

**City of North Miami Beach
Community Redevelopment Agency**



Community Redevelopment Agency Board of Commissioners:

Chairman George Vallejo
Commissioner Philippe Derosé
Commissioner Phyllis S. Smith
Commissioner Beth E. Spiegel
Commissioner Frantz Pierre
Commissioner Barbara Kramer
Commissioner Marlen Martell

Date: January 2nd, 2013

Time: 6:00 PM

Location: 2nd Floor Council Chambers, City Hall
17011 NE 19th Avenue, North Miami Beach, Florida 33162

AGENDA

1. Call to order / Roll Call
2. Approval of Minutes: December 4th, 2012
3. Update on Preparations for the January Summit
4. Review of Proposed Assignments and Timelines for Economic Development Implementation Plan
5. Review and Approval for CRA Attorney's Letter of Engagement
6. Next CRA Board Meeting, January 24th, 2013
7. Adjournment

**CITY OF NORTH MIAMI BEACH
BOARDS AND COMMITTEES MEETING MINUTES**

NAME OF BOARD/COUNCIL: COMMUNITY REDEVELOPMENT AGENCY, BOARD OF COMMISSIONERS

NAME OF PERSON PREPARING SUMMARY: K. MCGUIRE, PROTOTYPE

NAMES OF STAFF, AND INVITED GUESTS PRESENT: CITY MANAGER ROSLYN WEISBLUM, ASSISTANT CITY MANAGER MAC SERDA, CRA COORDINATOR RACHA CAMEAU, CRA ATTORNEY STEVEN ZELKOWITZ, CITY ATTORNEY DARCEE SIEGEL, KEVIN CROWDER

BOARD MEMBERS: COMMISSIONER/CHAIR VALLEJO, COMMISSIONER DEROSE, COMMISSIONER KRAMER, COMMISSIONER SMITH, COMMISSIONER SPIEGEL.

TYPE OF MEETING: REGULAR MEETING **DATE:** December 4, 2012

MINUTES

AGENDA ITEM 1 - Call to Order/Roll call: 6:00 p.m.

Roll Call: Roll was taken at 6:15 p.m. Commissioners Martell, Pierre, and Spiegel were not present.

AGENDA ITEM 2 – Approval of Minutes: October 24, 2012

Motion made by Commissioner Derose, seconded by Commissioner Kramer, to approve. In a voice vote, the **motion** passed unanimously (4-0).

AGENDA ITEM 3 – Review of the Visioning Workshop Summary Report. Mr. Serda advised that a summary report prepared by consultant Kevin Crowder was included in the members' information packets, listing the issues discussed at the previous meeting's visioning session. Chair Vallejo requested that Mr. Crowder briefly review the report.

Mr. Crowder explained that the summary report identifies four main areas of focus for the CRA Plan:

1. Improving the City's image, and creating/promoting an identity that encourages business investment;
2. Attracting new businesses, development, and major investment to the CRA and the City;
3. Assisting existing small businesses and entrepreneurs;
4. Making informed policy decisions regarding the tools that are available for use by the CRA.

Commissioner Spiegel arrived at 6:13 p.m.

Mr. Crowder continued that he had included the issues raised and goals discussed for each of these four areas, as well as the initiatives associated with each goal. Some of the next steps will include establishing the tasks necessary to achieve each initiative, assigning a responsible party for these tasks, establishing timelines, identifying budget requirements or other resources associated with each task, and implementing ways to measure the progress of each initiative.

Chair Vallejo asked if the CRA's existing resources were sufficient to accomplish these tasks, or if any additional resources will be required. Mr. Crowder replied that he did not feel additional resources would be necessary for the majority of the CRA's tasks.

Commissioner Smith asked if Mr. Crowder felt any particular section of the CRA would be the best starting place for economic development. Mr. Crowder said after walking the boundaries of the CRA, he felt the greatest potential was found at the intersection of West Dixie Highway and 164th Street, to be followed by a westward progression through 22nd Avenue and 15th Avenue.

