



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, November 3, 2016, 5:30 p.m.
City Commission Chambers – 100 NW 1st Avenue
Delray Beach, FL 33444

STAFF PRESENT:

Jeff Costello	Elizabeth Burrows	Lori Hayward	Mauricio Lara
Thuy Shutt	Kristyn Cox	Renee Roberts	Susan Shaw
Joan Goodrich	Kevin Matthews	D J Doody	

OTHERS PRESENT:

Victor Kirson	Jill Lanigan	Marjorie Waldo	Donna Waldron
Mike Williams	Bill Nix	Dorothy Ellington	Evelyn Dobson
Patricia Wright	Ann Stacey-Wright	Tom Fleming	Chuck Ridley
Ahmed Burton	Joycelyn Patrick	Alexis Burns	

1. Call to Order

Chairman Cox called the meeting to order at 5:30.

2. Roll Call

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

Absent: Herman Stevens, Daniel Rose

3. Approval of Agenda

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

4. Approval of the Minutes

A. Minutes of October 20th Board Workshop

Mr. Bernadel made a motion to approve the Minutes of the October 20th Board Workshop. Mr. Zacks seconded the motion which passed unanimously.

B. Minutes of October 20th Board Meeting

Mr. Zacks made a motion to approve the Minutes of the October 20th Board Meeting which was seconded by Mr. Bernadel and passed unanimously.

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

Marjorie Waldo, 4550 Elwood Drive, introduced herself as the new CEO and President of the Arts Garage, and informed the Commissioners she would be contacting each of them individually to set up a meeting to exchange ideas.

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business acumen. Mr. Straghn asked about the 2nd paragraph under Section B on page 3 in the RFQ, where it talks about complete construction documents having been submitted for review. Executive Director Jeff Costello clarified that the paragraph was included in the previously issued RFQ, but that it was deleted since construction is already underway. Mr. Cox asked about the status of the Fundraising and Facility Feasibility. Ms. Shutt replied that is where the respondent needs to outline their methodology for fundraising. Mr. Cox then asked if the CRA had considered periodic examinations of the operations along the way for the first five years. He would like to see something in place to be able to monitor this investment, along with some alternatives if needed to protect that investment. Ms. Shutt responded that staff would work with the attorneys to develop some mechanism with measurable outcomes for annual reporting as part of their Agreement with the CRA. Mr. Cox noted that he concurred with the Timeline as presented.

9. New Business

A. First Amendment to Work Assignment – Song & Associates – CRA Office Expansion

Project Manager Kevin Matthews presented the Amendment. He provided background on the Work Assignment originally approved on June 23, 2015, and the scope of work to be done. He noted that in the elapsed time since the Stop Work Order was issued on September 11, 2015, there have been slight fee increases for sub-consultants. Additionally, an allowance of \$2,500 has been added for landscape architecture services and any potential irrigation modifications, bringing the contract total to \$44,710 which is a \$5,790 increase from the original Work Assignment. He informed the Board that Jill Lanigan of Song & Associates was present to answer any questions.

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

Mr. Bernadel commented he supports this work being done and feels it is needed to bring the CRA workspace up to a standard of adequacy so the staff has a professional environment in which to work. Mr. Cox supports the item but inquired about the increases in sub-consultant fees. Ms. Lanigan responded that there were small increases across the board, as well as a need to repeat some of the coordination meetings with sub-consultants which had been held a year ago. Mr. Zacks made a motion to approve the First Amendment to the Work Assignment with Song + Associates, Inc. for the design work associated with the CRA Office Expansion project, increasing the cost by \$5,790 for a total not to exceed \$44,710.00. The motion was seconded by Mr. Bernadel and passed unanimously.

B. Tri-Party Agreement & Assignment of Right to Repurchase – Fourth & Fifth Project (iPic)

Mr. Costello presented the item and reviewed the highlights of each. He stated that the City Commission had approved the Tri-Party Agreement at their November 1st Commission Meeting. He said that the Agreement basically memorializes the conditions of approval that must be met prior to closing. In his review of the Assignment, he stated the City will have the right to repurchase the property for \$3,600,000.00, and then they would have 60 days in which to convey the property to the CRA excluding the alley. CRA Attorney Doody added that the City wanted to compel the CRA at some point to give the alley back to the City. So the City was allowed to step into the CRA's shoes and have the Right to Repurchase the property for

Evelyn Dobson, 130 NW 3rd Avenue, requested that the alleyway be improved between NW 3rd & NW 4th Avenues in the 100 block.

6. P&Z None

7. Consent Agenda

A. Economic Development Monthly Report, October, 2016

B. Uptown Atlantic Plan – Authorization to Sign Plat

C. Paint-Up & Signage Grant – Miller-Morse Law, PLLC (710 NE 3rd Avenue)

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

8. Old Business

A. Discussion – Arts Warehouse/Incubator (313 NE 3rd St) - Operations and Management Request for Qualifications (RFQ)

Assistant Director Thuy Shutt presented the item. She stated that additional input from the Board and other arts and cultural related persons/entities discussed at the last meeting have been incorporated into the previously issued RFQ. She noted that staff has received several inquiries from other art professionals such as Gary Moore in Miami who are interested in being involved in the Arts Warehouse Management and Operations as collaborators. She reviewed the Timeline which includes three pre-submission meetings as requested by the Board.

