

City of Delray Beach

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Minutes - Draft

Monday, January 29, 2018

5:30 PM

City Commission/CRA Joint Workshop at 5:30 PM

**Fairfield Inn & Suites, 910 West Atlantic Avenue, Delray Beach, FL
33444**

City Commission

Mayor Cary Glickstein

Vice Mayor Jim Chard

Deputy Vice Mayor Shirley Ervin Johnson

Commissioner Shelly Petrolia

Commissioner Mitchell Katz

Pursuant to Section 3.12 of the Charter of the City of Delray Beach the Mayor has instructed me to announce a Workshop Meeting of the City Commission to be held for the following purposes:

- WS.1.** [18-077](#) Joint Session with Community Redevelopment Agency (CRA) to discuss the following:
1. Status of proposed legislation pertaining to CRAs - House Bill 17 & Senate Bill 432
 2. Update - Agreement with Pasadena Capital (Publix) & Letters of Interest - SW 600-800 Blocks W. Atlantic Avenue
 3. Status of FY 17/18 Capital Improvement Program - CRA Funded Projects - 1st Quarter Report

Sponsors: Community Redevelopment Agency

Attachments: [1-22-18 -MLJC - CRA-City Commission Joint Workshop Memo](#)
[Memo from David Tolces re Update-HB 17 & SB432 - 1-22-18](#)
[9A LOI W Atlantic 600-800 Blocks](#)
[Workshop 1-29 FINAL](#)

Item 1 Status of proposed legislation pertaining to CRAs- House Bill 17 and Senate Bill 432

Mayor Glickstein called the meeting with the Delray Beach Community Redevelopment Agency to order at 5:31 p.m. He noted that there were a total of three items on this evening's agenda.

David Tolces, CRA Board Attorney, noted that the proposed legislation regarding CRAs were still being considered in the House chamber of the legislature. He also noted that Senate Bill 432 still had to be considered by three additional committees, with all three committees yet to be scheduled. Mr. Tolces said that he would keep all interested parties apprised about the status of all applicable bills pertaining to Community Redevelopment Agencies. Mr. Tolces also said that he would be pleased to answer any questions.

CRA Board Member Sandy Zeller inquired whether there any successful efforts by lobbying groups to change any components of the bills which were opposed by Community Redevelopment Agencies. Mr. Tolces said that he was not aware of any such efforts. He noted, however, that bills in the legislature were very fluid.

Mayor Glickstein said that none of the lobbying efforts had effected the House bill. He also said it was unfortunate that none of the lobbying efforts had effected the House bill. Mayor Glickstein stated that it was also

unfortunate that there was a video which had been circulated which demeaned the Delray Beach CRA relative to the use of funds for the tennis tournament. He said that much of the information contained in the video was wrong. Mayor Glickstein said that running the tennis tournament was never a responsibility of the Delray Beach CRA. He noted that it had been an expectation of City Commissions for several years to forcefully ask the CRA to fund something it was never really their obligation to fund. Mayor Glickstein stated that both the CRA Board and City Commission had struggled every year with the nexus of the tournament's expenditure. Mayor Glickstein also said he thought that the CRA, on balance, had been run very well through a tumultuous time in the City's history. He noted that it was unfortunate that such a terrible contract, signed so long ago, obligated this City Commission for decades for doing something that it never should have been doing.

Item 2 Update- Agreement with Pasadena Capital (Publix) and Letters of Interest - SW 600- 800 Blocks West Atlantic Avenue

Following introductory remarks by Delray Beach CRA Director Jeff Costello, CRA Board Attorney David Tolces outlined the update regarding the submittal of RFPs and RFQs. Discussion then ensued between the City Commission and the CRA Board, regarding Pasadena Capital (Publix) and related matters. Delray Beach CRA Attorney David Tolces said he was in the process of drafting a contract for Pasadena Capital (Publix) by the February 8th CRA Board meeting. Deputy Vice Mayor Ervin Johnson said that the Delray Beach CRA was created approximately forty years ago to eliminate slum and blight. She noted that areas east of Swinton had been either developed or overdeveloped. Deputy Vice Mayor Ervin Johnson said that Pasadena Capital (Publix) appeared to be adamant not to put a shovel in the ground until December 2022. Deputy Vice Mayor Ervin Johnson requested an update on this matter. Mr. Straghn said that the CRA Board had been very clear on what messages should be sent to Pasadena Capital. He stated that Pasadena Capital had until February 8th to come back with a proposal to put something in the ground before 2022. Mr. Straghn also said if this did not occur there would be no Publix as far as he was concerned.

