

**MINUTES OF THE COMMUNITY REDEVELOPMENT AGENCY BOARD
MEETING HELD ON TUESDAY, SEPTEMBER 14, 2010 AT 6:30 PM
IN CITY COMMISSION CHAMBERS, 100 E. BOYNTON BEACH BOULEVARD
BOYNTON BEACH, FL 33435**

PRESENT:

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

Lisa Bright, Executive Director
James Cherof, Board Counsel

I. Call to Order - Chairman Jose Rodriguez

Chair Rodriguez called the meeting to order at 6:30 p.m.

II. Pledge to the Flag and Invocation

Vice Chair Ross led the Pledge of Allegiance to the Flag followed by the Invocation given by Mr. Hay.

III. Roll Call

Roll call was taken. A quorum was present.

IV. Agenda Approval:

A. Additions, Deletions, Corrections to the Agenda

Attorney Cherof requested Item E under Old Business be heard after Public Comment and before Legal Items.

Eliminate Legal Item A, which would be covered under New Business Item F.

Vice Chair Ross pulled Consent Agenda Item D.

Mr. Orlove pulled Consent Agenda Item C.

Chair Rodriguez pulled Informational Items C and D.

Mr. Hay pulled Informational Item F.

B. Adoption of Agenda

Motion

Mr. Holzman moved to approve the agenda less the items pulled. Mr. Orlove seconded the motion. The motion passed.

V. Informational Items by Board Members & CRA Attorney:

Vice Chair Ross highlighted the Women's Circle event to be held on October 3, 2010 to celebrate four years from their Ground Breaking and Prayer Occasion. There would be a ribbon-cutting ceremony at their new location at 912 SE 4th Street.

Chair Rodriguez attended the reopening and rededication of the Schoolhouse Children's Museum. The Museum was 10 years old and about 300,000 people have visited it. He was honored to attend.

Attorney Cherof updated the Board that the Crispin Report would be delivered to him in a day or two. He would review it and forward it to the Board members for their consideration. He indicated it would be appropriate for the Board to accept that report at a public meeting at some point in the future. He suggested the Board may want to hold a special meeting to address the matter specifically. He was aware Mr. Crispin had spoken or attempted to speak with the members, and he thought it would still be appropriate to do so. Mr. Crispin wanted to make himself available to answer any questions about the manner in which he conducted the investigation and the information he gathered. He also wanted to make himself available if individuals wanted to provide him with additional information or requests for expansion or inclusion of additional information in the report after they reviewed it.

VI. Announcements & Awards:

None.

VII. Consent Agenda:

- A. Approval of Minutes – CRA Budget Workshop, July 26, 2010
- B. Approval of Minutes – CRA Board Meeting, August 10, 2010
- C. Approval of Period Ended August 31, 2010 Financial Report

This item was pulled by Mr. Orlove.

- D. Approval of Funding up to \$20,000 from the Residential Improvement Program to Lucille and Clinton Brackett

This item was pulled by Vice Chair Ross.

- E. Approval of Funding up to \$20,000 from the Residential Improvement Program to Jeanette Sands
- F. Approval of Funding up to \$20,000 from the Residential Improvement Program to McKinley Miller
- G. Monthly Procurement Purchase Orders

VIII. Pulled Consent Agenda Items:

- C. Approval of Period Ended August 31, 2010 Financial Report

Mr. Orlove commented on the Compensated Absences on page 66. He noted the remaining budget was in the negative by 159%. He inquired why there were so many compensated absences that were way beyond the budget. Ms. Harris responded it was because they had two large payouts. The Executive Director took a large lump-sum of accumulated leave and practically all of the staff took some accumulated leave that they had also. She had budgeted \$25,000 and it ended up being twice that much. Mr. Orlove commented there was a \$64,000 year-to-date balance. Ms. Harris commented it was done within the Human Resource Guidelines.

Chair Rodriguez was glad the issue was raised as he had voiced a concern about it in the past. He expressed it was a risk to the organization that there was accumulated time available that was not being used. If something happened when it was used, it would create this very situation.

Motion

Mr. Orlove moved to approve. Mr. Holzman seconded the motion. The motion passed.

- D. Approval of Funding up to \$20,000 from the Residential Improvement Program to Lucille and Clinton Brackett

Vice Chair Ross requested clarification of the item. She commented Items D, E, and F reflected the same address on the agenda item. It was confirmed the addresses were a typographical error and the correct addresses were located on the application.

Motion

Vice Chair Ross moved to approve. Mr. Hay seconded the motion. The motion passed.

IX. Information Only:

- A. CRA Policing Activity Reports
- B. Public Comment Log
- C. Downtown Google Map, "Where the locals go..." First Year Analysis

Chair Rodriguez pulled this item and expressed he was unsure in which direction they were moving into the future. The data reflected 44 merchants responded to the survey.

Margee Walsh, Marketing Director, confirmed the responses were from 54 merchants that participated in the Google Map Video program. Chair Rodriguez commented 77% of them responded they were unsure of the value and he questioned the value of the project.

Ms. Walsh explained they had hoped to have more merchants participate in the program. She noted some small business owners did not appreciate the value of marketing, although staff pursued the effort and physically knocked on doors. It was a brand new program which started last summer and she expressed staff could review the information.

Chair Rodriguez pointed out the merchants that participated did not see a benefit. He questioned if staff should continue with the work.

Ms. Walsh reiterated it was a brand new program intended to promote the downtown. She saw value in it and explained the individuals who did like it were learning more about social media, Twitter and Facebook. Much of the dialogue staff had with different merchants opened up new avenues for staff to pursue. Staff would be doing another direct mail piece to obtain greater participation. Considering the budget cuts, staff will have to be more creative regarding how to get the merchants involved.

Chair Rodriguez expressed if they could get more people to participate, the results may still be the same, and he inquired if staff was making adjustments to the program. Ms. Walsh felt they needed to reach out to other outlets that could help expand the program, such as the Visitor's and Convention Bureau website, "Visit Florida" and other statewide organizations that did not participate earlier.

Ms. Walsh explained there was a spreadsheet created with an area for comments. Mr. Holzman suggested following up with those comments to see what could be done to make the program more beneficial to the merchant.

Chair Rodriguez requested Ms. Walsh make recommendations to adjust the program and present them at the next meeting. Ms. Walsh agreed to do so.

Mr. Orlove also noted the page was viewed only 89 times in a year and he agreed with the Chair and Mr. Holzman's comments. He was looking at the results of the public viewing the site. He recalled seeing articles about the program in the paper and felt, although it was a good idea and experiment, they needed to get the word out so individuals could use the site. As to optimization tools, Ms. Walsh explained they use the Google Analytics. Tweaking the program was part of the plan. Part of the adjustments included linking the sites to other sites. Ms. Walsh would return to the Board with a plan.

Vice Chair Ross pointed out a testimonial on the program from East Coast Insurance. She explained prior to implementation of the program, no one could find them. They added the link to Facebook and their website. She noted there were other similar testimonials, but many merchants did not include comments.

Motion

Mr. Hay moved to approve. Vice Chair Ross seconded the motion. The motion passed.

D. Food Vendor Analysis for CRA Events

This item was pulled by Chair Rodriguez. He was unsure what the outcome of this item was.

Kathy Biscuiti, Special Events Director, commented all the Ocean Avenue Concerts are serviced by a local caterer, who adapted his business to take money and have equipment there that was needed. The smaller events with 200-400 people could use local mom and pop establishments. The large events, primarily, the Holiday and Fourth of July events, when there are thousands of participants, were too large for small vendors to keep up with. She added she asked the local merchants about it. The size of the event determined the type of caterer, versus the concession company that was used.