Commissioner Smith asked if the canal could come into play with regard to a vision for 164th Street, as it is rare for a city to have water running through its center. Mr. Crowder said while he felt the canal could be leveraged as an amenity, another key feature in this area is the bike path. He suggested that the bike and

pedestrian paths could be used as starting points for potential upland development.

Commissioner Smith advised that she believed the CRA to have a twofold purpose: to turn a blighted area around and recoup the funds that were invested in it, as well as developing the area in order to create a better community. She stated that since she has served on the Board, the CRA has taken no steps in this direction. She asked Mr. Crowder to estimate a timeline in which the Board might expect to see actual improvements made to the City through the CRA.

Mr. Crowder replied that it could be difficult to project a timeline, as this would depend upon the types of projects that were brought about. He said one key question for the CRA would be to determine what could generate the most tax increment funding (TIF) revenue as quickly as possible, so these funds can be reinvested to accomplish other projects in the redevelopment plan. He noted that the economic development summit planned for January 2013 would target this type of significant investment. There are also initiatives that deal with small businesses that could yield tangible results, although the process would take longer and would include land assemblage and design.

Commissioner Smith asked if the upcoming summit would send invitations to major retailers in the area. Mr. Crowder said while major retailers were not specifically targeted, invitations would go to property owners within the CRA, businesses that have expressed interest in investing in the CRA, major real estate brokers, and major developers and retail tenant representatives who are not currently working within North Miami Beach. He felt this would generate increased response from these participants in both the City and the CRA: these brokers, developers, and representatives would be tasked by major retailers to look at the CRA as a potential area for investment.

Chair Vallejo requested that City representatives reach out to the major stakeholders on the invitation list with additional phone calls to ensure they are aware of the upcoming summit. Mr. Serda advised that this is already a specific task during the weeks before the summit, and recommended that the Commissioners also reach out to these individuals.

Commissioner Spiegel pointed out that many large retailers have in-house staff who look for and negotiate potential locations in cities, and asked why these investors were not being targeted by the CRA. She pointed out that these businesses do not use outside agents such as real estate brokers. Mr. Crowder said these businesses could be targeted as well if that was the Board's desire; however, his experience with most of these retailers was that they are more likely to reach out to commercial representatives unless they have locally based staff. Commissioner Spiegel asserted that the corporations she had cited, including Toys R Us, Home Depot, and McDonald's have staff members who focus on real estate site acquisitions in various regions of the country. She urged the Board to send invitations to these businesses as well in order to prevent a missed opportunity.

Mr. Serda recalled that the CRA is meeting with an outside entity who will assist in partnering with large commercial retailers. He advised that the intent is to make sure it is widely known that the City is "open for business," as is the upcoming summit.

Commissioner Smith stated that the CRA has \$5 million in its budget, and asked if a structure has been prepared for the economic development summit to ensure that all its attendees can be an important part of the redevelopment equation. She explained that if there is no such structure in place, the Board could assist in its creation at tonight's meeting by making decisions about the kind of information that can be provided, such as incentive programs for the first entities to invest in the CRA.

Mr. Crowder said at present the meeting's structure will inform the attendees of the tools currently available to the CRA, as well as those tools that may be authorized for future use through a Resolution or Ordinance. He advised that the attendees could provide feedback on the tools that would be most useful to them, as well as the parameters that might be more likely to stimulate further investment. Mr. Serda agreed that it would be more useful for attendees to identify the incentives they need, as well as the existing barriers that may prevent investment; this information could then be brought back to the Board in the form

of a request.

Commissioner Smith said one vision for the CRA could be establishing zoning regulations within the district that would visually tie together the businesses and other features within the area. Mr. Zelkowitz said these regulations or restrictions would typically be developed through changes to the land development Code or zoning Code; however, in the past, when the CRA has served as a funding source for a developer, these regulations could be made as conditions of that assistance, such as the addition of landscaping or other amenities, or the use of certain colors for identification.

