



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 8, 2017, 5:30 p.m.**  
Commission Chambers at City Hall  
Delray Beach, FL 33444

**STAFF PRESENT:**

Jeff Costello	Kevin Matthews	Susan Shaw	Jasmin Allen
Thuy Shutt	Renee Roberts	D J Doody	Caryn Gardner-Young
Joan Goodrich	Kristyn Cox	Krista Walker	Candi Jefferson
Elizabeth Burrows	D. J. Lee	Missie Barletto	Jennifer Buce
Neil DeJesus			

**OTHERS PRESENT:**

Jane Smith	Peter Perri	Steve Shaw	Corey O'Gorman
Michael Wood	Yvonne Odum	Chuck Ridley	Randy Holihan
John Harman	Jim Chard	Angie Gray	Shirley Johnson
Marnushia Bernard	Ari Whiteman	Annette Gray	Cary Glickstein
Morris Carstarphen			

**1. Call to Order**

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

**2. Roll Call**

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

**Absent:** None

**3. Approval of Agenda**

Executive Director Jeff Costello requested that Item 7 be placed after New Business, that Item 10C be moved up as new Item 10AA under New Business, and that Item 10E be pulled from the Agenda. Mr. Zacks made a motion to amend and approve the Agenda as recommended by the Executive Director. The motion was seconded by Mr. Bernadel and passed unanimously.

**4. Approval of the Minutes**

**A. Minutes of May 25<sup>th</sup> Board Meeting**

Mr. Stevens made a motion to approve the Minutes of the May 25<sup>th</sup> Board Meeting which was seconded by Mr. Bernadel and passed unanimously.

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

Chuck Ridley, 210 NW 2<sup>nd</sup> Avenue, acknowledged the strong support the CRA has from the community. He felt the long held vision for the NW/SW neighborhood is beginning to materialize and that the results are being seen in The Set. He said this is due to The Set Transformation Plan which is the result of many but particularly the CRA and WARC.

Ari Whiteman, 5091 Washington Road, stated he felt the CRA has done a phenomenal job over the years. He suggested some extra efforts could be made to communicate what the CRA is doing as there is much misinformation in the community and specifically mentioned iPic.

Annette Gray, 3264 Avenue de Gien, advised the Board that her project of many years has come to fruition and is called M.E.L.T. (Mobile Entrepreneurship Leadership & Training) which will provide capacity building for small businesses, life skills, career development, youth leadership training and will serve as a career center. She noted The Delray Beach Police Department has partnered with her so it will be providing services in the CRA core district.

## **6. P&Z**

### **A. In Lieu Parking – The Grove Side Bar – 183 NE 2<sup>nd</sup> Avenue**

Assistant Planner Jennifer Buce introduced the item. She reviewed the request for in lieu parking which is needed in a conversion from retail to restaurant in Pineapple Grove. She noted that the parking deficiency is 7 spaces and that the applicant did try to obtain off-site parking across the street but was unsuccessful. She stated that the Parking Management Advisory Board recommended approval 6-0. She also referenced the Kimley-Horn parking study done in 2016 which cited an inventory of 19 parking spaces.

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

Mr. Zacks stated that going from one space to eight spaces by purchasing seven more, particularly in an area where there is already little parking, was not something he could support. Mr. Rose asked if they plan on using valet as Max's Harvest does. Ms. Buce said Max's Harvest uses Delray Camera's parking lot across the street so there is no more parking available. Mr. Cox was in support of it in light of the PMAB decision and the Kimley Horn study. Mr. Rose and Mr. Stevens were supportive although they agree that parking is a problem in downtown. Mr. Stevens noted that until the parking problem is solved businesses will be victims of the growth.

### **B. Amendment to LDR Regarding Automotive Rental Facilities**

Planner Jasmine Allen presented the item. She reviewed the amendment to add Accessory Automotive Rental Facility for large-scale home improvement/hardware establishment as an accessory use in the General Commercial and Planned Commercial Zoning Districts, and to add Neighborhood Automotive Rental Facilities as a conditional use within the Planned Commercial District. She noted the petition was initiated on behalf of Enterprise Rent-A-Car. Mr. Corey O'Gorman, representing Enterprise Rent-A-Car, introduced Michael Wood Consulting who also represents Enterprise, and then made a brief statement to the Board. He stated that the current code does not acknowledge the neighborhood type small retail centers such as the ones in which Enterprise typically locates. He said he has been working with staff for several months.

