



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.

## **REGULAR MEETING AGENDA**

**Wednesday, August 15, 2018, 5:30 p.m.**

City Hall Commission Chambers – 100 NW 1<sup>st</sup> Avenue  
Delray Beach, FL 33444

### **STAFF PRESENT:**

Jeff Costello	Renee Jadusingh	Danielle Arfin	Elizabeth Burrows
DJ Lee	Krista Walker	Kristyn Cox	

### **OTHERS PRESENT:**

Yvonne Odum	Alice Pullum	Alice First	Tony Austin
Ann Stacey-Wright	Ernestine Holliday	Reginald A.	Timothy Boykin Jr.
Timothy Boykin	George Long	Clifford Durdin	Morris Carstarphen
Estebon Benitez	Sara Selznick	John Flynn	Wesley Shuler-Potts
Dr. Claudia Jones	Chuck Ridley	Marnishia Bernard	Max Eida
Evelyn Dobson	Neil Schiller	Scott Weirs	Reggie Cox
Jack Thompson	Cecilia Boone	David Selznick	Christina Morrison
Jerome Weatherspoon			

### **1. Call to Order**

Chair Petrolia called the meeting to order at 5:42 pm.

### **2. Roll Call**

**Present:** Adam Frankel, Shirley Johnson, Ryan Boylston, Bill Bathurst, Angie Gray, Pamela Brinson, Shelly Petrolia

### **3. Approval of Agenda**

Chair Petrolia made a motion to approve the agenda.

Commissioner Frankel made a motion to amend the agenda with removing item 9A and moving 10A and 10 to the first items of the Consent Agenda, which was seconded by Commissioner Boylston and passed unanimously.

### **4. Approval of the Minutes**

**A. Minutes of July 9, 2018 Workshop**

**B. Minutes of July 12, 2018 Meeting**

**C. Minutes of July 16, 2018 Workshop**

First Vice-Chair Gray made a motion to approve the minutes, which was seconded by Commissioner

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Boylston and passed unanimously.

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

Mr. Max Eida commented that he purchased property in the 600 block of Atlantic Avenue 18 years ago and has tried to develop it but has been blocked by the CRA. He requested being put on the Agenda so that he can develop or sell the property.

Mr. Estabon Benitez, Robes Law Group, wanted to thank the CRA and Elizabeth Burrows for being great to work with.

Ms. Evelyn Dobson, 130 NW 3<sup>rd</sup> Avenue, requested that the CRA or City posts the alleyway improvements schedule on one of the websites and to send her a copy.

Mr. George Long, 46 N. Swinton Avenue, commented that the crosswalk on the west side of Swinton to Old School Square is very dangerous.

**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 Financial Report, June 2018
- B. CRA Work Plan Monthly Progress Report, July 2018
- C. Clean and Safe Program Monthly Report, June 2018
- D. Delray Beach Marketing Cooperative FY 2017-18 3<sup>rd</sup> Quarter
- E. Creative City Collaborative 3<sup>rd</sup> Quarter FY 2017-18 A-Guide Report
- F. Delray Beach Historical Society 3<sup>rd</sup> Quarter FY 2017-18 A-Guide Report
- G. Expanding and Preserving our Cultural Heritage Inc. (Spady Museum) 3<sup>rd</sup> Quarter FY 2017-18 A-Guide Report
- H. Delray Beach Community Land Trust (DBCLT) 3<sup>rd</sup> Quarter FY 2017-18 A-Guide Report
- I. Delray Beach Public Library 3<sup>rd</sup> Quarter FY 2017-18 A-Guide Report
- J. Old School Square 3<sup>rd</sup> Quarter FY 2017-18 A-Guide Report
- K. Resolution No. 2018-16 – Purchase and Sale Agreement – 238 SW 14<sup>th</sup> Avenue – Habitat for Humanity of South Palm Beach County
- L. Request for Bids – CRA Office Renovations Project (20 N. Swinton Avenue)
- M. RFQ- Selection of Architectural & Landscape Architectural Firms for Continuing Services
- N. Paint-Up & Signage Program Funding Assistance Application – Robes Law Group, PLLC (117 NE 5<sup>th</sup> Avenue)

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

**8. Old Business**

- A. Resolution No. 2018-15 and Agreement with Purchase and Sale with Uptown Atlantic, LLC (formerly Equity Delray, LLC) – SW 600-800 Blocks – West Atlantic Avenue

Mr. Jeff Costello, CRA Executive Director, presented this item and highlighted a few items related to

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this agreement. Mr. Costello reviewed the key project dates and summarized the Purchase and Sale Agreement.

