mr. Iturrey also noted staff needed to obtain the correct amount from the County Tax Assessors' Office before D.R. Horton could issue a check; then staff would proceed with getting approval of the property conveyance and recording the deed.

Mr. Archer questioned whether the amount could be estimated and a deposit made in advance.

Mr. Zelkowitz noted they would estimate a value and provide a check in advance. He also noted another concern with the conveyance of the property was the expiration of the permit with South Florida Water Management District, and some requirements of the permit that ran with the land. He noted these issues would be addressed by NLC's representatives, but the CRA's Construction Consultant was reviewing that permit and requirements to ensure a better understanding by the CRA.

In response to Mr. Archer's question whether a change was needed in the permit when the CRA became the new owner of the property, Mr. Hedge explained that a change in the permit was not necessary since NLC would continue to be the CRA's contractor.

Mr. Iturrey advised that the CRA would incur some administrative/maintenance expenses once the property was conveyed until construction began and then after construction ended.

Mr. Zelkowitz added that the CRA would have the benefit of seeing some tangible vertical improvements completed where it could possibly conduct meetings/community events and reduce its expenses for renting a facility.

### **Impact of proposed State Legislative Bills**

Mr. Steven Zelkowitz, Legal Counsel for the CRA, advised that some Legislative Bills pertaining to CRAs were pending in the 2008 Legislative Session. He noted he distributed a memorandum identifying three of the bills: Senate Bill 1210, 1391 and 1528. He noted Senate Bills 1210 and 1391 were fairly innocuous, and focused on changes in Statutes and reporting requirements, which he found had no significant impact on this CRA. Mr. Zelkowitz noted, however, that Senate Bill 1528 provided for the dissolution of CRAs within fifteen years of their creation, and would have a major impact on this CRA, if passed. He noted Senate Bill 1528, currently, did not have a companion House Bill, and he believed it would not pass. He asked if staff knew whether the County's lobbyists were taking action on this Bill in Tallahassee.

Mr. Iturrey advised that County staff concurred with the opinion of the CRA's legal counsel, who felt this Bill would not pass, but they had greater concerns regarding another Bill that pertained to growth management within CRAs.

Mr. Zelkowitz provided a brief overview of Florida House Bill 7129, a Bill relating to the Growth Management Act that addressed amendments to the Redevelopment Act. He noted this Bill might impact this CRA and its mission under the Redevelopment Agreement. He referred to a section of the Statute pertaining to powers of the CRA that listed prohibitions on CRA expenditures. Mr. Zelkowitz noted an article in connection with the OMNI CRA between the City of Miami and the County that stated House Speaker Marco Rubio had proposed adding a section that would prohibit the CRA from using its Tax Increment Financing (TIF) revenues to repay bonds or other indebtedness for completed projects; or substituting its TIF for debt that had already been issued on other projects. Mr. Zelkowitz noted this was a result of the City and County's desire to use the TIF from the OMNI CRA to repay the Performing Arts Center (PAC) bonds that the County had previously issued. He noted, although no independent analysis had

been conducted, this proposed Bill was identified as a potential issue for the NLCRA. He explained the potential issue was that this CRA had an agreement with the County where debt issued to the CRA by the County in the form of a State Sunshine Loan would be repaid by issuance of a bond backed by a pledge of TIF funds. He noted this would be prior debt taken out for a completed redevelopment project, which the proposed Bill 7129 might prevent. Mr. Zelkowitz stated that in an effort to resolve the issues between the City and the County, a potential statutory amendment was created that could have unforeseen consequences on the NLCRA's current Redevelopment Agreement. He advised the subject Bill did not have a companion Senate Bill, but could find its way into a Senate Bill and be approved. Mr. Zelkowitz noted he would report back to the CRA with updates on this matter.

Discussion ensued between Mr. Forbes and Mr. Zelkowitz regarding repayment of debt incurred for future projects.

Mr. Forbes questioned the language in the proposed Bill regarding the Special District being abolished if it did not pay for an outside auditor. He asked if the CRA had an independent audit performed on its Trust Fund.

Mr. Iturrey clarified he provided the CRA members with an annual audit report on the CRA's Trust fund that was performed by an independent auditor. He noted the NLCRA was not listed separately in the County's coffers, but staff addressed that issue with the County's Budget and Finance Department, which agreed to list the NLCRA's revenues and expenditures separately from all other trust funds. Mr. Iturrey assured the CRA that its Trust Fund was independently audited. He noted an advantage to the CRA was that the County paid for each fund to be audited separately, and then provided the reports.