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

Mr. Rose suggested that consideration be given to adding golf carts into the amendment as more people are using them around town so there will probably be an increase in cart rentals and purchases. Mr. Zacks asked for staff's recommendation. Ms. Allen stated that staff is recommending approval, and that it will go to the Planning and Zoning Board on June 19<sup>th</sup>. Mr. Cox thought it was great and supported the amendment.

**7. Reports/Presentations** (moved to after New Business)

- A. Landscape Maintenance Report

**8. Consent Agenda**

- A. **Monthly Marketing Report, May, 2017**
- B. **Monthly Financial Report, April, 2017**
- C. **CRA Monthly Progress Report, May, 2017**
- D. **Economic Development Monthly Update, May, 2017**
- E. **First Amendment to Dumpster Relocation and Construction Agreement – JHB Florida Properties, LLC – 418 E. Atlantic Avenue**
- F. **Second Amendment - Agreements for Development Services –Time Extension:**
  - 1. **PMG Associates, Inc.**
  - 2. **Redevelopment Management Associates (RMA)**
  - 3. **IBI Group**
  - 4. **WTL+a**

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

**9. Old Business**

**10. New Business**

**AA. City Funding Request – Clean & Safe – Fire-Rescue Segways** (from 10C)

Mr. Costello presented the request from the City for the CRA to fund four Fire-Rescue Segways for Clean & Safe. The Segways are for use during special events in the CRA District and will assist in ensuring public safety.

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

Mr. Zacks inquired about assurance the Segways will be used only within the District. Mr. Costello said that virtually all special events are within the CRA District and that when the vehicles are not in use they will be housed at the Fire Department. Mr. Zacks felt it would be best to be make that clear in the Agreement. Mr. Costello clarified that the Clean & Safe Interlocal Agreement with the City clearly outlines funds are to be used only within the CRA District and it specifies the boundaries of the District. Ms. Balestriere made a motion to approve funding for the four Fire-Rescue Segways for the Clean and Safe Program in an amount not to exceed \$56,000, to be included in an upcoming budget amendment. Mr. Zacks seconded the motion which passed unanimously.

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

Mr. Costello presented the item. He reviewed the background on the Agreement and some of the terms and conditions noted therein. He reported a purchase price of \$2 million for approximately 2.75 acres on West Atlantic Avenue to construct a full service grocery store of about 25,000 square

feet to be operated as a Publix. He reviewed some of the timeline and financial commitments outlined in the Agreement. He reported that an updated appraisal was received from Callaway & Price which supported the price in the Agreement. Mr. Costello read the Resolution No. 2017-07 into the record, and noted that the Pasadena Capital representative was present. Mr. Randy Holihan, President of Pasadena Capital Inc., 200 Pasadena Place, Orlando, Florida, introduced himself and John Harmon, the South Florida Real Estate Manager for Publix Supermarkets, and stated that both were available for questions.

The Board Chair asked for public comments.

Chuck Ridley, Chair of WARC, stated it is a night to be celebrated, as the number one desired use for West Atlantic is a grocery store. He said Publix will bring the kind of quality food the community desires, and urged the Board to move forward with the Agreement.

Jim Chard, City Commissioner and Vice Mayor of Delray Beach, stated he supports the Agreement but recognized some concerns with the design (that it be urban not suburban) and does not think it is in compliance with all of the LDR's i.e. 75% to 100% of the building is to be facing the primary street as well as having about 80% glass which does not appear to be the case. He felt the issues can be rectified and suggested there be a transmittal letter from the CRA going along with the contract reminding the purchaser of some of the principles of the Transformation Plan as to what Atlantic Avenue should be as he does not want to see any goals and objectives overlooked.

Ari Whiteman, 5091 Washington Road, stated he loves the concept and that it is much needed. He questioned if a multi-use plan with retail/offices could be implemented to help with the urban design look and also suggested the developer reach out to the community to come up with a rendering and site plan rather than just submitting a typical Publix site plan rendering.

Angie Gray, 219 SW 9<sup>th</sup> Street, said she is very excited about a Publix coming to the community. She felt some of the concerns expressed by Mr. Chard can be worked out and she would definitely like to see the project move forward.

