

**MINUTES OF THE COMMUNITY REDEVELOPMENT AGENCY BOARD MEETING  
HELD ON TUESDAY, AUGUST 10, 2010 AT 6:30 PM  
CITY COMMISSION CHAMBERS, BOYNTON BEACH, FL**

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**PRESENT:**

Jose Rodriguez, Chair  
Marlene Ross, Vice Chair  
Woodrow Hay  
Steve Holzman  
William Orlove

Lisa Bright, Executive Director  
James Cherof, Board Counsel

**I. Call to Order** - Chairman Jose Rodriguez

Chair Rodriguez called the meeting to order at 6:39 p.m.

**II. Pledge to the Flag and Invocation**

Mr. Hay gave the invocation. Mr. Holzman led the Pledge of Allegiance to the Flag.

**III. Roll Call**

The Recording Secretary called the roll. A quorum was present.

**IV. Agenda Approval:**

A. Additions, Deletions, Corrections to the Agenda

Mr. Holzman pulled Consent Agenda Items E and F

Mr. Orlove pulled Consent Agenda Item C.

B. Adoption of Agenda

**Motion**

Mr. Hay moved to approve the agenda less the items pulled. Vice Chair Ross seconded the motion. The motion passed.

**V. Informational Items by Board Members & CRA Attorney:**

Vice Chair Ross announced she attended the Family Day event at the Carolyn Sims Center and Park. She reported it was a great event and she was happy to be there.

Mr. Orlove also attended the Family Day event. He advised the entire Board attended. It was a nice event and he hoped it would continue.

Mr. Hay agreed and explained it was a great time. There was more participation during the cooler part of the day. He hoped more people would attend the event next year.

**VI. Announcements & Awards:**

None.

**VII. Consent Agenda:**

- A. Approval of Minutes – CRA Special Board Meeting July 6, 2010
- B. Approval of Minutes - CRA Board Meeting July 13, 2010
- C. Approval of Minutes – CRA Special Board Meeting July 20, 2010

This item was pulled by Mr. Orlove.

- D. Approval of Period Ended July 31, 2010 Financial Report
- E. Approval of Commercial Façade Grant to Harvey E. Oyer, Jr., Inc.

This item was pulled by Mr. Holzman.

- F. Approval of Commercial Façade Grant to Intracoastal Medical Building Condominium Association, Inc.

This item was pulled by Mr. Holzman.

**VIII. Pulled Consent Agenda Items:**

- C. Approval of Minutes – CRA Special Board Meeting July 20, 2010

Mr. Orlove made the following correction to page 7, 4th paragraph: “Mr. Orlove said Strategic Broadcast Media ~~is no longer~~ has not been in discussions with Barry Teller Communications Telecommunications which owns and operates WXEL.”

Chair Rodriguez responded to a statement made by the Executive Director as noted as Item C on page 8, which was “I have an outstanding battery complaint against Mayor Rodriguez and did not feel it was in my limited staff’s best interest to allow him into the building in the heightened state of emotions during his unscheduled appearance.”

Chair Rodriguez referenced an email regarding the matter from Detective Robin Christopher of the Ft. Lauderdale Police Department, which he read as follows: "I wrote the report as requested by my Sergeant. I did not contact you because there was no investigation, only a report." Chair Rodriguez commented there was no investigation as noted by the Police Chief in Boynton Beach either.

Chair Rodriguez also clarified the first bullet point on page 9 which was: "Ms. Bright sits on various Boards both personally and professionally. For example, she sits on the Marina Village Master Association Board and she has a direct impact and influence on the marina activities in the downtown area." Chair Rodriguez felt this statement was a misrepresentation. He clarified in her disclosure, she only served on one Board which was the Marina Board and she was an active employee of the other Board.

### **Motion**

Mr. Orlove moved to approve as amended for the July 20, 2010 meeting. Mr. Holzman seconded the motion. The motion passed.

#### **E. Approval of Commercial Façade Grant to Harvey E. Oyer, Jr., Inc**

Mr. Holzman had a concern about the actual color combination being approved, which was thought to be ugly and an eyesore. He did not want to have another Las Ventanas and expressed there must be a better color combination that could be used. Mr. Hay agreed. There was discussion whether the City had a color scheme. The subject establishment would be part of the downtown area and it should look presentable. It was suggested the Board consider the overall look and feel of the buildings that would be renovated. The façade would be peach with red awnings. It was suggested the colors be viewed before approval. Vice Chair Ross pointed out the awning would match the two buildings next to the establishment, but not necessarily the body.

Chair Rodriguez noted this request was the first time an applicant had provided a color scheme to the Board and in the past, the Board approved these requests blindly. Mr. Orlove suggested having a color chart so they could see the actual colors because computers may distort the colors. Ms. Brooks agreed the colors may not be accurate and suggested acceptable color combination recommendations from the Board may be helpful for the applicant.

Chair Rodriguez requested the applicant provide paint samples to the Board and requested a motion to table.

Ms. Brooks noted the City and the CRA did not have an approved color palette. The City investigated it in the past but there was no support for it. Chair Rodriguez suggested approving the concept of the facade grant contingent on the Board having a recommendation of the color. The color may actually be fine but it was distorted through the process. The Board could look at paint samples at the office.

**Motion**

Mr. Hay moved to approve contingent on the approval of the color scheme. Mr. Orlove seconded the motion. The motion passed.

- F. Approval of Commercial Façade Grant to Intracoastal Medical Building Condominium Association, Inc.

Mr. Holzman explained he did not see a picture of what the facade would look like.

Ms. Brooks explained not all applicants have the software to provide that information. The last page of the agenda item explained the body of the building would be *Powerpuff* with Audobon Russet for contrast. Color samples were provided on the last page. Chair Rodriguez explained the members would have to go to the office individually and sign off on the colors.

**Motion**

Vice Chair Ross moved to approve pending approval by the individual Board members of the color chips. Mr. Orlove seconded the motion. The motion passed.

Ms. Bright confirmed staff would have a sign in sheet the Board members would sign which staff could then move forward without bringing it back to the Board. Chair Rodriguez confirmed that was fine as long as a majority was obtained.

**IX. Information Only:**

- A. CRA Policing Activity Reports
- B. Public Comment Log
- C. Update of Discussion Items from Mayor's Marina Meeting
- D. City & CRA Policies on Mandatory Vacation Leave Requirements

**X. Public Comments:** (Note: comments are limited to 3 minutes in duration)

Chair Rodriguez noted there were many people in the audience wanting to address the trolley. He requested five representatives be selected to speak for the group.

**Jerry Taylor**, 1086 SW 26th Avenue, read a statement into the record as follows:

Good evening. A week ago, in an article in the Palm Beach Post, Commissioner Holzman, speaking about me stated, "During Mayor Taylor's time in office, he didn't work to upgrade the downtown Boynton Beach area.