The Board Chair asked for public comments.

Dr. Vic Kirson, Tierra Verde, commented that there has not been much response to previous RFQ's, and he feels if it isn't going to work do not keep pushing it.

Mr. Bernadel sought clarification about the exact financial requirements for an entity wishing to respond. Ms. Shutt responded that they are to provide a five (5) year budget of operational expenses and income. Given staff knows there will be a financing gap, she stated the hope is for them to specify what they believe the gap will be and how they would propose to fill it, what they may be able to leverage and what they need from the CRA. She commented they also need to outline their plans for programming, marketing and outreach. Mr. Zacks noted it looks like the RFQ addressed all of the Board comments and suggestions. He added that perhaps some entity will not have a funding gap, so he suggested the phrasing stress "if" there is a funding gap, respondent should identify what their anticipated needs are.

Ms. Balestriere wanted clarity regarding respondents having a proven record of past experience and if we want them to have experience managing one of these facilities. Ms. Shutt replied there are two separate components 1) knowledge of the arts and cultural-related facilities as well as 2) a business component. Whatever teams collaborate, they will need to have more local related experience in both business and managing an arts-related facility, and can be a joint venture. Based on discussions with other arts-related organizations, it can be organically grown. While the entity may not have experience managing a facility, it should have experience with arts and cultural related facilities. It could be a combination of experience, but should have

\$3,600,000. Then they have an obligation to give the property back to the CRA, which will pay the \$3,600,000 minus the alley which will stay with the City.

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

Mr. Zacks made a motion to approve the Tri-Party Agreement between the CRA, City and Delray Beach Holdings, LLC. associated with the Fourth & Fifth Project (iPic). The motion was seconded by Ms. Balestriere and passed unanimously. Mr. Zacks made a motion to approve the Assignment of Right to Repurchase between the CRA and City associated with the Purchase and Sale Agreement between the CRA and Delray Beach Holdings, LLC. Ms. Balestriere seconded the motion which passed unanimously.

C. Discussion – Carver Square Redevelopment Options

Ms. Shutt presented the item. She noted there are 19 lots within the subdivision owned by the CRA, with the 20th lot already owned by the Delray Beach Community Land Trust. The property has completed a soil remediation/mitigation program and is ready to be developed. She noted that staff has met with community stakeholders as well as local Delray Beach affordable housing partners to develop alternatives for the redevelopment of the property. As a result of all the discussions in the community engagement process, three development options have been outlined for the Board to consider as follows: 1) Issuance of an RFP to interested local not-for-profit entities specializing in affordable housing to purchase and redevelop the 19 lots with their own housing products; 2) The CRA would engage one of its architects on a continuing contract basis to create four quality home designs, and then issue an RFP to interested local not-for-profit entities for the redevelopment of the site utilizing the CRA's specified housing product; or 3) The CRA would be the developer, have designs prepared, and issue an RFB for a contractor or contractors to construct the homes as well as issue an RFP or RFB for local not-for-profit entities to income qualify buyers and sell the units. Staff is recommending option 3. Mr. Costello noted that WARC also supports option 3.

The Board Chair asked for public comments.

Evelyn Dobson, Executive Director of the Delray Beach Community Land Trust, 145 SW 12th Avenue, commended staff for collaborating with the WARC Community Sustainability Committee. She stated that this project will produce additional units for more than 20 income qualified homes, and said she is comfortable with the mix of deed restricted and CLT ownership. She added that this will be the first Workforce Housing Project where the CRA has been the primary developer if option 3 is selected. She noted that the CLT has in the past bought or processed income qualified buyers for projects such as CODA Phase 1, and has worked with the City on NSP sales so they have demonstrated the CLT has the capacity to handle the sale of the units. She asked that the CRA staff continue to collaborate with the Sustainability Committee, and also requested the CRA work with the CLT to exchange the 20th lot with another lot at an alternate site so the whole Carver Square project can be fully developed.

Mike Williams, Associate Executive Director of Habitat for Humanity, echoed Ms. Dobson's comments about the CRA staff's willingness to work with the affordable housing partners. He noted that Habitat are developers themselves so he would like to have options 1 and 2 available so they could continue to participate in this affordable housing project.

Chuck Ridley, Vice Chair of WARC, 210 NW 2nd Avenue, noted the community along with CRA staff has worked diligently to come up with recommendations, and WARC concurs with option 3. He commented that it is not just about spending dollars but investing dollars in the community. He noted that with the CRA as developer, the community capacity can be built and it also builds the capacity of the local non-profits. He felt this is another example of community benefits, and it shows the CRA is partnering with the neighborhood, giving it a voice, a presence and capacity.

