



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, January 12, 2017, 5:30 p.m.
City Commission Chambers – 100 NW 1st Avenue
Delray Beach, FL 33444

STAFF PRESENT:

Jeff Costello	Kristyn Cox	Candice Jefferson	Michelle Hoyland
Thuy Shutt	D J Lee	D J Doody	Sgt. Darrell Hunter
Joan Goodrich	Renee Roberts	Susan Shaw	Jamael Stewart
Elizabeth Burrows	Kevin Matthews	Missy Barletto	

OTHERS PRESENT:

Peter Perri	Randy Holihan	Jane Smith	Marjorie Waldo
Andrea Hutchinson	Ann Stacey-Wright	Chuck Ridley	Joycelyn Patrick
Evelyn Dobson	Tina White		

1. Call to Order

Chairman Cox called the meeting to order at 5:33 pm.

2. Roll Call

Present: Reginald Cox, Cathy Balestriere, Dedrick Straghn, Paul Zacks

Absent: Herman Stevens, Joe Bernadel, Daniel Rose

3. Approval of Agenda

Mr. Zacks requested the Agenda be modified to have Item #7, Reports, presented after New Business, and to move Old Business, Item #9A, to be presented after Item #6, Planning & Zoning. He made a motion to approve the Agenda as modified which was seconded by Ms. Balestriere and passed unanimously.

4. Approval of the Minutes

A. Minutes of December 8, 2016 Joint CRA/WARC Workshop

Mr. Zacks made a motion to approve the Minutes of the December 8th Joint CRAWARC Workshop which was seconded by Ms. Balestriere and passed unanimously.

B. Minutes of December 8, 2016 Regular CRA Board Meeting

Mr. Zacks made a motion to approve the Minutes of the December 8th Board Meeting which was seconded by Ms. Balestriere and passed unanimously.

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

6. P&Z

~~A. LDR Amendment to add Playhouses, Dinner Theaters and Places of Assembly for
For Commercial Entertainment or Recreational Purposes in the CBD Zoning
District~~

~~B. Class V Site Plan Modification—238 NE 1st Avenue—Jose Aguila~~

C. Class IV Site Plan Modification – 219 Dixie Boulevard – Steve Mackey

The applicant, Steve Mackey, 501 NW 2nd Street, stated his plan is to build an addition in the rear of the historic building located at 219 Dixie Boulevard for a Real Estate Technology Company. Michelle Hoyland, Senior Planner/Historic Preservation, reviewed the project, noting that staff is working with the applicant to address issues with the parking on the south side of the building. She believes staff can work with the applicant to have the project meet code, and staff is supportive of the project.

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

Mr. Zacks inquired about the visibility of the addition onto the historic building. Mr. Mackey reported that the addition is in the back and should have no visual impact from the front of the street.

D. Class V Site Plan – The Lisa Building – 47 SE 5th Avenue – Louis J. Carbone, PA

Senior Planner Candi Jefferson presented the application for the demolition of the existing structure and construction of a one-story commercial building with five (5) retail store bays. She noted the applicant is requesting two waivers which she reviewed. She added that the applicant is also requesting four (4) in-lieu spaces to accommodate parking as there are only ten (10) spaces provided on-site and 14 are required. She reported staff supports the application.

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

Mr. Zacks noted his concerns regarding parking, stating that ten (10) spaces to accommodate five (5) retail businesses does not seem adequate. Ms. Jefferson noted there is relief available to them. Mr. Costello noted that the site is adjacent to a City Parking Lot and that it meets code with the in-lieu spaces. Board consensus was supportive with the parking concern noted.

Per Amended Agenda:

9. Old Business

A. Direction – RFP for CRA Owned West Atlantic Avenue Properties

Mr. Costello presented the item. He reviewed the two options for the Board to consider for the West Atlantic properties between SW 6th Avenue and SW 9th Avenues. He noted that the Board may want staff to contact the other respondents from the 2013 RFP, and that given how much time has elapsed, he felt it would be prudent to contact one of the CRA's consultants to evaluate the legal organizational structure and the financial feasibility of those proposals. He added that since 2013, construction costs have increased, and the CRA has acquired more land surrounding the property from the 2013 RFP so all of that could be incorporated into a new RFP if the Board chooses that option. Staff is requesting direction.

Mr. Zacks asked CRA Attorney D. J. Doody at what point it would be appropriate to table the item. Mr. Doody responded that the motion should be made after public comments as there can be no comments made once the motion is made and passes.

The Board Chair asked for public comments.