I would like to state the following facts for which I was responsible:

- I proposed and directed Visions 2020 Conference to formulate a City Master Plan around 1996, conducted a revisit of that conference to update the Plan in 2006. That has resulted in the current Downtown Development Plan
- Established the Ocean Avenue Bridge location and construction schedules
- Negotiated with DOT to upgrade downtown intersections to include modern traffic signals
- Negotiated with DOT to establish and landscape medians on Federal Highway
- Established plan and design for retention Pond 9 (behind the Promenade) to serve downtown business districts allowing more space on their land
- Established one-stop processing for business development
- Purchased and established a Senior Center on Federal Highway
- Built Kids Kingdom playground
- Restored historic elementary school to house a Children's Museum
- Acquired \$900,000 from the County for the completion of Mangrove Park expansion
- Acquired \$700,000 from the County for Boat Club Park expansion
- Acquired \$1,500,000 for Intracoastal Park Design and Construction
- Acquired \$250,000 from the County for the purchase and demolition of Maury's strip club on north Federal Highway
- Obtained \$2,000,000 from the County for upgrade of Gateway Boulevard. (included curbs & gutters, landscaping and driveways.)
- Acquired County and State grant funding for construction of Jaycee Park on S. Federal Highway.
- Acquired \$65,000 from the State for the study of the Boynton Inlet

- Led the effort to construct the Club House at Intracoastal Park
- Took a leadership role in the construction of Marina Village, Promenade, and Las Ventanas
- Promoted the development of the Promenade walkway from the end of Boynton Beach Boulevard to the Intracoastal
- Assisted in the closing of two strip clubs on Federal Highway and met with unsavory individuals and discouraged them from attempting to reopen a new strip club
- Hired additional Police Officers to eliminate prostitution and drug dealing on Federal Highway.
- Took a leadership role in the \$6 million expansion of the Library as a anchor for West Ocean Avenue
- Established the Arts Committee.
- Established the Veterans Committee and assisted in the development of Veterans Park on Federal Highway
- Chaired the Community Redevelopment Agency Board when it won the Presidential Award, the top Award for Community Redevelopment Agencies in the State of Florida

These are a few examples of my efforts up upgrade the downtown Boynton Beach area. That was my goal from the first day I took elected office. This is a work in progress. It will take time, money, a good economy and leadership that promotes harmony and refutes divisive commentary.

Therefore, at this time, I formally request that my name be removed from consideration for appointment to the new Community Redevelopment Agency Board.”

**Sister Lorraine Ryan**, 912 SE 4th Street, expressed her gratitude to the staff and Community Redevelopment Agency Board for the interest-free loan for their new location. The Planned Approach to Community Health (PATCH) program branched out into a smaller version of the program called Genesis Health Center. The official opening and ribbon-cutting ceremony was yesterday and the Center was functioning since May. She advised the Center was a federally-qualified Community Health Center. She also expressed the City has three community gardens in the Heart of Boynton, which were handed over to Victor Norfus. Anyone interested in having a plot should see him. She spoke in support of the trolley and requested it be extended. It was a financial magnet

to the City. She met with individuals willing to locate to the area as long as public transportation was provided. If it were extended, it could travel down Federal Highway to Woolbright Road by Sunshine Square.

**Brian Edwards**, 629 NE 9th Avenue, applauded the Community Health Center. The concept was identified in the Visions 2020 plan and it was identified in the Boynton Assembly. He hoped the Center gained support of both the City and Community Redevelopment Agency.

Mr. Edwards was named in a letter to the editor by Ms. Barbara Ready. In a letter he wrote to the Board as Community Redevelopment Agency members and City Commissioners about ideas he had, he was depicted as a sore loser. Those articles lead the public who read the Post to think the City is screwed up. He stated he supports the Community Redevelopment Agency Board and City staff and always supported a full independent Community Redevelopment Agency Board doing the right thing and sticking to the plan process and promises. No one brought to his attention anything that would cause him to change his opinions. It was a shame his opinions, in his letters to the Board, were shared or misconstrued by the public. He supported redeveloping the Old High School long before Ms. Ready did. He supports redevelopment of the Community Redevelopment Agency area and the Ocean Avenue district. He supported doing the right thing, the right way, all the time.

**Charles Hunt**, 103 NW 13th Avenue, commended the Board on their efforts to redevelop the City. He requested the Board find out why he was not notified to vacate the premises the day of the gas leak. He lives across from Poinciana, which was activated. He was working inside the house and inhaled too much of the gas and wound up in the hospital. He wanted to know why he was not contacted. He also highly supported the trolley. He works with senior citizens in Broward ensuring their welfare. If the trolley was stopped, he inquired how they would get around, since they no longer have a license.

Chair Rodriguez explained the gas issue was a City Commission issue and he would ensure someone from the City would contact him. Chair Rodriguez requested Mr. Hunt provide his phone number for the record which was 954-648-8764. Attorney Cherof advised he contacted the City Manager's office and the Risk Management office this evening about the matter.

**Malvina Lynch**, 460 NE 27th Avenue, advised she had lived on Martin Luther King Boulevard, and last year there was a police chase. The suspect's car hit her car during the chase. She spoke with the Chief of Police who indicated they would see what they could do to help her get her car fixed. She explained now there was nothing being done and the Police indicated there was no police chase. She explained there was a chase and she witnessed the incident. She explained nothing was done to the Police and now she had no car. Chair Rodriguez explained the matter was a City Commission issue, and he would ask the Police Chief or a representative to contact her. She should follow

up and determine where her complaint was in that process. They cannot, by law, intercede in a Police matter until their case was completed. Ms. Lynch also spoke in favor of the trolley.

**Deborah Branford**, 2101 NE 1st Court, spoke in favor of the trolley. She rides it daily and she indicated many citizens are disabled that need the trolley for shopping. The trolley was needed for the senior citizens, students and disabled persons. It was the only transportation that low-income and unemployed residents could afford. A one day pass for Palm Tran was \$4. It was unfair that they had to lose the service on the weekend and unfair that the trolley employees would lose their jobs, adding to the unemployment. She asked the Board to reconsider its impact on the community, and some items should take precedence over others.

**Roma Frederick**, 1001 North Railroad Avenue, was in favor of the trolley and she stated the trolley helped mobilize her because it was handicapped accessible and she was disabled. The trolleys help to add monies to the economy when citizens shop. She praised the drivers who taught the children the meaning of respect and privilege before the rules were posted. There is a dress code and a bond formed among the riders who now know one another. Youth who have finished high school use it to travel to the Florida Career Center. She explained she spends a lot of money when she goes out on the trolley.

**Madison St. Juste**, 161 NW 14th Court, was born in Boynton Beach and became disabled two years ago. The trolley takes her to the doctor. It takes all handicapped people where they need to go. Elderly citizens were now coming out and using the service and she implored the Board to keep the service.