Mr. Zacks did not favor the CRA becoming a developer/financier/designer but preferred option 1. He felt the free market system run by the local non-profits was better equipped to handle the project. Mr. Straghn supported option 3. Ms. Balestriere questioned how much staff time it would take. Mr. Costello stated that one of the continuing contract architects would be brought on board, a bid would be developed for a contractor(s) and with the non-profits to qualify the buyers, the process could be even quicker with this option. He added that the CRA has project managers on staff now to work with contractors and the CRA also funds a housing inspector at the City, so he feels the CRA has the capacity to handle this project. Ms. Shutt felt it will take no more time than overseeing someone else handling the project. Mr. Bernadel supports staff's recommendation. Mr. Cox stated that he learned at the FRA Conference that other CRA's are doing this, and that technically it is no different than what the CRA is doing with the Arts Warehouse. He noted this is what staff should be doing as it involves low-income, affordable housing.

Attorney Doody commented that if option 3 is selected, consideration should be given to procuring more than one general contractor, perhaps two or three, so the project can continue should one fail to perform adequately, and this could be built into an RFP or RFB. Mr. Cox requested that the any contractors be brought before the Board ahead of time to be sure they have the capacity to handle the project. Mr. Straghn made a motion to authorize staff to develop a Work Assignment with one of the CRA's continuing contract architects for the design of the homes for the CRA-owned residential properties within the Carver Square Subdivision, and to accept staff's recommendation of option 3. Mr. Bernadel seconded the motion which passed 4-1 with Mr. Zacks dissenting.

D. Monthly Progress Report, October, 2016

Project Manager Kevin Matthews presented the item. He reviewed the highlights, and stated that most of the items are on track. He, along with Assistant Environmental Services Director Mauricio Lara, noted several of the projects which are not on track including the NE 3rd Avenue/ Alley Improvements which has had delays with FPL being able to relocate the utilities. Mr. Matthews reported that Block 8 and Block 20 alleys are out to bid; SW 9th & 10th Avenue project is basically complete along with NE 2nd Avenue. NW 12th Avenue is probably 20% to 25% complete. Mr. Cox suggested in the future highlighting items that are on schedule, perhaps green, then items that are within 60 days maybe yellow and 60 days out of schedule could be highlighted in red so they can easily be identified.

10. Other Business

A. Comments by Commissioners

Ms. Balestriere thanked Ms. Dobson for always providing great information on affordable housing. She asked Ms. Cox, West Atlantic Development Director, if WARC has determined what needs to be discussed at the upcoming Joint Worksession. Ms. Cox said that a November 12th WARC meeting is being coordinated for that purpose. Ms. Balestriere said she would appreciate any backup information such as list of current board members, updates on committees and background information, prior to the Joint Worksession.

Mr. Bernadel thanked everyone for the continued support for those in Haiti affected by the hurricane, and acknowledged Ms. Balestriere for her immediate response to help.

Mr. Zacks commented that the CRA Attorney D J Doody was named the Municipal Attorney of the Year and congratulated him on the very high honor.

Mr. Cox that he learns a lot at the FRA Conferences, and he said that with the collaborative partners the CRA has, Delray Beach is the leader in that respect. He reported on The Set and the Branding and Banner Installation Ceremony and that the branding initiative will continue. He referenced the many comments at the last meeting regarding the Equity Uptown Atlantic project, including a possible material change in the Agreement. He stated it is something of great concern to the community, and the Board needs to really look at the issue. On behalf of the community, he would like to know what caused the change in the team that was originally put together by Equity which resulted in them being awarded the bid.

B. Comments by Board Attorney – None

C. Comments by Executive Director

Mr. Costello advised the Board that the City did decide to provide the Library the \$110,000 and noted that there was no condition on the additional funding of \$110,000 provided by the CRA that it would reduce CRA funding if the City funding wasn't reduced. Regarding reports to the CRA Board from funded programs and positions such as Clean and Safe and Landscape Maintenance, he asked for Board input as to how often they wanted reports, quarterly or monthly, and if they preferred the first or second meeting of the month. He then displayed the award the CRA received at the FRA Conference for the Federal Highway Beautification Project.

D. Comments by Staff

Ms. Shutt reported that she is seeking a name from each commissioner of a person they would like to see included in the Core Group for the Old School Square Improvements.

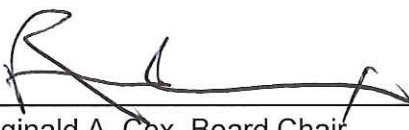
The Board consensus was to have the reports from the CRA funded positions and programs begin on the December 8th Agenda and continue monthly for 90 days, then the Board can decide how often they want to receive them.

11. Adjournment

There being no further business the meeting was adjourned at 7:10 pm.



Jeff Costello, Executive Director



Reginald A. Cox, Board Chair