Mr. Zelkowitz explained the proposed Bill was an amendment to Chapter 189 pertaining to Special Districts, and was intended to cover all Special Districts other than CRAs that might not have a statutory obligation for an independent annual audit. He noted the Statute pertaining to CRAs already required CRAs to have an annual independent audit, which this CRA was doing; otherwise, it would be in violation of that Statute.

In response to comments made by Mr. Archer and Mr. Forbes regarding staff providing a separate report on the NLCRA's Trust Fund from the County's entire audit, Mr. Iturrey noted the CRA's Trust Fund was referenced by a number and he could provide a separate report on this Trust Fund.

Mr. Zelkowitz noted, in order to proceed with another project, the CRA's current Redevelopment Plan would have to be amended to identify capital projects funded with TIF dollars or other public funds, and identify the CRA's contribution towards the project, which required the BCC's approval. He also noted some contractual limitations/conditions existing in the Redevelopment Agreement, which states the CRA was obligated to use TIF revenues to repay debt for the first project before paying towards another project, would need to be addressed as well.

It was moved by Mr. Archer that tonight's meeting be extended twenty (20) minutes to complete this discussion, and the balance of the agenda. This motion was seconded by Mr. Ramkissoon, and upon being put to a vote, passed unanimously by those members present.

In response to Mr. Ramkissoon's question whether using TIF revenues for the next project would be based solely on paying off the primary project, Mandarin Lakes, Mr. Zelkowitz noted it depended on whether any surplus TIF revenues remained after paying the annual debt service for Mandarin Lakes. He noted the outcome of this proposed Bill was that the CRA might not be able to secure long term debt. He reiterated the two threshold issues should the Bill pass were: the redevelopment plan would need to be amended to include a new project and participation, and the issues in the existing contract with the County, requiring TIF revenues used to pay down debt of the primary project, would need to be addressed.

### **Request for Qualifications for Economic Development Coordinator**

The foregoing Agenda Item was discussed under Status of Proposed Business Grants Program.

### **Conflict Waiver regarding D.H. Horton**

Hearing no objection, it was moved by Mr. Archer that the CRA ratify the signing of the Waiver of the Conflict of Interest with Gray Robinson Law Firm representing D.R. Horton, Inc, in relation to Cable Communications. This motion was seconded by Mr. Hakssa, and upon being put to a motion, passed unanimously by those members present.

### **Update on Lighting Survey**

Mr. Iturrey noted Sergeant Hernandez, Miami-Dade Police Department, and the Public Works Department (PWD) representative worked together to develop a list of lighting needs in the CRA district; and surveyed the area. He noted PWD responded to the CRA's request for lighting and committed to authorize Florida Power and Light (FPL) to install lighting at no cost to the CRA on SW 137<sup>th</sup> and 147<sup>th</sup> Avenues, within the limits of the CRA's boundaries that they justified as arterial roadways. He noted PWD stated they were not willing to deviate from their policy by providing lighting on the remaining roads in the lighting survey, not identified arterial roadways; that they did not have the resources from operations to provide lighting for all non-arterial roadways, even though the CRA was willing to pay for the infrastructure.

Mr. Archer noted SW 144<sup>th</sup> Avenue needed to be designated as an arterial roadway because it was now used as a north/southbound throughway, west of the Turnpike, and crime had increased in the vicinity. He noted the public forced this avenue into an arterial roadway category based on the amount of traffic flowing on this roadway.

Mr. Iturrey noted staff would follow up by contacting PWD to express the CRA's concerns and requests to designate this roadway as an arterial roadway.

Sergeant Hernandez noted an engineering study on the lighting of SW 144<sup>th</sup> Avenue was requested, but a response had not been received. He also noted another issue, existing on SW

284<sup>th</sup> Street, was that of existing light poles with lights that needed to be reconnected, and turned towards the roadway.

Following Mr. Archer's comments that he was dissatisfied with the results of the lighting survey, Mr. Forbes asked that staff invite a PWD representative to be present at the next CRA meeting to answer questions.

**VII. Next Meeting Dates:**

**a. May 19, 2008 Regular Board Meeting**

Mr. Forbes announced the next NLCRA Regular Board Meeting would be held on May 19, 2008 at 6:00 p.m.

**IX. Adjournment**

There being no further business to come before this Board, the Naranja Lakes Community Redevelopment Agency meeting was adjourned at 7:49 p.m.

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Kenneth Forbes, Acting Chairperson  
Naranja Lakes Community Redevelopment Agency