



CRA Board Regular Meeting Minutes
Thursday, July 14, 2022 – 4:00 p.m.
Arts Warehouse
Delray Beach, FL 33444

STAFF PRESENT:

Renee Jadusingh, Esq.
Lori Hayward
Gina Clayton

Christine Tibbs
Alexina Jeannite
Tracy Waterlander

Kim N. Phan, Esq.
Ivan Cabrera

OTHERS PRESENT:

Branden Lopez
Missie Barletto

Henry Thompson
Sanaz Alempour

Sammie Walthour

1. Call to Order

Chair Johnson called the meeting to order at 4:00 p.m.

2. Roll Call

CRA Board Members Present: Chair Shirley Ervin Johnson, Vice Chair Angie Gray, Deputy Vice Chair Juli Casale, Commissioner Kelsey Cordell Brooks, Commissioner Adam Frankel and Commissioner Shelly Petrolia.

3. Approval of Agenda

Executive Director Jadusingh requested to move Item 9A. CRA Audit and Item 8D. Update on NW 800 Block to the top after the consent agenda.

Vice Chair Gray requested to move Item 9B. Invitation to bid for Landscape Maintenance Services & daily cleanup for CRA Properties to Consent Agenda.

Motion by Commissioner Petrolia, seconded by Deputy Vice Chair Casale to approve the agenda, as amended. In a roll call vote, the **motion** passed (6-0).

4. Powerpoint Presentation for July Board Meeting

Included for information only.

5. Staff Reports

Included for information only.

6. Public Comments on Agenda & Non-Agenda Agenda Items

Chair Johnson opened public comments. No one came forth to speak.

Chair Johnson closed public comments.

7. Consent Agenda

A. June 8, 2022 – Regular Meeting Minutes

B. CRA Financial Report – April 2022

C. CRA Financial Report – May 2022

D. 98 NW 5th Avenue Renovation – Approval Of Change Order

E. Rent Subsidy Program Funding Application - Masterwing Creative Agency (275 N Swinton Avenue) For An Amount Not To Exceed \$4,158.00.

F. First Amendment To Historic Façade Improvement Funding Agreement - Reed & Reed Inc.

G. First Amendment To The Interlocal Agreement Between The City Of Delray Beach And Delray Beach Community Redevelopment Agency For Funding For Capital Improvement Projects Within The CRA District For Fiscal Year 2021-2022 - NE 3rd Street/Avenue Improvements Project - \$30,000

H. Approval Of The Reinstatement And First Amendment To The Agreement With Rep Services, Inc. For The Installation Of New Playground Equipment At Rev. J.W.H. Thomas Jr. Park

I. First Amendment To Subordination Agreement - 106 SW 6th Avenue

J. (Item 9b) Discussion - Issuing Invitations To Bid For Landscape Maintenance Services And Daily Cleanup Services For CRA-Owned Properties

Motion by Commissioner Frankel, seconded by Commissioner Petrolia, to approve the Consent Agenda, as amended. In a roll call vote, **motion** passed (6-0).

Item 9A was moved up on the agenda.

9. New Business

A. CRA Audited Financial Statements - Fiscal Year 2020-2021

Branden Lopez, Senior Manager at Marcum, LLP, presented the financial statements. Mr. Lopez referenced the Opinions section of the Independent Auditors' Report. He noted the Board received a clean unmodified opinion.

Executive Director Jadusingh temporarily paused the presentation until printed copies of the report could be provided to the Board.

Item 8D. was moved up on the agenda.

8. Old Business

D. Update And Discussion – NW 800 Block Redevelopment Project - Conceptual Design

Ivan Cabrera, Redevelopment Manager, presented updates on the NW 800 Block Development Project. He briefly reviewed the timeline of the project and noted they were looking for feedback from the Board on the recommended design. He stated the design now included the 805 West Atlantic Avenue parcel, the remediation site. He described the concept of the project as a popup market. Christine Tibbs, Assistant Director, further described the project and addressed the remediation site. She noted the final conceptual design, 3-D renderings, and cost analysis would be presented at a future Board meeting.

Deputy Vice Chair Casale said she liked the initial design.

Commissioner Frankel noted he liked the design and the color scheme.

Vice Chair Gray asked if the stage was covered. Ms. Tibbs responded that it could be.

Vice Chair Gray noted staff listened to the community but recommended looking at the playground area and consider thinking about that space differently. She asked about parking spaces. Ms. Tibbs said they would know more about the City's parking requirements once they move forward with the project.

Deputy Vice Chair Casale said the playground could be small individual features similar to Old School Square. She agreed the stage should be covered and suggested it could be a waterproof shade.

Commissioner Petrolia agreed a smaller playground would be fine but suggested a small splash pad. She said the location needs a draw, whether that be a dog park or another idea. She agreed the stage should be covered but expressed concern that covering the open-air market part could make it too dark. She also noted concerns about safety in areas with blocked visibility.

Commissioner Brooks expressed excitement about the project and supported the feedback provided by his colleagues.

Chair Johnson expressed concern about the buffer between the parcels. She asked for the next presentation to include acreage. She suggested the open-air market area could be a new home for the Green Market.