Mr. Timothy Boykin commented that Equity is not offering something valuable to the City for this project. He asked the Board to deny the proposal and go back to an RFP regardless of how long it takes. He said the City does not have to give away that kind of money and does not need to rush this process.

Ms. Ann Stacey-Wright demanded that the Board move forward with the release of the RFP/RFQ and reject the unsolicited proposal submitted by Equity.

Mr. Neil Schiller, 515 N. Flager Drive, West Palm Beach, came to represent BH3. BH3 are local developers who have developed property in the area and live in the area. These developers are asking for a fair chance and opportunity to commit on the merits of their proposal.

Mr. Scott Weirs, on behalf of Aspen Holdings LLC, commented that he opposes the sale and that it is not a good deal for the City.

Ms. Ernestine Holliday, 40 NW 9<sup>th</sup> Avenue, commented that she has worked in this City for 50 years and that the people that have fought for this neighborhood do not want to see this property given away.

Mr. Wesley Shuler-Potts, 618 NW 2<sup>nd</sup> Street, commented that he does not know why the Board is still sitting at the table with these developers.

Mr. Morris Carstarphen, 619 SW 7<sup>th</sup> Avenue, commented that the best process to take is going through an RFQ/RFP. He asked why this Board is giving Equity another opportunity and noted that it is unfair to deprive the other developers of a chance to submit a proposal.

Mr. Reggie Cox, 715 Dr. Martin Luther King Jr. Drive, commented that intergenerational wealth is at stake and the Board is jeopardizing future access to capital and a better quality of life by going down this road. He added that entertaining an unsolicited proposal for 6 acres is unheard of.

Mr. Jack Thompson, 2590 Dolphin Drive, commented that the citizens of Delray Beach are asking the Board to rethink their position because the message that is going to be sent tonight is the message to the future of Delray Beach. The citizenry is very upset on the way, and how, the selection was made.

Ms. Yvonne Odum, 3905 Lowson Blvd, commented that the process is flawed and asked the Board to do what is right.

Ms. Cecilia Boone commented that the CRA's job is to bring economic development into an area and this is a good project that offers the community what they had been asking for. She added that the property will never sell for close to \$15 million.

Mr. David Selznick, CIO Kayne Anderson, commented that the cash value and intangible value should be of the greatest value. The only way to determine that value and achieve the greatest value is

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through the RFP process.

Mr. Chuck Ridley, 210 NW 2<sup>nd</sup> Avenue, commented that if the Board opts to go with Equity they should at least take away the arbitrary timeline so they have the time to do the project right and give the community what they want.

Ms. Christina Morrison, 2809 Florida Blvd, asked the Board to send this out for RFP and shorten the timeline with an RFP.

Mr. Jerome Weatherspoon, 34 NW 12<sup>th</sup> Avenue, commented that the community will not stand idly by and that if it goes through they will have to deal with that decision.

Mr. DJ Doody, CRA Attorney, noted that the proposal states that Equity wants a 2-year period to negotiate arrangements to place a grocer on the property and failing that would require them to enter into an agreement with the CRA to negotiate the use of that space.

Chair Petrolia commented that Equity does believe they will get a grocery store but the future of grocery stores in general is uncertain. Therefore, in the case they cannot get a grocer they would need some sort of out (the only way the project works is if they have a grocer so it is very important that they get a grocer).

