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

STAFF PRESENT:

Jeff Costello	Kevin Matthews	Krista Walker	Susan Shaw
Joan Goodrich	Kristyn Cox	D J Lee	Elizabeth Burrows
Rene Roberts	Russ Mager	Missie Barletto	

OTHERS PRESENT:

Aline Labar	Anthony Nicolosi	Marjorie Waldo	Andrea Hutchinson
Doc Vic Kirson	Jane Smith	William Hatcher	Rob Steele
Bill Branning	Jackie Ramirez		

1. Call to Order

Chair Gray called the Meeting to order at 5:35 pm.

2. Roll Call

Present: Annette Gray, Cathy Balestriere, Dedrick Straghn, Daniel Rose, Reggie Cox, Sandy Zeller, Morris Carstarphen (6:50 pm)

Absent: None

3. Approval of Agenda

Executive Director Jeff Costello requested Item 8E, the Paint Up & Signage Grants, be moved to the Regular Agenda. Ms. Balestriere requested that Item 8C, CRA Monthly Progress Report, also be put on the Regular Agenda. Mr. Zeller made a motion to approve the Agenda as amended. Mr. Cox seconded the motion which passed unanimously.

4. Approval of the Minutes

A. Minutes of September 18, 2017 Board Workshop

Ms. Balestriere made a motion to approve the Minutes of the September 18th CRA Board Workshop which was seconded by Mr. Cox and passed unanimously.

B. Minutes of September 18, 2017 Board Meeting

Ms. Balestriere made a motion to approve the Minutes of the September 18th Board Meeting which was seconded by Mr. Cox and passed unanimously.

AA

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

6. P&Z – None

7. Reports/Presentations – None

8. Consent Agenda

A. Monthly Marketing Report, September, 2017

B. Clean & Safe Report, September, 2017

C. CRA Monthly Progress Report, September, 2017

D. Economic Development Monthly Update, September, 2017

E. Paint Up & Signage Grant – Property Income Investors 304, LLC

1. 235/237 NE 13th Street

2. 241/243 NE 13th Street

F. Change Order – Hatcher Construction – Arts Warehouse Project – Time Extension

G. Third Quarter Reports – A-GUIDE

1. Delray Beach Public Library

2. Creative City Collaborative

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

8C from Consent Agenda:

Ms. Balestriere asked about the W. Atlantic Avenue Beautification, page 3 #g, and inquired if there was a start date given the Agreement was approved by the City Commission in September. Mr. Costello replied that the City Commission did approve the Agreement with the consultant to do the work for the designs, but that construction is not scheduled until 2018. She asked about the status of the Old School Square Building Maintenance and HVAC system, on page 3 Item #2a. Mr. Costello responded that there is no update at this time and he will provide one at the next meeting. Ms. Balestriere asked if there was any update on Item #3a, OSS Park/Campus Improvements. Mr. Costello stated the City Commission has not taken any formal action but did discuss signage related to OSS and the City Attorney will be preparing an amendment to the ordinance in regard to the signage as that needs to be amended first. Ms. Gray noted that during the budget process funding was dedicated to signage in general, and she asked why not look at the signage as a whole rather than just OSS. Mr. Costello stated the Wayfinder Signage is in the CIP for Fiscal 2018-19 and did not get included for this fiscal year. Ms. Gray did not understand why an ordinance would be amended for just this one project rather than consider signage as a whole. Mr. Costello commented that this particular issue requiring an ordinance amendment would deal with changeable copy for a sign. She asked if signage could be an item for the next Joint Workshop. Ms. Balestriere said the signage for OSS has been in process for a while and she would like an update at the next meeting. Mr. Costello stated he will provide an update at the October 26th meeting and ask that signage be an item for the Joint Workshop. He also gave an update on the sidewalk and alley improvement projects currently in process and stated the City is preparing a schedule for the items listed in the FY 2017-18 CIP.

