



If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, that person will need a record of the proceedings, and that, for such purpose, the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

*****RESCHEDULED*****

CRA BOARD REGULAR MEETING AGENDA

Monday, May 7, 2018, 4:00 p.m.

City Hall - Commission Chambers – 100 NW 1st Avenue
Delray Beach, FL 33444

STAFF PRESENT:

Jeff Costello	Kevin Matthews	Kristyn Cox
Renee Jadusingh	David Tolces	Danielle Arfin
Rob Massi	Krista Walker	DJ Lee
Elizabeth Burrows	Jill Brown	

OTHERS PRESENT:

Doc Vic	Jon Levinson	Diane Colonna	Bob Currie
Evelyn Dobson	Marjorie Waldo	Norman Matus	Gericia Edmond
Cheryl Haywood	Jim Dupre	Ari Whiteman	Dwayne Randolph
Al Costillo	Reginald Cox	Chuck Ridley	Yvonne Odum

1. Call to Order

Chair Petrolia called the meeting to order at 4:00 pm.

2. Roll Call

Present: Bill Bathurst, Ryan Boylston, Shirley Johnson, Adam Frankel, Shelly Petrolia

3. Approval of Agenda

Chair Petrolia made a motion to approve the agenda. Commissioner Johnson made a motion to table items 8A and 9A to the next meeting, which failed 3-2 with Chair Petrolia and Commissioners Bathurst and Boylston dissenting.

A second motion was made by Commissioner Johnson to table item 9G, which passed 3-2 with Commissioners Bathurst and Boylston dissenting.

Chair Petrolia made a motion to approve the amended Agenda which was seconded by Commissioner Boylston and passed unanimously.

4. Approval of the Minutes

- A. Minutes of March 8th Meeting
- B. Minutes of March 22nd Meeting

Chair Petrolia made a motion to approve the Minutes from March 8th and March 22nd which was seconded by Commissioner Bathurst and passed unanimously.

5. Public Comments on Non-Agenda and Consent Agenda Items

Dr. Victor Kirson, Tierra Verde, stated that he has waited and fought for this meeting for 2-3 years. He wants five people who were voted by the residents of Delray Beach to be on the board and make decisions.

Ms. Marjorie Waldo, 4550 Ellwood Drive, came to share updates from the Arts Garage. There will be a new summer camp called Set the Stage and the City of Delray Beach Spotlight on Delray, which is an art exhibit that is intended to serve city employees and their families. They are looking for submissions from all city employees. They are also working on their gala for January 26th.

Mr. Jim Dupre, Prime Group, 5353 NW 53rd Street, Coconut Creek, FL, who built Fairfield Inn came to share that he wanted to know the purpose of considering an offer for the 600-800 Blocks of W. Atlantic Avenue when there were various developers preparing for the RFQ/P. The CRA would be better off considering everything that is out there.

6. P&Z (*Discussion and comments by the CRA Board. No formal Action will be taken on P&Z Items*)

None.

7. Consent Agenda

- A. CRA Monthly Financial Report, February 2018
- B. CRA Work Plan Monthly Progress Report, April 2018
- C. CRA Monthly Marketing Report, March 2018
- D. Economic Development Monthly Report, March 2018
- E. Clean & Safe Monthly Report, February & March 2018
- F. A-GUIDE Second Quarter Report – Creative City Collaborative (Arts Garage)
- G. Issuance of Request for Qualifications for Architectural Services and Landscaping Architectural Services on a Continuing Contract Basis
- H. Alley Right of Way Dedication (East/West Alley) – 4th & 5th Delray Project (iPic)

Chair Petrolia made a motion to approve the Consent Agenda which was seconded by Commissioner Boylston and passed unanimously.

8. Old Business

- A. Discussion - RFQ/P – SW 600, 700, 800, 900 Blocks West Atlantic Avenue
CRA Executive Director Jeff Costello presented an overview of the two-step RFQ/P process. The key elements of this process include provision of housing including workforce housing onsite or offsite, inclusion of priority uses (full service grocer), relocation plan for existing businesses, space for local businesses, and a local hiring and inclusion plan during construction. The overall project objectives and requirements were explained.

