

TAB 1

**DRAFT
CRA BOARD MEETING
APRIL 2, 2012
7:00 PM**

CRA Board Members Present

Shirley Groover Bryant, Presiding Officer
Tamara Cornwell
Charles Smith
Tambra Varnadore
Brian Williams

CRA Board Members Absent

Alan Zirkelbach

Staff Present

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Rex Hannaford, Deputy Police Chief
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Presiding Officer Bryant called the meeting to order at 8:00 p.m.

1. CRA BOARD AGENDA APPROVAL

MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 4-0 to approve the April 2, 2012 CRA Board Agenda.

2. CRA CONSENT AGENDA

It was consensus of the Board to review the items individually.

A. Minutes: March 19, 2012

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 4-0 to approve the March 19, 2012 minutes.

B. SFG 12-07 to James & Glenna Amerson in an amount not to exceed \$2,470.50

Mr. Smith referred to his complaint submitted to US Attorney's Office in November 26, 2010 requesting an investigation of the CRA funding, citing a compliance issue involving Mr. Amerson. A special meeting will be called April 16, 2012 to further discuss the topic.

C. SFG 12-08 to Jim Wade, 600 Palmetto LC in an amount not to exceed \$1,898.60

The bid was awarded to the Plant Place at 50% of the total bid. Mr. Burton informed the Board there is no plan that will have to be followed, but a Landscape Plan is being developed to unify landscaping in the City. It will be brought to the Board at a future date.

D. Heavy Commercial/Industrial Incentive Program Amendment 2012-01

This amendment will change the incentive to "up to" in the incentive table matrix percentage language. The amendment will allow the Board to choose what will be paid as an incentive amount. The Advisory Board unanimously recommended approval of the amendment.

E. Amendment 2012-01 to amend the incentives of the Heavy Commercial/Industrial Incentive Program, General Commercial Incentive Program and Downtown Commercial Core Incentive Program by changing requirements to "Palmetto" rather than "CRA based" professionals

Mr. Burton informed the Board the Advisory Board did not recommend approval of these proposed amendments. They felt the requirement that the businesses be located in the CRA District would promote a reduction in vacant buildings and entice development of new commercial properties. Mr. Burton agreed with the Advisory Board's recommendation.

F. 2012 Commercial Façade Enhancement Grant Program, Amendment 2012-01

Mr. Burton explained the proposed amendments were intended to ensure funds are spent only on aesthetic purposes. Mr. Burton concurred that the language "unmistakably increased" is not measurable. Attorney Barnebey did not review the policy amendments; however, he recommended that standards be developed to meet the proposed criteria. Mr. Burton explained who can request an amendment to a policy, and the process to move the request forward. Attorney Barnebey confirmed it could move forward as written, but suggested the item could be deferred until a later meeting.

G. CRA Resolution 2012 for mid-year budget reallocation

Mr. Burton explained the budget amendments that will be made to reallocate the CRA budget.

H. Recommendation of Award of Proposal for the Sutton Park renovation project

Attorney Barnebey reported a representative of Stellar Development has indicated the company agrees with the contract, is generally in agreement with the language with the exception of 10.2.9, Builder's Risk Coverage. Attorney Barnebey explained the coverage was not in the City's RFP for the project, and Stellar's pricing structure was not based on the coverage. Attorney Barnebey recommended changing 10.2.9 by amending of the first sentence to read: At the City's request and cost, the contractor shall arrange to maintain during the life of this Agreement a "Builder's Risk Policy" completed value form as a cost of the Project, issued to provide coverage's on an "all risk" basis including theft and stored materials. Mr. Tusing confirmed that this type of coverage is not normally required unless it is a vertical construction project; he is comfortable not requiring the coverage.

MOTION: Mr. Smith moved and Ms. Varnadore seconded, for discussion, to approve the Recommendation of Award of Proposal for the Sutton Park renovation project to Stellar Development and approve the signature of the Mayor with the amendment as stated by Attorney Barnebey.

Discussion: Mayor Bryant confirmed that Mike Belle will be included as the project manager for the project. Mr. Burton stated he and the Mayor have negotiated a contract, and are awaiting a response from a private company, and they will be management for the project.

Discussion ensued on the contract. Attorney Barnebey and the Board agreed with the following changes:

Section 1.3.3: Attorney Barnebey opined that any action by the "Owner" would be action by the Board. He will amend the contract to reflect that an amendment can occur "only by a written instrument signed by the Owner and the Contractor, and approved by the City Commission." Ms. Varnadore stated she wants to see this approval language in all City contracts.

Section 1.4.7: Date of commencement was changed to April 3, 2012.

Section 3.2: Discussion commenced on why Allison-Gause was selected as the project manager, when they also serve as the project manager on the 5th Street project. Mr. Burton stated the reasons why he is comfortable with the company being named project manager. Mr. Burton reminded the Board that as stated earlier, no changes will be approved without City Commission/CRA Board approval.