Mr. Cox called for a motion and a second to open the Board discussion. Mr. Rose made a motion to approve Resolution No. 2017-07 authorizing the sale and conveyance of the subject property to Pasadena Capital, Inc.; providing for findings and determinations as required by Section 163.398(2), Florida Statutes that the conveyance of the subject property is for fair value; authorizing the proper person(s) designated therein to execute the agreement for purchase and sale, and all necessary conveyance documents including but not limited to instruments of conveyance and closing documents; providing for conflicts; providing for severability; providing for an effective date. Mr. Zacks seconded the motion which passed unanimously.

Mr. Zacks said he is glad to be part of accomplishing this long sought after goal. He noted that Commissioner Chard makes some points which he hopes will be worked out. He commented that it is important not to forget the community involvement aspects of the CBA developed for the last project and expressed his support. Ms. Balestriere stated she too is in favor of it. She said Publix is known for being an excellent grocery store and she found in her research that Publix does listen to communities and hopes they will look at what this community wants. She also hopes the actual store is a full-service Publix that sells wine and beer and has a pharmacy. Mr. Straghn also supports it and is a big fan of Publix. He cautioned Mr. Holihan and Mr. Harmon that the community involvement aspect in Delray is critical and that any promises or agreements made need to be adhered to. Mr. Stevens and Mr. Bernadel were also very supportive of the project.

Mr. Bernadel felt very gratified to be on the Board at the time this came to the NW/SW area. Mr. Rose also felt Publix is exemplary and noted their support of the Special Olympics. He felt Publix can be trusted when it comes to community outreach and cited how they were the first to hire minorities and people from various cultural groups. He noted Publix has a history of being community oriented and he gives this project his trust and support. Mr. Cox is fully supportive. He noted to keep in mind that this was an unsolicited proposal so there were no desired specifics laid out as would be the case if an RFP had been issued. He said he was confident that Publix will get the design right as he felt they are ahead of the curve in terms of urban design. Attorney Doody noted that the Resolution was read into the record by Mr. Costello. The motion on the floor passed unanimously.

**B. Interlocal Agreement between CRA & City - Transit Oriented Development Planning Services**

Mr. Costello presented the item. He reviewed the background on the item and noted the CRA Board approved a maximum of \$100,000 in funding for the Grant Program at the February 23<sup>rd</sup> Board Meeting.

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

Mr. Zacks made a motion to approve the Interlocal Agreement between the City and CRA for the CRA to provide funding for Transit Oriented Development Planning Services in an amount not to exceed \$100,000. Mr. Bernadel seconded the motion which passed unanimously.

**C. City Funding Request – Clean & Safe – Fire-Rescue Segways (see 10AA)**

**D. Change Orders – Arts Warehouse Project – Increase in Contract Price**

Project Manager Kevin Matthews presented the item. He reviewed the background on the previous Change Orders, noting that the three Change Orders for approval (No. 11, No. 13, and No. 14) are being presented for Board consideration because the amount will exceed the contingency allowance and the original contract amount. He highlighted some of the uses for the additional funds including installation of thirteen security cameras, security alarm system, WiFi internet communications, fire rated interior doors, and modifications to the rear exterior metal stair to comply with existing field conditions, as well as approximately \$7,500 to be added to the project's contingency to address any minor changes that may arise.

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

Ms. Balestriere asked about the \$47,000 for security cameras. Mr. Matthews clarified that it is for more than just the cameras and highlighted the other three components included in that cost. Assistant Director Thuy Shutt further elaborated regarding the cost and gave a comparative cost example of a recent project for West Settlers of a much smaller scale. She also explained why it is ideal to do those installations now while the building is under construction rather than after when they would come under operations. Mr. Zacks asked about Change Order No. 13 for the modifications to the rear metal stair. Mr. Matthews explained there was a difference in the elevation on the plans so the staircase had to be redesigned. Ms. Balestriere asked when the project will be completed. Mr. Matthews stated it will be August 22<sup>nd</sup> for final completion.

Ms. Balestriere made a motion to approve Change Orders No. 11, No. 13, and No. 14 associated with the additional work for the Arts Warehouse Conversion Project, and increase the contract price by \$60,000 to \$2,259,987.00, subject to all other provisions of the executed Agreement between the CRA and Hatcher Construction & Development, Inc. Mr. Straghn seconded the motion which passed unanimously.