Chair Rodriguez commented if they were bringing in outside vendors to City events, and the vendors that were there are not profiting, they were not partners. He suggested ascertaining the fine line. Ms. Biscuiti explained participants do not leave the site to buy food. The concession company was from West Palm

Beach. Chair Rodriguez commented they were not local companies. He heard from the local merchants that they were eager to participate, they wanted to participate and they were not receiving support. They felt left out. He thought a motion would be appropriate to show that the Agency's good intentions were always to use local businesses. He felt Boynton Beach should be first. He acknowledged there may be supply and demand, but emphasized, whenever possible, to use a local business.

Mr. Orlove thought it may be more amenable to the local restaurants to have an event similar to "A Taste of Boynton". He felt it was something they could handle as opposed to an event where hundreds and thousands of people may attend. He agreed with the Chair. A vendor could supply one item, instead of the entire menu.

He assumed most of the establishments that sold food would be more than happy to have a concession stand set-up. Chair Rodriguez suggested staff hold a training session or informational meeting with the local businesses about how to become a vendor for Community Redevelopment Agency events, what licenses they needed and what the requirements were enabling them to participate. He felt there was much miscommunication about what was needed and holding a workshop would be beneficial. There was consensus among the Board members the suggestion would be beneficial.

Motion

Mr. Holzman moved to approve. Mr. Orlove seconded the motion. The motion passed.

- E. Ruth Jones and Oscar Magnuson House – Published Ads
- F. Color Selection for Commercial Façade Grants – Harvey E. Oyer, Jr., Inc. and Intracoastal Medical Building Condominium Association, Inc.

Mr. Hay inquired about the sign's height. He commented the sign was monument based. The height was 8 feet 25 inches. He pointed out that sometimes when an improvement is made, it can make neighboring signs look poor.

Theresa Utterback, Administrative Services Manager, agreed to supply the sign dimensions. She estimated the sign was about six feet. Mr. Hay noted it becomes problematic when you have to look around a tree for a sign instead of looking at the road and it was beginning to present a problem. He suggested it should be kept in mind when discussing all signs, commercial and residential.

Motion

Mr. Hay moved to approve. Mr. Holzman seconded the motion. The motion passed.

X. Public Comments: (Note: comments are limited to three-minutes in duration)

Tomas Bointon commented there was much development since the last Community Redevelopment Agency meeting. He noted the South Florida Regional Transit Authority was willing to discuss providing \$150,000 this year, next year and the following year to support the Boynton Beach Trolley. He explained they needed a letter of intent from the Community Redevelopment Agency of their interest. He requested the Board submit a letter to them.

He commented it was ascertained there were unallocated gas tax monies left over. There would be \$140,000 left over this year that was unused, and the following year would have \$166,000 unused. Since it was gas tax funds, it would be a very appropriate use to support public transportation.

At the Commissioner's request, they investigated instituting a fee-based service as opposed to a free service. He commented they can consider a \$5 or \$10 per month pass, which could generate another \$50,000 to \$84,000. Combined with the operator taking a rate reduction, the service could be a very affordable service for Boynton Beach that would have a huge quality of life impact.

Vivian Brooks, Assistant Director, explained she had not been working on the item. She was unaware of any funding that was available or committed other than possible Community Redevelopment Agency dollars. Chair Rodriguez suggested she speak with Mr. Bointon. She commented in order to budget for it there would have to be a commitment of the gas tax monies from the County. Mr. Bointon explained those funds were monies allocated to the City. Per the Finance Department, there was \$141,000 left over from this money that was unallocated, and next year there was \$166,000 projected to be unallocated. He explained the SFRTA would be meeting on September 24th, and they would need to know that the City was interested so they could be involved.

Chair Rodriguez suggested they inquire about the funds. Mr. Hay thought it was an opportunity to cut the cost. Mr. Bointon explained the SFRTA had allocated funds for public transit. This was a very successful program, and that was why they were interested in supporting it. Discussion followed there was very little time before the budget was approved. Mr. Orlove explained the City Commission tentatively approved keeping the Shopper Hopper program, which was also a method of transportation. He expressed he was willing to keep one service but not both services operating in the City.

Mr. Bointon suggested the ridership of the trolley, versus the Shopper Hopper, would reveal the trolley serviced a greater number of individuals and they could provide some of the services provided by the Shopper Hopper.

Mr. Holzman explained the trolley service takes individuals out of the Community Redevelopment Agency district into the rest of the City and it was not the proper use of Community Redevelopment Agency funds. The Community Redevelopment Agency was setup to help the downtown thrive, and the trolley service takes people away from the downtown. He thought it would be a better use of funds to expand the Shopper Hopper. He felt the trolley did not fit into the mission of the Community Redevelopment Agency.

Chair Rodriguez explained they can change or modify the route and thought there was consensus to inquire about the SFRTA funds. Mr. Orlove inquired if this could be a City function and transfer the trolley to a City function. He reiterated; however, he was agreeable to having one method of transportation and not two.

Vice Chair Ross expressed the idea of moving the trolley under the City budget was appealing and felt it would be more ideal.

Mark Karageorge, 240A Main Boulevard, requested the members attend the Chamber of Commerce Luncheon. Kelly Smallridge of the Business Development Board was the guest speaker and it was imperative they have a working partnership with the Business Development Board to bring business into the City. He expressed without unified support and attendance at the function, a bad message would be sent. Better attendance would show Boynton Beach was serious about business development.

Joelyn Svrcek, 625 Casa Loma Boulevard, Marina Village, expressed she has been in Boynton Beach since 1974 and the trolley was the best thing that happened to the City. She requested the Board delay the decision until all avenues were explored and the new Board was seated. Chair Rodriguez pointed out the new Board was separate from this budget. She indicated she rides the trolley three times a week and to balance the budget, the Board should cut the new headquarters, the Jones Cottage and the Magnuson House. This would provide ample funds for the trolley and the people.

Debra Branford, 2191 NE 1st Court, spoke in support of the trolley. She pointed out the Shopper Hopper was only in the area three times a week and she did not drive. If they trolley was not available she would not have a way to get to work.

Robert Knock spoke in support of the trolley. He explained the Shopper Hopper has very few riders and few stops. He thought to spend \$200,000 for the

Shopper Hopper did not make sense. He thought the Board could find the funds if they wanted to maintain the service.

Chair Rodriguez spoke to the meeting attendees and explained the Board was looking at options and he thanked them for attending the meeting.

Victoria Castello, 406 SE Seacrest Boulevard, requested the Board instruct the Community Redevelopment Agency staff to give access to backup information without having to call their office to obtain the password. She explained the Community Redevelopment Agency was one-third of the City. The City allows citizens access without issue. Staff advised her to call them to obtain the password. Ms. Bright responded it was on the FTP site. Ms. Castello was given the password three times, but she puts it on her blog. She clarified you do not traffic the site. She explained IT requested they not issue a password to a person unless it was for their own use for the FTP site. Ms. Castello explained her blog was Boynton Beach.com/news. She speaks about what is occurring in the City. She thought individuals wanting backup information should have it readily available. Ms. Bright reiterated IT directed them not to have it open for everyone. It was not a traffic site; it was a site for people to download large documents. She offered to speak with the IT Department about it again and they were currently working on having it on their website. Attorney Cherof clarified the full agenda should be made available to the public in advance of the meeting. Ms. Bright explained it is on the FTP site which was not the regular Community Redevelopment Agency website. They were working with the IT Department. The Board was in agreement to work to have the information available to all citizens.