**Floyd Zonenstein**, 2620 NE 1st Court, spoke as President of Village Royale on the Green. He indicated it was a feather in the City's cap to have the trolley service the senior citizens. The residents of Village Royale on the Green and the surrounding areas comprise 9% of the daily ridership. The patrons cannot afford automobiles or public transportation and the service was their life-line. He requested the Board keep the trolley service.

**Joe Pucchio**, 1713 Boynton Bay Court, indicated he was a Vietnam War Veteran, who relocated to the City from up north. The trolley allowed him to connect to others and form friendships. He acknowledged the trolley will end on October 1st, and inquired what they would do with the revenue. He suggested a solution such as having the service Monday, Wednesday, or Friday or having a 50-cent fee. He explained many individuals faced a hardship and he could not drive. If the service is discontinued, he and a lot of people will be hurt.

Another resident of Boynton Bay Apartments whose name was inaudible explained the trolley was important for residents who did not drive. They visit WalMart, Publix, the Mall, Target and others. The service was important for elderly residents but also for

students. The shopping establishments need customers and the impact on them should be considered.

**Tomas Boynton**, Founder of Citizens for Improved Transit explained he sits on the Palm Tran Service Board, the FEC Coalition, and the SFRTA Citizens Transit Advisory Board. He complimented the City and the Community Redevelopment Agency Director for having the service. It was the model example of what the United States and Europe was moving towards. The service was environmentally friendly, created communities and allowed individuals to travel within their cities to shop, keep doctor appointments, and other life necessities. They were quality of life trips without having to own a car. By having the service, it gave individuals the option to not drive a car and buy gas. Accordingly, those monies go back into the community. He encouraged all to experience riding the trolley. It served a diverse population that interacts and creates a social fabric. The City of Boynton Beach receives gas tax funds which are used in various ways. He requested the Board consider the pros and cons of spending on road beautification projects as opposed to investing the monies on quality transportation. He pointed out there were a great deal of people attending this meeting who came out on a rainy day in support of the service because it was very important to them. He advised over 765 residents signed a petition which he distributed to the Board. He also informed the Board the average ridership was over 10K a month and it increased 4% because the Saturday route was eliminated, so the per hour service increased. Mr. Boynton was volunteering his time as a transportation consultant for non-profit agencies.

**Susan Mandell**, owner of Thank You for Your Ride Room 101, and a single-parent explained her son in Ocean Ridge took the trolley to the Tri-Rail to Lake Worth High School and now has graduated and was attending Northwood University. She was a proud resident in Boynton Beach. She agreed they trolley service should continue.

**Barbara Franklin**, 2103 NE 3rd Court, represented the Boynton Beach Assisted Living Facility and herself. She confirmed the residents relied on the trolley and use it daily. The residents were handicapped, having wheelchairs and walkers, and they were serviced. She pointed out those individuals were also present at the meeting. She was a student at the Florida Career College, and it was vital she attend school in the morning. She was dependent on the trolley. She does not drive or want an automobile.

**Joelyn Sabodnic**, 625 Marina Village, commended the Community Redevelopment Agency, Molly's Trolleys and their staff for the service. She requested the trolley service remain.

**Stone Palmer**, 323 MLK Jr. Boulevard, a lifelong resident of Boynton Beach explained she is a teacher. She is presently disabled and needs the trolley for doctor's office, post office, bank, work and other visits. She recalled there used to be three trolleys with three directions but they took away the Saturday and Sunday route. She explained

many residents depended on the trolley to frequent the different destinations in Boynton Beach and it would be good if the trolley ran seven days a week.

Chair Rodriguez closed the public comments and thanked all for their statements. As it pertained to the trolley, he advised the Board had not finalized the budget yet. The preliminary discussion was to evaluate the cost of the trolley which was \$436,000 of Community Redevelopment Agency dollars, which are funds set aside to redevelop primarily, the eastern part of the City. Their revenue decreased significantly, which equated to less development dollars. There were projects in the Heart of Boynton, Seacrest Boulevard and Federal Highway, and the trolley was a big ticket item. The study conducted by the Community Redevelopment Agency staff indicated there was very limited use of the trolley. He indicated that study would be compared to the study presented by Mr. Boynton.

Chair Rodriguez pointed out the trolley employees were not employed by the Community Redevelopment Agency; rather, they were paid by the vendor. Those employees may be reassigned to another area. He explained there was still much discussion to take place.

Mr. Holzman concurred with the Chair. In weighing the cost of continuing the trolley versus the potential use of those funds and the impact the development of some of their projects would have, the decision was primarily to cut those costs. The downtown was in dire need of rejuvenation and the use of a trolley in the downtown area was valuable. It was their responsibility to draw people to that area. The trolley service may continue or could return when there were more funds. They have a limited amount of money and many projects needing to be funded.

Mr. Hay agreed with the comments made regarding balancing the projects and pointed out he was in favor of saving the trolley. He took note of Boynton Beach setting the model example. The City was one of the few cities that provided full services to its citizens and they were scrutinizing the budget to try to keep the service because it impacted many people that have a need. Public transportation was the way of the future. He indicated if they were redeveloping the downtown, they must evaluate what part transportation would play in the overall plan. The trolley was expensive but they would look at ways to save the trolley and explore all the options. He agreed with the comments made by the Chair and other members on the matter. He appreciated hearing the public's comments and would do all he could to save it.

Mr. Orlove thanked all for coming. He explained the members sit as the Community Redevelopment Agency Board and City Commission and they play a dual role. The members have been in budget discussions as well with the City. One item they have on their wish list was to save the Shopper Hopper. On Mondays residents could call and the Shopper Hopper would pick up the residents and take them anywhere they needed to go. During the rest of the week the residents scheduled their trips. He was in favor of mass transit and was willing to consider, since the City was trying to save the

Shopper Hopper, expanding the routes to the trolley area. He requested the public understand they pay \$200K for that service. The fees charged were 50 cents one way or \$1.50 round trip which did not cover the cost and it was subsidized about 90%. He was not in favor of the Trolley or the Shopper Hopper separately. He was in favor of having some kind of mass transit that retained both lines. The members had serious considerations before them, but thought they should charge a fee and they have discussed increasing it. He would like to see some type of transit survive for the corridor or on Federal Highway and include the Shopper Hopper routes.

Vice Chair Ross was in favor of exploring the transit situation for the Community Redevelopment Agency district and the City as a whole. She appreciated the comments and commented as the District IV Commissioner, the Boynton Beach Mall Manager called to advise her that he was receiving calls about the Trolley's possible elimination. The trolley was a link between the west and east side of the City. The members would review the matter and wanted a good solution to it.

Ms. Bright indicated Mr. Boynton, she and Wally Majors, Recreation and Parks Director, would be meeting the next day regarding the trolley and the Shopper Hopper to ascertain if there was any synergy between the two entities and try to come up with a solution.