Mr. Freeman reviewed administrative changes that have been made to the contract since Friday. References to Project Director was changed to Project Manager; Notice of commencement was changed

to April 3, 2012; and in 10.2.10(1)(d) the Owner will be named as an additional insured on all coverage, except for Worker's Compensation insurance.

Discussion ensued on the requested 10% contingency amount of \$73,500. Attorney Barnebey confirmed that a change order can be issued by the project manager so long as the contract amount (\$735,346) does not change. Mr. Burton recommended that if a minor change is made by the project manager, he will email each Board member individually about the change. Any significant change that will affect the contingency amount will have to be approved by the Board. Mr. Burton confirmed that the contingency amount is over and above the contract amount. Attorney Barnebey agreed that the reason for the contingency is so that a budget amendment does not have to be made with each change order. He also agreed that with the contingency, the Board will be approving a total budget for the project of \$808,346, without a budget amendment.

Section 3.1.1.1: Mr. Burton confirmed a geotechnical engineer looked at the property prior to the project beginning. Attorney Barnebey opined this particular section could probably be removed from the contract, if that was the Board's recommendation.

Section 7.2.2: Deleted in its entirety.

Mr. Freeman confirmed that the RFP required a 25% defect bond and a performance bond, which is incorporated into the contract by reference. (The RFP is made a part of the contract documents.)

Discussion returned to the contingency. Mr. Tusing stated Commission has approved a 10% contingency on the last three Public Works projects. The contingency is not with the contractor, it is for the City's use for unforeseen items.

Attorney Barnebey recommended the following changes to the contract:

- Page 1: Substantial Completion Date will be July 1, 2012
- Sec. 1.2: Project Director changed to Project Manager
- Sec. 1.2.1 Contractor, the Owner and the A-E changed to Construction Team and Owner (consolidating all terms into construction)
- Sec. 1.4.2 Project Director changed to Project Manager
- Sec. 1.4.7 Date of Commencement changed to April 3, 2012
- Sec. 2.3.2 Project Director changed to Project Manager
- Sec. 2.6 Project Director changed to Project Manager
- Sec. 7.1.1 Amended to read: "Without increasing the project contract amount, the Owner, through the Project Manager, may, without invalidating this Agreement, order changes in the Work, which may consist of additions, deletions or other revisions. All other change orders, including a change to the substantial completion date, shall require City Commission approval. (Mr. Burton confirmed the project manager does not have the authority to make sole decisions, as set forth in the Work Assignment naming the project manager as "liaison".) Attorney Barnebey also confirmed that as written, anything above \$735,000 has to come back to the Board.
- Sec. 7.1.3 Project Director changed to Project Manager
- Sec. 7.2.2 Deleted in its entirety
 - Sec. 10.2.9 Amended to state that at the City's request and cost, the contractor shall be required to acquire builder's risk insurance
 - Sec. 10.2.10(1)(d) Deleted requirement for the City to be named as an additional insured on a Worker's Compensation insurance policy.

Attorney Barnebey will confirm if the contract is between the contractor and the City or between the contractor and the CRA.

Mr. Smith amended his motion to incorporate the changes cited by Attorney Barnebey.

Discussion ensued on whether or not the motion correctly reflected the changes cited by Attorney Barnebey, relating specifically to the contingency having to come back to the Board. Attorney Barnebey explained that if approved as amended, Commission must approve items going above the project amount, but the project amount will include a contingency.

Mr. Tusing stated the contract should contain no mention of the 10% contingency. If a contingency is allowed, the contingency should be placed in the budget.

Mr. Smith withdrew his motion to amend the motion on the floor.

MOTION: Mr. Smith moved, Ms. Varnadore seconded and motion carried 4-0 to approve the Recommendation of Award of Proposal for the Sutton Park renovation project to Stellar Development; approve and authorize the Mayor to execute a Construction Agreement with Stellar Development as recommended by staff and with the revisions read by the City Attorney, in an amount not to exceed \$735,346, and with Mike Belle as the site superintendent.

3. CRA DIRECTOR'S COMMENTS

None

4. PRESIDING OFFICER'S COMMENTS

Mr. Burton sought approval to perform two appraisals on the City Hall parking lot that fronts 8th Ave. He opined the property would serve a greater purpose if redeveloped. He recommended that if the City decides on redevelopment, the property should be given to the CRA so they can sell it and use the funds to purchase additional property for parking purposes. Mr. Burton was authorized to proceed with the appraisals.

5. CRA BOARD MEMBERS' COMMENTS

Mr. Smith

Commended the CRA and its staff for the success of the multi-cultural event.

6. PUBLIC COMMENTS FOR THE CRA BOARD

None

7. ADJOURNMENT

Meeting adjourned at 9:35 p.m.

Minutes approved:

James R. Freeman
City Clerk