



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.

**CRA BOARD MEETING MINUTES**  
Thursday, January 25, 2018 6:00 p.m.  
City Commission Chambers, City Hall  
100 NW 1<sup>st</sup> Avenue, Delray Beach, FL 33444

**STAFF PRESENT:**

Jeff Costello	Kevin Matthews	Krista Walker	David Tolces
Lori Hayward	Kristyn Cox	D J Lee	Susan Shaw
Joan Goodrich	Renee Jadusingh	Elizabeth Burrows	

**OTHERS PRESENT:**

Ann Stacey-Wright	Ron Gilinsky	Ari Whiteman	George Long
Eric Camacho	Dorothy Ellington	Shirley Johnson	Diane Colonna
Randy Hollihan	Daniel Lebensohn	Taylor Levy	

**1. Call to Order**

Vice Chair Cathy Balestriere called the meeting to order at 6:10 pm.

**2. Roll Call**

**Present:** Cathy Balestriere, Dedrick Straghn, Morris Carstarphen, Reginald Cox, Sandy Zeller

**Absent:** Annette Gray, Daniel Rose

**3. Approval of Agenda**

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

**4. Approval of the Minutes**

**A. Minutes of January 11, 2018 Regular Board Meeting**

Mr. Straghn made a motion to approve the Minutes which was seconded by Mr. Carstarphen. Mr. Cox asked that the Minutes be amended to reflect that in the January 11<sup>th</sup> meeting Ms. Balestriere remarked that WARC is already doing to work in the Set that has long been neglected. Mr. Straghn revised his motion to approve the Minutes as amended which was seconded by Mr. Carstarphen and passed unanimously.

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

Ron Gilinsky, 1405 S. Federal Highway, thanked the Board for approving The Set Transformation Plan (TSTP) and encouraged the Board to move forward and make the project come to fruition.

Ari Whiteman, Washington Road, said TSTP is an aggressive plan to tackle and that perhaps implementation could start with sidewalks, streetscaping and landscaping to generate interest in the area.

George Long, 46 N. Swinton Avenue, said he had heard a lot of discussion about controlling the traffic on West Atlantic Avenue, and he referred to work the Department of Transportation had done in the City of Eatonville near Lakeland. He said the DOT there wanted to four-lane, and the citizens opposed that idea and the City went with pavers and bricks. He thought that might be worth consideration.

**6. P&Z** *(Discussion and comments by the CRA Board. No formal Action will be taken on P&Z Items)*

No Items

**7. Consent Agenda**

**A. Monthly Financial Report, November, 2017**

**B. Clean & Safe Report, December, 2017**

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

**8. Old Business**

No Items

**9. New Business**

**A. Letters of Interest – CRA-Owned West Atlantic Avenue Properties - SW 600, 700, 800 Blocks**

CRA Executive Director Jeff Costello introduced the item. He reviewed the background on Pasadena Capital's interest in the SW 600 Block. He said negotiations are still proceeding with Pasadena, and that within the 30-day notice window three letters of interest (LOIs) in the CRA's West Atlantic properties were received as well as a fourth letter which was just delivered after the 30-day notice period had expired. The LOIs included were for the SW 600, 700, and 800 blocks, and direction from the Board regarding the LOI's was requested.

The acting Board Chair called for any public comments.

Chuck Ridley, 210 NW 2<sup>nd</sup> Avenue, commented that he heard the Mayor at the last City Commission Meeting ask if a grocery store was wanted in that area. Mr. Ridley stated that it is and has been the number one ask from the community for years. Secondly, he said the LOIs are flattering but his concern is that apples are not being compared to apples. He said that if Pasadena Capital assigns the land to Publix then there is definitely a grocery store. He said also if Publix owns it then it separates that parcel from developers. He said he saw one of the letters which was interesting but is only promises which is a road that has been travelled. Thirdly, he said if there are to be negotiations he felt any leverage the CRA had is gone but please try to get something reasonable. He said consider the LOI's but be clear the community wants a grocery store.

Daniel Lebensohn, 1750 Lake Drive, said his company BH3 submitted an LOI. He said he owns property in The Set, and that he wants local business to be activated. He said there was a group that faded out of contract who are not a local company but a west coast company he thought. He said he wants to hire people from The Set who are local and care. He noted he has the wherewithal and is happy to entertain having a supermarket. He would like the opportunity to negotiate with an open dialogue as he feels he has some great ideas on how to develop all three blocks.