Willie Aikens, 726 NE 1st Street Boynton Beach, announced the Heart of Boynton was holding another National Clean-up. The event was scheduled September 25, 2010 from 8 a.m. to 12 noon weather permitting. He invited individuals to volunteer to help clean-up and put hope and faith into MLK Boulevard and the area. The last event had 35 volunteers. He invited the Board members to participate and have a good time.

Estelle DeDell, was a resident at the Boynton Beach Assisted Living Facility. She spoke in support of the trolley. She explained it helps older residents, children and people travel to work. It was her only way around to obtain her medication or other items.

Sue Mandell, proprietor of Thank You for your Ride Room 101, was in support of the trolley. She referenced an article in the September 8th issue of the Boynton Forum. She was encouraged about the Boards comments regarding using local businesses. She explained if the Community Redevelopment Agency needed help fundraising, she had 20 years of fundraising experience. She suggested following the mission statement of the Community Redevelopment Agency and

the City of Boynton Beach. It was the people who made the City special. She commented working face to face was very effective.

Lorie Cross, 1503 NE 4th Court spoke in support of the trolley.

Jerry Taylor, 1086 SW 26th Avenue, announced his surprise about an article in the Post advising the Community Redevelopment Agency's procurement policy was subordinate to the City's procurement policy. He explained during his years as Chair of the Community Redevelopment Agency and City Commission, he was never advised that the procurement policy was subordinate to the City's policy. This was the first time it ever arose. He asserted that the entertainment was brought in over the years. If that was the case, the attorney would have advised him as either the Mayor or the Chair that the City's policy had to be used and he was never so advised. On many occasions he was told the Community Redevelopment Agency was an independent Board and was not subordinate to any City policy. He was given that advice over and over. He wished to make that information public.

Mike Tobin, a resident of the Boynton Beach Assisted Living Facility, spoke in support of the trolley. He explained there were many people that were handicapped that would have no choice to get around the City. He requested the Board's involvement and that they do what was best for the City.

Marlene Gordon, 2689 NW 2nd Street, spoke in support of the trolley. It would be a problem for her to get to work without it.

Floyd Zonenstein, 2620 NE 1st Court, President of Village Royale on the Green, commented their trolley stop comprised 9% of its riders. The residents and surrounding residents depended on it and it was their life's blood. Each time the trolley passed he was glad to see his tax dollars used for something good. He supported the trolley.

Doris Williams, 330 Boynton Bay Circle, spoke in support of the trolley and requested it remain.

Sheila Bright, resident of Boynton Bay, supported the trolley. She explained the bus stops are too far and it would be an egregious act to take it away.

Ellie Damnius, 512 New Lake Drive, explained the trolley was important to him. When he has the car, his mother could take the trolley. He has two brothers and sisters and when he comes home from school and was tired, he used the trolley to reach his destination.

Suebe Leonard, 1127 South Ridge Road, spoke in support of the trolley because they used the trolley to get to needed destinations.

Chair Rodriguez closed the public comment. He requested considering an RFP for promotional entertainment services be added to New Business Item I. A motion to amend the agenda was needed.

Motion

Mr. Orlove moved to approve. Mr. Holzman seconded the motion. The motion passed.

- E. Review and Approval of Lease for 710 N. Federal Highway (Holiday House) – Tabled 8/17/10

This item was heard out of order by prior motion of the Board.

Arthur D’Almeida, 105 E. Palmetto Park Road, Boca Raton, prepared a revised proposal which he distributed to the Board. A copy of the proposal is on file with the City Clerk’s Office.

Mr. D’Almeida gave a very lengthy review of each page of the proposal. The new proposal was a 10-year lease with an option to cancel after six years with a penalty that was agreed on. The base rent was \$16 per square foot. The Common Area and Maintenance (CAM) charges would be \$5.76 per square foot and the lease included an annual rent increase of 4%. The security deposit would be one month’s rent. He would build out the exterior and interior. The contribution under the lease he had previously negotiated called for a Community Redevelopment Agency contribution of \$88,000. That amount was reduced to \$73,000, which would be refunded to the Community Redevelopment Agency over the last three years of the lease. The lease would allow the Board to sublet part of the space.

Mr. D’Almeida compared the lease to the office locations previously considered. He also indicated he owned other buildings in the area and he was interested in redeveloping them as well. The redevelopment would make a statement and establish a presence. His costs were as tight as they could be. The building would be an anchor.

The members were impressed with the presentation. Mr. D’Almeida was questioned about the cancellation provision. The new cancellation provision in the lease was on a sliding scale basis. If the lease was broken in the 7th year, it was 80%. In the 8th year would be 60%, 40% in the 9th year and 20% in the 10th year. The lease terms were reviewed with Ms. Bright and Attorney Cherof and agreed on. The money was not agreed on. He pointed out the return of the \$73,000 over the last three years of the lease that was the given by Community Redevelopment Agency to improve the building was not included in the proposal,

but he offered it publicly to the Board. He explained he has an interest in other buildings in the area. Photographs of his plans to improve the buildings reflecting a café-like common area were included in the proposal. Some of the buildings on-site would be extensively improved.

Vice Chair Ross inquired if the numbers were reviewed by legal and staff. Ms. Bright was asked for her thoughts on the proposal if information was missing. Ms. Bright thought it was an accurate presentation. In her conversation with Attorney Cherof and Mr. D'Almeida he had indicated they would work on some items. The only two questions that she thought the Board should consider was the 3,500 square-foot of space was based on an HR plan that was a growth model and she was not sure they were in a growth model. The second item pertained to a pure cost effectiveness standpoint. She explained while staff's current office was \$26 per square foot, in total, it was annualized at \$3,300 a foot. This would double their rent. Other than that she thought it was a great deal and it was a great redevelopment project. They did budget for it. When asked if they would consider subleasing, Ms. Bright thought the front of the building could be used for a fledgling art gallery.

Ms. Harris reviewed the Agency's storage costs. It was important records be stored in a separate location from the office. She noted the storage facility was secure.

Chair Rodriguez commented he thought the new location was an opportunity to showcase the new Community Redevelopment Agency office and they were serious about redevelopment on the north end of Federal Highway. It also provided an opportunity for an art gallery, or business incubator in the additional space. It was not a pure business dealing; it was an opportunity to take a blighted and slummed area and redevelop it. Mr. Holzman agreed.

Mr. D'Almeida announced his builder felt they could do the build-out within 90-days after the permit. Mr. D'Almeida felt six-months was a better timeline. He emphasized the improvements were government-issue improvements, not fancy improvements. The project was a remodel. It was noted this was the first time staff reviewed the proposal. Mr. Hay thought staff should review it and initially, it looked good.

The only items changed from the original proposal were the 5% annual increase down to 4%. The CAM charges were reduced because the taxes went down to \$5.76 per foot. He would do the build-out for \$73,000. They would reduce the penalties at cancellation and return the \$73,000 in years seven, eight, nine, and 10 proportionately. They would reduce the rent.

Attorney Cherof noted sub paragraph M, where they would need 45 days before cancellation. Mr. D'Almeida commented he met with his banker and had

financing in place but he had a provision that he had a 45-day window to withdraw from the lease subject to obtaining the loan and it was based only on obtaining the financing.

Mr. Orlove commented that was one of the reasons why he had requested the item be tabled. He also disclosed publicly that he met with the D'Almeida's to go over this.

Motion

Mr. Orlove moved to approve the lease for 710 N. Federal Highway. Mr. Holzman seconded the motion.