Mr. Zeller asked about Item #m on page 5 of the report regarding the dumpster relocation at the Old Library Site. Mr. Costello stated staff is working with the property owners, and before the site plan modification is completed there needs to be completion of the utility work associated with the development along with a clear understanding on how Waste Management will be accessing the dumpsters before finalizing the designs and agreements. Mr. Zeller said there had been concerns regarding the dumpsters impeding access to the site. Mr. Costello noted that access will not be impeded and that the dumpsters cannot encroach into the alleyway. Mr. Zeller also asked about the possibility of neighborhood signage for the Marina District. Mr. Costello stated he could reach out to the representatives of that Association to discuss further.

Mr. Straghn made a motion to receive and file the report which was seconded by Mr. Rose and passed unanimously.

9. Old Business

A. FY 2017-18 A-GUIDE Agreement - Old School Square (OSS) (Continued from 9-28-17 meeting)

Mr. Costello presented the item. He recounted that at the September 28th Board Meeting staff had been directed to modify Section 4 of the A-GUIDE Agreement to include additional language requiring a report on the status of the Fiscal Sustainability Plan in addition to the standard second quarter report. He noted additional language has been added as Section 5.

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

Mr. Cox made a motion to approve the Funding Agreement with Old School Square Center for the Arts, Inc. (OSS) in the amount of \$900,000 for Fiscal Year 2017-2018. Ms. Balestriere seconded the motion which passed unanimously.

10. New Business

A. Award of RFB for Landscape Maintenance Services – CRA-Owned Property & Gateway Feature

Mr. Costello presented the item. He reviewed the background on the item and noted there were five responses, one of which was disqualified. He stated there were some irregularities in the responses, and per the RFB the CRA reserves the right not to accept any of the responses. Staff feels it would be in the best interest of the CRA to reject the responses and re-issue the bid as they do not feel the two lowest bids could possibly complete the work for the stated amounts. In that event, Mr. Costello stated an extension to the current Landscape Maintenance Agreement will need to be approved.

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

Mr. Straghn stated there were too many errors which he saw, and he commended staff for not waiving the irregularities and electing to re-issue the bid. Mr. Costello stated it would be re-issued next week with dates being changed and more emphasis on the pre-submission meeting. Ms. Gray suggested making sure the RFB guidelines are clearly presented and specific. Mr. Costello assured the Board the RFB was very detailed and specific. Mr. Straghn made a motion to reject the responses to the Request for Bids for Landscape Maintenance Services for the CRA-owned properties and the Atlantic Avenue Gateway Feature, and re-issue the Request for Bids. The motion was seconded by Mr. Cox and passed unanimously.

B. Direction - Delray Beach Marketing Cooperative - Tourism Improvement District

Mr. Costello presented the item. He reviewed the background on the item, noting the overall goal would be to reduce the funding needed by the DBMC from the CRA and the City and make the DBMC be more self-sufficient.

Mr. Zeller asked when it would be determined if Airbnb and others would be included in the TID and whether it would be a fixed cost or percentage. Mr. Costello stated it would be part of the process of determining how it will be structured as to what types of properties are included as well as whether it will be a fixed price or a percentage. He added it was explained that the contract would be structured "a la carte" and if there is not buy-in by the hoteliers then the contract could be terminated. Mr. Cox clarified that a cost would be associated with getting the stakeholders together by Civitas who would be the facilitator. Mr. Costello confirmed and said that each task or phase would have a price associated with it, and that whether it would be city-wide or a particular area in Delray Beach would be determined by the consultant with the stakeholders. Ms. Balestriere stated the whole purpose of this contract is to have the procedures put in place to make Delray Beach a TID to augment the sustainability of the DBMC with the tourists contributing to the city's marketing efforts. She said the CRA will have an agreement with the DBMC to have Civitas put together the components of becoming a TID. Ms. Gray noted that this discussion is to give staff direction for the CRA attorney to prepare the Agreement with the DBMC for the funding of the TID Consultant which would then be brought back for the Board's consideration. At that point the Board can decide what elements should remain a part of the contract.