Vice Chair Johnson commented that for the affected communities this is more than just a mixed-use project with a request for a grocery store. This is a community populated by families who have lived lives of inequity, perpetuated by systems they do not control. Vice Chair Johnson continued by stating that this project does not give her the confidence that Equity is committed to providing her main request, which is a grocery store. She added that this project is in such disfavor that everyone is willing to wait the extra number of years in order to get the right project. Vice Chair Johnson concluded by stating that Equity has not provided her with the necessary confidence that the right developer with the vision to work with the CRA and bring us the results Delray must demand that this community should reasonably expect and so richly deserves. Therefore, she will be voting no on actions #1 and #2 and voting yes on action #3. (Listed in CRA Board Summary).

Commissioner Boylston commented that he does not believe that there is \$5 million worth of community benefit to justify the difference between the \$2 million offer and the \$7 million cost of assembling the land. In order to vote yes, he would have to vote against the community, transparency, the DDA, the Chamber, every municipal and development professional he knows, and common sense. Commissioner Boylston noted that he does not believe the process or project has been reasonable or transparent, in which case he will also be voting no tonight.

Treasurer Bathurst concurred with the thoughts of Vice Chair Johnson and Commissioner Boylston. He does not think the City would be getting the value that it would want to get and he does not think the design of the project will give the community what it wants. Treasurer Bathurst stated that he will also be voting no.

Commissioner Frankel commented that he wants this Board to be independent. Since he has been

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involved since 2008 he has heard the community ask to redevelop West Atlantic Avenue. Ten years later there is someone who wants to redevelop West Atlantic Avenue, who went through an RFP process and conducted over 100 meeting, and used Bob Currie who has done a lot of projects in Delray and he has not seen a bad one yet. He noted that he and his colleagues are in a no-win spot and that this is tough decision to make as all of this colleagues have made good points. He remains undecided because there are valid points on both sides and fault has been given to Equity unfairly. He believes it has been a transparent process.

Chair Petrolia commented that this was not an unsolicited proposal and has gone through an RFP process. She had no idea there as going to be a letter written to the Commission asking for reevaluation after the Commission became the CRA Board. She added that the property is not worth close to \$19 million because of the restrictions on the land. We are going to finally get something started on West Atlantic. The Board has been transparent and she has been working hard to have something happen in West Atlantic. Chair Petrolia believes that it is important to move forward in order to spur development in this area.

First Vice-Chair Gray commented that it was time to move forward on W. Atlantic Avenue with this project and continued with other comments in support of the agreement.

Commissioner Brinson commented that she is all for moving forward but there is not guarantee in terms of the grocery store. With that, she supports taking pause before the Board makes the wrong decision. She added that Delray is overdue for redevelopment on the West side.

Mr. John Flynn commented that he has been in negotiations with grocery stores and previously had an agreement to lease with a grocery store before the last Board cancelled the agreement. He cannot go forward with signing deals or contracts with a grocer without owning the land.

Chair Petrolia commented that without the grocery store the whole deal goes up in smoke. The attorney for Equity had to make sure that they were not going to be putting themselves into a situation with no out if for unforeseen reasons they cannot get one.

Mr. Flynn responded that it would depend on what kind of rent he would get for a grocery store. Originally there was no requirement for a grocery store, it was just part of the CBA (Community Benefits Agreement). The RFP was all about office space and creating employment for people.

Treasurer Bathurst commented that he does not think the community is going to get what it wants in terms of the vibe and feel of the project with the way it is now. He noted that the grocery store industry is changing and wants to make sure the design reflects what the community wants.

Mr. DJ Doody read the Resolution aloud to the Board.

First Vice Chair Gray made a motion to approve this item which was seconded by Commissioner Frankel with Vice Chair Johnson, Commissioner Boylston, Treasurer Bathurst, and Commissioner Brinson dissenting and Commissioner Frankel, First Vice Chair Gray, and Chair Petrolia consenting. The item did not pass.

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**B. Request for Proposals – SW 600-800 Blocks – West Atlantic Avenue**

Commissioner Frankel made a motion to approve which was seconded by Commissioner Boylston and passed unanimously.

**9. Presentations**

- A. Presentation – Workforce Housing Developments – Elevations Carver Isle (10 Single Family Lots) & Carver Square (20 Single Family Lots)

This item has been removed from the agenda.