The RFQ/P timeline is approximately 9 months with 3 months for negotiation. Since

the CRA Board's March 22nd meeting there have been revisions to the RFQ/P, which include the addition of the 900 block on W. Atlantic Avenue (south of Fairfield Inn), a definition of full-service grocer, and modifications to the scoring criteria. Mr. Costello noted that the CRA met with the WARC Board and they supported comments made by the WARC Economic Development Committee. In regard to the former Shuler Funeral Home, Mr. Costello said the site can be cleared to get it ready for development and allow for some pop-ups in the meantime as the RFQ/P goes through the process.

Vice Chair Frankel inquired into the status of the WARC Board members who had made anti-Semitic and slavery related comments and suggested that the Board take these instances into consideration. He also asked if WARC took any corrective action with the members of WARC who made the comments. Mr. Costello suggested reaching out WARC to inquire about this.

Commissioner Johnson inquired about what happened with this property when the former RFP went out. She is concerned both about the comments of Vice Chair Frankel and that an outside entity that no one has elected is speaking for the entire community. Mr. Tolces noted that, from a legal perspective, there is no legal weight to the recommendations from the WARC Board. He further stated that in regards to the previous RFQ, the CRA was ready to close, but the developer was not ready to close so it was brought it back to the CRA Board and the CRA Board decided to terminate the agreement.

Commissioner Boylston commented that he was made aware of public comments regarding the situation mentioned by Vice Chair Frankel but acknowledges the Board has to work with WARC and that there needs to be an open line of communication. He believes the RFQ/P is going to get a lot of attention and quality applicants with innovative projects. Commissioner Boylston stated that The Set is now rebranded and a priority area for the Board.

Vice Chair Frankel inquired as to whether WARC is a nonprofit or advisory board. Mr. Costello responded that the WARC Board members are not appointed by the City Commission, they are a nonprofit entity and they are identified in the Land Development Regulations ("LDR's"). Their meetings are open to the public and the agendas are posted. Mr. Tolces noted that legally, under Florida Law, they do not have to comply with Sunshine laws or public records.

Commissioner Johnson inquired into what the process was to have nonprofits placed in our City LDR's. Mr. Costello responded that there are certain entities that are identified in redevelopment plans that have been adopted by the City Commission. Mr. Tolces confirmed that nonprofit entities are not affiliated with the City, they are just incorporated as a review body that a plan or proposal would need to go to.

Commissioner Boylston commented that WARC is an advisory board that gives advice

on the community projects similar to the Pineapple Grove Arts District Board, but the City Commission does not always listen to that advice. He stated that the DDA should be on this list of advisory boards for any large projects to get their input as well.

Commissioner Johnson wants the housing that Mr. Lauzier presented to be included in this site and to have a different mindset as to what the Board is going to do.

Mr. Costello commented that in the RFQ/P, developers can provide workforce housing on-site or off-site. Chair Petrolia noted that this situation is different than other developments with workforce housing as part of the project and requirements to provide space for local businesses. She noted that there is the issue with WARC and what has transpired with the leaders of that group and the Facebook page comments, which she finds offensive. It is a different issue although it is connected. She thinks there is a need for a workshop or a joint meeting with WARC to work through the issues if the Board feels that is acceptable or tolerable.

Chair Petrolia commented that the previous Board should be commended for the work that they did with the previous project with Equity. The bottom fell out for different reasons at the time the developer could not get financing without having a bond, but the contractor could not get that bond. The April 9th letter from Equity said they need 90 days to find out if they can put shovel in to the ground. She wants to see something happening sooner than the RFQ/P process.

Vice Chair Frankel agrees that this project keeps getting stalled and thinks the Board should listen to what Equity has to say because they may have a new vision that may fit in or maybe something has changed.

Mr. Tolces said that if the decision is to go forward with Equity the statute a 30-day notice period to have other proposers submit proposals in regard to the letter of interest and contract negotiations. The RFQ/P is a different track.

Chair Petrolia noted that the Equity project was received well previously and their project was something the community supported. The City Commission at the time was also very excited about the proposed project and was disappointed when the project did not move forward.

Chair Petrolia suggested to move item 8A after item 9A.