Mr. Cox inquired if WARC would have an opportunity to be included. DBMC Executive Director Stephanie Immelman reported that once the hoteliers are on board, there will be community meetings and stakeholder meetings and there will be an ordinance to be passed. She said that Civitas will be setting up the legal work for putting a TID in place which would include an ordinance. She noted that if this comes to fruition, then it is the DBMC's job to do a marketing plan. Ms. Gray asked about how the funding would work if the TID went City-wide and not just within the CRA District since the CRA is funding it. CRA Attorney David Tolces stated that the CRA would be funding the downtown area only. Ms. Immelman stated the DBMC could reimburse the CRA for the consultant's fees. Mr. Rose made a motion to direct staff to move forward and prepare the agreement to be brought back for Board consideration. Mr. Straghn seconded the motion. Mr. Cox noted that since there is a vote being taken there should be an opportunity or public comments.

The Board Chair called for public comments.

Dr. Victor Kirson, Tierra Verde, cautioned that if tourists will be asked for any money, the State will be all over it as he has tried in the past.

The motion passed unanimously.

C. Legislative Update – House Bill 17 Pertaining to CRAs

CRA Attorney Tolces presented the item concerning House Bill 17 which has been submitted to the State Legislature for their upcoming session and is a follow-up to the bill that was unsuccessful. He did note that the Delray Beach CRA already complies with many of the requirements. He reviewed the pertinent points of the Bill that might affect the Delray Beach CRA including many additional items which would have to be included in the CRA's Annual Report should the Bill be enacted. He reviewed Section 163.3755 dealing with the termination

of CRA's. The current sunset date for the Delray Beach CRA is 2045 so it could sunset early if the Bill is enacted unless there is a majority vote.

There was discussion regarding a portion of the current Statute that says "includes but is not limited to" which has been used as a means of funding non-brick and mortar initiatives while remaining consistent with the Statutes. Ms. Gray clarified that the Bill could potentially adversely some of the economic development initiatives of this CRA. Mr. Tolces said it could, but there may be other allowable expenditures in the Statute that would cover such items as long as they are consistent with the Redevelopment Plan. He said there was also another Bill regarding CRA's in the Senate this week. He noted that it will be known by March or April if the Bill passes, and if it does it will go into effect in October of 2018. Mr. Straghn said it appears there is a vehicle in 163.370 that would allow the non-brick and mortar type of initiatives provided they support the goals of the Plan.

8E Paint Up & Signage Grant – Property Income Investors 304, LLC

- 1. 235/237 NE 13th Street**
- 2. 241/243 NE 13th Street**

Ms. Gray stated Mr. Carstarphen had requested to pull Item #8C but was not present to address his concerns about the item. Mr. Rose made a motion to table the item for two weeks until the next Board Meeting which was seconded by Mr. Zeller for discussion purposes. Mr. Cox had a concern that if the commissioner pulling the item is not available to voice his concerns then he felt the Board should move forward with the item. Mr. Rose withdrew his motion to table the item and Mr. Zeller withdrew his second. Mr. Rose made a motion to approve a Paint-Up & Signage Grant for Property Income Investors 304, LLC for the exterior painting project for the property located at 235/237 NE 13th Street, for an amount not to exceed \$1,750.00. The motion was seconded by Mr. Cox and passed unanimously. Mr. Rose made a motion to approve a Paint-Up & Signage Grant for Property Income Investors 304, LLC for the exterior painting project for the property located at 241/243 NE 13th Street, for an amount not to exceed \$3,050.00 which was seconded by Mr. Cox and passed unanimously.

Other Business

A. Comments by Commissioners

Mr. Straghn commented that at the Board Retreat the idea was discussed of amending some of the Community Redevelopment Plan and wondered if it might be good to do that given the legislative items that are pending. Mr. Costello stated it was the intent to amend the Plan next year after The Set Transformation Plan has been finalized and incorporated into the Community Redevelopment Plan. He added there could also be Osceola Park Plan updates as well. He noted that typically the Plan is updated approximately every three years and it was last amended in 2014.