**XI. Legal:**

A. Report by Board Attorney Regarding Investigation of Executive Director

Attorney Cherof advised within the next day or so, he would be forwarding a resume of an investigator to go forward with the investigation the Board discussed at the last Board meeting. He would forward the information to the Board in the same manner as was previously done and would send the resume as well as a retainer setting forth the terms and conditions. The investigation would begin within a day or so, and be completed within three or four weeks.

Attorney Cherof would preliminarily make the decision about who to use and forward the information to the members. He agreed to wait a short time before acting on his email to ensure there were no conflicts raised, and if so, he would delay moving forward until he found an alternative. This action was in response to a motion made at the July 20, 2010 meeting. The final motion was made by Mr. Orlove to investigate the relationship of the Executive Director and Mr. Ferrer doing business as Sunset Entertainment and only that issue and the Executive Director shall remain on staff pending the investigation. That motion had passed unanimously.

**XII. Old Business:**

A. Approval of Contract between the CRA and B & B Underground Contractors for Site Development of Ocean Breeze West in the amount of \$431,721.08.

**Vivian Brooks**, Assistant Director, explained this item pertained to the \$400,000 in Neighborhood Stabilization Program (NSP) funds allocated by the City to the Community Redevelopment Agency for the site development of Ocean Breeze West. Six bids were received and the low bidder was B&B Underground Contractors. It was noted REG was an architectural firm, not a civil engineering firm. Under the terms of their contract, they hired G. Simmons and White.

There was discussion why staff would use a middle man, instead of contracting with a civil engineering firm directly. Ms. Brooks explained REG laid out the plat, and designed the underground utilities. REG has firms they work with all the time, i.e. landscape architects and others. This item was a work order and the fees for Simmons and White were embedded in the fees paid to REG. Chair Rodriguez inquired if staff had qualified engineering firms to do the work. Ms. Brooks responded they did at one point, but she did not know if the contract expired. She noted REG had initially submitted the proposal with the work included.

Chair Rodriguez expressed he did not feel proper protocol was followed and turned the item over to Attorney Cherof who clarified the matter was whether the work was consistent with the procurement policy of the CRA and whether the policy was appropriate for the type of work that they did. He suggested they could check into the matter to see whether it was consistent and if not see what the cure for it would be.

Mr. Hay inquired if this was done in the past with this project. Ms. Brooks responded it was. Mr. Hay inquired why the inquiry was made when staff had taken this route before without objection. The architect can hire someone who is qualified to do the work which was acceptable to the Board.

Chair Rodriguez explained he was uncomfortable with the answers and they have to follow the right protocol. He requested it be tabled until the information was verified.

Ms. Brooks explained REG was doing the work on the Children's Museum and the City added a scope of services for engineering services to it.

### **Motion**

Mr. Hay moved to approve it contingent upon the finding out of Legal whether or not the company was on the qualified list.

Mr. Hay inquired if that was a problem for staff. Ms. Brooks responded it was.

Mr. Hay repeated his motion that they approve this contingent upon the approval of what the Attorney is saying that this engineering firm is legit.

Chair Rodriguez inquired if there was a substitute motion or a second to the motion. Vice Chair Ross seconded the motion.

Mr. Hay inquired again if this was a problem for staff. Ms. Brooks explained the same rules applied to the City and the Community Redevelopment Agency had a very short timeframe to sign the contract because the Community Redevelopment Agency had more stringent performance standards for the \$400K than the City had for the \$2.9M. That was why they made every effort to get the bid on the street.

REG submitted a proposal to do this scope of work. They could hire who they wished. They hired other people all the time to do work for the Community Redevelopment Agency such as landscape architects and engineering services for other projects. They do so for the City and they were currently doing so for the City now. If it was a problem with this project, Ms. Brooks assumed it was a problem for the City with the Schoolhouse Museum.

Attorney Cherof confirmed they could make the determination tomorrow. The issue was whether Simmons and White was consistent with the procurement policy of the CRA and if not, he would make a determination of a whether it was a substantive deviation and whether it warranted having to come back to the Board. If the finding was in favor of the firm it was possible it may not have to come back to the Board. It was also confirmed they must have an executed contract by August 30th.

There was a vote on the motion. The motion passed.

**B. Status Report on Interest of:**

- i. Ruth Jones Cottage
- ii. Oscar Magnuson House

Ms. Brooks explained the staff report was included in the meeting materials and she sent, under separate cover, an email regarding letters of interest. Four letters were received. One letter was for the Magnuson House from an artist group and three for the Jones Cottage. The majority of people calling did not have the finances to undertake the project, but staff was continuing discussions with various people.

Mr. Orlove commented the meeting materials mention this type of endeavor was done with other communities but it did not state what they are doing with it or if they would bring in revenue. Ms. Brooks explained the cultural uses proposed were not moneymakers: they were more for a draw to the area as a place of interest. They could in the future possibly pay rent, but the amount would not be significant enough to cover the taxes and insurances. Once staff leased the property, it becomes taxable. The property adjacent to the Bank of America site was appraised for \$1M and they only receive \$600 a month rent for it. Chair Rodriguez inquired about two other parties that

expressed interest. One was from Dadas. Ms. Brooks explained she emailed him and he never responded to her.

Ms. Bright sought direction whether the Board wanted to extend the timeline. Mr. Holzman preferred to extend the deadline another 30 days, have staff contact interested parties and provide the documentation, such as emails and correspondence to the Board regarding their efforts.

Ms. Brooks pointed out they had a little more information from one of the Respondents, Christine Francois. Staff was looking to ascertain what the Board wanted and staff had not vetted the Respondents for financial responsibility. It was an unproven area and unproven market.

Chair Rodriguez suggested issuing an RFP and providing the responses to the Board. The Board would make the determination.

Ms. Brooks explained RFPs would have a limited audience. Restaurateurs and bar owners do not peruse the legal notice section of the newspaper as opposed to contractors and other parties that commonly work with governmental entities. Staff was preparing an ad for the Coastal Star which was appropriate for the market and preparing to put it on Facebook and on their website. She was meeting tomorrow with someone who has great restaurants in Palm Beach County. Chair Rodriguez explained staff could spend a lot of time doing that, but they needed to put a proposal on the street. He wanted to know what incentives were going to be provided to the potential operator. Ms. Brooks pointed out that was a Board decision. Chair Rodriguez differed and assumed the Executive Director would make the recommendation about what incentives would be available so entities could respond.

Ms. Bright explained staff put it on the commercial LoopNet and included those stats, which was typically the site restaurateurs and real estate brokers go to and there was some interest there. As a result of that interest, she was looking for direction from the Board whether they wanted to do an RFP and include financial incentives, and list it in LoopNet that staff was willing to incentivize and appropriate a cost of up to \$300,000. If the Board reached consensus or moved for staff to issue an RFP, they could do so. Staff was already doing what they could from a general marketing standpoint via Facebook, LoopNet, signs and ads in the Coastal Star.

