



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 MINUTES
Thursday, May 12, 2016, 5:30 p.m.
Commission Chambers at City Hall
Delray Beach, FL 33444

STAFF PRESENT:

Jeff Costello	Yuberca Pena	Isaac Kovner
Thuy Shutt	Susan Shaw	David Tolces
Joan Goodrich		

OTHERS PRESENT:

Jane Smith	Evelyn Dobson	Anthony Holliday
Matt Bloomfield	Patricia Wright	Carl Fleury
Gary Eliopoulos		

1. Call to Order

Vice Chair Cathy Balestriere called the meeting to order at 5:30.

2. Roll Call

Present: Cathy Balestriere, Joe Bernadel, Herman Stevens, Paul Zacks, Daniel Rose

Absent: Reggie Cox, Bill Branning

3. Approval of Agenda

Mr. Zacks made a motion to approve the Agenda which was seconded by Mr. Rose and passed unanimously.

4. Approval of the Minutes

A. Minutes of April 28th Meeting

Mr. Rose made a motion to approve the Minutes of the April 28th CRA Board Meeting. The motion was seconded by Mr. Zacks and passed unanimously.

5. Public Comments on Non-Agenda and Consent Agenda Items – None

6. P&Z – Amendment to the Land Development Regulations Re Self-Service Storage Facilities

Amy Alvarez, Senior Planner, presented the privately initiated item. The petition involved an amendment to the Land Development Regulations (LDRs) Section 4.3.3(A), Self-service Storage Facilities to revise the associated special requirements, and to Section 4.4.26, Light Industrial to list Self-service Storage Facilities as a permitted use and remove it as a conditional use. She

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reviewed all the requested changes to the Code. Executive Director Jeff Costello noted that there are specific regulations regarding self-storage facilities found in LDR Section 4.3.3(A) that address outdoor storage and truck rentals. Therefore, on page 4 of the ordinance, Section 4, paragraph 6 regarding outdoor storage, where it says "subject to the provisions of Section 4.6.6(C)(2)", should be amended to say "Sections 4.6.6(C)(2) and 4.3.3(A)(7)". Also, Section 4, paragraph 7 regarding truck rental, should be amended to include Section 4.3.3(A)(8) for clarity and cross-referencing.

Mr. Zacks asked about the circle on the map attached to the item. Ms. Alvarez noted that the applicant had a particular parcel in mind, so she circled the area in order that the board could see the 750' radius impacted. He also asked about raising the permitted building height from 15' to 48'. Ms. Alvarez responded that there is a 4-story limitation in the FAR of the Comprehensive Plan so they would need to balance that. Mr. Costello clarified that in the Light Industrial areas any other use is permitted up to a height of 48 feet.

The Board Vice Chair asked for public comments. There were none.

The Board consensus was supportive with the recommend changes.

7. Consent Agenda

A. CRA Monthly Financials, March, 2016

Mr. Zacks made a motion to accept the Consent Agenda. The motion was seconded by Mr. Rose and passed unanimously.

8. Old Business - None

9. New Business

A. Sixth Amendment to Purchase & Sale Agreement – Delray Beach Holdings (iPic)

Mr. Costello presented the item, giving the background on the Purchase & Sale Agreement. On March 15, 2016, the City Commission approved the waiver requests associated with the iPic project as well as the plat and landscape maintenance agreement. A condition of their approval included a provision that the City is party to the Parking Facility Easement Agreement. The Purchaser submitted a draft of the required Parking Facility Easement Agreement to the CRA and the City, which included the proposed 90 public parking spaces and a public access easement. As the City is party to the agreement for the public spaces and access, it is cleaner for the City and Purchase to enter into the Parking Facility Easement Agreement without the CRA being a party to it. The intent has always been for the parking to be managed in a manner consistent with the City's policies and parking management program. The approval date of the Parking Facility Easement Agreement is currently May 31, 2016, consistent with the date to obtain all development approvals. As the Agreement will be between the Purchaser and the City, the Approval Date for the Parking Facility Easement Agreement is being extended to coincide with the Termination Date of October 31, 2016.

The Board Vice Chair asked for public comments. There were none.

