



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, June 23, 2016, 6:00 p.m.
City Commission Chambers – 100 NW 1st Avenue
Delray Beach, FL 33444

STAFF PRESENT:

Jeff Costello	Joan Goodrich	Yuberca Pena	Suzanne Fischer
Thuy Shutt	Kevin Matthews	Anne Fredy	D. J. Doody
Lori Hayward	Elizabeth Burrows	Candi Jefferson	Susan Shaw
Donald Cooper			

OTHERS PRESENT:

Jane Smith	Victor Kirson	Tom Carney	Tom Laudani
Terence Cudmore	Chief Goldman	Mauricio Lara	Stephanie Immelman
Sharon Painter	Javaro Sims	Troy Baer	Rachel Saunders

1. Call to Order

Chairman Cox called the meeting to order at 6:30.

2. Roll Call

Present: Reggie Cox, Cathy Balestriere, Joe Bernadel, Bill Branning, Daniel Rose, Herman Stevens, Paul Zacks

Absent: None

3. Approval of Agenda

Mr. Branning made a motion to add Workshop Items 4A2 and 4B to the Board Agenda as Items 5A and 5B. The motion was seconded by Mr. Zacks and passed unanimously.

4. Approval of the Minutes of June 9th Board Meeting

Mr. Branning made a motion to approve the Minutes of the June 9th Board Meeting. The motion was seconded by Mr. Stevens and passed unanimously.

Presentation of Plaque for Bill Branning, Outgoing Commissioner

Commissioner Cox, on behalf of the CRA Board and Staff, presented the Plaque of Appreciation to Mr. Branning in recognition of his ten years of excellent service as a CRA Board Commissioner and Treasurer. Mr. Branning said it has been an honor to serve, and he thanked the various Board Chairman, staff members and fellow commissioners during his tenure on the Board.

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

AW

5A. Tennis Tournament Sponsorship (carried over from Workshop)

CRA Finance & Operations Director Lori Hayward introduced the item, noting the request this year is for almost \$2 million. Ms. Suzanne Fisher, Parks & Recreation Director, then gave a brief review of the item, and apprised the Board that she had the information which the Board had previously requested regarding which Delray entities are provided tickets to the Tournament for the youth of Delray. She said she would defer to Economic Development Director Joan Goodrich to review the economic benefits. Ms. Goodrich provided a review of the economic impact which the Tournament provides for Delray Beach, noting that for the ten day event last year there were 48,000 to 49,000 attendees. She said that she calculated, without using a multiplier, that there was a \$5.1 million direct impact, and that for every dollar spent there was a return of a little over two dollars to the City.

The Board Chair asked for public comments.

Dr. Vic Kirson, Tierra Verde, commented he did not think the City got back \$2 for every dollar spent, but thinks the City loses \$2.25 million on the tournament. He asked the Board to consider what could be done with that money and to say no to the request.

Mr. Zacks commented that the City entered into a contract as a sponsor of the Tournament that is unfavorable, and it has bound the City for decades. The amount of the sponsorship increases annually to where it is now close to \$2 million. He stated he feels the CRA can be a good partner with the City for less than \$2 million, and believes there must be some middle ground. He added that every dollar spent on the Tennis Tournament is a dollar that cannot be spent toward relieving blight or redevelopment which concerns him. Mr. Rose stated that based on the City's contract with Match Point, both parties are obligated to provide specific items, and felt that the CRA needed additional information from the City and Match point to assess if the obligations are being met, including the ranked players and prize money.

