



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 11, 2017, 5:30 p.m.**  
Commission Chambers at City Hall  
Delray Beach, FL 33444

**STAFF PRESENT:**

Jeff Costello	Kevin Matthews	Susan Shaw	Karen Friedman
Lori Hayward	Renee Roberts	D J Doody	Caryn Gardner-Young
Joan Goodrich	Kristyn Cox	Krista Walker	Candi Jefferson
Elizabeth Burrows	D. J. Lee	Officer Baer	

**OTHERS PRESENT:**

Jane Smith	Mark Bannon	Jim Chard	Steve Cohen
William Hatcher	George Brewer	Brandon Bellas	Lee Cohen
Jim Chard	Jeffrey Silberstein	Gerecia Edmond	Evelyn Dobson
Angie Gray	Shirley Johnson	Yvonne Odum	Ernestine Holliday
Dr. Deborah Wright	Robin Smith	Jackie Ramirez	

**1. Call to Order**

Chairman Cox called the meeting to order at 5:35 pm.

**2. Roll Call**

Present: Reggie Cox, Joe Bernadel, Cathy Balestriere, Herman Stevens, Daniel Rose, Dedrick Straghn

Absent: Paul Zacks

**3. Approval of Agenda**

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

**4. Approval of the Minutes**

**A. Minutes of April 13<sup>th</sup> CRA Board Meeting**

Mr. Rose made a motion to approve the April 13<sup>th</sup> Board Meeting Minutes which was seconded by Mr. Straghn and passed unanimously.

**B. Minutes of April 27<sup>th</sup> Board Meeting**

Mr. Rose made a motion to approve the April 27<sup>th</sup> Board Meeting Minutes which was seconded by Mr. Bernadel and passed unanimously.

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

Mark Bannon, Executive Director of the Palm Beach County Commission on Ethics, greeted the Board and said if there was anything needed from him he is always available.

## **6. P&Z**

### **A. CLV Site Plan – 50 SE 4<sup>th</sup> Avenue – George Brewer Architecture**

Senior Planner Karen Friedman introduced the item and gave a brief description of the project which involves demolition of the existing building to develop a two-story restaurant with an outdoor bar and seating. The applicant, George Brewer, provided additional details.

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

Mr. Cox clarified for the public that these items come before the CRA Board for review purposes only, not for approval or any decisions. Ms. Friedman noted it will be approved by the Site Plan and Review Advisory Board.

Mr. Straghn inquired about the parking requirements. Mr. Brewer stated that 33 parking spaces are required. He advised he has two leases in place for off-site parking totaling 31 spaces with another two on-site spaces for a total of 33. He also reported there are 12 bike racks required. Mr. Rose noted that the iPic public parking garage will also be nearby. Mr. Cox asked about any waivers on the project. Mr. Brewer replied there are currently landscape waivers only but all staff comments have not been received.

### **B. CLV Site Plan – 246 NE 6<sup>th</sup> Avenue – Silberstein Architecture**

Ms. Friedman introduced the project for 246 NE 6<sup>th</sup> Avenue which would demolish the commercial building at 246 NE 6<sup>th</sup> Avenue and develop a four-story mixed-use building with retail on the ground floor and the upper three floors for residential use. Mr. Jeffrey Silberstein, architect for the project, gave a brief presentation. He noted that since the parcel is less than 65 feet wide, the LDRs have no parking requirements. He stated however that the owner is working on a parking agreement with the owner of the American Legion's empty lot on the north side which has a no-build covenant.