Taylor Levy, 1810 Lake Drive, is partners with Mr. Lebensohn for the LOI, and commented it is time for the western side of Atlantic Avenue to expand in a proper way and to provide unique opportunities for entrepreneurs to allow the community to grow. He said they plan for contiguous development that will speak to all parts of the community and will include congregational areas.

Ari Whiteman, Washington Road, suggested that in any bid that goes out a grocery store should be mandated as a part of the development.

Brian Rosen, 106 NE 16th Street, commented that he does some leasing for properties that Mr. Lebensohn owns in the Set. He spoke on behalf of Mr. Lebensohn, and said he is very focused on keeping the culture of the area, and that he does what he says he will do.

Randy Holihan, 200 Pasadena Place, Orlando, President of Pasadena Capital, said he understands that not everyone is happy with the initial contract falling through, but that Publix will close on the property just not in the time frame desired. He said once there is Publix as the anchor the other two blocks become much more valuable than they are today.

CRA Attorney David Tolces asked that the Board allow the Agreement currently being negotiated with Pasadena Capital to come before them at the next meeting before deciding what avenue to pursue. He noted it does not preclude taking an action on anything else on the Agenda and that the Board can proceed on two different tracts while posting notice for the other two blocks. Mr. Carstarphen asked if Publix purchased the land would there be an Agreement enabling the CRA to re-purchase the land. Mr. Costello stated that there is a re-purchase clause in the Agreement. Mr. Carstarphen noted that he has concerns with the shovel in the ground date being by the end of 2022, and did not understand why Publix would have a problem with not much other development having started in the area yet. He said there is a brand new apartment complex just west of The Set and along with another one they total over 500 units who along with the residential community would provide plenty of shoppers and he would like to know the reason behind the delay.

Mr. Cox shared Mr. Ridley's concern that apples are not being compared to apples and that is a concern of his. He also reiterated that in all community plans the grocery store is named as the key desire of the community. He said when the Equity Agreement fell through due to lack of funding, he had wanted to go with the second place respondent from the West Atlantic RFP, which was a year ago. He said the Board entertained Pasadena Capital's unsolicited proposal when that had not been done before because Publix is the number one grocer in the state. He had a concern in possibly losing the opportunity for Publix to be the anchor store and said the CRA could end up entertaining more promises that could potentially be broken. He favored continuing negotiations with Pasadena and to look at apples to apples with an RFP for the other blocks. Mr. Costello stated staff had previously worked on a draft RFP so a one could be ready for discussion at the next meeting. He added it would be possible to get the RFP out by the end of February, but Board input would be needed regarding the RFP components. He also noted that a combination

RFQ/RFP could be considered in order to review the qualifications of interested developers. Mr. Cox agreed with determining the qualifications, and noted that Publix is a safer risk because they are a known entity.

Mr. Straghn felt all options should be kept open and that staff can still be negotiating while looking at what other developers have to offer. He also agreed that December of 2022 is a long time to await the beginning of construction, and that there is no harm in entertaining what others have to offer. He added that he is not so concerned with what grocery store comes to West Atlantic just that there is one. Mr. Carstarphen agreed with his colleagues and said he hoped Publix understands what is in the best interests of the community who badly want a quality grocery store. He commented there is 18% to 20% unemployment in The Set, and he did not want unemployed individuals to have to wait until 2022 for the potentially 100+ jobs which building a new grocery store could provide. He mentioned he had gone through the LOIs that referenced out-of-state grocery stores and said the cost of goods in store could be expensive with stores located in the northeast that do not have local suppliers. He agreed the CRA needs to keep all options open and have flexibility.