Ms. Balestriere said she has been concerned about the local economic impact on various events not just the Tennis. She asked Economic Development Director Joan Goodrich if she has a formula by which to calculate economic impact of events. Ms. Goodrich stated that her office does have economic impact models available through partnerships. Ms Balestriere asked for a commitment from Ms. Goodrich that her office will hold the producer of the event accountable, i.e. how do we know the hotels are within Delray Beach? How do we know the attendance numbers are accurate? Ms. Goodrich said she will be happy to work with the City team to really drill down more as to the data that impacts us locally so we can look at the return on investment (ROI). She noted that once data points are provided by the event producer, her office can help provide the economic impact. She emphasized that local impact is really what is needed, as well as, considering whether it's providing the level of local benefit promised or that the City is seeking. A discussion concerning the economic impacts and that additional information and data are needed to verify the economic impacts and ROI followed. From Ms. Goodrich's point of view, she feels the CRA needs to do two things: 1) Really understand the direct impact on to the Delray Beach market and 2) understand the net fiscal impact on the CRA and/or Municipal Corporations.

Mr. Branning agreed with what has been said, and pointed out that if the Tennis Tournament was a new event, the ROI would be paramount. But this is a City obligation, and while it is probably not what has been represented by the producer, he feels it is a necessary expenditure by the City. He noted that the CRA Staff has put it in the draft budget, and feels it needs to be supported. Mr. Bernadel understands both sides, but wants staff to provide two options of what the CRA is going to be losing, within the context of the work that needs to be accomplished, if the Board supports this option and then he can make a decision. Mr. Stevens agreed with Ms. Balestriere, and he would like additional information to know what is accurate. Mr. Stevens said he understands

being a good partner with the City but that at some point in time the CRA has to draw a line. Given the information that is currently available he is not supportive.

City Manager Don Cooper said he realizes it is a difficult ask, and that the City appreciates the Board's consideration and any assistance which can be provided. Mr. Cox noted this contract is inherited and is a challenge. He stated that more eyes are on the contract now, and the numbers are being challenged by this Board. He said the Board is being more conscious of the numbers and are challenging the status quo, and that he would like some kind of consensus. Mr. Bernadel spoke of alternative uses of the money and Mr. Zacks spoke of a different funding amount from \$2 million. Mr. Zacks stated that as Mr. Bernadel asked, if this additional \$1.4 million in funding is given, what will the CRA not be able to do? He wants to be a good partner, but he too wants to know where the monies are being spent. He feels possibly the CRA could give the same amount as last year until some of the questions can be answered. He suggested a formal request be sent to see the books and how the monies are being spent, as well as, the financial terms of the contract are. He added the producers need to be held to the terms in the contract, and also to look at community benefits such as perhaps have top players hold a couple of workshops for the community. Mr. Rose asked Mr. Costello to find out the City's exact obligated amounts. Mr. Stevens supported giving them the same amount as last year (\$550,000) for the time being, with a contingency that if additional information is provided as discussed the CRA may be able to fund more. Mr. Zacks made a motion to table the item until the July 14th Meeting. Mr. Rose seconded the motion which passed 6-1 with Mr. Branning dissenting.

5B. DBMC Funding Request

Ms. Hayward presented the item, noting that the funding request is \$4,000 more than last year, and represents 48% of their budget. DBMC Executive Director Stephanie Immelman gave a brief presentation, reviewing the DBMC activities and their economic impact over the past year. She stated the DBMC will be partnering with WARC and will be a consultant on The Set Branding event in September, and will be assisting the CRA's new Media Coordinator. She noted the \$4,000 funding request increase this year is to bump up the Destination Marketing.

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

Mr. Bernadel commended her on an outstanding job and demonstration of how to use the dollars. Mr. Rose concurred. Mr. Cox said he appreciated her participation and engagement with the WARC Board, and asked for a consensus of the Board regarding funding. Mr. Branning said to keep up the good work which was met with Board consensus.

6. P&Z

A. Amendment to Land Development Regulations Regarding Multi-Frontage Setbacks

Senior Planner Candi Jefferson presented the City-initiated amendment to the LDR's. This amendment would require single family detached residences city-wide to meet the front setback requirement along all applicable frontages to maintain uniformity of streetscapes, and to amend Definitions to provide a definition for a multi-frontage lot. It would affect new development or a home that is demolished to rebuild, as well as building additions. She noted that if there is a demonstrated street pattern, there is relief available for a property owner through Site Plan Review and Appearance Board (SPRAB). Mr. Costello stated that it was his understanding the the changes were initiated as a result of a home that was built in the Beach Overlay District. As the Overlay District has its own design guidelines, and that rather than apply a requirement that would apply to all single family districts throughout the City, perhaps the Overlay District Guidelines could be modified. He added that this could make some homes non-conforming and hinder modifications by homeowners.