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

Mr. Cox asked if the applicant has spoken with any neighboring property owners and Mr. Silberstein said 'no'. Mr. Rose stated he felt it was too big for the area and would look out of place as well as lack sufficient parking. Mr. Bernadel asked Mr. Silberstein about the American Legion not being able to build on their lot. He responded that he was told there is a covenant on the property to that effect and that the owner has been asked to provide that document. Mr. Bernadel asked if he would be agreeable to affordable housing being built on the site if it were possible. He responded yes that he was in support of infill development and would like to see housing go north and south. He noted there are five residential units, each with one parking space, and that the owner is willing to build an electric vehicular lift for any resident wishing to purchase an extra space. Mr. Cox asked Ms. Friedman if staff has looked at the parking comments. She noted that staff has done an initial review but that it comes to the Advisory Boards for comments and since that comment has now been raised by the CRA Board it will be looked at in Planning and Zoning. She commented that even though it is LDR compliant that does not preclude staff from raising that question with the applicant.

## **7. Reports/Presentations**

### **A. Economic Development – We ♥ Small Biz Month**

Economic Development Director Joan Goodrich presented the item. She reviewed the list of partners and updated the Board on the planned activities during the month. She noted that more than 93% of the local businesses are small businesses, small being defined as employing less than 30 workers. She recognized Jackie Ramirez of the Small Business Development Center which is located at the Library thanks to Vin Nolan and the A-Guide funding process. She invited the Board to participate in the upcoming Small Business Walk in Pineapple Grove.

The Board Chair asked for public comments.

Dr. Deborah Wright, 815 NW 2<sup>nd</sup> Street, stated she is an entrepreneur in Delray Beach who has been trying to get a small business started and said the process is extremely difficult. She requested the process be researched and streamlined to be more helpful for individuals. A list of all the submission requirements provided in the beginning was suggested.

Mr. Rose affirmed that the process to open a business is extremely difficult in the City of Delray Beach and needs to be more small business friendly. He suggested that perhaps that could be a goal for the next goal setting workshop to look at simplifying the process. Mr. Cox agreed the business start-up process from the customer side needs to be reviewed so that customers are not sent from department to department within the City. He said there is room for improvement even if that means an additional staff person to assist entrepreneurs.

#### **B. Landscape Maintenance Report**

Assistant Director Thuy Shutt presented the item and reviewed the previous report which noted Swinton Avenue would be the next corridor where City staff will be concentrating upon the completion of MLK Jr. Drive. She noted staff had requested at that time for the SW 2<sup>nd</sup> Street landscape design which is similar to MLK Jr. Drive be used in combination with the SW 12<sup>th</sup> maintenance efforts in the next phase. She reported that Missie Barletto has been reassigned and that Joe Frantz would now be handling the Landscape Maintenance Transition Team efforts. There was no one from ESD available to comment and Ms. Shutt will follow up.

The Board Chair asked for public comments.

Dr. Wright, 815 NW 2<sup>nd</sup> Street, stated the landscape islands along MLK Jr. Drive look beautiful but the problem is the upkeep. It was terrible for three years and it should not take that long. She questioned the point of putting in the new landscaping if it won't be maintained.

Robin Smith, 1202 NW 2<sup>nd</sup> Street, stated a lot of large oak trees were installed on 12<sup>th</sup> Avenue and was concerned as to who is going to maintain them.

Ms. Balestriere stated the Board recognizes the problems the public noted. Mr. Cox noted the CRA funds the Maintenance Agreements and the City provides the management. It is a Board concern which is why monthly updates on progress were requested. He commented responsibility is being transitioned between departments but it is moving in the right direction.

Caryn Gardner-Young, Assistant City Manager, stated that she has alerted Dale Sugerman, Assistant Manager, who oversees ESD as well as Parks and Recreation and let him know no one was present to give the monthly Landscape Maintenance Report. She noted there has been a break between landscape contracts along with the transition and she will speak with Mr. Sugerman tomorrow.