Chair Vallejo requested clarification of the term “parameters” as used by Mr. Crowder, asking if this meant, for example, providing a specific percentage of TIF rebate if a business creates a certain number of jobs within the CRA. Mr. Crowder confirmed this was his intent.

Chair Vallejo asked what Mr. Crowder needed from the Board with regard to establishing parameters. Mr. Crowder replied that it is not yet time for these parameters to be established: they should first hear from community participants and stakeholders with regard to what they would find most useful, and how these recommendations could be implemented in the most helpful way.

Chair Vallejo said he would like to hear the community’s feedback on transferable development rights (TDRs) as a potential tool, as the City does not offer these and they have been successfully implemented in other municipalities, including Aventura. Mr. Crowder said this was a good example of an idea that needed feedback: the community may feel this is more useful than TIF rebates, for example.

Commissioner Smith pointed out that a vote may be required in order to change some of these parameters once they have heard the feedback from stakeholders. Mr. Crowder said this input may ultimately guide both City and County policy decisions.

Chair Vallejo reminded the Board that there may be issues that the City Council can address instead of the CRA Board: for example, the “toxic” reputation that the City has had in the past with regard to development may still need to be dealt with on a City level. He asserted that if this culture is not addressed, no positive change will result. Commissioner Smith added that it may be necessary to ensure the public is aware that changes have been and are being made.

AGENDA ITEM 4 – Discussion of the January 9, 2013 Economic Development Summit. Ms. Weisblum advised that additional invitations are available in case the Commissioners would like to invite other stakeholders. Chair Vallejo added that he would encourage all the Commissioners to attend the summit and show their strong support for the development and business communities.

Mr. Crowder said the event was planned around a 2.5 hour structure, with the first 30 minutes serving as a “meet-and-greet” period including members of the community, stakeholders, and City Council and Staff. Commissioner Spiegel pointed out that the length of the event should be indicated on the invitation so attendees would have some idea of the time frame.

Commissioner Smith said she had attended a recent developers’ event on Biscayne Boulevard, and described the manner in which the event was set up, with stations set up showcasing the projects recently undertaken by major developers. She said she would like the upcoming summit to have a setup plan that is similarly conducive to excitement and interest.

AGENDA ITEM 5 – Review and Approval of the Economic Development Consultant Service Agreement for Neighborhood Equity Strategies. Mr. Serda advised that the contract for this agreement with Mr. Crowder’s company is for \$25,000 over the next 10 months. A scope of services and a list of deliverables are attached to the document.

Commissioner Spiegel asked if there was room in the CRA budget for a \$25,000 allocation toward consulting fees. Mr. Zelkowitz replied that funds will be available due to personnel changes made since the

budget was approved. A revised budget will be presented for approval at the next meeting. He added that the agreement is subject to the CRA having these funds, as well as to approval of the budget.

Commissioner Spiegel asserted that the proposed budget amendment should be provided for approval before the contract. She explained that she did not want the CRA to take any action that could be perceived as inappropriate. Mr. Serda said there have been meetings with the County to discuss the CRA's intentions, and the prior and rewritten budgets have both been discussed as well. He said he did not expect to encounter any issues. Commissioner Spiegel stated, however, that she was very uncomfortable with approving the contract before the Board is made fully aware of the upcoming changes to the budget.

Commissioner Smith asked if a vote could be held at present to set aside funds from the budget if this money was not already available. Ms. Weisblum said Mr. Crowder could be paid on a month-to-month basis and the contract brought back before the Board at their next meeting, along with a revised budget. She also confirmed that there were funds already earmarked in the budget for consulting.

Mr. Zelkowitz said the contract included a 30-day elective termination clause at the convenience of the CRA. He suggested that the Board approve the agreement as it stands today, as they could elect to terminate the contract upon 30 days' notice if the funds proved to be unavailable. He pointed out, however, that the budget would not go before the Board of County Commissioners until March 2013; it is the CRA's prerogative to amend the budget before it reached that level of approval.

Motion made by Commissioner Smith, seconded by Commissioner Derosé, to approve the contract between the CRA and NES. In a voice vote, the **motion** passed unanimously (5-0).