9. New Business

A. Discussion – Letter of Interest – Equity Delray, LLC (SW 600-800 Blocks – W. Atlantic Avenue)

Mr. Reginald Cox, 705 Dr. Martin Luther King Jr. Drive, said the CRA entertained a letter of interest from Publix because it was for a specific block and use, which was a grocer and the CRA knew that a Publix would be built at the site. In this situation, there are four entire blocks with complexities and dynamics that have changed with The Set

Transformation Plan and the building code. This is too complex for a 30-day letter of interest route to be taken. The RFQ/P process allows the Board to get on the same page with the community interest.

Mr. Jon Levinson, 943 Evergreen Drive, noted that he was one of the three individuals who submitted a letter of interest. He stated that at the end of the 90 days there may be further delays with Equity. He added that he has been waiting for the RFQ/P and has added his input. He stated that accepting Equity's letter will send a bad signal to the development community.

Dr. Al Costillo, owner of Big Al Steaks, said that nothing ever seems to get done on the Ave. Equity looks beautiful on paper, but the whole process should be sped up. The Board should have enough power to move this through the City permitting process.

Mr. Chuck Ridley, 210 NW 2nd Avenue, Chair of WARC, offered his cell phone number encouraging Board members to contact him because the issues mentioned with WARC have never been raised directly to WARC. He noted Equity has no one to blame but themselves. They selected the general contractor and the general contractor is named as a member of the development team. WARC was excited about that project, but there was concern that it would not get built. WARC was ignored. The CRA Board has continued to ignore their recommendations. The letter took everything WARC was excited about out.

Mr. Ari Whitman, Washington Road, said it would be fair to open this up to an RFP.

Mr. Bob Currie, 72 S. Ocean Blvd., is interested in the Equity project and his concern is getting it done. All building permits are ready to be issued. He noted that he has worked on the Equity project for 4 years. He said that there should be concern that the City has changed the building code. There is now a requirement for a park, which will greatly impact development value of this project.

Mr. Dwayne Randolph, 1191 N. Federal Highway, said he was the contractor for the Equity project that the Board was previously talking about. There are some misconceptions about the Equity project. The original contract shows that the developer was responsible for the bond, not the contractor. One of the items in the letter was to defer the bond until after a contract signing. He does not agree with this because the CRA will be in the same position as before.

Commissioner Boylston suggested that the Board walk around W. Atlantic Ave and see if they would support this project east of Swinton. It is not what the entire W. Atlantic should look like. Look at The Set Transformation Plan and see what the community wants W. Atlantic to look like.

Chair Petrolia stated this is a different ask and the Board is trying to find the right balance for the community and bring to them what is valuable and creates a better quality of life. It took four years to get to this point. She does not think that Equity had a fair shake in this. She said a message is being sent to our developer community when a project is dropped and they are just at the point of getting permits because there was a problem with getting the bonding through the contractor.

Commissioner Boylston said this Board did not drop the Equity project at the time. This project would be held to a new standard in regard to the LDR and the greenspace requirements. Chair Petrolia said that Equity may not be held to those standards and could be grandfathered in. Mr. Tolces said if the site plan has been approved the Board would not be able to impose additional requirements on it, however he will defer to the City Attorney. Commissioner Johnson noted that she has yet to see a development project come through that has not asked for some type of variance, change, or conditional use.

Vice Chair Frankel asked if Mr. Costello has selected the CRA Committee of 5 already. Mr. Costello responded that the Committee would consist of CRA and City staff to the cone of silence. He stated the committee would consist of Mr. Costello, Kristyn Cox, Renee Jadusingh, Joan Goodrich, possibly someone from City staff appointed by Mr. Lauzier (City Manager).

Mr. Tolces provided options for direction from the Board: (1) continue with the RFQ/P with direction to staff; (2) reject the letter of interest and direct staff to issue the request for qualifications proposals; or (3) direct the CRA staff and CRA general counsel to enter into negotiations with Equity for the new agreement based around the terms of the original agreement and post the 30-day notice as required by Florida Statutes Section 163.380.

Vice Chair Frankel made a motion for alternative action #3 which was seconded by Commissioner Johnson and passed unanimously.

B. Resolution No. 2018-10 - Agreement for Purchase and Sale – Equity Delray II, LLC (NE Corner of W Atlantic Avenue and NW 11th Avenue)

Ms. Kristyn Cox, the West Atlantic Redevelopment Director, stated that the CRA was contacted by the listing agency and acquired an appraisal for \$495,000.

