



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 SPECIAL BOARD MEETING MINUTES**

Thursday, November 29, 2017 5:30 p.m.  
Environmental Services Dept. – 434 S. Swinton Avenue  
Delray Beach, FL 33444

### **STAFF PRESENT:**

Jeff Costello	Kevin Matthews	Krista Walker	Susan Shaw
Lori Hayward	Elizabeth Burrows	D J Lee	David Tolces

### **OTHERS PRESENT:**

Evelyn Dobson	Jane Smith	Victor Kirson	Arie Whiteman
George Long	Marjorie Waldo	Samuel Spear Jr.	

### **1. Call to Order**

Chair Gray called the meeting to order at 5:30 pm.

### **2. Roll Call**

Present: Annette Gray, Cathy Balestriere, Daniel Rose, Morris Carstarphen, Sandy Zeller

Absent: Reggie Cox, Dedrick Straghn

### **3. Approval of Agenda**

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

The Board Chair asked for any public comments on Non-Agenda items. There were none.

### **4. New Business**

#### **A. Resolution No. 2017-16- Budget Amendment No. 3 – FY 2016-17**

CRA Legal Counsel David Tolces read the title of the Resolution into the record. Finance & Operations Director Lori Hayward presented the item. She noted a revised budget had been provided as there was a revision in GL#4060, Land Sales. She stated this is the final budget amendment for fiscal year 2016-17.

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

Ms. Balestriere made a motion to approve Resolution No. 17-16 adopting Budget Amendment No. 3 for FY 2016-2017 which was seconded by Mr. Carstarphen and passed unanimously.

**B. Fourth Amendment to ILA with City for Construction & Professional Services  
FY 2016-17**

Executive Director Jeff Costello presented the item. He stated it reflects the actual amount of funding provided for projects at the end of 2016-2017 and will be presented to the City for approval if approved by the CRA Board.

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

Ms. Balestriere made a motion to approve the Fourth Amendment to the Interlocal Agreement with the City of Delray Beach for funding of Joint Projects for Fiscal Year 2016-17. The motion was seconded by Mr. Rose and passed unanimously.

**C. Resolution No. 2017-17 – Opposing House and Senate Bills Pertaining to CRAs**

Mr. Tolces read the title of the Resolution into the record. He noted it was a follow-up to the last CRA Board Meeting as well as the Joint Workshop with the City Commission. He reported that House Bill 17 has gone through one committee in the House and is set to be heard on the House floor as early as January 9<sup>th</sup>. He said the Senate Bill which is similar in some ways and different in others will need to go before four committees and has not been heard by any as of yet. He noted the FRA is very involved in providing talking points to local governments, CRA representatives and commissioners, and he said it is not too early to encourage the House and Senate to either make changes to the Bills or reject them.

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

Mr. Zeller asked if there are other CRAs around the state who are also working to impact these Bills. Mr. Tolces stated he was not specifically aware of any that have adopted a Resolution but is sure there are others working to get the Bills at least amended to reverse some of the potential adverse impacts. Ms. Balestriere asked if anything besides the Resolution was being worked on regarding these Bills. Mr. Costello responded that talking points are being provided to area non-profits as well as a draft letter for them to utilize in communicating to the Legislature. He noted also the FRA is looking at preparing a video as well as information to provide to CRAs for use on various social media outlets. Ms. Balestriere suggested staff reach out to the Chamber for them to be equipped to inform local businesses as well as non-profits. Ms. Gray reported on some of her outreach efforts to various government individuals including speaking with legislators at the Annual Legislative Luncheon. She informed staff and the Board that another option is a 'Contact Your Representative' link on Facebook which she has used to communicate to all the local representatives as well as the Governor regarding these Bills.

Mr. Carstarphen made a motion to approve Resolution No. 2017-17 urging the legislature to vote against HB 17 and SB 432 that would amend Part III, Chapter 163, Florida Statutes. The motion was seconded by Mr. Zeller and passed unanimously.

**5. Other Business**

**A. Comments by Commissioners**

Mr. Zeller asked if there was any update on the situation with Publix. It was said that will be addressed in the Executive Director's comments. Mr. Carstarphen stated his disappointment with Publix's response regarding pulling out of the West Atlantic contract. He pointed out the new apartment complex that has opened at I-95 as well as others in the area and did not understand why there would be a need to wait for more development when there are enough residents in the area to sustain a Publix opening. He noted the community is very disheartened by the Publix decision.

Mr. Costello stated that just prior to this meeting he, Legal Counsel and the Pasadena Capital  
November 29, 2017

representative had a conference call. He reported that Pasadena's position is that they would like to reinstate the Agreement but with the land being assigned to Publix, so they would own the property with the CRA retaining the right to repurchase. He said Publix specified a time frame no earlier than December 31, 2022 to commence construction, and that the Pasadena Capital representative suggested making the changes to the Agreement for inclusion on the next Agenda. Mr. Costello said his thoughts were to have a workshop for the properties involved in the West Atlantic Avenue RFP and that he was hoping to have a letter from Pasadena Capital outlining the proposed terms. He said he wanted direction from the Board as to whether they would like this as a regular Agenda item or have it be a workshop discussion item.