Mr. Holzman wanted the ad put in the paper and to see what kind of responses would be received and at that point, in 30 days, put out an RFP. Chair Rodriguez commented staff could do both simultaneously, and the Board should be advertising the RFP not the property.

Mr. Orlove sought clarification whether they were discussing both properties. He pointed out that in the past, the Board was discussing some type of food establishment for the Ruth Jones Cottage with interested parties, and two people came forward. He

inquired whether it was more beneficial for those two parties to put together a presentation and staff could pick and choose one, at least for the Jones Cottage. As to the Magnuson house, he would like to see what they were proposing, but he was unsure it was put together correctly. Mr. Orlove liked the idea of having a working studio and an art component on Ocean Avenue. He wanted to move forward with the Ruth Jones Cottage and have a presentation at the next meeting. Two concrete responses were received: Christine Francois and another proposal that was submitted to Mike Simon about a different concept.

Mr. Holzman was not in favor of moving forward with anything until staff reached out to the market to determine a response. If staff issued an RFP, interested parties would put together a proposal.

Mr. Orlove commented Kim Kelly who has a good reputation as a restaurateur was also interested and the Board had three proposals. The Board had publically been discussing this in April and May and now it was August. He questioned the need to wait another 30 days.

Chair Rodriguez commented he envisioned the property would go out to RFP and they would receive a proposal. Attorney Cherof explained there was no requirement to formalize the process but RFPs were the preferred legal process. There was a set formula to do so and a set formula for identifying who would offer the best proposal and then to negotiate. Chair Rodriguez did not think it would take much longer to issue an RFP which outlined the incentives.

Mr. Hay agreed with Mr. Orlove. He had heard the Board say over and over to move expeditiously. Now they had three viable proposals and it was appropriate for them to do what they said and hear the proposals. It was pointed out the Board could direct staff to reach out to the three Respondents and/or advertise it indicating they needed to come to staff by a certain date. Chair Rodriguez inquired whether staff needed to provide the incentives first. Ms. Bright explained a person needed to come to staff with an operating pro forma and then staff goes to the Board with their recommendations.

Chair Rodriguez thought the process was backwards. He explained not everyone knew what incentives were available in Boynton Beach. He explained if you want to attract a broader response, staff should indicate what was available.

Ms. Bright explained they give rent subsidies, so they could have rent abatement for 18 months. With a retail lease they could pay it back. It could be a fixed number. The framework would be the current economic subsidy models and maybe an additional incentive if the Respondent wanted extra.

**Motion**

Mr. Orlove moved for CRA staff to contact the individuals that have so far brought proposals to their attention, to reach out for them to come back with formalized proposal and advertise specifically the Ruth Jones Cottage so they could discuss it at the next meeting. Mr. Hay seconded the motion. Mr. Orlove clarified he wanted to pursue both avenues, reaching out to the Respondents and to the broader community. This could offer more incentives for others to come forward to bring proposals.

Chair Rodriguez thought proceeding in that manner may give a competitive advantage to some Respondents. Mr. Orlove inquired how long they were going to wait. If staff advertised it and gave it a cut-off date, this would allow people to put a proposal together

Mr. Orlove amended his motion that the three individuals and any others that said they were somewhat interested in this property, that CRA staff contact them to get formalized proposals from them to develop the Ruth Jones Cottage and advertise it in the Coastal Star and any other means and have a deadline of submitting proposals by a certain date that would allow the Board to look at these proposals at their next meeting.

Ms. Bright explained 60 days was a short timeline but they do have responses. She recommended taking the actions currently as described by the Attorney. The first time they could deliver them was by the October meeting. Staff would formulate the incentives before advertising.

Mr. Orlove wanted to amend his motion only regarding the deadline for submitting proposals to the Community Redevelopment Agency staff in enough time to discuss it at the October meeting. The deadline would be to submit by the 20th of September. The Respondents would make a proposal presentation lasting about 10 minutes and have a full business plan including financials.

Ms. Bright recommended having financials or obtaining a 3rd party verifier. Ms. Brooks also inquired, since they have varied types of businesses calling, whether they wanted to limit the type of business that would be located there, such as only considering restaurants.

Mr. Orlove clarified his amendment was not restricted only to restaurants, but other types of establishments as well. Mr. Hay seconded the amendment.

Chair Rodriguez opened the floor for public comment:

**Kim Kelly** explained redevelopment was about the community and small businesses. She requested when reviewing the responses, redevelopment move forward. Season was around the corner and the Board should consider that when they issued their timelines.

**Brian Edwards**, 629 NE 9th Avenue, cautioned the Board to be consistent. If you issue RFPs, issue them all the time. He has attended the meetings and heard the urgency. The Board requested action and received the response, but now it changed. He commented the Board decided to go with the Holiday House as the Community Redevelopment Agency office as opposed to the Magnuson House. He would like to see more clarity given to the staff and to City staff. He indicated the Board should send a consistent message about what they were doing all the time.

**Motion**

There was a vote on the motion. The motion passed.

C. Discussion Additional Enhancements for the Non-response to the MLK RFP

Ms. Brooks explained staff was asked to come back with suggestions which could help attract development to the MLK RFP. Staff would agree to reimburse the developer for the balance of property the Community Redevelopment Agency does not own, which was estimated at \$2.29M, and agree to bond for infrastructure improvements for the project, which was about \$500,000 in value. She pointed out these cannot be done because the Community Redevelopment Agency cannot bond at this time due to the uncertain revenue trend.

Chair Rodriguez inquired why staff would make a recommendation they could not undertake. Ms. Bright responded they wanted to ensure the Board that staff was investigating what enhancements were there and acquisition was the only option available. Staff was addressing the Board's statements. Ms. Brooks explained the impediment to development was staff did not own all the property and acquiring those properties would be the largest obstacle for the developer. Ms. Bright clarified staff tried to acquire individual properties so staff could square off the property and Mr. Finkelstein indicated it was a package deal. Ms. Bright explained nothing could be done to incentivize the property and buy the additional parcels to assemble enough acreage to make a developer responsive to the RFP. The Board could bond, but they could not bond today.

Staff's recommendation was to consider reissuing the RFP in fiscal year 2012/2013 because nobody knows when the downward property value spiral would stop. Until the revenue source stabilized, the Community Redevelopment Agency could not bond.

**Motion**

Mr. Hay moved to go with the above recommendation to consider adding the above referenced option to RFP and reissue it during first quarter of Fiscal year 2012/2013 if the required bond ratio could be met. Vice Chair Ross seconded the motion.

Chair Rodriguez was uncomfortable approving something in 2012/2013 and thought it was more appropriate to table it and have CRA staff bring it back during better times.