#### **8. Consent Agenda**

- A. Monthly Marketing Report, April, 2017**
- B. Clean & Safe Report, March, 2017**
- C. CRA Monthly Progress Report, April, 2017**
- D. Economic Development Monthly Update, April, 2017**
- E. Repeal of CRA Naming and Recognition Policy**

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

#### **9. Old Business - None**

#### **10. New Business**

- A. ~~Resolution No. 2017-07 — Agreement for Purchase & Sale — Pasadena Capital, Inc.~~**

**B. Second Amendment to the Repurchase Agreement with DBCLT (Lots 1 – NW 5<sup>th</sup> Ave Plat)**

Contract Manager Krista Walker presented the item. She reviewed the background on the lots included in the Agreement. She noted a change in the first sentence in the Board Summary which states four (4) homes and should say five (5). She added that the extension will increase the development time frame 166 days, from June 17, 2017 to November 30, 2017.

The Board Chair asked for public comments.

Evelyn Dobson, Executive Director of the DBCLT, added that the development on NW 5<sup>th</sup> Avenue was generated due to the Workforce Housing Ordinance. She said she is very excited to be able to complete that corner and to have those lots conveyed for very low to moderate income owners.

Mr. Rose made a motion to approve the Second Amendment to the Repurchase Agreements with the Delray Beach Community Land Trust to extend the development time frame from June 17, 2017 to November 30, 2017 for the lot on NW 5<sup>th</sup> Avenue (Lot 1, Delray Beach CRA NW 5<sup>th</sup> Avenue Plat), in accordance with the terms specified in the agreement. The motion was seconded by Mr. Stevens and passed unanimously.

**C. Proposals to Lease – Career Cottage – 186 NW 5th Avenue**

Ms. Goodrich presented the item and noted it was part of the Focus on Fifth Initiative. She reviewed the background and reported that there were three proposals received in response to the Legal Notice to Accept Offers to Lease the Commercial Property. She said it had been hoped that all three respondents could be housed in the Cottage but that turned out to be impractical. Staff is recommending leasing to CareerSource of Palm Beach County, the County's Workforce Development Agency, and she reviewed some of the benefits they can bring to the area. This has been before West Atlantic Redevelopment Coalition who supported leasing to CareerSource. She noted the CEO of CareerSource has said they are very excited to be putting forth a new model for working with communities in Delray Beach.

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

Ms. Balestriere commented that there is a great need for this given the difficulty of finding jobs and affordable housing. Ms. Goodrich noted that CareerSource has bought into the partnership concept of having Delray Beach as the Full Service South County Workforce Center and have said they will ultimately need five to six thousand square feet which staff is working on identifying. The Career Cottage will be for job seekers and then they want to place an employer team in the additional space. Mr. Bernadel stated he was gratified to see there are priority services for military veterans and those with disabilities. He commented he would like to see people from different cultures and language skills being able to receive services as well. Mr. Stevens said he supports this although he would have liked to see it closer to the Avenue. He asked about services for convicted felons. Ms. Goodrich stated that she has spoken with CareerSource about that and they have services for those re-entering the workforce and will be sensitive to the needs of the community. Mr. Stevens also suggested that the other two respondents could possibly be offered space in the short-term leases that will be available soon for the bays on 700 West Atlantic Avenue. Mr. Cox emphasized the need to get the word out to the community about these services and that the CRA needs to assist with that to have its investment in the community be successful. He noted this is the type of program the CRA needs to be doing and applauded the office of Economic Development. Mr. Rose made a motion to accept the proposal from CareerSource Palm Beach County and authorize the CRA staff and attorney to negotiate a lease agreement to occupy 186 NW 5<sup>th</sup> Avenue. Mr. Straghn seconded the motion which passed unanimously.

#### **D. Request for Bids - 700 W. Atlantic Avenue Bays**

Project Manager Kevin Matthews presented the item which, if approved, would be advertised Tuesday, May 16th. He reviewed the scope of work and pertinent dates, including a mandatory pre-bid conference and walk-thru scheduled for Monday, May 22<sup>nd</sup> at 10:00 am at the project site.

The Board asked for public comments. There were none.