Ms. Balestriere asked if this has gone before the City Commission. Mr. Costello responded the CRA has been working with the City Attorney but that the actual Agreement will be presented to the Commission at a later date. Mr. Zacks asked if this could create a sticking point to the Agreement. Mr. Costello stated it remains to be seen, but the Agreement pertains to the operation, management and maintenance of public parking, and it is up to the City as to how the parking is managed. CRA Attorney David Tolces noted it was a condition of approval imposed by the City for the waivers, plat and maintenance agreement. Mr. Zacks made a motion to approve the Sixth Amendment to the Agreement for Purchase and Sale with Delray Beach Holdings, LLC to modify

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Section 1.2 of the Agreement to indicate the Parking Facility Easement Agreement shall be negotiated between the Purchaser and the City, and extend the approval of the Parking Facility Easement Agreement with the City to October 31, 2016. Mr. Bernadel seconded the motion which passed unanimously.

B. Dumpster Relocation and Construction Agreement – CRA & Rosebud George West One, LLC

Mr. Costello presented the Agreement, reviewing the need for the relocation of the dumpsters. The existing dumpsters serving businesses fronting East Atlantic Avenue will be eliminated with the iPic redevelopment. He stated the CRA indicated it would arrange for new waste receptacle locations on the properties for the affected businesses, which has been included in the CRA's FY 2015-16 Work Plan.

The Board Vice Chair asked for public comments. There were none.

Mr. Stevens made a motion to approve the Dumpster Relocation and Construction Agreement between the CRA and Rosebud George West One, LLC for the property located at 326 E. Atlantic Avenue, for an amount not to exceed \$11,854.00. Mr. Zacks seconded the motion which passed unanimously.

C. Delray Beach Community Land Trust (DBCLT)

1. Fifth Amendment to Purchase & Sale Agreement for SW 14th Avenue Project-Land Exchange

Contract Manager Yuberca Pena presented the item. She noted that the DBCLT has developed most of the properties conveyed to them by the CRA in the 2012 RFP. She reviewed the history and rationale for the CLT requesting to exchange two lots (260 NW 9th Avenue and 110 SW 12th Avenue) for two other lots on SW 14th Avenue in the Atlantic Park Square Development (126 SW 14th Avenue and 132 SW 14th Avenue).

The Board Vice Chair asked for public comments. There were none.

Mr. Bernadel commented on the importance of quality affordable housing, and complimented the DBCLT on the work they do. He stated they are one of the CRA's best partners. Mr. Rose made a motion to approve the Fifth Amendment to the Purchase and Sale Agreement of the SW 14th Avenue properties between the CRA and the Delray Beach Community Land Trust. Mr. Zacks seconded the motion which passed unanimously. Mr. Rose made a motion to authorize the CRA Attorney to prepare the Satisfaction of Purchase Money Mortgage with DBCLT for 110 SW 12th Avenue. Mr. Zacks seconded the motion which passed unanimously.

2. Second Amendment to Repurchase Agreements 2012 RFP – Time Extension

Ms. Pena presented the item. She stated the DBCLT was not able to develop all six properties acquired from the 2012 RFP within the specified timeframe due to lending difficulties which were part of the economic downturn at that time. This Second Amendment will provide for an additional eighteen (18) month extension to develop the properties including the two SW 14 Avenue properties which will be conveyed in exchange for 110 SW 12th Avenue and the substandard lot at 260 NW 9th Avenue.

The Board Vice Chair asked for public comments.

Ms. Evelyn Dobson, Executive Director of the DBCLT, wanted the Board to be aware that while the Agreement states the CLT is to provide floor plans, the models have been switched but she assured the Board that they will be forwarded to Staff to be reviewed prior to submittal to the City for approval.

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Mr. Stevens made a motion to approve and authorize the CRA Board Chair to execute the Second Amendment to the Repurchase Agreements with the Delray Beach Community Land Trust to extend the development time from July 19, 2016 to January 19, 2018 for 111 NW 12th Ave., 706 & 710 SW 2nd St., in accordance with the terms specified in the agreements. Mr. Zacks seconded the motion which passed unanimously.

D. 221-223 SW 12th Avenue Duplex Renovations – Change Order #3

CRA Assistant Director Thuy Shutt presented the item. She reviewed the background on the renovation of the 221-223 SW 12th Avenue Duplex. She stated that during the demolition process, it was discovered that the electrical boxes and conduits were corroded, making it impossible to install new wires, outlets and switches in the areas required per code. Ms. Shutt noted that the contractor will be using an alternative, more cost effective method to accommodate the electrical conduits similar to the method used in the adjacent 5 renovated duplexes. She commented that there was an original Allowance for \$15,000 for unforeseen construction issues, with \$5,781 remaining. Also, there are forty (40) outlets which need to be replaced, and it is estimated that it will take an additional 35 days beyond the contracted date to complete the project.