Commissioner Katz said he echoed the remarks of Deputy Vice Mayor Johnson one hundred percent. He expressed frustration that it was one year later with very little progress other than some negotiations in process. Commissioner Katz stated that it was one year later and there were only negotiations for one of the three blocks on West Atlantic. He expressed frustration about the shortsightedness of stopping everything because Pasadena (Publix) said that they were interested in one block. Commissioner Katz suggested being creative and entertaining an offer

and get some some options on the table. Commissioner Katz said it was possible that perhaps ten developers would submit plans giving the chance to go with the best one.

CRA Commissioner Balestriere said that the Board felt that it would have taken a tremendous amount of staff time to do negotiations with Publix as well as three other LOIs that we did not want to disrupt what they were doing in order to get the Publix deal negotiated. She stated that negotiations continued and the CRA Board hoped that the contract would come back at the February 8th meeting.

Vice Mayor Chard said he was very concerned about potentially waiting five years only to have Publix give us our money back. He noted that West Atlantic Avenue was the gateway into Delray Beach. Vice Mayor Chard said that only negotiating with Pasadena (Publix) and not with the other three proposals was not equitable at all. He also noted that some of the proposals referred to putting a shovel in the ground within two years. He said letters had been submitted by two or three local developers. Mayor Glickstein said that he generally agreed with Vice Mayor Chard about the frustration at the pace of both execution on something that actually is successful but in the current context but being tethered with uncertainty is what has been outlined with Publix and Pasadena. Mayor Glickstein noted that it was the CRA Board which recommended using something other than equity, through the board's financial adviser. Mayor Glickstein said he hoped that the CRA Board would pay a lot more attention to the data throughout the process.

CRA Commissioner Balestriere said that the CRA Board had decided collectively to go through the community driven study process. Commissioner Balestriere also said that the CRA Board now had a solid plan in front of them that will work. She noted that she did not support any agreement which would take five years to make Publix a reality. Vice Mayor Chard said he did not mean to criticize the efforts of the CRA Board last week. He said that the CRA Board had done a yeoman's job trying to move the process forward. He expressed concern that an equitable chance was not being given to others. Commissioner Petrolia said that she totally agreed with CRA Commissioner Balestriere. She said that the City Commission did not know exactly what the CRA Board was going through. Commissioner Petrolia noted that a lot more might be known about the West Atlantic corridor after February 8th.

Mr. Costello said that there were timeframes in the agreement so far as submitting site plans for approval. He noted that the contract commencing constructing meant that would be footers in the ground and building the foundation by December 31, 2022. Mayor Glickstein said that were two CRA Board members not in attendance this evening that there was no

direction given in terms of what the linchpin issue was in terms of timing.

Mayor Glickstein inquired whether the CRA got guidance on what the outside date would be. He inquired whether the CRA Board was possibly negotiating against itself. Mr. Tolces said the CRA Board knew that Pasadena had heard the Board as far as their concerns with respect to the outside date. He also said that the CRA Board and staff was impressing upon Pasadena the board's concerns regarding the commencement of construction. Mr. Tolces noted that it was anticipated that the agreement would come before the CRA Board on February 8th. He said that Pasadena (Publix) either needed to, or not, sign the agreement by February 8th.

Commissioner Balestriere said she knew that the City Commission had some concerns and items that they would like to see in an agreement. She also said she would recommend that any such concerns should be given to the City Manager to pass on to the CRA Director and the CRA Board Attorney. Vice Mayor Chard said that negotiations were in process and the clear direction this evening was to address the concerns of the City commissioners as the negotiation process continued. Mr. Tolces said that the CRA Board would have the opportunity to review the proposed agreement prior to the February 8th meeting. Vice Mayor Chard said he hoped that the City, if applicable, would receive our \$2 million back with interest. Mayor Glickstein said if it was the Board's position not to proceed with Publix, it would be a huge missed opportunity. Mayor Glickstein said he agreed with Vice Mayor Chard that an RFP was not the right way to go.

CRA Commissioner Balestriere said that the CRA Board would normally put out a RFP or RFQ for sixty days or perhaps a shorter timeframe if the Board knew that there was interest in the project. Vice Mayor Chard said he thought that Commissioner Carstephen had talked about really advertising this along with a press release and a meeting with the press and other interested parties to let them know that the City and CRA Board were open for business. Mayor Glickstein said he would recommend putting this out using the services of national firms, rather than limiting it to Florida firms. Commissioner Katz suggested that the CRA Board vote to seek a RFQ at their February 8th meeting. He said if the CRA Board decided not to proceed with Publix, there could be an already scheduled press conference on February 9th to discuss either two (with Publix) or three blocks to consider.