Mr. Bernadel asked about Bay 704, the Barber Shop, and inquired if some renovations there could also be done. Mr. Costello noted it is not a part of this RFB and that the way that lease is structured the tenant is responsible for the interior maintenance of the space. Mr. Rose made a motion to authorize staff to issue the Request for Bids (RFB) for 700 & 708 W Atlantic Avenue Renovations. The motion was seconded by Mr. Straghn and passed unanimously.

#### **E. Arts Warehouse – Change Order – Time Extension**

Ms. Shutt presented the item. She reviewed some background on the project and stated construction is about 75% complete. Given the original Substantial Completion date will occur before the May 25<sup>th</sup> Board Meeting the Change Order for the additional 60 days is needed at this time. She also noted some additional items which will increase the cost and exceed the remaining contingency funds and will necessitate another Change Order once the final cost estimates have been submitted for review.

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

Mr. Straghn inquired if the items listed in the Board Summary that will require additional funding are the last of the items anticipated that will exceed the contingency. Ms. Shutt responded 'yes' as far as is known those will be the final costs for the project. She added that there were previous change orders that were deductive with credits back to the CRA. The Change Order for additional costs will come back to the Board no later than the June 8<sup>th</sup> Board Meeting. Mr. Straghn made a motion to approve Change Order No. 8 to provide for a 60 day time extension for Substantial Completion to July 23, 2017 and the Final Completion date to August 22, 2017 for the Arts Warehouse, subject to all other provisions of the executed Agreement between the CRA and Hatcher Construction & Development, Inc. Mr. Rose seconded the motion which passed unanimously.

#### **F. FY 16-17 Budget Amendment No. 2 – Resolution 2017-08**

Finance & Operations Director Lori Hayward presented the Budget Amendment. She reviewed the proposed changes, noting that the major changes include a General Carry Forward revenue increase of \$796,645.00, the City National Line of Credit increase of \$1,531,803.00, and the majority went to increase City CIP project expenses totally over \$1.7 million. She stated that a change took place after the revised Budget was sent to the Board, as follows: A \$7,000 increase in line item 5122 W. Atlantic Beautification/I-95 Modification and a \$7,000 deduction in line item 5239 Project Development/Implementation.

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

Mr. Costello asked the Board's confirmation that the CRA will be funding all aspects of the Old School Square (OSS) project to be confirmed in a letter to the City. This item will be addressed later in the meeting. Mr. Straghn made a motion to approve CRA Resolution No. 17-08 adopting Budget Amendment No. 2 for FY 2016-2017 with the adjustments stated to line item 5122 increasing by \$7,000 and line item 5239 being reduced by \$7,000. The motion was seconded by Mr. Bernadel and passed unanimously.

### **G. Second Amendment to ILA for Construction Services**

Ms. Shutt presented the item noting it is a companion to the previous Budget Amendment No. 2. She reviewed the Budget adjustments and noted that the Board had approved Amendment #2 to the ILA for Funding of CIP projects for FY 2016-2017 to include monies for two condenser coils in the OSS Fieldhouse building air handler unit. However, the City Commission had not yet taken action on that Amendment so this one incorporates changes based on discussions concerning the OSS air conditioning replacement as well as changes related to other CIP projects.

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

Mr. Rose made a motion to approve the Second Amendment to the Interlocal Agreement with the City of Delray Beach for funding of Construction/Professional Services for Fiscal Year 2016-17. Mr. Stevens seconded the motion which passed unanimously.

### **H. Modifications to CRA Grant Programs**

Economic Development Manager Elizabeth Burrows presented the item. She outlined the challenges the modifications are designed to address and said the proposed changes are ones that can be implemented quickly and that will ease some of the application requirements while maintaining the integrity and intent of the programs. She stated the changes being recommended are to the three most popular CRA grant programs (Paint-Up & Signage, Site Development Assistance, and Business Development Assistance) and she reviewed the suggested modifications.

The Board Chair asked for public comments.

Dr. Wright asked how one finds out about the grant programs and what areas are eligible.