The Board Chair asked for public comments.

Tom Carney, resident within the CRA District, agreed with the Executive Director, and thinks it is not appropriate and potentially stifling to redevelopment. He said there are a lot of properties to consider, and it is depriving a lot of people of property rights. Yes, someone used the rules to their benefit on the beach, but don't let that affect all of Delray Beach. Also, do not act on this in the summer when so many homeowners are up north and have no say. He asked the Board to reject the Amendment.

Tom Laudani, owner of Seaside Builders in Delray who develop a significant amount of properties in Delray Beach, stated that if passed this will create a hardship for developers and builders as well as existing property owners. He noted the ramifications are far-reaching, and it needs to be thought out more deeply and given much more consideration. He commented that it could result in mortgage defaults. He agreed with Mr. Carney this should not be considered in the summer when so many residents are away, and also that it would create a wave of lawsuits.

Terence Cudmore, 1202 Vista Del Mar, commented he is designing a new home and just learned from a neighbor that this is being considered. He said at a minimum everyone who owns a corner lot should have been notified, and that if passed, this would have a dramatic effect on the value of those lots and should be reconsidered.

Andrew Katz, 220 S. Ocean Blvd., said the Board should request from the City examples of different situations that would come up. He cited the various reductions in buildable land frontage which would occur should this be passed, and that it would have the greatest effect on narrower lots. He thinks Planning and Zoning should consider more, for example, what it would mean when you have a 60 foot wide lot and are making the side the front. He said that P&Z does need to have a more detailed analysis.

Mr. Branning is not sure why this is coming up, and feels it is a bad idea. He suggested that some lots which are currently worth \$400,000 could be worth \$80,000 with this Amendment. Additionally, should a home be damaged by fire, it would be out of compliance and this would preclude it being rebuilt and should be rejected. Ms. Balestriere commented that the Amendment should not even have gotten this far and she does not support it. Mr. Zacks felt there is nothing good to be said about this petition, that it is nonsensical and would tremendously lessen the tax base of the City. He cannot support it. Mr. Stevens said he is concerned about the lack of notice to the community, and that the residents and homeowners should be heard on this. He does not support it.

Mr. Cox inquired if the CRA Board is getting this because it is an LDR affecting the CRA District. Mr. Costello confirmed that. Mr. Cox said he does not hear any support so that is the Board consensus. He also asked about it not yet going before the P&Z Board. Ms. Jefferson stated that it was tentatively slated for the June 20th P&Z Board Meeting, but concerns were voiced so it was tabled. Ms. Jefferson noted that P&Z typically does not review single family homes other than the beach district, nor would it come before all the boards. However, given the concerns that were voiced and the fact it is an LDR Amendment, the decision was made to take it before the boards for consideration. Mr. Cox inquired about the notice given to residents. Ms. Jefferson stated that typically notices are sent to the presidents of all the homeowners associations, not to every homeowner. Mr. Zacks said not everyone has a homeowners association, and he was not sure that constitutes legal notice. Mr. Branning made a motion that the petition to amend the LDR's be denied which was seconded by Ms. Balestriere and passed unanimously.

7. Consent Agenda

A. Extension to Agreements with DBCLT and Delray Housing Group – Ground Lease Management

B. Monthly Financials, April, 2016

C. FY15-16 CCC 1st Quarter Report

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

8. Old Business - None

9. New Business

A. City Funding Request for Delray Beach Trolleys

Mr. Costello presented the item. He noted the CRA has been funding the Trolley service since 2006, and that the 2015-16 Budget includes \$400,000 for funding which has been augmented in the past by matching funds from a grant from the South Florida Regional Transportation Authority (SFRTA). This year, SFRTA has no funding programmed in their 2017 budget due to financial constraints in the Commuter Bus Program, so they can no longer provide 25% of the funding for the Trolley. Therefore, the City is requesting an increased amount of \$450,000, and it is critical that other revenue sources be diligently pursued i.e. advertising opportunities and sponsorships.