AGENDA ITEM 6 – Security Grants Program Reimbursement to New Group Management, LLC.

Mr. Serda advised that this grant was previously approved by the Commissioners; the work is complete, the building permit finalized, and appropriate documentation has been reviewed. The Item is before the Board for approval of the payment only, as is customary with the security grants program.

He added that each of the seven tenants of New Group Management, LLC applied to the grants program; New Group Management itself is also an applicant. Mr. Serda clarified that New Group Management paid for the work rather than each individual tenant providing payment. Proof of payment has been provided.

Commissioner Spiegel commented that the documentation shows the work as complete, although the contractors used were not those originally approved on the grant applications. Mr. Serda noted that the grant was for \$5000, with the actual award totaling just over \$5800 per parcel. Mr. Zelkowitz advised that he had drafted the document and would be willing to make minor non-material changes to correct typographical or verb tense errors if the Board wished.

Commissioner Smith observed that the security grants program has changed the amount awarded from \$5000 to \$3000; she asked if the Applicant's failure to use the contractors listed on the original application would allow the Board the ability to change the amount awarded if they wished. Mr. Serda stated that approval of the application is not subject to control over the use of specific vendors.

Commissioner Smith noted that the document also states all improvements will stay with the property or the City must be reimbursed for the grant. She asked if records will be kept of the improvements. Mr. Serda said there is a photographic record of the work that has been done.

Commissioner Smith asked if the tenants listed on the application still remain in the properties. Mr. Zelkowitz pointed out that the work was done for the benefit of the property and would remain if there is a change in tenants; there is no guideline requirement that the original tenants must remain in the building. He added that approval of the disbursement of grant funds is atypical: with most programs, Staff ensures that the applicable guidelines were followed and then checks are cut to the grantees.

Commissioner Spiegel requested more information about the property in question. Mr. Zelkowitz said the

grants program could have multiple grantees for this property if there are multiple tenants. The funds were spent for improved lighting, security cameras, and other security features.

Commissioner Spiegel requested that Staff ensure the CRA is indemnified by all appropriate parties. Mr. Zelkowitz explained that while there are multiple tenants on the property, there is only one owner, who has paid for the improvements and is providing the CRA with documentation of the work. Commissioner Spiegel said she had believed there were several different LLCs formed to take title to the properties, and who had drafted different agreements regarding the property. Mr. Zelkowitz assured the Board that he has researched the property's history and there is only a single owner.

Motion made by Commissioner Derose, seconded by Commissioner Kramer, to approve the security grant program reimbursement to New Group Management.

Commissioner Spiegel offered the following **amendment** to the **motion**: motion to approve as corrected by the Attorney. Commissioners Derose and Kramer **accepted** the **amendment**. In a voice vote

AGENDA ITEM 7 – FY2013 Schedule of Meetings. Chair Vallejo requested that the Board members add the meetings to their personal calendars. It was clarified that the November meeting date would be changed to November 21, 2013.

AGENDA ITEM 8 – Next CRA Board Meeting, December 27, 2012. It was decided that this date would be checked with the Commissioners not present at tonight's meeting, and if a quorum could not be present, the meeting would be canceled.

Commissioner Smith asked if the invitations to the economic development summit had already been sent out, and if any replies have been received. Mr. Serda said invitations have been sent, but there has not yet been sufficient time for prospective attendees to confirm. Commissioner Smith and Chair Vallejo requested an update on this process at a later date. Commissioner Spiegel suggested that as attendees RSVP, the CRA could send them an email thanking them for their upcoming attendance.

AGENDA ITEM 9 – Adjournment. There being no further business to come before the Board at this time, the meeting was adjourned at 7:07 p.m.

October 1, 2012

Ms. Roslyn B. Weisblum
Executive Director
North Miami Beach
Community Redevelopment Agency
City Hall
17011 NE 19th Avenue
North Miami Beach, FL 33162

Re: Engagement Letter

Dear Ms. Weisblum:

You asked that we represent the City of North Miami Beach Community Redevelopment Association as its general counsel.