Commissioner Petrolia suggested the CRA work with the City to utilize budgeted resources for trees. Ms. Jadusingh noted she connected with the City about trees and CRA projects. A brief discussion ensued about City trees.

Ms. Jadusingh confirmed the continuation of the presentation on Item 9A.

Mr. Lopez continued with a summary review of the financial statements and the compliance reports. He referenced the Compliance Report and the one item that needed to be brought to the Board's attention. He noted the item with a significant deficiency was Other Post-Employment Benefits (OPEB) and the steps taken to ensure the CRA was in compliance moving forward.

Ms. Jadusingh and Mr. Lopez further explained OPEB. A discussion ensued about the topic and the interpretation of the Florida Statute.

A. Fiscal Year 2022-2023 Budget Preparation Update (See Powerpoint For Details)

Ms. Jadusingh displayed the overall needs within the Community Redevelopment Area. She summarized the following budgets for discussion:

- Clean & Safe - \$3,749,560
- City Contractual Services - \$701,048
- Maintenance and Beautification - \$400,000
- City Tennis Tournament - \$905,000
- CIP Projects - \$28,182,250

Henry Thompson, Clean & Safe Administrator, provided an overview of the Clean & Safe staffing and schedule. Sammie Walthour, Neighborhood & Community Services Director, provided further comment. A brief discussion ensued about Downtown cleaning and organizational responsibility.

A discussion ensued about beautification efforts of various areas throughout the City. Ms. Jadusingh discussed the Gateway. Missie Barletto spoke about the street sweeping of alleyways.

A brief discussion ensued about sponsorship of the Tennis Tournament.

Ms. Barletto provided further clarification of the additional \$100,000 funding for Catherine Strong Park. She also spoke on the public outreach meetings and feedback on traffic calming.

Ms. Jadusingh reviewed the CRA Managed Projects.

Deputy Vice Chair Casale asked for consensus to direct Ms. Jadusingh to reach out to Palm Beach County to make an offer to the School Board on the property in order to develop workforce housing. Consensus was reached.

Ms. Jadusingh continued by reviewing the Focus Areas for FY2022-2023 which include:

- Completing existing projects and continuing existing programs
- Affordable & Workforce Housing
- Infrastructure
- Assess Development Opportunities for W. Atlantic Avenue.

She highlighted the NW 600 Block, SW 600 Block, SW 700 Block, SW 800 Block, and SW 900 Block. Commissioner Petrolia recommended outreach to assess the feasibility of utilizing the SW 600 Block for a grocery store. A short discussion ensued about a grocery store.

B. Redevelopment On SW 5th Avenue - Resolution No. 2022-05 - Agreement For Purchase & Sale - 115 SW 5th Avenue - \$80,000 & Environmental Site Assessment - 105 SW 5th Avenue

Chair Johnson disclosed a conflict of interest (Form 8B, Memorandum of Voting Conflict Form is attached and incorporated) and passed the gavel to Vice Chair Gray.

Kim Phan, CRA Legal Advisor, presented the item. She reviewed the results of the environmental site assessment, which revealed contaminants. She noted the inspection period expired on June 10, 2022, per the purchase and sale agreement so the purchase and sale agreement was terminated. Since that time, she stated, the purchase price has been renegotiated and reduced to \$80,000 to which the sellers have agreed. She shared that one of the sellers has since passed away so the recommended Board action will be subject to probate proceedings and obtaining all required signatures. Staff recommends to the CRA Board the following:

- 1) Approve Resolution No. 2022-05;
- 2) Approve the Purchase and Sale Agreement with the purchase price of \$80,000, in substantially the attached form, and subject to the Sellers' execution of the Purchase and Sale Agreement;

- 3) Authorize Staff to proceed with the purchase of 115 SW 5th Avenue pursuant to the Purchase and Sale Agreement, subject to the Sellers' execution of the Purchase and Sale Agreement;
- 4) Authorize Staff to proceed with recommendations from Universal Engineering Sciences related to 115 SW 5th Avenue, subject to the Sellers' execution of the Purchase and Sale Agreement;
- 5) Also, given the proximity of the CRA Owned property at 105 SW 5th Avenue to the Subject Property, authorize Staff to retain Universal Engineering Sciences to perform an environmental site assessment of this property; and
- 6) Authorize the CRA's Chair, Executive Director and legal counsel to execute any and all related document.

Motion by Commissioner Frankel, seconded by Deputy Vice Chair Casale to discuss and approve staff recommendations. In a roll call vote, the **motion** passed (5-0). Chair Johnson abstained.

Commissioner Petrolia expressed concern about the cost incurred to date for testing and the unknown costs moving forward.

C. Update - CRA-Owned Properties Located at 182 & 186 NW 5th Avenue

Alexina Jeannite, Community Engagement Director, provided an update on the two properties. She noted both commercial lease agreements are approaching the end of a 10-month buildout period. When the build out period expires, the lease dictates they must pay the full monthly base rent amount. Staff recommendation regarding extension:

- Establish a 30-day deadline for when Permit Applications must be submitted to the City (30 days from July 18th is August 17, 2022)
- Follow-up at the September 1, 2022, CRA Board Meeting to discuss next steps

Ms. Jadusingh said the concern with the properties remaining vacant is the increase in trespassing and homelessness.