Mayor Glickstein said that unfortunately the CRA Board and the City Commission would be judged by future development on West Atlantic Avenue. He noted that the catalyst for the transformation plan would be West Atlantic and scale up from there. Vice Mayor Chard suggested that

the transformation plan be attached to the RFQ. Mayor Glickstein said that any firm responding to this request would have to be familiar with the community and the community's needs.

Item 3 CIP Projects

Mr. Costello commended Begona Krane and Kevin Matthews for their efforts in managing the Delray Beach CRA's capital projects. Mr. Costello provided a brief overview of existing alley, sidewalk, cross walk and other capital projects.

Missie Barletto, Deputy Director, Program and Project Management, said the Pompey Park Master Plan which was technically funded last year, had only commenced this year. She noted that one of the first steps was to hold a community meeting.

She also noted that another project moving forward in the near term was the replacement of three HVAC units at Old School Square. Ms. Barletto stated that the bids for this project would be opened in two days. She estimated that the HVAC units would be installed by May at the latest. Ms. Barletto said that the City had some unfortunate news when the operator for the downtown roundabout trolley went of business. She noted that applicable City staff would attempt to find a new operator in the next week.

Ms. Barletto said that funding was available for this year a level by level parking garage accounting system at the Old School Square parking deck. She noted that the software would make it possible for drivers to know the number of available spaces on each floor of the garage. She also noted that a license plate recognition project was underway at the same location. She also said that City staff was in the process of designing a new building to store the 100-foot Christmas tree. Ms. Barletto said that some of the larger projects in process included the railway construction in the southwest neighborhood on Southwest 3rd, 4th, 6th and 7th Avenue. Ms. Barletto also said that City staff had met with neighborhood residents who had requested nice low-level landscaping that will not affect sightlines over the years and be easy for the City to maintain. She also said a consultant was working with City staff to develop traffic calming measures for the residents of this neighborhood.

Ms. Barletto said that the largest project in progress was in the neighborhood improvement projects. She said that the Osceola Park project included everything from underground pipes to street lights to traffic calming, such as a temporary roundabout at Fourth Street and Fourth Avenue. Ms. Barletto stated that the Katherine Strong Park Master Plan was a Parks and Recreation project, following completion of the overall

parks master plan.

Commissioner Petrolia said that there had been outreach about the cut-through traffic from Lake Ida over to the City Hall area, with a school close by. She inquired what City staff had found out about this matter. Ms. Barletto said that City staff was examining potential traffic calming tools similar to the SW 4th, 6th and 7th area, with roadway reconstruction being considered. Commissioner Petrolia requested that Ms. Barletto speak to the City Manager about the various cut-throughs from the City Hall area to Lake Ida Road.

Commissioner Petrolia inquired about the possible installation of sunshades on the playground at Veteran's Park because children were unable to slide down the slides because it was so hot. Ms. Barletto said she believed that the Parks and Recreation staff was looking into the installation of sunshades.

Commissioner Petrolia inquired about the condition of lighting at Katherine Strong Park, noting that it was very, very dark at the park during evening hours. She also inquired whether it would cost the estimated \$463,000 to replace the three HVAC units. Ms. Bartello said the engineer's opinion was in the neighborhood of \$380,000.00. Commissioner Petrolia inquired about the beautification for the interchange at I-95. Ms. Barletto said that this was for street lighting. Mr. Costello said this also related to the design due to the relocations of street lights at NW 12th Avenue and Atlantic Avenue. Finally, Commissioner Petrolia asked whether the \$200,000 for the Old School Square parking garage was for the new parking space system or for the design of the system. Ms. Barletto said the funds were for the actual system. Ms. Barletto said it was osceolaparkproject.com.

Commissioner Katz said he had been told that there was money in last year's budget to fund the sunshades for the playground at Veteran's Park. Commissioner Katz asked whether the \$200,000 for the parking space system was for both garages. Ms. Barletto said that the \$200,000 only funded the system for the Old School Square parking space project. Ms. Barletto said that the new system would let visitors know how many spaces were available on each floor of the parking garage. Commissioner Katz said he wanted to ensure that the City has expended funds on the right type of technology. Ms. Barletto said staff had enlisted the aid of City of Hollywood staff, who already had a similar parking system, to move forward with the City's new system at Old School Square. Commissioner Katz commended City staff for doing a great job on the Osceola Park project to date. Ms. Barletto noted that some drivers did not know what to do at roundabouts.