Ms. Burrows responded to Dr. Wright by highlighting the grants workshops which are held every month where the programs and eligibility criteria are explained.

Evelyn Dobson, 130 NW 3<sup>rd</sup> Avenue, commented she has a concern about how critical it is for a new start-up business to have to wait for their funds to be reimbursed. She felt it was too stringent to hold the 25% for a year. Ms. Burrows clarified the holding of 25% is in the current guidelines but the proposed modifications will allow two draw requests before project completion and at completion the balance of all the monies are given so there is no longer that wait period.

Mr. Straghn asked about the time frame for administrative approval versus Board approval. Ms. Burrows stated that it is about three to four weeks so applications could be processed quicker with administrative approval. Mr. Straghn stated he benefits from hearing other commissioner comments so would prefer other means of streamlining the process instead of administrative approval. Mr. Cox had concerns with offices in Sub-Areas #1 and #2 becoming eligible and would want those to come before the Board. Ms. Balestriere also felt it is important to have applicants come before the Board. She recommended promoting the grants more so potential applicants are aware of what is available and questioned the large amount of administrative work on the back-end of the grants. Ms. Burrows stated the OED is already set up to be able to handle the follow-up, site visits, etc. Mr. Costello noted that these are short term improvements and that staff will be retaining a consultant to look at these programs in depth. Mr. Cox felt this needs to be included in the workload analysis that will be undertaken now that the staff assessment is finalized. Mr. Bernadel feels the programs are worthwhile and need to be simplified, but did not feel every grant application needs to come before the Board. Mr. Stevens suggested grant applications could be put on the Consent Agenda so as not to require Board time unless the item was pulled and placed on the regular Agenda. Mr. Cox said he would favor the Paint-Up & Signage Grants being able to have administrative rather than Board approval. He also mentioned that perhaps rather than requiring applicants to get two bids from painters there be a criteria based on square footage amounts. Ms. Burrows noted there could be substantial differences depending on the architectural structure of a building.

Mr. Rose made a motion to modify the Business Development Assistance Program to add office as an allowable use in CRA Sub-Areas #1 & #2, and direct staff to update the program guidelines accordingly. Mr. Bernadel seconded the motion which passed unanimously. Mr. Rose made a motion to modify the Paint-Up & Signage Program and by adding office as an allowable use in CRA Sub-Areas #1 & #2 and to allow the CRA to make direct payments to vendors pending verification that the grantee has paid the required 50% match and to direct staff to update the program guidelines accordingly. Mr. Bernadel seconded the motion which passed unanimously. Mr. Rose made a motion to modify the Site Development Assistance Program as follows, and direct staff to update the program guidelines and standard grant agreement accordingly: Add office as an allowable use in CRA Sub-Areas #1 & #2; allow grantees to request reimbursement funds in up to 3 draws over the life of the project, with the final draw being equivalent to 25% of the approved grant award and withheld until project completion as evidenced by final inspections or a Certificate of Occupancy; and, apply a 100% reimbursement rate to the first \$10,000 of eligible project expenses for approved grants located in CRA Sub-Areas #3, #4, #7 and #8. Mr. Bernadel seconded the motion which passed unanimously.

#### **I. Annual Evaluation – Executive Director**

Mr. Rose presented the item. He reviewed the methodology for the evaluations and the findings of the Review Committee. The recommendation was a 5% salary increase.

The Board Chair asked for public comments.

Yvonne Odum, 3905 Lowson Blvd., wanted to publicly note how proud she is of the CRA Board and Mr. Costello. She noted the CRA is being attacked and the citizens need to stand up for the CRA. She said that having been a resident of the City for her entire adult life, she believes the CRA's work should be commended and that it is recognized throughout the country. She will always remember the CRA coming through and completing the Pompey Park building years ago.