Mr. Hay thought it was only fair to have staff review the lease. He supported the lease but was uncomfortable making an on-the-spot decision. It was noted the Board was discussing this for two meetings now. The Board was prepared at the last meeting to vote on the matter. He had doubts because of the cost and the way it was put together. Chair Rodriguez also pointed out the Board has an attorney and Executive Director with the contract.

Attorney Cherof suggested they add an approval line at the bottom of the signature document for the Executive Director and an approval line for legal. The last person to sign would be the Chair. In this manner, all parties would signify via signature that they reviewed the document.

It was noted the matter was tabled at the last meeting.

Motion

Mr. Holzman moved to remove the lease agreement from the table. Mr. Hay seconded the motion.

Chair Rodriguez opened the floor to public comment.

Brian Edwards, 629 NE 9th Avenue, commented he heard the conversation twice. He expressed it was a great deal, and a great deal for the district, but not for the office. He felt very strongly the Magnuson House should remain as the first choice for the office. He thought they should fine individuals for allowing their properties to deteriorate to such poor condition and he suggested that topic be considered on a future agenda. He guaranteed if they checked the minutes, the conversation for the Magnuson House was the same as for the Holiday House. He compared the situation to owning a house for \$800,000, they would not be looking for another house for \$700,000 that you would not own at the end of six to ten years. He thought there was much discussion during the budget about salaries and saving money, but now it was okay to spend the money when

they had a home already. It was tax dollars. He thought the Board had an obligation to determine how to develop the district; not to do it for everyone.

He explained the reason the prices increased when the D'Almeida's researched the rents listed for the establishment the Community Redevelopment Agency had researched as potential locations for their office, was because they read about it in the paper. He thought some consideration should be given to that. He asserted the staff did not have to move right now.

There being no further comments, the public comment was closed.

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

Chair Rodriguez clarified the Magnuson House conversation indicated an investment of \$850,000 and another \$800,000 to restore it for offices.

XI. Legal:

- A. Establish Schedule for Transition of Current Board Members and Attorney Records
- B. Discussion and Action on Submitting the CRA to Jurisdiction of the Palm Beach County Ethics Commission and Authorizing Agreements to Effectuate that Intent

Attorney Cherof explained there was no backup to this item. It was a continuation of a discussion held by the City Commission about entering into an agreement to turn over jurisdiction of ethics complaints and review to the County Commission on Ethics. If that was moved forward on the City Commission Agenda and approval of an agreement was made, then the Community Redevelopment Agency would need to decide if they wanted to join that agreement. If they wished to do so, the agreement between the City and County would be amended to include the Community Redevelopment Agency. It would be a tri-partied agreement with identical terms. The Board could approve it contingent on the City approving it. The agreement could be amended before it goes to the City Commission to show the inclusion of the Community Redevelopment Agency as a signatory. A motion was required.

Motion

Mr. Hay so moved to enter the Community Redevelopment Agency's portion of it with the County and the City. Vice Chair Ross seconded the motion that unanimously passed.

Mr. Holzman left the dais at 8:18 p.m.

XII. Old Business:

A. Results of RFP for Boynton Harbor Marina Fuel Dock Reconstruction Project

Mike Simon, Development Director, requested approval of the rankings presented to the Board for the RFP for the Boynton Harbor Marina Fuel Dock Reconstruction project. At the Board's direction, the RFP was issued which contained an August 17th deadline. Staff received six complete responses. Item A would be to approve the rankings holding B.K. Marine Construction as the General Contractor for the project for the bid which was qualified for being responsive. Item B would be to approve the contractor. The Selection Committee was composed of Vivian Brooks, Brian Smith, President of Waypoint Marine, and himself. The results were reviewed by the design firm of Sea Diversified for validation of the numbers and they were 7% under the engineer's project estimate. Mr. Simon explained the Sea Diversified did not provide rankings only technical review of the bid as being responsive and responsible. They were building a deck. No pilings were removed.

Mr. Holzman returned to the meeting at 8:21 p.m.

Chair Rodriguez inquired why the Executive Director did not participate instead of having a third party contracted vendor and asked if Ms. Bright cared to answer his question. Ms. Bright responded there was no cause to serve on the Committee. She typically does not review rankings. She explained she was a public official and she removes herself from trying to be lobbied. Attorney Cherof confirmed that process is fairly consistent for most local agencies: the Chief Executive Officer usually does not participate. It was usually a delegated responsibility.

Motion

Mr. Orlove moved to accept the rankings. Mr. Hay seconded the motion. The motion passed.

B. Consideration of Entering into a Contract with B.K. Marine Construction in the Amount of \$55,569.34.

Item B was to issue the contract to winning bidder, B.K. Marine Construction. It was noted a representative from the company was present.

Motion

Mr. Holzman so moved. Mr. Orlove seconded the motion. The motion passed.

Vice Chair Ross left the dais at 8:22 p.m.

- C. Consideration of Renewal of the Boynton Harbor Marina Fuel Dock and Marina Management Contract with Waypoint Marine, Inc.

Mr. Simon explained this item provided for a two-year renewal of the Marine Management Services Agreement for the fuel dock and the marina services provided to them by Waypoint Marine Inc. The original contract provided for a two-year renewal based on agreement of both parties. There were no cost increases and they have done an outstanding job. Mr. Simon asked them to submit costs for a parking attendant. The cost would be \$24,000 from the contingency fund to cover the cost for a part-time dock attendant. The attendant would regulate the parking spaces the CRA owned on water and in the parking lot in front of the loading area. He reported there had been issues in the past.

Vice Chair Ross returned to the dais at 8:25 p.m.

Mr. Holzman thought it was a high number. It was an \$8 or \$9 dollar an hour position but FICA and other taxes were involved. Chair Rodriguez commented it was nice to have, but not with the budget. Mr. Simon acknowledged funds were tight but felt it was important the tenants were aware the Board considered it.

Motion

Mr. Holzman moved to approve option 1. Mr. Hay seconded the motion. The motion passed.

Mr. Hay commented on what just happened to Board member Ross was distasteful. She had a question she wanted to ask and was not allowed to ask the question. He expressed had it been him, he would not have stopped. He questioned Legal about it.

Attorney Cherof explained all Board members have the opportunity to ask questions and the Chair controls the meeting. He heard the question if the contractor was present and the response was he was. If there had been questions to be posed to the contractor, it would be appropriate for the Chair to recognize the right of the Board member to ask a question. If the Chair does not do so, the rest of the Board can override the determination and proceed with the questioning.

- D. Discussion of FY 2010/2011 Budget

Ms. Harris explained this item included the changes made at the budget workshop. She included a detailed listing in the meeting materials. The General

Fund revenues have not changed. The expenses were reduced by about \$15,000 as a result of the Board's input at the budget meeting. The contingency fund was increased by \$50,000 to a total of \$75,000. She was able to do so because \$50,000 was included in debt service in the event they needed to open a line of credit. Staff did not have to open a line of credit, and it was based on the premise that the fund balance would drop so low that they may have to fund the October through December budget for cash flow. The project fund changes reflected the rollovers were refined as they approached year end. On the new projects, they did not spend a lot of money, so the funds roll-over to next year. The funds have to be in the budget in order to be expended. It was a balanced budget.

Mr. Orlove questioned the marketing and promotions budget. A prior discussion had taken place about the research, design and copywriting budget. He also inquired why they had two Community Redevelopment Agency websites and a trolley website. This was contained in the marketing and promotions budget and had to do with the Ambit advertising.

Ms. Harris explained there was some refining of personnel costs. As to the website expenses, the costs were for this year's contract with AMBIT. Next year, that number was reduced. It was requested the websites be consolidated.