Vice Mayor Chard said he had seen a huge truck attempting to get around the roundabout. Ms. Barletto said that the City had actually installed cameras at certain intersections in order to get a handle on problems and to get a handle on pedestrian and bicycle traffic.

Vice Mayor Chard noted that when the City did NW 12th Avenue, it was one week before Irma came through and the trees were impacted. He asked whether there was a two-year maintenance agreement for replacement of the trees on NW 12th Street. Ms. Barletto said that the City had a one year warranty on dead plants whereby the contractor came out and replaced the dead plants.

Vice Mayor Chard noted that Ms. Barletto had said that there would be lighting on alleyways. He commended staff for moving forward in this direction. Vice Mayor Chard inquired whether staff had investigated permeable alleyways. Ms. Barletto said this approach was being gradually implemented by staff. Vice Mayor Chard said that the pilot for the trolley was being moved up in terms of timeframe. Ms. Barletto said City staff was working to expand service of the trolley service in the future.

Deputy Vice Mayor Johnson said she was concerned about the Pompey Park master plan, said the consultant for this project was soliciting community input and was certain that the best ideas would move forward. Deputy Vice Mayor Johnson said that trolleys blocked traffic and polluted. She said that Mr. deJesus had told her that there was a place to store the Christmas tree. Ms. Barletto said that the tree was currently stored at the train station facility. She also noted that a new facility would be constructed at the Swinton Operations Center to accommodate the Christmas trees, Santa houses and other seasonal items. Mayor Glickstein inquired whether the CIP execution was being driven by City staff. Mr. Lauzier said he was ensuring that the execution was moving forward, with a new monthly update being produced for the City Commission's information, including a monthly update from CRA staff. Mayor Glickstein said that no one knew where the CRA legislation may go. He asked whether the City would be able to move quicker in terms of planned programs.

CRA Board Member Comments

CRA Commissioner Zeller requested that Mr. Costello provide a summary of the recent joint meeting of the CRA Board with the WARC Board. Mr. Costello said that there was a joint meeting with the WARC Board last week, based on the Board's direction to have joint partnership agreement with the WARC Board. Mr. Costello said that the CRA Board's attorney was drafting an update agreement for review by both the WARC Board and CRA Board.

CRA Commissioner Cox said one of the strengths of the Delray Beach CRA Board was the independence of the board members. Mr. Cox stated that there were experts on the boards, who's expertise should be used for the betterment of the community.

Mayor Glickstein said that the Delray Beach CRA had been held up as a positive example of a CRA. Mayor Glickstein said that politics crept into a lot of decision-making. Mayor Glickstein also said he thought that this evening's joint meeting were very productive.

Commissioner Cathy Balestriere said that the CRA's Board joint meeting with the WARC (West Atlantic Redevelopment Coalition) Board was difficult but very productive. She expressed hope that a draft of the agreement with the WARC Board would come back to the CRA Board for consideration at their next meeting. Ms. Balestriere said there was a need to come together as partners.

Commissioner Straghn stated that he did not have a problem with criticism of the CRA Board, so long as there was an opportunity to get things right. He urged the CRA Board, City Commission, and community leaders to work together in moving ahead with the development of West Atlantic and other proposed developments within the CRA Board's boundaries to get things right. Commissioner Straghn said he was not okay having a contract with Publix holding land hostage for a period of five years, or with any other developer.

CRA Board Chairperson Annette Gray, requested that the CRA Board's monthly report be included on the City Commission's consent agenda. Ms. Gray said that this would give Mr. Costello and his staff some lead time to prepare to answer questions from members of the City Commission. She suggested that the City Commissioners put their concerns about property negotiations in writing to the City Manager to share with the CRA Executive Director and CRA Board Attorney. Ms. Gray said that Publix had deep pockets and the time to make changes to the logistics of any contract in their favor. Ms. Gray emphasized the importance of the CRA Board and City Commission understand the triggers of agreements and not give Publix an out to the contract. She said that an RFP stated what was wanted and how it was wanted. She suggested that a combination of an RFP and RFQ might be the best be fine and get us where we need to be. Ms. Gray inquired where things were in terms of the quiet zone for the Brightline. Mr. Lauzier said a full report about the Brightline quiet zone would be presented at the February 6th City Commission meeting.

There being no further business, Mayor Glickstein declared the workshop meeting to be adjourned at 7:28 p.m.