Mr. Zeller stated he agreed with his colleagues, and said he was angry when the offer was pulled out by Publix but gave them credit for quickly coming back to the table. He commented that if Publix saw other development taking place in the area they might move up the start date for construction. He felt that there is no harm in speaking with other companies but thinks that Publix has shown sincerity and that if they go to contract it will add value to the other parcels. He added that he would think if the CRA puts out an RFQ/P it would give Publix great comfort that the CRA intends to develop the area. He said Publix has been very successful in having diversified hiring practices and he expects they would continue and hire locally. He felt the Agreement with Publix should be completed with encouragement to move up their deadline and give other developers an opportunity to come forward for the 700 and 800 blocks. Mr. Carstarphen expressed concern with Publix holding on to the parcel and then backing out in 2022. He said he would only approve the Publix deal with an earlier construction date with language to prevent them from holding this project up as he does not want to end up back at ground zero. Ms. Balestriere said she does not see there will be much difference in traffic on West Atlantic for potential shoppers at Publix between now and five years from now. She said it seems clear there is some consensus to have an earlier start date which Publix does not seem amenable to, and there is interest in the land so it needs to move forward. She thought hiring a consultant to figure out the best RFP might be a good idea to see how to improve what the CRA is putting out to bid. He said at the next meeting the Agreement with Pasadena Capital will be on the Agenda for the Board's consideration. Mr. Tolces pointed out that if any of the LOI's are to be considered it would be best to select only one of them. Ms. Balestriere pointed out that the LOI's are not apples to apples and there is no way they can effectively be evaluated.

Mr. Cox said he agreed with Mr. Zeller to proceed with negotiations with Pasadena, and noted that staff cannot negotiate with all potential developers who submitted LOI's so one would have to be picked. He said the good news is there is clearly interest. Mr. Costello stated there was a conference call earlier with Pasadena and that the attorneys and staff are trying to build in protective measures/milestones in the Agreement. He reminded the Board that the December of 2022 construction start date is a "no later than" date. Mr. Carstarphen said he thinks Publix wants

to see what is going to be on the other two blocks and that if they don't agree with the project they could terminate.

Mr. Costello noted that if the Board approves the Pasadena Agreement the RFQ/P can be changed from three to two blocks and it would also affect the uses for the other developers. After some more discussion, Mr. Straghn made a motion to table Item 9A until the February 8<sup>th</sup> Board Meeting which was seconded by Mr. Carstarphen and passed unanimously. Mr. Cox made a motion to have staff bring a preliminary RFQ/P for discussion for the 600-800 blocks which was seconded by Mr. Carstarphen and passed unanimously.

### **B. Request for Bids – CRA Office Addition**

Project Manager Kevin Matthews presented the item. He reviewed the history behind the item and gave an overview of the proposed RFB.

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

Mr. Cox inquired if there was language in the RFB regarding local preference. Mr. Matthews stated there was the City's standard 5% clause for bids on page IB-10 section 26. Mr. Straghn made a motion to authorize staff to issue the Request for Bids (RFB) for the CRA Office Expansion Project, subject to minor plan and/or bid modifications as may be appropriate prior bid release date. Mr. Cox seconded the motion which passed unanimously.

## **10. Other Business**

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

Mr. Cox applauded his colleagues and staff as well as WARC for coming in for a 3:00 workshop to work through the necessary Partnership Agreement with WARC. He noted this is what a redevelopment board needs to be doing. He did express concerns that the Staff Workload Assessment had not been completed given there was a lot of discussion regarding personnel for the WARC Partnership and other entities as well. He said the reason for the Assessment was to see what resources are available and what are needed for WARC to move forward with TSTP. Mr. Costello stated the Staff Assessment was to be ready for distribution the next day.

Mr. Straghn thanked Ms. Balestriere for a good job of leading the Workshop discussion.

Mr. Carstarphen also acknowledged Ms. Balestriere for her leadership. He said he is happy to see this is an independent Board but hears talk again of City Commissioners taking over the Board and accusing the CRA of not doing what it is appointed to do. He said he did not understand why the Board was constantly being threatened and is highly disappointed that the City Commission continues to chastise the CRA Board particularly when the Board is doing its job.

Mr. Zeller also thanked Ms. Balestriere for stepping in and doing an exemplary job leading the meetings. He said procedural issues are important to him and to everyone including WARC. He was not happy that he asked for a legal opinion on TSTP and whether it conforms to all statutes and ordinances and has not gotten it. He felt the Board should have a written opinion from the attorney, and he felt the CRA Board should have had an opportunity to review the Partnership Agreement as a Board, like the WARC Board did, before the Joint Workshop. He asked for a written legal opinion on the Partnership Agreement.