Mr. Holzman explained the way the budget was written, the trolley service was not approved. Ms. Harris clarified there was no money included in the budget to maintain a trolley website.

On a different line item, Chair Rodriguez inquired what the \$15,000 was for. It was noted there was an employee on maternity leave and the cost was for a temporary employee. Employees were paid for six weeks to the extent the employee has the accrued time. When accrued time is depleted, they are on leave without pay. Costs are duplicated to the extent that the employee has to be replaced during the maternity leave. Chair Rodriguez explained if the person on leave is not getting paid, there are resources to pay an alternate person. Ms. Harris confirmed that was correct. He inquired why more would be budgeted. Ms. Harris explained they do not know what could happen during the year.

Funds were in the budget for the Business Development Board. Chair Rodriguez inquired what benefits the Community Redevelopment Agency received for being an extra member. Vice Chair Ross commented she had been hearing from Mr. Jergensen and other members of the Chamber of Commerce Board of Directors that they do not want to see the Agency give up the membership. Ms. Bright explained the Community Redevelopment Agency is an economic engine and they are supposed to have a relationship with economic engines. They get to participate in studies and be involved in all levels of transportation changes. They were more like a partner than just a membership organization. They do not

support their annual dinner dance and fund raiser. They work with them to ensure people want to come to the City and do business. She thought the \$1,000 was worth it. The membership provided for constant contact with Palm Beach County. She explained it was not a free organization and she did not think they would have the benefit of the same information without the membership.

Chair Rodriguez noted it was County agency. There was agreement to keep those costs in the budget.

Motion

Mr. Hay moved to approve. Mr. Orlove seconded the motion.

Ms. Harris clarified this was not the final budget. Staff had trolley information they had to bring back to the Board and they were going to be aggressive with the trolley. Staff would forward the information to the Board in a refined budget before the September 27th meeting. Ms. Bright thought it was a big decision and the dialogue was if it would be transferred to the City - the larger issue was the cancellation clause for the trolley if the Board decided to cancel the service.

Mr. Orlove commented he was aware there were meetings with the City Recreation and Parks Department about the Shopper Hopper. Ms. Bright explained they had a meeting on August 11, 2010 at the Community Redevelopment Agency office. She, Wally Majors, Recreation and Parks Director, Tomas Bointon and Molly Stahlman met to try to merge and develop some type of route. The Shopper Hopper was unique to each individual whereas the trolley was more like mass transit. She was not confident that the \$150,000 Mr. Bointon discussed was guaranteed. It involved a match for the funds.

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

Ms. Bright explained they needed to set the budget meeting. Discussion followed staff should notice the meeting for 6:30 p.m. as it began a public meeting. If there were issues related to the Community Redevelopment Agency, they could recess one meeting and start the other, or merge the meetings.

- E. Review and Approval of Lease for 710 N. Federal Highway (Holiday House) – Tabled 8/17/10

This item was heard earlier in the meeting.

XIII. Executive Director's Report:

- A. Resolution Approved by the Board of County Commissioners of Palm Beach County Supporting the Intracoastal Waterway Plan for Palm Beach County and Establishing a Working Partnership with the Seven Identified Marina Villages

Ms. Bright explained this item was something she was involved in during the five years she was with the City. The County has a strategic Economic Development Plan and the goal was to open the Intracoastal Waterway as an economic development engine. There are seven marina villages of which Boynton Beach is one. The Board of County Commissioners has committed to the growth of development of opening the waterway.

Mr. Orlove left the dais at 8:44 p.m.

Ms. Bright was looking for the Board's support and commented it would be brought to the City Commission. They received their water taxi grant allowing for passage from Delray Beach to Jupiter. There was much attraction to the service.

Mr. Orlove returned to the dais at 8:45 p.m.

Motion

Mr. Hay moved to approve the Palm Beach County Board of Commissioners R2010-1198. Vice Chair Ross seconded the motion. The motion passed.

XIV. New Business:

- A. Consideration of Shade Structure for Boynton Harbor Marina Tenant: Boynton Boat Rentals

Mr. Simon presented the item which was for shade covering for a tenant that had four slips. The covering that was used was not compatible with the new design of the marina. The tenant was advised prior to the construction of the new marina that it would have to be removed as a result of the new project. Mr. Simon recommended approving an alternate conceptual shade structure design and location if there has to be an additional shade structure on the dock. He was not recommending an additional shade structure on the long section attached to the seawall. His concern was if the Board approved it, it would be paid completely by the tenant. He also anticipated there would be additional tenants wanting similar shade structures. Any type of shade structure needed to be on the finger piers. It would be designed similar to the fish station. Chair Rodriguez did not think it would provide much shade. There is no place on the dock to catch the sun directly. Discussion about the removal of the structure followed.

Mr. Simon explained if approved, he anticipated other tenants would want them as well.

Motion

Mr. Holzman moved to approve Option 3 (to deny any additional shade structures for individual Boynton Harbor Marina slip tenants.) Vice Chair Ross seconded the motion. The motion passed.

B. Consideration of Boynton Harbor Marina Temporary Fish Display Structure

Mr. Simon reviewed the item and its history. Mr. Gino Pryatt offered to donate a display board he owned. A photo of the board was included in the meeting materials.

Chair Rodriguez commented if he was going to donate the board, they would have to redo it. He suggested the Community Redevelopment Agency move forward with their display board, placing it at location 1. In the past, each tenant had their own display board for photographs in front of the fish cleaning station. Creating the display board would cost up to \$1,000 and would need to meet Code.

Motion

Mr. Holzman moved to move forward with Boynton Harbor Marina Fish Display Board at location Option 1 through the Community Redevelopment Agency to produce our own Boynton Harbor Marina Fish Display Board to be located at option 1. Mr. Orlove seconded the motion and requested it be permanent.

Mr. Simon explained they may design a different structure for it. It was a temporary sign. Mr. Orlove withdrew his request and reaffirmed his second. The motion passed.

B. Discussion of Potential Purchase of Delray-Boynton Academy

Chair Rodriguez left the dais at 9:02 p.m.

Ms. Bright reminded the members that at the end of the meeting last month Mr. Holzman explained he was approached by Mr. Joe Greene who was interested in selling the Delray-Boynton Academy. The property was appraised and assessed at \$795,000. The Community Redevelopment Agency had no funds in their line item to purchase the building. They have \$281,660 available from the HOB implementation strategies; however, Mr. Greene was not willing to hold paper.

Since this was not a Board directive, she did not pursue an appraisal and sought direction from the Board before proceeding.

The building was a prefabricated building on the corner of Railroad Avenue and MLK Boulevard. There was a \$100,000 mortgage on this structure which was relinquished for \$10,000 a few months ago. Mr. Greene did not update her as to the status of the Church of the Living God, which operates from that location. Services missing in the Heart of Boynton, according to the plan, were a clinic, and a small business incubator and it was pointed out that the Community Caring Center was always looking to expand their services.

Chair Rodriguez returned at 9:05 p.m.

Vice Chair Ross commented her feedback from the community was the small business incubator was needed. After discussion there was agreement staff should investigate grants or have a plan to move forward with it.

Motion

Mr. Holzman moved to instruct staff to look into usage and funding sources for potentially entering into negotiations to purchase the Old Boynton-Delray Academy. Mr. Hay seconded the motion. The motion passed.