Over the years, it has been our experience that things go more smoothly if we have a clear understanding of your needs and the role we need to play. The purpose of this engagement letter is to confirm an agreement concerning representation and the payment of our fees and expenses. This engagement letter will govern all subsequent matters in which we may become involved on your behalf unless a separate arrangement is made.

We will do our very best to meet your needs in any matters we undertake for you, but as you know, we cannot and do not make any representations or warranties concerning the outcome. We will give you our best advice, render opinions, and seek to obtain the desired result. In this regard, it is most important that we communicate regularly.

We have attached a copy of the firm's Policy Regarding Fees and Expenses. All conditions in that document are incorporated by reference as part of this engagement letter. As we are sure you recognize, we have a legitimate business concern in being paid in a timely fashion.

The following arrangement is proposed regarding fees and costs:

Our firm will charge for services on an hourly basis at the blended hourly rate of \$200 per hour for all attorneys at the firm who perform legal services hereunder. I will be primarily responsible for all legal work performed. We understand and agree that this engagement is for the period commencing on October 1, 2012 and ending on September 30, 2013, and that legal fees paid shall not exceed \$20,000.00. We reserve the right to utilize other members of the firm whenever, in our discretion, we deem it appropriate. However, as represented to the CRA Board,

GRAYROBINSON, PA
Professional Association

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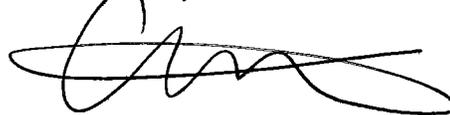
this will be kept to a minimum. Further, paralegal, staff, computer research, and other technology may also be utilized if and when appropriate and in your best interest. You will be billed for the use of the same.

Because of the relatively large size of our firm and our representation of many other clients, it is possible that there may arise in the future a dispute between another client and you. Our acceptance of the current representation of you will preclude us from accepting future representations adverse to you. We will request a client waiver of conflict for any matters involving representation of other clients in the future who may have interests adverse to you before undertaking any such representation.

If this meets with your approval, please indicate by having the extra copy of this letter signed in the space provided below, and return it to our offices. Your approval of this letter will include agreement regarding the fees and costs arrangement.

We appreciate the confidence and trust you have reposed in us in asking us to represent you and encourage you to communicate with me if at any time you have questions on the status or progress of your matters. I look forward to working with you and your staff on any matters you deem appropriate. If you have any questions, please do not hesitate to contact me.

Sincerely,



Steven W. Zelkowitz

The terms of this representation are accepted
as of October 1, 2012.

NORTH MIAMI BEACH
COMMUNITY REDEVELOPMENT AGENCY

By: _____
Roslyn B. Weisblum, Executive Director

POLICY REGARDING FEES AND EXPENSES

FEES:

Quality legal services and good results require ability and effort. These are our "stock in trade." Generally, our fees are based on our skill, the time expended, and the responsibility involved.

EXPENSES:

You will be charged a reasonable rate for computerized document production, postage, reproduction, telecopies, couriers, express mail and long-distance telephone. We may also use computerized research services to assist in handling your matters. This service will be used when we believe that it will save you money to do so. Expenses incurred or advanced on your behalf will be itemized on the statement.

BILLING:

You will be billed periodically, usually monthly. There will be a service charge of 1-½% per month on all accounts not paid within 45 days of the receipt of the statement. Interest charges will be added on to any outstanding balance and will be reflected in subsequent statements.

In the event you should disagree with or question any amount due under an invoice, you agree to communicate such disagreement to us, in writing, within forty-five (45) days of receipt of the invoice. Any disagreement you may have with a bill that is not communicated to us within that period shall be deemed waived.

COMMENCEMENT OF REPRESENTATION

Our representation will not commence until we receive a signed copy of the letter to which this statement is attached, together with payment of any retainer specified therein.