Peter Perri, 65 NE 4th Avenue, stated that a considerable amount of work went into the creation of the Community Benefits Agreement (CBA) and he would like to see that added into any future RFQ.

Evelyn Dobson, 130 NW 3rd Avenue, requested that if the Board selects Option 1, that it require legal and/or staff to thoroughly vet the financial positions of the prior respondents to justify that they can move forward with a project to completion. She referenced the changes made to the project to accommodate the Equity project and how they would not be a part of the other respondents' submissions.

Mr. Zacks felt that having only four of the seven CRA Commissioners present to give direction on this most important project to the City was not appropriate, and he made a motion to table the item until the next meeting. Mr. Straghn seconded the motion which failed 2-2 with Ms. Balestriere and Chairman Cox dissenting. There was some discussion regarding whether to address the item tonight with only four commissioners or to wait until the next meeting. Mr. Cox stated that the Board requested it to be put on tonight's Agenda, that all commissioners knew it was on the Agenda, that there is a quorum present, and that there is no guarantee at any given meeting there will be a full Board. He asked Mr. Doody if financial ability can be made a term of the Purchase & Sale Agreement for the next developer. Mr. Doody replied yes, and said that had been the intent of the Letter of Credit requirement in the Equity Agreement. He stated that the verbiage can be strengthened and that evidence of financial capacity can be required earlier in the process. Mr. Cox asked staff about the Letter of Interest from one of the original respondents to the 2013 RFP and asked if they had both been contacted. Mr. Costello stated the Letter was received shortly before the Meeting tonight, and that while staff had not contacted either respondent, both (Jones New Urban and Prime Delray) have expressed interest. Mr. Cox asked about where each ranked in the 2013 selection process. Mr. Costello said that staff had ranked Jones New Urban first and Prime Delray third. Mr. Doody clarified that those were staff recommendations not Board rankings and therefore have no bearing.

Mr. Cox stated that primary concerns regarding the project were financial capability, which can be dealt with, and community involvement. For example, he stated the 2012 West Atlantic Needs Assessment was a part of the 2013 RFP as far as community involvement and community uses for the project, and that those components will not likely change. He stated for the record that he was inclined to go with Option A and Jones New Urban and to move forward in that manner. Mr. Doody noted that the item tonight is not to select a developer but to select an option. He also made the Board aware that prior to entering into any contract with a developer, Florida Statute 163.380 requires public notice be published for 30 days which could result in other proposals. Some discussion ensued regarding the Statute and legality issues. Mr. Doody noted that the question is about potential liability for the CRA, and that the prudent safer course of action for a new contract under the old RFP or even under a new RFP would be

to publish the 30 day notice to enter into a contract. He added that prior to entering into a contract, Florida Statute requires public notice. Ms. Balestriere remarked that the real question seems to be whether the Board wants to travel under the 2013 RFP, Option 1, or issue a new RFP, Option 2. Ms. Balestriere asked if the Board chose to go with option A, would that mean it would not include the three parcels the CRA has acquired since the original RFP. That was confirmed as correct. She got clarification as well that the 2013 RFP respondents could not alter their previously submitted RFP which was also confirmed. She then asked how long it would take for staff to look at the original responses, see what needs to be improved or amended, and issue a new RFP. Mr. Costello stated there would need to be a new appraisal, the additional parcels would need to be added, and the earliest date when staff could present a new RFP for the Board to consider would be the first meeting in February. Mr. Straghn asked if the two unsuccessful respondents in 2013 would be able to amend their responses. It was clarified by Mr. Doody that those responses were prior to the addition of the extra parcels and could not be amended without another RFP being issued.

Mr. Zacks commented that he felt the only responsible thing for the Board to do is issue a new RFP rather than rely on one that is almost four years old, does not contain all the parcels, and was issued when there were different market conditions, different costs, and different Board members. The new one could include the extra parcels of land and be more specific as to what is desired. Ms. Balestriere mentioned the comment made about the CBA being included in a new RFP, and asked if that could be done. Mr. Doody said it could be a condition precedent to the closing. He noted the CRA could not be a party to the CBA but the developer could have to comply prior to closing. Mr. Cox felt it to be problematic that the CRA cannot be a party to the CBA, that there need to be teeth to it. Mr. Doody said it would have to be a condition of closing, or it could be made a condition earlier in the process than closing. Mr. Cox pointed out that a new RFP would have to go again before the WARC Board and it would not be a fast process. He feels there is a sense of urgency to move forward with the right project for the neighborhood, and the community will want to be a part of a new RFP which will take a lot of community involvement. Ms. Balestriere commented that the Board does not know how WARC feels. Mr. Cox requested the WARC Board Chair Chuck Ridley come to the podium to update the Board.