**Motion**

Mr. Holzman made a substitute motion to table it and have staff come back when they see there was an option available whether it was this or something else for this.

Ms. Brooks explained 2012/2013 was the estimated time when they anticipate property values would stop dropping. Since ad valorem funds are received after stabilization occurred, they have to wait one year after diminishing rates stopped. She referenced a newspaper article which indicated property values would continue to drop. They predicted a continued drop for the following fiscal year. Banks were also only funding loan to value ratios at 50%

Mr. Orlove seconded the substitute motion to table the item and have staff bring it back at a more economically viable time. Mr. Hay pointed out there was a new Board coming in next month and they could change it if they so desired.

**Vote**

There was a vote on the substitute motion which passed 4-1 (*Mr. Hay dissenting.*)

D. Discussion of Ocean Breeze East

**Sister Lorraine**, Women's Circle, 912 SE 4th Street, commented she and others have been listening to the efforts of the CRA to develop the HOB. She looks at the south side of town, specifically on 23rd coming west from Federal Highway. There were some rentals in the area and she wished some developers could move those type of rentals onto MLK. She heard about the Floribbean look. She saw them in Key West and she indicated the project could really be a magnet. She pointed out the Community Redevelopment Agency does not have to be a huge project and the Community Redevelopment Agency did not have to own all of the property to do some of this in their lifetime.

**Victor Norfus**, 261 N. Palm Drive, agreed with tabling the previous item and was opposed to locking the Community Redevelopment Agency into the project in 2012/2013.

**James Brake**, 710 SW 27th Terrace, understood the idea of assembling all the lots to have larger projects. He suggested building projects on smaller lots needed for land banking, perhaps having second and third floors with retail, office and even residential. He suggested using the land and putting something in place so they could have something to build from instead of waiting for the larger projects.

Vice Chair Ross returned at 8:42 p.m.

There was discussion that the original RFP indicated the developer would acquire the property. They tried to do that.

Ms. Brooks explained on April 13th, the Board selected Auburn Development for the development of the project. They presented a proposal which was forwarded to Legal for review. Staff believes there were additional items that should be added to the agreement to enhance its impact such as a timeline for actions on the part of Auburn. The timeline would include:

- The developer's application for funding to the State;
- The site plan approval;
- Approval of all necessary funding and construction starts;
- A clause that if the developer does not adhere to the timeline, they appear before the Board, provide a reason and ask for an extension;

*Mr. Holzman left the dais at 8:43 p.m.*

- A closing date for the land sale;
- The closing be co-terminus with the closing of the construction loan, that they do not transfer the land without some certainty that development will occur and that the developer cannot sit on the land;
- Submit a conceptual plan for approval and it be made a part of the Purchase and Sale Agreement;
- The conceptual plan be approved by the Board; and,
- Due diligence be done.

There was discussion the market for funding was bad. The developer could do infill housing but 84 units multi-story was different. Ms. Brooks was not dissatisfied with the developer to find other sources of funding and pointed out they have a track record. The developer was diligent and staff did not want the project to be floating out there indefinitely.

*Mr. Holzman returned to the dais at 8:46 p.m.*

Mr. Hay explained the Board dealt with Auburn before and they were somewhat misguided. At that time, the developer did not live up to their part of the deal and they were dropped. He pointed out they were a good company but he wanted to ensure they were doing due diligence. It was his understanding the developer was on track and they were doing their part and staff was doing its part. Ms. Brooks explained Auburn provided them with a purchase agreement and staff advised them the Board would discuss it. It was up to the Board to set the standard for what they wanted. These were not items that were unusual to ask for. The Purchase and Sale Agreement was a standard land purchase agreement.

Mr. Hay would like to accept the staff's recommendation on those items.

Ms. Brooks explained she did not meet with them yet; rather she wanted to bring it to the Board first. Attorney Cherof spoke with their Attorney who was Attorney Weiner and discussed the items in staff's memo. He posed questions about timelines and deadlines. Attorney Weiner was unable to respond to them and agreed to consult with his client and provide feedback. So far Attorney Cherof had not had a response. At this point the agreement was a ghost agreement. They could only say that they are on time for submitting a draft document to them, but the document could be so hollow there is nothing to respond to. The timeline was contingent on the developer obtaining financing.

Chair Rodriguez felt there should be some working relationship with them as they moved through the process and he was concerned they have not had that dialogue. It appeared to Attorney Cherof that Attorney Weiner was okay with the Community Redevelopment Agency requesting the items, but needed direction from his client. All of the requested information was needed, but as far as the timeline was concerned the expectation of this Board was the issue, i.e. a closing next month, a year from now or later. Chair Rodriguez inquired if staff had a recommendation for a timeline.

Ms. Brooks explained the developer would have to set that based on financing. Ms. Brooks clarified she, Mike Simon and Ms. Bright met with them and the Housing Authority collectively and attended a number of meetings. The timeline was driven by the funding source. Staff was not asking the Board to develop those timelines, they were being asked whether they wanted those types of terms in the agreement. The agreement would come back to the Board. Staff was making their recommendations about what should be included based on their experience.

Mr. Holzman clarified when they came before the Board and were selected, it was an RFP to enter into negotiations into the purchase contract. It sounded like this was part of the negotiation process and the Board should request all those items in the contract. He suggested continuing negotiations and having them respond.

### **Motion**

Mr. Hay moved to go with staff's recommendation to add those items the Executive Director had listed to the Purchase and Sale agreement and bring it back to the Board for consideration with the time limit being October, 2010.

Ms. Brooks confirmed staff would bring back a purchase agreement with their wish list.

Mr. Orlove seconded the motion.

Attorney Cherof suggested giving Auburn a 90-day deadline to return a real Purchase and Sale agreement with all the items listed in Ms. Brook's memo.

Mr. Hay offered a substitute motion as outlined by Attorney Cherof. Vice Chair Ross seconded the motion. The motion passed.

E. Approval of Lease for 710 N. Federal Highway

Ms. Brooks received the proposed lease from Mr. D'Almeida for the Holiday House. She listed the terms which were:

- A10-year lease with a base rent at \$15.80 per square foot;
- Annual escalation of rent of 5% ;
- During the first year, the CRA would be responsible for \$1,893 a month comprised of the taxes which are \$22,000 per year. The taxes would increase because the building would be improved;
- Maintenance;
- Insurance;
- A security deposit of \$6,500 due on execution of the lease ;
- The CRA would be responsible for all interior renovations, landscaping, signage, architectural fees for the interior at an estimated cost of \$115K based on the amount REG quoted for the cost and the difference between Mr. D'Almeida's estimate plus the signs and permit fees; and,
- The CRA could not terminate the lease without being held liable for the rent and expenses for the remainder of the lease.

The spreadsheet reflected the fees for the duration of the lease were \$1,037,668.