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

Mr. Zacks commented that in essence, the CRA is reimbursing the City for the trolley, although it also runs outside of the CRA District some of the time and wanted to know if it can be legally funded. CRA Attorney D. J. Doody stated that the Board can decide to do so if it feels it benefits the District, that it is legal if there is a direct benefit to the CRA. Mr. Costello noted it goes to the train station on Congress Avenue and brings visitors and workers into the District. Mr. Stevens commented there are a lot of benefits this service provides to the District. Mr. Cox noted the advertising on the Trolley was discussed at the Budget Workshop, and there was a consensus that this avenue be pursued. Ms. Balestriere asked if this is for outside or inside the Trolley. Mr. Cox said he understood both, but different types of advertising for each. The Board consensus was to bring back some options to the Board.

B. Agreements for Engineering Services on a Continuing Contract Basis

1. **Wantman Group Inc.**
2. **Mathews Consulting, Inc.**
3. **Calvin, Giordano and Associates, Inc.**
4. **Chen Moore & Associates, Inc.**
5. **Kimley-Horn and Associates, Inc.**

Assistant Director Thuy Shutt presented the item. As directed by the Board, Ms. Shutt stated she has negotiated rates with the five firms recommended by the Selection Committee. She stated Chen Moore is the only firm not already working for the City, and all their references have check out. She reviewed some background on the negotiations, and noted the contract is a standard agreement with fees locked in for three years with a one year renewal option at which time the fees could be adjusted.

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

Mr. Branning requested some changes be made to the contract as follows: Page 5 Item 7B – Comprehensive General Liability – Add “be in effect for three years following completion of all services” Page 6 Item D -Professional Liability Insurance – have that also state “be in effect for three years following completion of all services”. And on Page 7 – Indemnification – The first sentence to read: In consideration of ten dollars (\$10.00) and other valuable consideration, the ENGINEER shall indemnify, defend, and save harmless the CRA, its officers, agents and employees, from or on account of any liabilities, damages, losses and costs received or sustained by any person or persons by or in consequence of any negligence, errors or omissions in the rendering or the failure to render professional services...” He said he had discussed these edits with the CRA Attorney.

Mr. Branning made a motion to authorize the Board Chair to execute the Continuing Architectural Services Agreement with Wantman Group Inc. as amended. The motion was seconded by Mr. Bernadel and passed unanimously.

Mr. Branning made a motion to authorize the Board Chair to execute the Continuing Architectural Services Agreement with Mathews Consulting, Inc. as amended. The motion was seconded by Mr. Zacks and passed unanimously.

Mr. Branning made a motion to authorize the Board Chair to execute the Continuing Architectural Services Agreement with Calvin, Giordano and Associates, Inc. as amended. The motion was seconded by Mr. Zacks and passed unanimously.

Mr. Branning made a motion to authorize the Board Chair to execute the Continuing Architectural Services Agreement with Chen Moore & Associates, Inc. as amended. The motion was seconded by Mr. Zacks and passed unanimously.

Mr. Branning made a motion to authorize the Board Chair to execute the Continuing Architectural Services Agreement with Kimley Horn and Associates, Inc. as amended. The motion was seconded by Mr. Bernadel and passed unanimously.