D. Process for Selection and Appointment of New Board Counsel

Attorney Cherof explained items D, E, F, and G go together and he referenced a memorandum he sent to Ms. Brooks. The schedule would have the Board making the transition now. They completed the interview of candidates and no action has been taken. These items needed to be taken into consideration as they make the transition. His tenure would end when the Board was no longer serving as the Community Redevelopment Agency Board. He suggested they start thinking about investigating a new interim Board Attorney when the new Board was seated. He explained the first meeting would not be an issue as it was along the nature of an organizational meeting. Attorney Cherof explained another alternative was to contact another Attorney that represents another Community Redevelopment Agency in the area to see if they would be willing to fill in as an interim attorney as the new Board searched for a new permanent Board Attorney.

There was agreement the Board should start to act now. The Ordinance establishing the seven-member Board provided that the Board would take office the second Tuesday of the month following the appointment of the seven members. After further discussion there was agreement that each member, as well as Attorney Cherof, would provide one or two names to select from.

E. Review & Extension of Executive Director's Annual Contract

Attorney Cherof explained the Executive Director's Agreement provides that the agreement, which was effective October 1, 2006 automatically renews for one-year intervals. With the schedule now in place, the new Board was not in place to evaluate the contract for the one-year extension and would likely not be in effect until November at the earliest. The renewal would occur on October 1, and the options were to deal with the process and acknowledge that situation, or anticipate or negotiate a different type of agreement for shorter extensions so the new Board could take it under consideration and not be bound by a one-year agreement.

Chair Rodriguez inquired if there was the potential to go month-to-month. Attorney Cherof explained, like most employment contracts, any amendments to it, such as shortening the term of it, would require the mutual consent of the parties. First the Board would decide whether they would do anything about the one-year renewal and if so, what the revised term would be and a proposal made to the Executive Director to modify the agreement.

Mr. Hay explained in this country, individuals are innocent until proven guilty. He explained the City has an award winning director who has done great things for the City of Boynton. He felt they should extend the contract. If the results come back from the investigation of some type of criminal "whatever," then they could take another look at it. He was not in favor of a month-to-month contract. He would like to see it extended and move on. He would like to see it extended for another year.

Mr. Holzman explained he expects the best from all employees. As a representative of the citizens he requires all employees deal with the City and its citizens with honesty and integrity. He most importantly expects it from senior management. He reviewed several items which occurred during his short tenure as a Community Redevelopment Agency Board member.

- At the last Board meeting, the Community Redevelopment Agency Executive Director lied to the Board during the meeting when she was asked if she ever lived at Mr. Joseph Ferrer's address.
- There was a concern whether the Executive Director provided contracts to an organization when she served at one time as a director of another company with the owner of that organization.
- The Executive Director failed to properly respond to the Board and himself (Mr. Holzman) when she was asked how many days she had missed to-date. He added he still has not received a complete response.

- The Executive Director locked out of the Community Redevelopment Agency office a Boynton Beach citizen and the Mayor of Boynton Beach who also serves as the Chair of the Community Redevelopment Agency Board during business hours.

The Executive Director is the director of an important City agency. They need to expect honesty, integrity and transparency from all employees, especially from those serving in executive roles. At this point he has a hard time trusting the Executive Director in light of those four instances. He lost confidence in the Executive Director in her ability to serve the citizens of Boynton Beach. He felt it was in the best interest of the City and its citizens that they allow the Executive Directors contract to expire and not offer her an extension.

Motion

Mr. Holzman moved the Board allow the contract to expire and not offer an extension.

The motion died for lack of a second. There was no substitute motion.

Motion

Mr. Orlove understood Mr. Holzman's comments and expressed he was fairly new to the Board but he has been an observer of the Board. He agreed to some extent with Mr. Hay's comments. The staff was award winning and did good work that the Board members and citizens could be proud of, but there is the issue of the ongoing investigation the Board has instigated and from word of Attorney Cherof, another investigation is taking place with the State Attorney's office. He explained at some point they would step down to another Board. He was not sure he could be in favor of Mr. Holzman's motion but thought they could put the Executive Director on administrative leave pending the outcome of the investigation and Mr. Orlove so moved. Mr. Holzman seconded the motion

Vice Chair Ross commented she spoke from three years of experience working with the Executive Director and her staff. It has been an overall positive experience. She acknowledged staff is not perfect, nor was she, but they are dedicated and professional staff. She could not support Mr. Holzman's original motion. She was very concerned about the feedback from the community. She hears comments from the community that this is a witch hunt and she went on record saying it concerns her a lot. She hears these comments and Ms. Bright was entitled to her due process. Vice Chair Ross did not have the official report from Mr. Crispin and she disclosed she spoke to him on the phone earlier and received a condensed version and nothing she was told compelled her to think about any other thoughts other than what she was expressing. She did not know when the State Attorney's investigation would be completed. She hoped they

could establish a new independent board of seven new members. She hoped the Board would work with Lisa Bright and her staff to make informed decisions after they have all the information they need.

Mr. Hay thought they should be very careful about the decision they were making. There were many unanswered questions. Up to this point, the charges were unknown. There were questions as to how it elevated to this level. The original motion was to investigate the relationship between Ms. Bright and Mr. Ferrer. Now it escalated to the State Attorney's office. He inquired who called the States Attorney. The papers stated it was from James Cherof and he denied it. There were unanswered questions. They are trying to destroy someone who has done great work for the City of Boynton Beach. He explained whatever the outcome was, they needed to act at that time. They should not destroy anyone's reputation.

Mr. Hay looked at the minutes back from 2005 when Mr. DeMarco inquired where Ms. Bright lived. She responded she lived in Delray Beach and she grew up in Central Florida. The minutes stated she would like to move into the City if the opportunity presented itself. That is part of the minutes from 2005. He explained this was a tough situation. He recalled years ago they had another situation that cost the City over \$8M because they made a haphazard, flippant decision. There was nothing wrong with waiting until the results come back. There have been no charges and until he hears them he was unable to dismiss her from her duties. He expressed the Board should let her continue doing the job she was doing. When the report is received from the State Attorney's office, they could address it. It seemed more and more it was a witch hunt on someone who would not be hired in this County later on. It was costing the tax payers \$150 an hour and he did not feel it was the best way to spend their dollars. He was not in favor of placing her on administrative leave. He was in favor of letting her stay on the job until they received the State Attorney's report. There may be grounds. It may be a felony of some kind and she is automatically dismissed because that was what the rule states, but if it did not come back to that, then they destroyed someone's image and he thought that was what it was all about. He urged the Board to be fair and have compassion. He expressed the Board should move their City ahead and not try to put another cloud over the City of Boynton Beach. The City had enough bad publicity and to make this haphazard decision, without any evidence was absurd.

Mr. Orlove commented he spoke with Mr. Crispin. The reason why he did not agree with the motion Mr. Holzman made was because he did not have all the evidence. He made the motion for the investigation regarding the Executive Director and Mr. Ferrer based on the relationship regarding awarding the contract. He did not ask for it to be based on where she lived and how long she lived there, but to show some nexus in terms of the relation which was the road Mr. Orlove believed Mr. Crispin went down. He wanted it to be clear that the

motion was specifically on the relationship between the Executive Director and Mr. Ferrer in terms of moving forward with the contract that came forward with his company. He was not doing this easy or out of any type of misaligned or knee-jerk view. In his short tenure, he has had a great deal of respect for the Executive Director and her staff, but he has also seen other issues that have taken place and he has told her directly that showed there was bad judgment made. There is a cloud over the City and this Board and by putting her on administrative leave with pay, perhaps when the two investigations are resolved, they could make a firmer decision one way or another. If she was removed from the equation in the short term, then that may move them a little bit forward.

Mr. Holzman inquired if the Board puts her on administrative leave what it would do to the automatic renewal provision. Attorney Cherof responded it would be an automatic renewal on October 1st.