WITHDRAWAL FROM REPRESENTATION

We reserve the right to withdraw as your counsel in the event you fail to honor your agreement with respect to our legal fees or for any just reason as permitted or required under the Florida Code of Professional Responsibilities or as permitted by the rules of courts of the State of Florida. In the event of our withdrawal, you will promptly pay for all services rendered by us prior to the date of the withdrawal.

FILE RETENTION:

You should be aware of our file retention policy. Once your case is concluded, the file will be officially closed. Once the file is closed, it may be sent to off-site storage, and there may be costs associated with retrieval of information from the file. We retain stored and closed files for a period of ten (10) years after which time they may be destroyed. Thus, if there are any documents which you need from the documents we possess, we recommend that you obtain them at the conclusion of your case.

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	Assigned to	Begin	End	Status	Comments
Host a Development Symposium	City Manager's Office	12/4/2012	1/9/2013	Pending	
Survey Property Owners	Economic Development	12/27/2012	1/9/2013	Pending	To be done at the summit.
Prioritize tools authorized by the CRA Plan	CRA Board	1/9/2013	3/31/2013	Pending	Based on survey responses.
Establish eligibility requirements	CRA Board	4/1/2013	6/30/2013	Pending	For the tools prioritized by the board.
Implement a business response program	Economic Development	12/1/2012	9/30/2013	Ongoing	Ongoing program that ensures responsiveness to businesses interested in relocating to or expanding in NMB.
Implement a market research program	Economic Development	12/1/2012	9/30/2013	Ongoing	Information will be continuously updated.
Develop a business assistance guide	Economic Development	12/1/2012	1/31/2013	Started	
Develop an economic development guide	Economic Development	12/1/2012	1/31/2013	Started	
Meet with major property owners	Economic Development	12/4/2012	3/31/2013	Started	
Create an early warning system	Economic Development	4/1/2013	9/30/2013	Not Started	
Develop a commercial realtor network	Economic Development	1/9/2013	9/30/2013	Ongoing	Network develops over time and continues to grow
Identify properties for purchase	Economic Development	12/1/2012	9/30/2013	Ongoing	
Compile a list of CRA tools	Economic Development	12/1/2012	1/9/2013	Ongoing	
Identify tools authorized by the CRA Plan	CRA				
Promote CRA Tools	CRA				
Promote Local Success Stories	CRA				
Develop a business outreach program	CRA				
Identify issues for Code Enforcement	CRA				
Strengthen Intergovernmental Relationships	CRA				Relationships with DERM, FEC, Beacon Council, Planning Council, Miami-Dade County, other CRAs, etc.
Define "downtown"	CRA Board	12/4/2012	12/4/2012	Complete	Discussed at 12/4/12 board meeting, confirming the targeted "downtown" area as 163 to the canal, 15 Ave to the tracks.
Define focus area within the CRA	CRA				Define a specific area for paint-up improvements.
Re-evaluate assistance programs	CRA Board				
Improve the development process					
After action with local developers					
Implement the Wayfinding Program					
Identify publicly owned parcels to sell					
Explore creating a paint code	Community Development		1/2/2013		

Name _____ Company _____

Address _____

Phone _____ Email _____

Are you a:

Property Owner Business Owner Realtor Developer Citizen Other

If you are a property owner, are you currently planning on:

Selling Build to Suit Leasing Developing No Change

If you are a business owner, are you currently planning on:

Selling Expanding Shrinking Moving No Change

If you are a realtor:

Do you currently have listings in North Miami Beach? Yes No

Have you had listings in North Miami Beach previously? Yes No

If you are a developer:

Are you currently planning a development in North Miami Beach? Yes No

Have you developed in North Miami Beach previously? Yes No

If you are not currently planning on investing or expanding in North Miami Beach, why not?

If you are not currently planning on investing or expanding in North Miami Beach, what, if anything, could the City/CRA do to change your mind?

What tools/incentives/programs/policies could the City/CRA implement to make North Miami Beach a more attractive location for business and investment?

Are you interested in learning more about how the City/CRA may be able to help your business/investment?

Yes No