Mr. Ridley said that based on last night's WARC meeting, WARC was in favor of the Board choosing Option 1. However, he noted that based on things that have been heard in this meeting tonight, these options need to be given more consideration. He said that if there can be no modifications by the two previous proposers in Option A, that would not seem fair that any new proposers could have the benefit of viewing the previous submissions as a template hence placing the previous two respondents at a disadvantage. He stated that WARC does not want to have this process drawn out, but since the two proposals can't be modified and have to compete against new submissions, WARC will need to further discuss the item.

Given the discussion, Chairman Cox said he would entertain a motion to table the item until the next meeting on January 26th. Ms. Balestriere made a motion to table the item until the January 26th CRA Board Meeting. The motion was seconded by Mr. Zacks and passed unanimously.

7. Reports

A. Clean & Safe Report, November, 2016

Sgt. Darrell Hunter, Supervisor for Clean & Safe, presented his report for the 'Police/Safe' side. He noted a spike with the transient and vagrant population, saying that many of them report receiving vouchers to come to Delray Beach. He said there will be a Homeless Coalition headcount slated to start November 26th and 27th to get a solid idea of the size of the population. He reported that the public Library and Libby Wesley Park are still in the maintenance phase as relates to the homeless sleeping on the benches. He also noted that there was a sober house training to address some of the issues the officers have to deal with around those homes.

Mr. Zacks inquired as to who was giving out vouchers for the homeless to come to Delray Beach. Sgt. Hunter said some of the individuals have responded that they got them in Philadelphia but with no specifics, and he stated the Police Chief is working on finding out more. Ms. Balestriere asked how a homeless count is done when some are on private property. Sgt. Hunter said it is somewhat new for the officers as well, but that a lot of the counts will take place at the Caring Kitchen, and officers know places where the homeless frequent.

Downtown Manager Jamael Stewart reported for the 'Clean' side. He noted that there will be a training January 17th on how to conduct homeless counts as well as to recruit volunteers from the community to assist. He reported also that there had been a lot of trash on and about the railroad tracks at Atlantic Avenue where the new construction is being done. He reported staff was able to contact the FEC construction project manager and they have already begun cleaning up the debris. He also stated that the events season is typically when a lot of staff is on vacation etc., and he has been able to partner with other departments like Parks and Recreation and Environmental Services to assure full coverage during season to maintain the downtown.

B. Landscaping Maintenance Update

C. CRA Monthly Progress Report, December, 2016

D. Economic Development Monthly Update, December, 2016

Ms. Balestriere made a motion to accept all reports as submitted. Mr. Zacks seconded the motion which passed unanimously.

8. Consent Agenda

A. CRA Monthly Marketing Report, December, 2016

B. CRA Monthly Financial Report, November, 2016

C. DBMC 4th Quarter Report – FY 2015-16

D. A-GUIDE - CCC 4th Quarter Report 2015-16

E. Fourth & Fifth (iPic) Plat - Authorization to Sign Plat

Ms. Balestriere made a motion to approve the Consent Agenda which was seconded by Mr. Straghn and passed unanimously.

9. Old Business (moved to after Item #6)

A. Direction - RFP for CRA Owned West Atlantic Avenue Properties

10. New Business

~~**A. Discussion -- North 600 Block West Atlantic Avenue -- Maxim Properties**~~

B. Termination of Real Estate Development Partnership Program

Economic Development Director Joan Goodrich presented the item, and stated it was staff's recommendation to terminate the Real Estate Development Partnership Program. Feedback on the program indicated there was limited interest as other existing CRA Grant and Incentive programs were more enticing to use with no repayment requirement. It was also felt that Delray Beach's office market is "too soft" and will be for quite some time. Ms. Goodrich also noted that the update process underway on the Comprehensive Plan, "Always Delray", will drive what future new incentive tools are needed.

The Chair asked for public comments. There were none.

Mr. Zacks made a motion to terminate the Real Estate Development Partnership Incentive Plan which was seconded by Ms. Balestriere and passed unanimously.

~~**C. Dumpster Agreement -- CRA & JHB Florida Properties -- 418 E. Atlantic Avenue**~~

11. Other Business

- A. Comments by Commissioners - None**
- B. Comments by Board Attorney - None**
- C. Comments by Executive Director - None**
- D. Comments by Staff - None**

12. Adjournment

There being no further business, the meeting was adjourned at 6:55 pm.

Jeff Costello, Executive Director

Reginald A. Cox, Board Chair