Mr. Bernadel stated he believes in the work Mr. Costello is doing and he feels he has exceeded expectations in many ways. He also noted Mr. Costello has an outstanding staff. Mr. Stevens welcomed the two newly elected City Commissioners and also stated Mr. Costello has more than met the challenge and exceeded his expectations. Mr. Straghn thanked Mr. Costello for his assistance to him as a 'rookie' on the Board. Mr. Rose made a motion to increase Mr. Costello's salary by 5%. The motion passed 5-1 with Mr. Cox dissenting.

### **11. Other Business**

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

Ms. Balestriere noted she is very disappointed with the Resolution the City Commission will have on its next Agenda to take over the CRA. She said if the CRA Board is doing something wrong she would have appreciated the courtesy of letting the Board know as nothing has ever been mentioned. She added that there also has been no public input sought. She feels the CRA staff works harder than anyone else she knows.

Mr. Bernadel said he serves the people of the Delray Beach CRA District at the pleasure of the City Commission and if there was dissatisfaction with that service he would appreciate that being communicated to him.

Mr. Straghn noted the first workshop he attended as a CRA Board Commissioner was a Joint CRA and City Workshop, and at the end the Mayor made a point to say how much the relationship between the two commissions had grown and that there was no longer any tension. He never knew there was anything awry with what the CRA Board was doing and to be sideswiped by the comments and proposed Resolution of the City Commission felt like a stab in the back. He said he never saw any indication that there was a problem with the way the CRA Board was operating, and even remembered being commended by the City Commission for the aggressive plans for the

NW/SW Neighborhood over the next five years. Yet, he said, there is this vote looming and he finds it very disheartening.

Mr. Stevens noted he will be terming out from the Board soon and that it has been a privilege to serve. He stated that had it not been for the NW/SW area there would be no CRA. He said if the City Commission feels they can do better then go ahead and do better but he implored them not to leave out the NW/SW neighborhoods.

Mr. Rose stated being a CRA Board member is a lot of work and the commissioners all do it for the love of the City. He stated, as did Mr. Straghn, that while the CRA Board may not agree with all funding requests the City makes, like the Tennis Tournament Sponsorship, the Board has always tried to be a good partner with the City. He noted there are four vacancies coming up on the CRA Board and the City has the power to appoint whoever they wish. He felt it was a small vocal minority causing the issue and said that no matter what happens it has been a privilege to serve.

Mr. Cox thanked the OED for their hard work and said he feels they are under-resourced and that with the workload analysis which will be commissioned perhaps some help will come to that office. He felt also that it is important that the CRA have a communications plan to better understand what the CRA is doing in the community. He stated the CRA is at half-time, that the work is not done, and it is time to proceed with the West Atlantic area and make those neighborhoods the focus of redevelopment. He noted Delray has an engaged citizenry which he values, and that what was set up in the Plans needs to be accomplished in this district before sunseting.

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

Mr. Doody noted the documents are in place and there should be a closing with iPic next week.

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

Mr. Costello thanked the Board for their support. He updated the Board regarding the status of various projects and initiatives. He got clarification from the Board that the Old School Square phased project will be funded by the CRA and noted the City has requested a letter confirming the CRA is committed to providing the funding. Mr. Cox and Ms. Balestriere noted the project is one of the CRA goals and it has always been anticipated the CRA would fund it. Mr. Costello will draft the letter to bring back to the Board at the next meeting. He also requested direction regarding the letter he provided the Board from Mr. Max Eida in reference to the CRA purchasing his properties in the 600 Block. Mr. Costello noted these negotiations have been going on for years. He said the CRA has had two appraisals done which were both for \$2.16 million. Mr. Eida says he has some offers including one for \$2.35 million for the same properties the CRA wants. The item will be brought back to the Board for consideration at the next meeting.

#### **D. Comments by Staff**

### **12. Adjournment**

There being no further business the meeting was adjourned at 8:46 pm.

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Jeff Costello, Executive Director

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Reginald A. Cox, Board Chair