The Board Vice Chair asked for public comments. There were none.

Mr. Stevens and Mr. Zacks both expressed appreciation to Staff for finding a cost effective solution to the electrical situation. Ms. Balestriere asked if 35 days was really necessary to do the electrical. Ms. Shutt explained that other tasks are being held up until the electrical can be finished, and included in that time is also the termite treatment. Mr. Carl Fleury, C J Contracting, 11924 Forest Hill Boulevard, contractor on the project, elaborated on the timing of 35 days which includes time for inspections as well. Mr. Rose made a motion to approve Change Order No. 3 associated with the additional work for the 221-223 SW 12th Avenue duplex renovation increasing the contract price by \$4,219 to \$171,429.90, and providing a revised Substantial Completion date of September 16, 2016, and Final Completion date of October 1, 2016 for the 221-223 SW 12th Avenue Duplex Renovation Project, subject to all other provisions of the executed Agreement between the CRA and CJ Contracting, LLC. Mr. Zacks seconded the motion which passed unanimously.

E. Approval of Temporary Use Agreement – Randolph & Dewdney – Uptown Atlantic Project

Mr. Rose recused himself from the discussion/vote due to a conflict of interest. Mr. Costello presented the item. He received a request from the contractor for the Uptown Atlantic Project to utilize CRA properties located within the first block of Atlantic Avenue on NW 6th, NW 8th and SW 8th Avenues in order to facilitate parking associated with construction of the project. He outlined the provisions of the Agreement and noted it will be in effect for 18 months, and that the contractor will be responsible for the maintenance of the properties.

The Board Vice Chair asked for public comments. There were none.

Mr. Bernadel inquired if there was any requirement for the area to be fenced off for safety purposes. Mr. Costello replied not for the temporary parking lot, but there will be a fence around the construction site. Ms. Balestriere asked if he thought there would be any issues with the neighboring property owners. Mr. Costello stated that the request was taken to the West Atlantic Redevelopment Association where it was approved. Mr. Zacks made a motion to approve the Temporary Use Agreement between the CRA and Randolph & Dewdney Construction Inc. to facilitate parking associated with construction of the Uptown Atlantic Project. Mr. Stevens seconded the motion which passed unanimously.

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F. Monthly Progress Report, April, 2016

Ms. Shutt, along with Engineer Isaac Kovner, presented the Progress Report. Ms. Shutt went through the report highlighting priority projects and providing updates. Regarding the NW 12th Avenue Beautification, Mr. Costello noted that Staff will be processing a Budget Amendment in June. He stated that for some of the projects such as MLK Jr. Drive/NW 12th Avenue Beautification and the Osceola Business District Revitalization Project (SE 2nd Street/Avenue), the City will be requesting funding assistance from the CRA for construction administration and related services due to the large amount of projects in the City's pipeline. Ms. Shutt added that when the Old School Square buildings were inspected issues with the roof were found. They are badly in need of repair and will probably be a part of that Budget Amendment as well. Ms. Shutt also reported that the Downtown Core Parking demand and Utilization Study is completed and a report will be issued in the coming months.

10. Other Business

A. Comments by Commissioners – None

B. Comments by Board Attorney

Mr. Tolces congratulated his daughter on the record for her graduation from High School. The Board extended their congratulations as well.

C. Comments by Executive Director

Mr. Costello reported the Gateway Feature sod is in poor condition, particularly the Celebration sod, and has spoken to DOT about replacing it so it is all the St. Augustine sod. He noted there is funding budgeted through the ILA for Landscape Maintenance of the area. He then reviewed the calendar of meetings for the summer, stating there will probably be a workshop every month until the end of the year. The dates of July 6 and July 7th were proposed as potential dates for the Budget Workshop so the Board could check their calendars.


D. Comments by Staff

Economic Development Director Joan Goodrich reminded the Board We ♥ Small Biz month started at the end of April and she reviewed upcoming activities for the rest of May. The Small Biz MiniCon had about 100 partners and business owners and she looks forward to growing it in future years. She noted that the next business walk is May 18th and encouraged anyone who can to participate. During the walks surveys are taken and the data will be compiled and distributed at another time.

11. Adjournment

There being no further business, the meeting was adjourned at 6:45.

Jeff Costello, Executive Director



Reginald A. Cox, Board Chair

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