C. Work Assignment with Calvin-Giordano - SW Neighborhood Alleys

Ms. Shutt presented the item. She reported that the project's scope has been worked out with the City Engineering Department, but due to circumstances they would not be able to get the item to the City Commission until July 5th. Since Calvin Giordano & Associates Inc. is an approved engineer for both the City and the CRA, in the interests of time staff prepared a Work Assignment with Calvin Giordano to facilitate the design process. She noted there are a couple of minor changes to the Work Assignment as follows: On Page 4, under the Project Description the changes should reflect the scope includes not just the paving but all work associated with the paving, grading and drainage improvements for the alley in question and also the adjustment to existing utilities, drainage as well as appropriate signage and pavement markings. On Page 5, since it is only alley improvements, there would not be any landscaping, architectural, irrigation or electrical engineering plans needed. She added it will take about eleven months to design.

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

Mr. Branning made a motion to approve the Work Assignment with Calvin Giordano & Associates, Inc. for the design work and construction administration associated with the NW/SW Neighborhood Alleys at a cost not to exceed \$125,838.54 subject to the changes outlined by staff. Mr. Zacks seconded the motion which passed unanimously.

D. First Amendment to Agreement with LV Landscaping – Time Extension

Ms. Shutt presented the Amendment to LV Superior Landscaping's contract. She noted that staff is coordinating with the City Parks and Recreation Department to assure all of the maintenance obligations of Complete Property Services have been met prior to the CRA's issuance of a Notice to Proceed to LV for taking over the maintenance of the Atlantic Avenue Gateway feature.

The Board Chair asked for public comments.

Chuck Ridley, 210 NW 2nd Avenue, addressed the Board saying he is excited to hear there will landscaping work being done. He asked that whoever the contractor is, they be asked to consider the residents in the NW/SW sectors and their landscaping needs.

Ms Balestriere made a motion to approve the First Amendment to the Agreement with LV Superior Landscaping, Inc., renewing the landscape maintenance agreement for one year expiring on October 31, 2017. Mr. Bernadel seconded the motion which passed unanimously.

10. Other Business

A. Comments by Commissioners

Mr. Branning stated it has been a privilege and a pleasure serving on the CRA Board. He feels the Board is on the right track, and they should not forget all the subareas and stay true to the cause.

Mr. Stevens said he would miss Mr. Branning, and that he has always demonstrated good, sound reasoning as a commissioner. He noted that he has appreciated Mr. Branning's fairness.

Mr. Bernadel also thanked Mr. Branning for his compassion and generosity and said he has been a good source of information for the Board.

Ms. Balestriere also thanked Mr. Branning, and said how valuable he has been to the Board and she has learned much from him.

Mr. Zacks acknowledged Mr. Branning for putting in a decade of service, and stated his attention to detail has been amazing along with his good heart.

Mr. Cox said while they have not always agreed, he and Mr. Branning have had a good working relationship on the Board and his attention to the details and the packet will be missed.

B. Comments by Board Attorney

Mr. Doody commended Mr. Branning for his commitment to the community and this Board. He noted he exemplifies the qualities all the commissioners share, and wished him well. In regard to an MOU with WARC which was brought up in April, Mr. Doody stated there are opportunities to incorporate some elements of the CBA into an MOU. He cautioned to keep in mind once the property is closed on, there will be little opportunity to enforce any of those items so it is not necessarily a binding contract. He requested some direction from WARC as to how they would like to proceed.

C. Comments by Executive Director


Mr. Costello passed out a memo regarding various items being worked on. He updated the Board regarding the RFQ's and RFB's the CRA has issued. He also acknowledged Mr. Branning's terrific contributions to the Board, noting his incredible attention to detail and very diverse knowledge re economic development, planning, construction etc. and has been over and above. His efforts on this Board are appreciated and he will be missed.

D. Comments by Staff

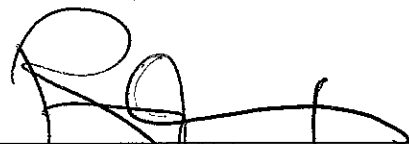
Ms. Burrows reported on the successful Small Biz Month and the results of the surveys will be forthcoming.

11. Adjournment

There being no further business, the meeting was adjourned at 8:20.



Jeff Costello



Reginald Cox