Chair Petrolia noted that she is concerned about the fact that when properties start getting purchased, it puts owners of the properties that originally did not want to sell in a better position. The properties that are not interested in selling could be holding out for a higher price. Ms. Cox said that some owners are interested, some have been watching and waiting, and some are interested in other options such as to sell or swap.

Commissioner Boylston said he hopes to start exploring, developing, or utilizing these properties and not wait a decade to address the whole block with one big project. Commissioner Bathurst noted how there is a pattern of waiting until the whole block is done. When there is development, it should look more like it was built over time with many different hands. Chair Petrolia noted that there is a trend of moving away from that Delray feel by having these larger developments and then there is disappointment when they come up with their design with what they are pressing on us which does not look or feel Delray. She also finds that there is a hesitancy on investing in W. Atlantic not enough infrastructure work has been done.

Commissioner Johnson noted that there is a pressure to increase workforce housing.

The pressure on housing is making these large developments mandatory. The City of Delray is running out of land.

Commissioner Boylston made a motion to approve the Purchase and Sale Agreement between the CRA and Equity Delray, LLC., which was seconded by Vice Chair Frankel and passed unanimously.

C. Discussion – CRA By-laws

Mr. Costello introduced an item pertaining to the CRA by-laws including potential meeting dates.

Vice Chair Frankel said he likes the structure of the Boca Raton CRA and is recommending that the CRA Board meetings be held earlier in the day immediately followed by the City Commission Workshop meeting. He suggested 1:30 p.m. or 2:00 p.m. as the starting time for one CRA Board meeting a month with an option for a second meeting as a special workshop meeting.

Chair Petrolia said the next CRA Board meeting would be set for next month on June 12 at 1:30 p.m.

Mr. Tolces said that the amended by-laws will be brought back with the meeting date change for approval at the next meeting. There was some discussion regarding the availability of June 12th and the CRA and City staff would inform the Board accordingly.

D. Appointment of CRA Board First Vice-Chair and Treasurer

Vice Chair Frankel made a motion to table this item until the next meeting which was seconded by Commissioner Boylston and passed unanimously.

E. Letter of Interest – Delray Beach Community Land Trust – Five (5) CRA-owned parcels in the NW/SW Neighborhoods

Ms. Krista Walker, Contract Manager, said that the CRA currently has eight undeveloped single-family residential properties in the NW/SW neighborhoods of The Set which can be used for building affordable single-family homes on the sites. The CRA received an unsolicited letter of interest from the Delray Beach Community Land Trust (“DBCLT”) to purchase five of those parcels to build four single family homes.

Ms. Yvonne Odum, member of the Delray Beach Community Development Corporation (“Delray Beach CDC”) stated she wants everyone to be aware that if the intention is to try and build wealth in the community, the land always belongs to the trust and not the people buying the home. Homeowners should be well aware of that upfront.

Ms. Evelyn Dobson, CEO DBCLT, said that this is an organization that is protecting the public’s interest, which is the land. There is land owned by the CRA and land

owned by the City. In terms of wealth building, it has to be created on an individual basis. With the reduction of housing costs, homeowners are able to set aside money for other things.

Ms. Cheryl Haywood, board member and secretary of the DBCLT, said that there is an affordable housing crisis in Delray Beach, in Palm Beach County, and in this country. The CLT housing model does not have to be the only option, but it is an option. She appreciates the relationship with the CRA and hope it can be kept in place.

Mr. Chuck Ridley said the shortage of housing in Delray Beach and South Florida is catastrophic and supports having various housing options. There needs to be more options for people to own land. The City needs to do more to bolster the work of the Delray Beach CDC.

Vice Chair Frankel made a motion to approve the authorization for staff to proceed with the letter of interest with the DBCLT and to issue the 30-day notice which was seconded by Commissioner Boylston and passed unanimously.

F. First Amendment to the Ground Lease Agreement with Delray Beach Community Land Trust – Courtyards on Twelfth (SW 12th Avenue Duplexes)

Ms. Krista Walker said the DBCLT is managing six duplexes owned by the CRA and the ground lease agreement will expire on June 27th, 2018. This item is to approve the First Amendment to the DBCLT ground lease to extend the term of lease for five additional years. Staff recommends approval of the First Amendment to the Ground Lease Agreements between the CRA and the CLT for the SW 12th Avenue Duplexes.