Motion

Mr. Holzman offered a substitute motion to put the Executive Director on administrative leave with pay; however, not renewing her existing contract. Attorney Cherof explained the contract the Board has with the Executive Director was a mutual document. It takes two parties to amend it. The Board cannot take action that unilaterally amends it.

Chair Rodriguez inquired if she was reinstated, would the contract be reinstated at the same time? Attorney Cherof clarified suspending the Executive Director with pay has no effect on any provision of the contract. In the future, if she is reinstated a new contract would have to come along with it.

Mr. Hay asked what the charges against Ms. Bright were. Attorney Cherof explained the only charges he was aware of were the issues raised by the Board for investigation. He had no idea what the investigation by the State Attorney was about. Some of the information reported in the newspaper was inaccurate because it referred to him and he knows what he did and did not do and time will demonstrate what he did and did not do as well. The State Attorney did not disclose what they were doing unless they disclosed it to the Executive Director or her attorney. Attorney Cherof did not think there were charges. He thought the State Attorney's office was investigating. Mr. Hay inquired why they would then suspend someone if there were no charges. Attorney Cherof explained if there were charges, she would not be here. He clarified the State Attorney is conducting an investigation, the scope of which was not disclosed.

Mr. Hay explained that report was not in. The Board was basing this on the attorney he hired. Attorney Cherof deferred to the maker of the motion to explain what the scope was.

It was noted there was a substitute motion on the table. Chair Rodriguez asked if there was a second to the motion. Mr. Holzman explained there was a motion and his substitute motion which was to add to Mr. Orlove's motion to put the Executive Director on administrative leave and not renew her existing contract. Attorney Cherof clarified it was actually a motion to amend. Mr. Holzman apologized and indicated it was a motion to amend. It required a second. Chair Rodriguez passed the gavel to Vice Chair Ross and seconded the motion.

Mr. Hay reiterated they were making decisions on no evidence and no charges. The State Attorney's office had not made a decision. They were basing it on an investigation and he has not heard that report. He pointed out the Executive Director explained she knew the attorney. They had contact before, and yet they were still him. He expressed there were a lot of unanswered questions and they should not rush it through. They will still have an opportunity down the road when they get all the facts.

Mr. Holzman explained they do know there is a fact. The fact was when the Executive Director was asked if she lived at Joe Ferrer's home or on his property. The answer to this Board and to the public was no. Secondly, that exact answer by her attorney in the newspaper stated the Executive Director did live on that property. That is a fact and there was no innuendo as well as all the other facts that he laid out tonight. Those were facts and it had nothing to do with any investigation by any other organization except for events that occurred here at this Board on the dais. They are not charges; they are facts.

Chair Rodriguez commented the Board did not have to rely on the newspaper. If they talked to the investigator who had confided in him that he spoke to all the members except Mr. Hay, the investigator preliminarily concluded that there was enough evidence to reflect she lived at that address, and she directly lied and misrepresented the truth in public.

An individual in the audience objected to the statements made and the man was cautioned he would be removed. Chair Rodriguez wished for the individual to be removed; however, the man pointed out Vice Chair Ross was Acting Chair and only she could do so. The man was warned the next time he had an outburst, whoever was Acting Chair had the authority to have him escorted out and he could listen to the balance of the meeting in the lobby outside of Chambers. Vice Chair Ross requested the officer stand by.

Chair Rodriguez explained factually speaking from enough evidence that was shared with him by the investigator, Ms. Bright lied to this Board. He explained the City has been in chaos for a long time and the Community Redevelopment Agency has been in chaos for a long time. He thought it was interesting that he listens to constituents from Mr. Hay's district complaining repeatedly about nothing getting done in their district, yet he defends Ms. Bright. He explained this

was not about an investigation. It was not about the State Attorney. This was about getting things done. It was about a downtown that was non-existent. It was about MLK that was non-existent. It was about Seacrest that was non-existent. It was not even about an investigation. Has she lied to this Board? – Absolutely. Can I trust her? – Absolutely not. Has she lied to me in the past? Absolutely. Have I shared it with this Board? No, because she regularly has misrepresented things to this Board and because they were not intimately involved in the day-to-day activities, like he had been, so they did not see those things. It was time to be leaders in this community and make a change and move forward. He explained they will have a new Board in place.

Chair Rodriguez suggested doing a national search. He explained five years ago or whenever it was, Ms. Bright was promoted. There had never been a national search for somebody who had already done the job. He acknowledged that this Executive Director, while she has done some good things, had never been an Executive Director in a Community Redevelopment Agency. She has never built a downtown or a slummed and deprived area. He explained they had to step up and be leaders and bite the bullet. They had to move forward, make the decision and if the investigation comes back that she did not do any of those things and the State Attorney indicates she has not done any of those things, then the Board has an opportunity to reinstate her. That was fair enough. He explained it was his experience over the last month or two the Executive Director has not been focusing on her job. She has been focusing on the issues at hand with her attorneys and the State Attorney. He communicates with Ms. Brooks 99% of the time and her staff. The Executive Director was non-existent as far as communicating with him on the issues of the Community Redevelopment Agency. He thought an administrative leave with pay was appropriate and to see if they can get some clarity and move the City forward.

Vice Chair Ross stated Chair Rodriguez sat here publicly and stated, when he was a Commissioner that he did not meet with the Community Redevelopment Agency Director, that he refused to meet with her and that he would only speak to her and to Ms. Brooks on the dais. She wanted to point it out because he spoke about how he was so involved and he knows exactly what she was doing or was not doing. Chair Rodriguez clarified it was as the new Chair. Vice Chair Ross explained he was the new Chair since March. Before March he was not. Vice Chair Ross indicated that he made that statement and he had his reasons. She explained it was because of history and there was a lot of history. She commented it was a witch hunt as far as she could tell. If any investigations came back with concrete proof that she did something so terribly wrong, to remember he was called on the carpet in public because he answered a question incorrectly. It had to do if Auburn gave Chair Rodriguez campaign dollars and he responded they did not. Then he was corrected by one of the citizens who indicated he was given money by Auburn and he responded no. She asserted he made a mistake. Vice Chair Ross explained she was not going to burn Ms.

Bright at the stake for saying no when from what she understood, she should have said yes to the question of did you live on Mr. Ferrer's property? Vice Chair Ross explained this had happened on the dais to other individuals.

Vice Chair Ross also spoke to the comments made about what the Board was doing. She explained it was insane to blame Ms. Bright for the lack of redevelopment when they were the Board and they set the policy. They have an Attorney who works closely with them, the Executive Director and staff. It did not all fall on the Executive Director that there was no "so-called" redevelopment. Plus with the economy and the changes in laws that affect redevelopment, the Board was aware of how much progress has not been made because of those factors. Vice Chair Ross explained they cannot say, to be completely fair, that it was the Executive Director, Lisa Bright's, fault. She stressed they could not make that assertion. Vice Chair Ross pointed out Ms. Bright has done a lot of good work, the Board acknowledged it and Vice Chair Ross appreciated the Board's recognition of it.

Vice Chair Ross expressed she was not compelled to put Ms. Bright on administrative leave without pay, but if it happened, it would have to be with pay and she would want her contract to continue. She appealed to the members to not vote to put her on administrative leave at this point. The facts were not in. Vice Chair Ross implored the members to be fair. The Board members are all human, and some of what occurred could and has happened to some of them. The Board did not have the State Attorney's report and they did not know what the Crispin official report was showing. Much of it was the members' opinions and perceptions. The Mayor was the senior member. Mr. Holzman was new on the Board as was Mr. Orlove. Vice Chair Ross has worked with the agency for three years, as did Mr. Hay, and she appealed to the members to not put her on administrative leave.