Attorney Cherof reviewed the lease was a Landlord's lease for commercial property; but it needed to be modified as a governmental entity and it was a good starting point. His comments were to bring it back in a form appropriate for government.

**Art D'Almeida**, 105 E. Palmetto Park Road, Boca Raton, explained there were about 19 items and he was agreeable with most of them. Mr. D'Almeida took issue with the fourth item regarding termination. Ms. Bright explained the item pertained to if the agency was not funded by the City and County, they could not pay the balance of the lease's term. Mr. D'Almeida thought it would be reckless to spend that kind of money. He advised he pretty much had the funding in place but he was unsure if the bank would fund the renovation if the tenant left. Attorney Cherof explained the obligations of the CRA would continue and be inherited by the City if the Community Redevelopment Agency ceased to exist.

Attorney Cherof advised it was unusual to negotiate a lease in this manner, and he agreed to contact Mr. D'Almeida to negotiate the terms.

Mr. Hay suggested tabling the item and asking Legal, staff and the landlord to work out the details. There was an upcoming City Commission meeting and they could address it at a special meeting then.

Mr. Hay was in favor of the renovation, but he pointed out it cost almost double. Once the property was renovated, the property tax value would increase. Mr. D'Almeida advised he planned on appealing the tax assessment. If the taxes were lowered, it would lower the rent.

Mr. Orlove inquired if a governmental body was responsible for paying real estate taxes, maintenance and insurance. Attorney Cherof responded they were responsible for some, and it was negotiable. Attorney Cherof reiterated the lease needed to be modified. It was noted Mr. D'Almeida included a letter of intent.

### **Motion**

Mr. Holzman moved to allow Legal and Mr. D'Almeida to come to an agreement on a final lease and have that lease be presented to the Board at a special meeting next week. Mr. Hay seconded the motion. The motion passed.

#### G. Discussion Regarding Disposition of 1002 MLK Blvd.

Mike Simon, Development Director, explained the CRA closed on the subject property, known as the Robert's building in February. The building was vacant and boarded, antiquated, in disrepair, not up to Code, and in no condition to be leased by a tenant. When the property was purchased in September 2009 and subsequent to the purchase, there were several discussions held about combining the property with Jesus House of Worship and another building for some type of mixed-use structure and incorporating a business incubator.

Chair Rodriguez left the meeting at 9:16 p.m.

On June 30th, REG architects conducted a building evaluation assessment to provide the Board with the information to bring the property up to Code should they decide to lease the building. The second option was to demolish the structure and lay in wait for future development. There was discussion regarding demolishing the building.

Chair Rodriguez returned to the meeting at 9:17 p.m.

Concerns were raised that many vacant lots became dumping grounds and it was at a major intersection.

Mr. Simon explained the Board could obtain estimates for irrigation if there were plantings. There was a cement wall on the Robert's property, and he hesitated to remove it because, while it would create depth, the properties were undesirable. He

noted staff could offer the property as an opportunity to paint a wall mural or just painting the wall.

**Motion**

Mr. Hay moved to select Option 2 with the option of staff coming back with beautification options the Board could take a look at and select from. This included staff moving forward and razing the building. Mr. Holzman seconded the motion. The motion passed.

**XIII. Executive Director's Report:**

None.

**XIV. New Business:**

- A. Presentation of Construction Manager at Risk Contract Format by Kaufman Lynn, General Contractors

Mr. Simon explained this item was an opportunity to have a premiere and successful contractor make a presentation of Construction Manager at Risk Contract Format and explained their affiliation was through a continuing contract with Kaufman Lynn, a General Contractor from Boca Raton and RFQ and evaluation of the responses. They were one of the three contractors on the Community Redevelopment Agency's continuing contractor's list and they have an active contract. This format worked well for the three projects they have which were the Ruth Jones Cottage, the Ocean Avenue Amphitheater, and the Boynton Harbor Marina Entryway. These projects were approaching the permit stage. Last Thursday, the site plans were submitted for the Ruth Jones Cottage relocation. The amphitheater reached the bid document drawing stage and would be a permitted project within the next 30 days. The Entryway project at the marina was also reaching completion in its design and drawings would be submitted, also for permit within the next 30 days or sooner. Staff could issue a hard bid for the individual projects, issue a bid to the three contractors under continuing contract or enlist the services of a single contractor who was an expert in the field and use them.

Mr. Simon wanted the contractors to make a presentation. It was explained the contractor assisted staff with all three projects with budgeting, value engineering preconstruction services, and what the projects would entail construction-wise. They offered suggestions how to save money on ways to construct the project. Mr. Simon felt since staff was close to the building phase, it was an opportunity to receive direction from the Board whether this option made sense or whether the Board wanted staff to issue an RFP or hard bid.

Mike Simon explained with the Ruth Jones Cottage, staff was given direction to move forward with the project, which included two phases. One phase was to move the

structure to a location and solicit a tenant. The major obstacle with the second phase was a potential tenant could not move in right away. Phase II is to redevelop the cottage.

Mr. Hay left the dais at 9:30 p.m.

The Cottage would be moved to a vacant parking lot, and it provided an opportunity to entice a builder to the area. The building would alert the community that development was occurring on the Avenue. If a person wanted to open a restaurant but had to wait a year because it was not ready to go, it lost its attractiveness as a potential site. It was noted at this time, staff was not making interior renovations.

Mr. Hay returned to the dais at 9:32 p.m.

Chair Rodriguez was in favor of moving the building but delaying the interior and exterior renovations until a tenant was obtained. Mr. Simon explained the parking lot for the structure could not accommodate the building without it being improved. The structure would be placed on a stem wall, fastened to the ground and have rough plumbing and landscaping. The building was small and staff was working on potential designs.

Ms. Brooks explained there were asbestos tiles on the exterior of the building. The building was very small, and for the type of deal that would be made, staff would give them the plans designed by REG and they were okay with the exterior. The work was basically the landscaping, the covered deck and the handicap ramp required by Code. There would be basic electric and plumbing. Build-out referred to the interior and not the exterior. Chair Rodriguez thought making any improvements may dissuade interested parties.

The presentation was how to engage a contractor in building the projects. If the Board accepted the methodology, the projects would have to be approved for bidding. The other firms under continuing contract were Hedrick Brothers and Burkhardt Construction. Burkhardt specialized in road construction. Hedricks Brothers handled retail/commercial and large-scale businesses.

Kaufman Lynn was the Community Redevelopment Agency's continuing contractor selected by the Board due to their expertise in municipal building. They were selected over other general contractors in the original bids due to their expertise in CM at Risk. They constructed the Boca Raton Amphitheater. The Board's other options were to select them, go to go hard bid, or have Hedrick Brothers and Kaufman Lynn make presentations. Mr. Simon's goal was to present the CM at Risk's format. If the Board did not like the format, staff would issue an RFP. Chair Rodriguez felt in the interest of transparency, any other firm not on the qualified list should make the same presentation to them. Chair Rodriguez explained the process was a well known process within the

building industry but he was uncomfortable hearing the presentation without the others on the qualified list present.