**10. New Business**

**A. Resolution No. 2018-13 – Agreement for Purchase & Sale – 21 SW 13<sup>th</sup> Avenue**

Ms. Kristyn Cox, West Atlantic Redevelopment Director, presented this item. This is a vacant lot of approximately 7,000 square feet. This property returned an appraisal value of \$52,000. Staff is recommending approval.

Mr. DJ Doody read the Resolution aloud to the Board.

First Vice Chair Gray made a motion to approve, which was seconded by Commissioner Frankel and pass unanimously.

**B. Resolution No. 2018-14 – Agreement for Purchase and Sale – 246 NW 8<sup>th</sup> Avenue**

Ms. Krisytn Cox presented this item, which is approximately a ¼ acre lot and has the potential for two buildable lots. The market value was \$84,000 and the seller agreed to that. Staff is recommending approval.

Mr. DJ Doody read the Resolution aloud to the Board.

First Vice Chair Gray made a motion to approve, which was seconded by Commissioner Boylston and passed unanimously.

**C. Request for Bids – Northwest/Southwest Neighborhood Identification Signs**

Mr. DJ Lee, CRA Property-Project Manager, presented this item and stated that there are 18 signs and over the time the condition of the signs have deteriorated. In 2016 the CRA Board directed staff to discuss replacing the signs with neighborhood block captains and community leaders. He then presented the Board with illustrations of the final design of the signs. Staff recommends approval.

Ms. Ann Stacey-Wright, commented that she has worked with DJ on this project along with other neighborhood block captains and is asking the Board to approve this.

Ms. Ernestine Holliday, commented that she has also been working with DJ and she is hoping this will be approved and the signs will be in the ground in a short period of time.

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Commissioner Boylston commented that the stone-look does not seem very Florida-like.

Treasurer Bathurst agreed with Commissioner Boylston. He would like to see a little more of a Delray Beach look with brighter colors.

Chair Petrolia and Vice Chair Johnson agreed that the signs do not have a Delray feel to it.

Commissioner Boylston made a motion to table the item which was seconded by Commissioner Frankel and passed unanimously with the direction to provide alternative designs for the Board's consideration.

#### **D. Discussion – CRA Meeting Dates & Times**

Mr. Costello presented this item and provided suggested days and time after discussion with CRA Staff and the City Clerk's Office. The presented suggestions were the second Tuesday of every month starting at 5:30 or 6:00 pm with Workshops being scheduled as needed.

Commissioner Frankel suggested to follow how Boca Raton schedules their City Council and CRA Board meetings by making the CRA Board Meeting earlier (1:30 pm) followed by City Commission Workshop meetings.

Commissioner Boylston made a motion to make the CRA Board Meetings on the second Tuesday of every month at 1:30 pm which was seconded by Commissioner Frankel and passed unanimously.

Chair Petrolia noted that she would like this schedule to start beginning for the scheduled September 11<sup>th</sup> meeting.

#### **E. Appointment of CRA Representative and Alternative to Parking Management Advisory Board (PMAB)**

Commissioner Frankel nominated First Vice Chair Gray and Commissioner Brinson.

First Vice Chair Gray said she would be the alternative.

Commissioner Frankel made a motion to appoint Commissioner Brinson as the CRA Board representative to the Parking Management Advisory Board with First Vice Chair Gray being the alternate which was seconded by Vice Chair Johnson and passed unanimously.

### **11. Other Business**

#### **A. Comments by Commissioners**

Commissioner Boylston would like to have a discussion about reinstating an independent CRA Board.

Chair Petrolia said the decision made tonight was all about doing the right thing.

#### **B. Comments by Board Attorney**

Mr. Doody complimented the Board on their civility and professionalism tonight on dealing with this difficult issue.

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**C. Comments by Executive Director**

Mr. Costello clarified that the RFP for the SW 600-800 Blocks does include the additional contiguous lots that are in the 600 Block.

**D. Comments by Staff**

**12. Adjournment**

There being no further business the meeting was adjourned at 8:10 pm.

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Jeff Costello, Executive Director

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Shelly Petrolia, Board Chair

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