Mr. Hay commented it seemed strange to him that Chair Rodriguez had three years to bring this issue up and he never did until now. He asserted it was not fair for Chair Rodriguez to say nothing was done in the Heart of Boynton (HOB). He knew Chair Rodriguez had not been to any of the meetings because on numerous occasions there were charts and lists shown on what was accomplished in the Heart of Boynton. Has it been all that they wanted? - No, but Mr. Hay contended to say nothing was done was ridiculous. He agreed with the Vice Chair, it just was a lie with the Auburn issue and now he was using it against someone else to dismiss them. It seemed to him there was a tremendous inequity and he thought the Board needed to think about that when they voted. He cautioned this could come back to haunt them. He encouraged the Board to do the right thing and wait until they received the information so they could make a proper decision.

Attorney Cherof clarified the roll call would be on the motion to amend.

Vote

Mr. Holzman restated his motion to amend as a restatement of Board member Orlove's motion to place the Executive Director on administrative leave with pay and not automatically renewing the Executive Director's contract. The motion failed 2-3.

The roll call was on the main motion.

Vote

Mr. Orlove repeated his motion was to put the Executive Director on administrative leave with pay. Mr. Holzman had seconded the motion. The motion passed 3-2 (*Vice Chair Ross and Mr. Hay dissenting*).

Mr. Hay inquired when a substitute motion was made, if it did not kill the original motion. Attorney Cherof clarified it was a motion to amend because it was based specifically on the preceding motion and was just an amendment to it. First you take a vote on the motion to amend. If it fails or passes, you move on to the main motion.

The motion as passed was effective immediately. Chair Rodriguez thought Ms. Bright should finish the meeting and she remained for the duration. He explained through the procedures in place, the Assistant Director immediately takes the lead role in the Community Redevelopment Agency. Attorney Cherof confirmed that was correct. Chair Rodriguez inquired on October 1 when the contract renewed automatically, if she was still on administrative leave. Attorney Cherof confirmed that was correct.

Mr. Hay inquired what would be the situation where she comes off administrative leave. Chair Rodriguez responded that would be up to the Board based on whatever information was available to them. Mr. Hay expressed his opinion it would be just as it was now – pulling something out of the air.

F. Schedule of Board Training on Sunshine Law, Public Records Law and Ethics Law

Attorney Cherof explained he touched on this item already. When the new Board was seated there was a need for immediate training on Sunshine Law, Public Records Law and Ethics Law. It could be deferred or scheduled as an agenda item for the first meeting that the new Board would take effect. He recommended the new Board be trained as quickly as possible.

Mr. Holzman inquired if this could happen prior to the new Board's sitting with the interim attorney. Attorney Cherof responded it could or it could occur after the appointment or before they take office on the first Tuesday following their appointment. He expressed he thought that would be the best way to handle the situation to ensure everyone understands when they are sitting exactly what the rules and regulations that pertained to them are.

G. Review Status of Contracts/Projects Being Transitioned

Attorney Cherof explained he worked with Ms Bright and Ms. Harris on this item. Ms. Harris put together a database of the existing contracts so when the new Board comes in, they were aware of what they are, when they expired and if there were any subcontracts. He thought it was already accomplished. While he had not seen the list, Ms. Harris explained to him what was on it and it sounded like it was in order.

Attorney Cherof advised he was already in the process of logging the records that were in his possession for transition. As Board members, he did not know what their individual method of retaining records were. They are public records. He requested they keep them in order and be prepared to transition them to the Board Clerk and to the new members when the time was appropriate. The quicker the new Board receives what they have, the better it would be.

Mr. Orlove inquired for the new members whether anything they received prior to them sitting on the Board would be considered public record. Attorney Cherof advised he would treat it as public record due to the broad nature of the public records law. Mr. Orlove explained when he was running for office he received the Downtown Master Plan. He may have notes on it. Attorney Cherof did not believe it fell under the category. That was a document that already existed and was in possession of the Community Redevelopment Agency. There was no need to have duplicate copies of it.

H. Consideration of Issuing Construction Management at Risk RFP for Ocean Avenue Projects

Ms. Brooks explained this item was supposed to be on the October agenda but at the request of the Chair, it was put on this agenda. She was unsure if Legal reviewed the item. She explained for the most part, the document was complete but there were some blanks. Attorney Cherof explained he reviewed the documents that were presented and it was a work in progress. The base contract needed additional work. While it did contain the necessary components of what would be provided through a request for proposals or request for qualifications, it was not ready and needed some work before it was published.

Chair Rodriguez inquired if the motion could be to issue it once it reached a satisfactory level. Attorney Cherof responded they could unless there were policy issues that should be determined by the Board first.

Ms. Brooks explained the first issue was the date of issuance, which was dependent on completion of legal review and when they wanted it to come back. She explained she included three projects within it which were: the amphitheater, the marina entryway feature and the Ruth Jones project because they were ready to go. Mr. Holzman inquired if it was a matter of course to present an RFP such as this including three separate projects. Ms. Brooks responded she has seen it done. They were small projects. She thought that by wading through and grading three separate responses responses and managing three different contractors, they could lose some efficiency. She thought they would lose in pricing as well.

Chair Rodriguez commented the issue date was ASAP, as soon as Legal gave its approval. Ms. Brooks suggested giving 45 days. While the projects were small, they were diverse and they would need to hold pre-bid meetings, generally after issuance of an RFP. She thought 45 days was the best case scenario. Chair Rodriguez proposed 45 days. There was consensus to use that time frame.

Chair Rodriguez advised he had requested the item be put on this agenda because they were trying to move the downtown forward and these were three great projects. There was no reason to wait two months to get the items in front of them. He preferred staff focus on this. He thought they needed priorities. He liked to set a priority for staff to get it on the agenda as soon as possible.

Ms. Brooks announced the projects were moving forward. They were not static. They had a TART meeting for the Jones Cottage. Mr. Simon was in for permitting for the fuel docks. Staff was moving items forward. They could work on them parallel so they could be ready to go. Ms. Bright explained staff had brought forward their continuing contractor CM at Risk Kaufman Lynn, and the Board chose not to go forward. Staff would have brought three contracts back this month. She wanted to ensure the Board knew that staff knows it is very important. There was no delay on staff's part, it was just a change in the Board's decision in terms of what contractor they wanted to use instead of the continuing contractor.

Motion

Mr. Holzman moved to approve. Mr. Orlove seconded the motion. The motion passed.

- I. RFP for promotional entertainment services to New Business Item I.

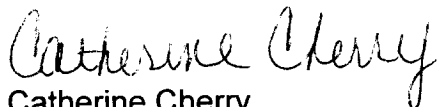
Chair Rodriguez requested this item be on the agenda. He explained he did not believe they signed a contract for a promotions person for this December. Ms. Bright explained there was no money in the budget, and there was no time to do an RFP. Staff would do it. Chair Rodriguez expressed he wanted entertainment. Ms. Bright believed staff could do it because the budget was too tight. The budget was down by \$75,000 which significantly affected the event.

XV. Future Agenda Items:

- A. Small Business Incubator Concept Project at MLK & Seacrest
- B. Discussion of Potential Maintenance Program for 500 Ocean Site
- C. Purchase Agreement between the CRA and Habitat for Humanity
- D. Proposals from Interested Parties for Ocean Avenue Projects
- E. 1002 MLK Blvd. Beautification Options

XVI. Adjournment

There being no further business to discuss, Chair Rodriguez adjourned the meeting at 10:05 p.m.



Catherine Cherry
Recording Secretary
092710