Mr. Cox noted that the rule is 'if it is in the Plan you can do it, if it is not in the Plan you can't do it' so felt this would be a good opportunity to look at the Plan. He also expressed concerns that it had come up tonight that the Marina District wanted signage for their neighborhood and he said it is not in the budget and before authorizing the Executive Director to look into it there should be a Board consensus as a matter of good practice. Mr. Costello said he intends to reach out to the HOA representative to get their thoughts and that projects for future years

would come back to the Board for consideration.

Ms. Gray noted that if there is an item that any commissioner would like to have on an upcoming Agenda this part of the Board meeting is the platform for that to be brought up, as opposed to just calling the Director. She said that would be something that should have Board consensus.

Mr. Zeller brought up an incident that occurred at the last Board Meeting where another commissioner made a motion on an item just before Mr. Zeller was going to speak on the item. Then after the meeting, there was an unpleasant exchange between the two commissioners. He suggested that a good procedure would be to take call commissioner comments prior to a motion or after the motion and second. Ms. Gray had overheard the exchange and felt it was inappropriate enough to have consulted the CRA By-Laws regarding commissioners' conduct. She noted there was no Code of Conduct or Morality Clause in the CRA By-Laws, and that if the State and County Ethics Codes are not sufficient perhaps a conduct code needs to be added to the CRA's By-Laws. Mr. Straghn did not feel that was necessary and felt that it was an aberrant incident. He said that when the meeting is over it is over, and that should be the end of it. Ms. Gray acknowledged that there are some difficult discussions that will be had on the Board, and everyone needs to behave in a professional manner. After some discussion, Mr. Tolces said it is not uncommon for bodies to have a Code of Conduct, and he will email some sample verbiage to each commissioner and then if it is deemed necessary it can be a Board Agenda item with an amendment to the By-Laws prepared.

Ms. Gray brought up the Tennis Tournament, and asked if a laundry list of items wanted for next year's Tournament should be started so the staff and Board will be prepared prior to the next budget cycle i.e. potential sponsorships, surveys, a community event etc. Ms. Balestriere felt it was premature since it is unknown what if anything the CRA will fund for the Tennis next year. Ms. Gray suggested even if the Economic Development team could perhaps this year work on doing surveys and having conversations. Mr. Costello stated he would provide to the Board a list of what was done last year, i.e. surveys, as a place to start. He also commented that the budget discussions will start earlier next year.

Ms. Gray also noted she has become involved with a county-wide initiative to secure homes for over 100 homeless youth in 100 days. This is for youth between the ages of 18 and 24, so if as part of the Clean & Safe or any other way a homeless person in that age group is identified, there are a number of people ready to find housing for them so please contact Ms. Gray.

B. Comments by Board Attorney

Mr. Tolces stated that currently the CRA By-Laws have no provisions for appointment of liaisons or representatives to other Advisory Boards so an amendment will be drawn up for Board consideration to be included in the By-Laws.

C. Comments by Executive Director

Mr. Costello reviewed the upcoming Agendas, and informed the commissioners that the City has said email addresses can be provided to any CRA commissioners wishing one, so please let him know if you would like one. He reminded the Board the Joint Workshop with the City is November 14th from 5:00 to 6:00 pm. He also noted that City staff is still in recovery mode from the hurricane, and requested the Landscape Maintenance Report be put off until the first of the year to give staff time to regroup after the recovery efforts. He then gave an update on a sewer failure on the Arts Warehouse property which will need to be repaired and the line moved off the

CRA property at a cost potentially of \$18,000. He sought authorization to be able to have a contract for up to \$20,000 executed quickly if need be to proceed with the repairs and it can be brought back to the Board for ratification. Mr. Tolces noted there is also an Emergency Procedure in the Procurement Manual that could be utilized as well. Board consensus was supportive of the Director negotiating a contract not to exceed \$20,000 for the repair of the sewer line.

D. Comments by Staff - None

12. Adjournment

There being no further business the meeting was adjourned at 7:15 pm.

Jeff Costello, Executive Director

Annette Gray, Board Chair