**E. Resolution No. 2017-09 Termination of Purchase Agreement – 234 SW 14<sup>th</sup> Avenue (Jenkins)** (pulled from Agenda)

**7A. Reports and Presentations** (moved from earlier on the Agenda)

**A. Landscape Maintenance Report**

Missie Barletto, Deputy Director Program and Project Management, updated the Board on the Landscape Maintenance. She reported the Martin Luther King Jr. Blvd landscaping improvements have been completed and that the S. Swinton landscape nodes are the next project to be addressed. All the landscape nodes along Swinton will be cleaned up and the tree trimming has already begun. She noted there will be a public art installation in Pioneer Park consisting of a six foot high pedestal for holding a piece art which will be changed out periodically with a different piece of art. She reported the resurfacing on SW 2<sup>nd</sup> Street has been completed and that her department will be keeping up that landscaping as well.

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

Mr. Zacks asked if the end of the transition period for moving the landscape maintenance contracts from Parks to ESD was getting closer. She stated that October 1<sup>st</sup> was the last goal set for completing the transition.

**11. Other Business**

**A. Comments by Commissioners**

Mr. Rose acknowledged City Commissioners Chard and Johnson in the audience, congratulated Mr. Cox on his reappointment to the Board and welcomed the new incoming Board member.

Mr. Bernadel said he has enjoyed the privilege of serving this community and has not worked with a better staff than at the CRA.

Mr. Straghn and Mr. Stevens welcomed incoming Board member Morris Carstarphen.

Ms. Balestriere asked about an update on the study for the Tennis Center. Mr. Costello responded that the City Commission has pulled back on moving forward on that Study. He can have more information at the next meeting.

Mr. Zacks referred to Mr. Whiteman's public comment about needing better communication and information distribution about what the CRA does, and cited the amount of misinformation that was put forth at the June 2nd City Commission Meeting during the public comments. He said we apparently do not do a good job, but does not know what the answer is. He said this Board does a lot of good for the community and he is proud to have been part of the Board.

Mr. Cox agreed with Mr. Zacks and noted that we can do better with communicating what the CRA is doing although recently the CRA has closed on the iPic Movie Theater and now have signed a contract to bring the number one desired use to West Atlantic Avenue. He stated he would encourage staff to ramp up communications and suggested Board members extend themselves out to neighborhoods and organizations. He thanked Mr. Stevens for his eight years of service to this Board as well as Mr. Zacks and Mr. Bernadel for their four years of service.

**B. Comments by Board Attorney**

Attorney Doody also thanked the three outgoing Board members for the honor and privilege of working with them and representing their interests. He noted that through his attendance at these meetings he has learned from them all.

**C. Comments by Executive Director**

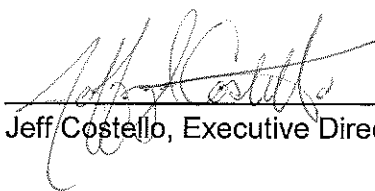
Mr. Costello referenced an email which he and the Board members received from Max Eida regarding the purchase of some of Mr. Eida's property in the West Atlantic corridor. A Purchase Agreement for that property was considered at the last Board meeting where it was agreed to offer \$2.16 million for the property with a 45-day inspection period. Mr. Costello was requesting direction as to whether to expend more time negotiating a revised offer as Mr. Eida did not accept the \$2.16 million offer. Mr. Rose felt it was a fair offer and there should not be any dangerous precedents set. Mr. Zacks felt a fair offer was made, it was rejected, and that is the end of it. Board consensus was unanimous that a fair offer was made with no need to renegotiate it.

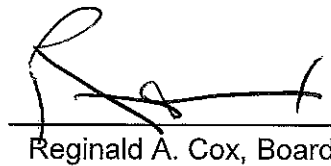
Mr. Costello updated the Board that The Set Transformation Plan is currently going through the review process. He also commented that there are bi-weekly meetings being held with iPic representatives, the City, and DDA. There will also be a meeting soon with business and property owners in the area so they are kept informed as to how this project is going to be kicked off.

**D. Comments by Staff - None**

**12. Adjournment**

There being no further business the meeting was adjourned at 6:51 pm.

  
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Jeff Costello, Executive Director

  
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Reginald A. Cox, Board Chair