Commissioner Boylston made a motion to approve the First Amendment to the Ground Lease for 213-215, 217-219, 225-227, 229-231, 233-235 SW 12th Avenue which was seconded by Vice Chair Frankel and passed unanimously.

Vice Chair Frankel made a motion to approve the First Amendment to the Ground Lease for 221-223 SW 12th Avenue which was seconded by Commissioner Bathurst and passed unanimously.

G. Curb Appeal Grant – 418 SW 14th Avenue (Kelker)

Moved to next meeting.

H. Dumpster Enclosure Agreement - 418 E. Atlantic Avenue

Mr. DJ Lee, Property/Project Manager, said this item is to approve an agreement to the reimbursement to the owner of 418 E. Atlantic Avenue for the construction of a dumpster enclosure on their properties which will be used by four of the business owners and their lessees'. The CRA has been working with the property owners and businesses and has committed to provide funding as their dumpsters were previously located on the property associated with the iPic project. The adopted Community

Redevelopment Plan allows for the CRA to fund trash disposal and compactor systems as part of the Clean and Safe Program. A similar reimbursement agreement for a dumpster enclosure was approved for 326 E. Atlantic Avenue in 2016. Staff recommends the approval of this agreement in the amount not to exceed \$52,164.09.

Commissioner Johnson took issue with the price for this agreement.

Commissioner Boylston said this is an opportunity to have a model for cleaning up our alleys on every single one of our blocks and getting the City to adhere to its own regulations in regard to dumpster enclosures and having the right capacity and recycling aspect.

Commissioner Boylston made a motion to approve, which was seconded by Vice Chair Frankel 4-1 and passed with Commissioner Johnson dissenting.

I. Responses to Request for Bids for CRA Office Expansion (20 N. Swinton Avenue)

Mr. Kevin Matthews, Project Manager for the CRA, said the CRA Board authorized staff to issue a request for bids for the CRA office expansion project which primarily consists of a 1,400 square foot one-story building addition and minor interior and exterior improvements. The proposed project is approximately \$100,000 over budget; therefore a budget amendment would be needed to carry out the project and purchase office furnishings equipment. Mr. Matthews stated that the recommendation is to reject all bids and not proceed with the project at this time. It is estimated that cost of the repairs to the existing structure would exceed \$75,000 and a future RFB would be required.

Commissioner Boylston made a motion to approve the rejection of the bids which was seconded by Vice Chair Frankel and passed unanimously.

10. Other Business

A. Comments by Commissioners

Vice Chair Frankel addressed Chuck Ridley in regard to the anti-Semitic comments and images of slavery made by members of the WARC Board. He said it is not political, it is just not right. He is happy to sit down to discuss the issue. He added that he thinks the DDA should have more input in discussion regarding Downtown going from I-95 to the beach.

Commissioner Boylston noted the importance of the DDA and referred to the resources they have and studies they do which are a huge asset to the CRA Board. He noted how important sustainability is to the community. Any large projects coming to our downtown should be held to the new standards that are hopefully coming.

Commissioner Johnson thanked her fellow Board members and the Chair. She looks

forward to working with everyone to make the downtown from I-95 to the beach look as good as possible.

Chair Petrolia said she wants to bring back to the board a discussion about what is going on with certain members of the WARC Board members so that everyone feels comfortable and to make sure the right people are on these boards. She wants to make sure that the community sees that the CRA is getting things done and get on the frontend of infrastructure issues specifically in the NW/SW Neighborhood. She added that she wants to simplify the CRA board meetings and that it was a successful first meeting.

B. Comments by Board Attorney

Mr. Tolces welcomed everyone and said he is looking forward to working with everyone.

C. Comments by Executive Director

Mr. Costello thanked the Board and staff for their work and assistance in preparation for the meeting. He added that the memorial for Susan Shaw would be held on Saturday, May 12th at Unity Church of Delray Beach church at 10:00 a.m.

D. Comments by Staff

Kristyn Cox informed everyone of the first Frog Alley Caribbean Festival on May 12, 2018.

Elizabeth Burrows noted that May is We Heart Small Biz month.

11. Adjournment

There being no further business the meeting was adjourned at 6:54.

Jeff Costello, Executive Director

Shelly Petrolia, CRA Board Chair