Ms. Balestriere said the CRA Board sets the policy so the Joint Workshop was held in the Sunshine to review the Agreement and then the Attorney will make the revisions with the proper

legal verbiage and will bring it back to the Boards. She said as far as a written legal opinion that might set an unwanted precedence. Also, she said she thought the Board recommended sending TSTP to the City Commission for approval, but instead the City Commission just had a presentation of the Plan. Mr. Costello noted the sequence was always scheduled to be a presentation of TSTP in January along with the CRA's recommendation of approval and then for Commission approval in February. Ms. Balestriere reminded the Board it is time to be getting redevelopment done and therefore the Board cannot consider things that may or may not happen with the legislature but rather can only work within the parameters currently in place.

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

Mr. Tolces said regarding the process for the WARC Agreement, the Board authorized himself, Mr. Costello, Mr. Ridley and Mr. Cox to meet and prepare a template Agreement to bring back to the Boards for review which they did. In regard to a legal opinion on TSTP, he said it is not a legally binding document or a community redevelopment plan and that all that language was included in the Preface to TSTP. He said if the Board votes to have a legal opinion on any document, one will be rendered but that it would be a precedent to provide a legal opinion for one Board member. He noted that if he had any legal concerns on any agreement he would bring it to the Board's attention.

#### **C. Comments by Executive Director**

Mr. Costello reminded the Board of the Joint Workshop with the City Commission next Monday. He reiterated that the City Commission will vote to approve TSTP in February, and that they were provided with all the suggested revisions from the Board. He referenced a discussion from November regarding commissioners making requests of the Executive Director for information in certain formats, and said counsel and staff deemed it unnecessary to amend the By-Laws. The standard procedure is that the Executive Director will include all the commissioners in any information sent to a Board member per their request. He apprised the Board that staff along with the WARC Economic Development Committee have been meeting to formulate a new RFP for the other two blocks with the desired uses and working with local businesses along with workforce housing and local participation so developers can know up front what is expected. In regard to the Workload Analysis, the consultant said he can expect to receive it tomorrow and he will share it with staff at the Tuesday morning staff meeting. He said for the board to let him know if they wanted it presented to the entire Board or individually. Lastly he let the Board know that the March Board Meeting dates of the 15<sup>th</sup> and 29<sup>th</sup> (when the Commission Chambers are not available) deviate from the typical 2<sup>nd</sup> and 4<sup>th</sup> Thursdays of the month and to let him know if they wanted to change those dates to the 8<sup>th</sup> and 22<sup>nd</sup> with a caveat that the 22<sup>nd</sup> coincides with spring break for the schools.

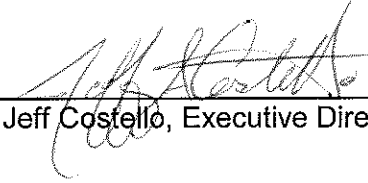
Mr. Cox asked about having just one meeting a month and one workshop a month, and if a special meeting is needed it could be scheduled. He said staff is always working on a packet under the current schedule, and last minute additions are often being sent out. Mr. Costello said he and counsel will check the By-Laws to see if they would need to be amended. It was suggested it be an Agenda item at one of the February meetings to give the Executive Director time to analyze the feasibility of such a change.

**D. Comments by Staff**

Finance and Operations Director Lori Hayward apprised the Board that she met with the Board Chair and counsel to review and revise the Evaluation Form. She passed out a copy of the revised form for Board review. The Board suggested staff put it on the next Agenda for discussion.

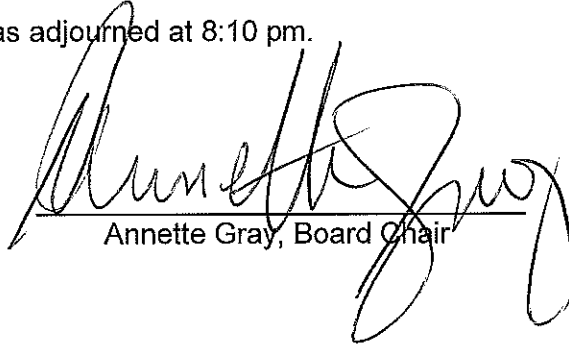
**11. Adjournment**

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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Annette Gray, Board Chair