Ms. Gray felt the CRA needed to remain as the driver in this situation. She felt the Board needed to meet and discuss their desires for all the properties as a whole rather than just as a revised proposal from Publix. She asked if the CRA wanted to continue with those three parcels pulled out or to look at assembling the entire neighborhood. She said she believed that if Publix went in today there would be an onslaught of customers as well as other retailers wanting to come in given the power of the Publix brand. Mr. Rose felt it needed to be workshopped and there were lessons to be learned from Equity and from iPic who put a non-local general contractor in charge of that project. He felt there are other factors that could be causing developers to shy away from Delray Beach. Ms. Gray agreed there is a brand crisis, but that this does need to be workshopped without the Publix proposal being involved. She suggested there may be other brands that might want to develop the site knowing that it was pursued by Publix and that the future of the area as a whole needs to be discussed. Then she said if it suits the Board's desire the Publix proposal can be considered. She said she wants to avoid the Publix proposal driving the conversation. Mr. Costello said he told the Pasadena representative he would need to get Board direction prior to moving anything forward. Mr. Rose commented that just the Publix interest has made that land more valuable.

There was a great deal of discussion that ensued. Ms. Gray reminded that the question on the table is whether the Board wants to workshop the item. Ms. Balestriere said she has no problem with a workshop but does not feel there is a hurry since Publix would not even be building any time soon. She noted the commissioners received a copy of The Set Transformation Plan this evening, and questioned whether it would be discussed prior to discussing the properties in the RFP. Mr. Costello stated the workshop would be is very specific to the properties. He said the urban development pattern in The Set Transformation Plan does not deviate significantly from what is currently envisioned other than building heights and increasing the depth for commercial but that the priority uses have not changed. He noted the Bob Gibbs presentation on the retail analysis could potentially add some desired uses. But in reference to those three blocks on Atlantic Avenue what is being considered is still a mixed used development in line with The Plan. Ms. Balestriere wanted to know if there was anything in The Plan or in the Gibbs analysis that needs to be discussed prior to the RFP discussion. Mr. Costello stated the Gibbs analysis would be presented to the City Commission on December 11th so commissioners might want to attend that presentation. Ms. Balestriere was seeking clarification on the order in which these items should be addressed. Mr. Costello noted that an RFP will not be issued at the December 14<sup>th</sup> Board meeting, but rather it would be a discussion on the options and how the RFP is to be structured and whether it would include the 600 Block or not. Ms. Gray felt if the entire area was going to be workshopped it needs to come first and the results of that either go into the RFP or not. Mr. Zeller wanted to know how the RFP gets distributed once the RFP is approved. Mr. Costello noted it is published to various resources such as the South Florida Business Journal, ULI and entities as required by Statutes as well as any developers who have contacted the CRA. Ms. Gray also noted it goes out nationally via DemandStar (noted now CRA uses BydSync).

Ms. Gray felt a collective breath should be taken, and she recalled that there was another supermarket interested with the Equity project so she does not feel Publix has the negotiating power. She did not want the land to be tied up for another five years, and also had concerns about The Set Transformation Plan and the RFP being discussed at the same workshop. Mr. Costello clarified IBI Group made a presentation at the November 9<sup>th</sup> workshop meeting. The Set Transformation Plan was not going to be on the workshop but was an item on the regular agenda. The consensus of the Board felt The Plan needs to be workshopped first. Mr. Costello felt that a decision regarding Publix request needed to be and reiterated that The Set Transformation Plan includes a development pattern which is consistent with the RFP. Ms. Gray agreed with Ms. Balestriere, and felt the Board needs to have a good understanding of The Set Transformation Plan before making any decisions about the West Atlantic corridor area because there are asks and issues in The Plan that need to be clarified. She said that The Set Plan contains nuances that need to be understood before discussing what the RFP will look like. Mr. Costello suggested that another workshop could be added for December. He felt the workshop on the land should not take more than an hour whereas The Plan could potentially take longer and he would like to deal with the land first. He said his intent had been to address the potential land to be included in an RFP and whether the counter proposal from Publix was an option or not. Mr. Zeller stated that someone would have to be very persuasive to convince him that parcel of land should be held off the market for five years for Publix. Board consensus was to workshop The Set Transformation Plan on December 14<sup>th</sup>. Mr. Costello will send some potential dates out to the Board for a second workshop in December to discuss the land options for the West Atlantic RFP.

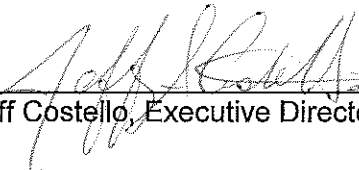
**B. Comments by Board Attorney – None**


**C. Comments by Executive Director – None**

**D. Comments by Staff – None**

## **6. Adjournment**

There being no further business the meeting was adjourned at 6:35 pm.

  
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Jeff Costello, Executive Director

  
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Annette Gray, Board Chair