Motion by Commissioner Frankel, seconded by Commissioner Petrolia to discuss and approve staff recommendations. In a roll call vote, the **motion** passed (6-0).

E. Follow Up - Achieving Goals Using Impact Driven Evaluation Funding Agreement - Old School Square Center For The Arts, Inc.

Ms. Phan introduced Sanaz Alempour to present the item. Ms. Alempour reviewed the background and next steps. Staff recommends the following:

- Board direction on continuing to pursue recoupment of the Q1 Payment through legal action, which could entail costly litigation expenses in excess of Q1 Payment or reserve this option for a later time. (Statute of limitations expires on March 10, 2027.)

- Board direction on continuing to pursue its right to review and inspect OSSCA's records, including pursuant to Fla. Stat. 119.07(2)(a), to determine what records exist, and depending on the scope of the documentation production sought by the CRA, the CRA can make a determination after its inspection as to whether it wants to incur the cost and expense of proceeding with having OSSCA produce the responsive documents.
- Board direction on continuing to pursue FOIA request and obtaining other grant documents requested through public records requests.

Commissioner Petrolia supports the receipt of the requested documentation or to pursue the first option. Ms. Alempour confirmed option one remains available until the statute of limitation expires in five years.

Motion by Commissioner Frankel, seconded by Commissioner Petrolia to discuss.

A discussion ensued about Old School Square and the recommended options.

Deputy Vice Chair Casale asked counsel if a fourth option could be to report Old School Square to another governmental entity for investigation.

Motion by Deputy Vice Chair Casale, seconded by Commissioner Petrolia to direct staff to report Old School Square (OSS) to the federal government for PPP fraud, based on documentation provided by OSS and report issued from the internal auditor. In a roll call vote, the **motion** passed (6-0).

9. New Business

C. Executive Director Annual Review

Ms. Tibbs presented a summary of the Executive Director agreement.

Chair Johnson thanked Ms. Jadusingh and noted her love for the City. She noted her accomplishments and development of staff.

Motion by Deputy Vice Chair Casale, seconded by Commissioner Petrolia to issue a 6% increase for the Executive Director.

Commissioner Frankel spoke highly of Ms. Jadusingh and what she has brought to the position and the CRA.

Amended Motion by Commissioner Frankel, seconded by Commissioner Petrolia to issue an 8% increase for the Executive Director. In a roll call vote, the **motion** failed (5-1).

A brief discussion ensued about the increase.

Amended Motion by Commissioner Petrolia, seconded by Deputy Vice Chair Casale to issue an 7% increase for the Executive Director. In a roll call vote, the **motion** passed (6-0).

10. Other Business

A. Comments by Executive Director

Ms. Jadusingh provided updates on Conch Cravings and Glavidia Hair Studios ribbon cuttings, COVID-19 Let's Keep it Clean Grant Program, Dr. Rev. J.W. H. Thomas Jr. Park improvements, Hatcher Development progress, Upcoming Public Meeting regarding the NW Neighborhood improvements, and the Summer Fun Sunset Splash.

b. Comments by Board Attorney

No additional comments.

c. Comments by Commissioners

Deputy Vice Chair Casale thanked Ms. Jadusingh and staff and noted the terrific meeting.

Vice Chair Gray asked staff to look into the corner property across from The Fairfield. Ms. Jadusingh confirmed the property had been considered prior, but the appraisal was substantially lower than the asking price. Vice Chair Gray recommended hosting a job fair.

Commissioner Frankel recently toured various construction projects and thanked the CRA staff.

Chair Johnson requested to add an item to the September meeting about cost-sharing for the Palm Beach League of Cities monthly membership meeting on September 28, 2022. She noted the requested contribution is approximately \$8,000. Ms. Jadusingh will follow up with additional information on the meeting and costs. Chair Johnson provided additional background information on the Palm Beach League of Cities meeting.

The Board discussed the new room arrangement.

11. Adjournment

There being no further discussion, the meeting was adjourned at 7:13 p.m.



Renee Jadusingh, Executive Director



Shirley Ervin Johnson, Board Chair

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <u>Johnson, Shirley Ervin</u>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>CRA of Delray Beach, FL Board</u>	
MAILING ADDRESS <u>20 N Swinton Ave</u>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <u>Delray Beach, FL</u>	COUNTY <u>Palm Beach</u>	<input type="checkbox"/> CITY	<input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY <u>CRA</u>
DATE ON WHICH VOTE OCCURRED <u>July 14, 2022</u>		NAME OF POLITICAL SUBDIVISION: <u>Community Redevelopment Agency</u>	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

Shirley Edwin Johnson, hereby disclose that on July 14, 20 22

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☒ inured to the special gain or loss of my relative, Rosemary E. Wilson, now deceased;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

July 14, 2022
Date Filed

Shirley E. Johnson
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.