Kaufman Lynn was vetted through a Request for Proposal in 2006. The Board renewed their services for a second term as a continuing contractor. The RFP process was complete. They were going to present the process for their company.

Attorney Cherof suggested rather than having a presentation on a specific contract, the Board use the expertise of Kaufman to explain the difference between the CM at Risk Contracting format versus the traditional contract the Board normally would see. Mr. Simon clarified that was what he intended the presentation to be. Chair Rodriguez explained on the City level, he requested the City do the same.

Vice Chair Ross requested Mr. Kaufman speak. Mr. Hay and Mr. Orlove agreed to hear from Mr. Kaufman on that item only.

CM at Risk was a contract delivery method adopted 15 to 20 years ago by the State Division of Management Services for agencies. It was then adopted by state universities, colleges, municipalities, schools and taxing agencies.

Mr. Lynn explained there were issues occurring with the older methods such as the hard bid or design-bid build, where the agency would hire the architect and engineers and on a separate contract have contractors bid and hire the low bidders, thus creating animosity between contractors and the architects and engineers. There was a lot of litigation and options for protest on the bids with the methodology and it slowed the project down dramatically. When projects were put forth using the system, most went over budget and beyond the completion date. It was not an effective method for the delivery for many projects.

With the design-build process, the agency primarily hired an architect to speed the project along. This process was used extensively. The agency lost a lot of transparency and control over the design and it was more costly, but it got done more quickly. The CM at Risk method was decided on because it was a marriage of all the positive benefits of both of those systems. It afforded complete transparency of the numbers, the contractor must report who when and why someone was paid, the management cost and the profit on the job, but the agency still retained the ability to hold the contractor accountable. It created a teaming effort with the contracting agency, the architect and contractor at the same time. It avoided litigation, promoted the construction process, brought in construction experts and enhanced the durability of projects they warranted after they were completed during the design phase.

Mr. Kaufman reviewed a PowerPoint presentation attached to the original set of minutes on file in the Clerk's Office.

Attorney Cherof advised the process was not unknown to Boynton Beach. The process was used in the Community Redevelopment Agency area known as the Pond B project, in the pavilion area. The ponds were dug under the CM at Risk program.

Chair Rodriguez was a proponent of it and wanted the City and Community Redevelopment Agency to use the methodology. He commented one option that was missing was having the other two other firms under continuing contract engaged in the project. He was unsure how to proceed or if they should request all three firms make a presentation using the methodology.

Mr. Orlove suggested in Option 3, directing staff to move forward with an RFP and only look at those companies using the methodology. Ms. Bright clarified Burkhardt Construction handled road contracts and they would not use this process. She agreed staff could have a conversation with Hedrick Brothers and they could come forward.

Mr. Orlove did not want to tie the Board down to a particular method. Mr. Simon agreed there may be a smaller project that the bidding process would be better suited for. The price point where the CM at Risk methodology would be helpful was in the \$300K to \$700K range, depending on the complexity of the project and depending when the construction contractor was engaged. With the CM at Risk process, there was no hard bid or cost component included in the presentation or part of the selection process. Mr. Kaufman did not endorse the methodology for all projects regardless of the price point. It would not be suitable for smaller projects or projects that did not require the expertise of a CM at Risk manager to bid competitively. It made more sense to use the format on a project-by-project basis. It would not make sense to use it with a single-source provider for roadways, landscaping, or curbs and gutters. It would be beneficial on building construction or renovation projects.

Mr. Holzman questioned what action was being requested. There was a question about what the project scope would be. Mr. Simon explained the advantage of deciding whether the Board liked the format or not was it established the need of whether to use the hard bid, 60-to-90 day method or not. It provided direction to staff.

The budgeted amounts associated with the projects were provided by Ms. Harris as follows:

- Ruth Jones Cottage Relocation - \$225,000 and Magnuson House Commercial Use - \$249,375
- Amphitheater - \$200,000
- The Ocean Avenue Marina Entryway Feature - \$200,000

Mr. Simon explained the Marina would have a cost advantage. The complexity and detail was a consideration of the dollar amount of it. A smaller project with a lot of detail would also receive an advantage under the methodology. When viewed as individual projects with an overall CM at Risk Contractor management format, they would receive

the best pricing and cost advantage when bidding the projects at a simultaneous management level with CM at Risk, and with the potential subcontractors.

CM at Risk hard bid the subcontractors. The numbers provided to the Board by Ms. Harris were the figures staff would include as an incentive offered to general tenant populations. The amount set aside for a project could be used as business incentives, build-out, free rent or other incentives.

### **Motion**

Mr. Holzman moved to approve Option 3 opening the RFP process with the CM at Risk to all vendors. Mr. Hay seconded the motion.

This opened the opportunity to bid to all general contractors to use the methodology.

The motion passed.

Chair Rodriguez inquired about the Marina and the area where photographs were taken of fishermen and their catch. He advised he was contacted by Gino Pryatt, a tenant at the Marina who had the original Fish-Hook Display sign. Mr. Simon explained he was also contacted; however, the sign was specific to Mr. Pryatt's business. It also did not meet the design standards. Mr. Simon would take a photograph of the sign, determine where it could go, obtain the dimensions and bring his findings back to the Board for further direction. He advised when interacting with the Marina tenants, staff was more comfortable with the Board determining what would go up on the Marina.

On a different matter, Mr. Hay commented now that one of the top ten applicants for the independent Community Redevelopment Agency Board dropped out, they should move to the next applicant. Chair Rodriguez commented he would consult with Attorney Cherof about the process and discuss it at the City Commission meeting.

### **XV. Future Agenda Items:**

- A. Analysis of Local Businesses at CRA Events
- B. Downtown Interactive Google Map First Year Analytics
- C. Small Business Incubator Concept Project at MLK & Seacrest
- D. Marina Signage Entryway Feature at Boynton Beach Blvd. & Federal Hwy.
- E. Results of RFP for Boynton Harbor Marina Fuel Dock Reconstruction Project
- F. Purchase & Development Agreement between the CRA and Habitat for Humanity

G. Analysis of 500 East Ocean Improvement Concept Plan

**XVI. Adjournment**

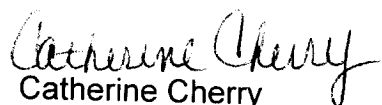
There being no further business to discuss, the meeting properly adjourned at 10:12 p.m.

Catherine Cherry  
Recording Secretary

G. Analysis of 500 East Ocean Improvement Concept Plan

**XVI. Adjournment**

There being no further business to discuss, the meeting properly adjourned at 10:12 p.m.

  
Catherine Cherry  
Recording Secretary