

**LAKE WORTH COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COMMISSION MEETING ROOM
TUESDAY, FEBRUARY 26, 2008
6:00 P.M.**

I. ROLL CALL:

The Chair called the meeting to order at 6:02 p.m. on the above date in the Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth, Florida.

Present were CRA Members Brendan Lynch, Matt Constantine, Matt Tompkins, Mark Rickards, Wayne Marcinkoski & Shanon Materio.

Also present was CRA Director, Joan Oliva

II. PLEDGE OF ALLEGIANCE:

III. APPROVAL OF MINUTES:

- a. January 22, 2008
- b. February 12, 2008

Mr. Marcinkoski stated on Page 2 of the January 22, 2008 meeting the minutes stated that, "*The Selection Committee met three times, with the last two meetings publicly noticed. This first meeting was not noticed and no action resulted from that; however, it was determined that they should be open meetings, therefore the committee met formally, two additional times. A copy of the selection committee's scores is available at the CRA office.*"

Mr. Marcinkoski stated that people did try to attend and were not allowed. Mr. Marcinkoski asked the Board attorney if the first meeting was held properly.

Mr. Rickards stated that we are talking about the minutes and what happened at the meeting.

Mr. Tolces stated that we are approving the minutes.

Mr. Marcinkoski wanted to include the selection committee's scores in the minutes. Mr. Tolces stated that the minutes are a representation of what happened at the meeting. It is not necessary to attach all back up documents to the minutes.

Action: Mr. Rickards made a motion to approve the January 22, 2008 and February 12, 2008 seconded by Mr. Lynch.

Vote: All Ayes

III. AGENDA – ADDITIONS/DELETIONS/REORDERING:

Delete: Action Items E & F relating to the Pugh Property
This item will be discussed on March 6th at a joint meeting with the City Commission.

Addition: Consent Item B reimbursement for ICSC for Commissioner Materio

Action: Motion was made by Mr. Marcinkoski to accept the agenda as written
Motion dies for lack of a second.

Addition: Action Item B, C & D to the Consent agenda

Action: Motion was made by Mr. Marcinkoski to allow the vice chair to take over the meeting Motion dies for lack of a second.

Mr. Tolces stated that Mr. Tompkins is the Chair of the Board until a successor is named. Mr. Marcinkoski stated that this issue must be addressed.

Action: Motion was made by Mr. Lynch to adopt the agenda with the following additions: Consent B and reordering Action Items B & C to the Consent Agenda and limiting discussion for Action Items E&F to 5 minutes for each item
Motion dies for lack of a second.

Action: Motion was made by Mr. Rickards to adopt the agenda with the following additions: Consent Item B, deleting Action Items E & F and establishing a time certain adjournment of 7pm seconded by Mr. Constantine.

Staff stated that Mr. Franke was here to answer any questions regarding the status of the Pugh project. If a board member wished to make a motion regarding this item they could.

Chair stated that he agreed to halt all activity with the Pugh Project at the request of the City Commission during their last meeting. Currently, there is no development agreement and the CRA is not in a position to sign anything.

Vote: 4Ayes, 2 Nays

IV. PUBLIC PARTICIPATION ON NON-AGENDAED ITEMS (3 minute limit):

Dee McNamara- The state has cut our taxes. We, the tax payers, are not liable for condo developer's failures. This Board forced us into a partnership with a failing speculator and granted an extended density.

Mary Lindsay- Commissioner Marcinkoski was removed from the Board and I am a little confused as to why he is present tonight in context with his absences over the last couple of weeks. What happened?

V. CONSENT AGENDA:

- a. Gateways- Burkhardt Construction amend existing purchase order for design fees
- b. Reimbursement for ICSC Conference (Addition)

Action: Motion was made by Mr. Lynch to approve the consent agenda seconded by Mr. Rickards.

Vote: 5 Ayes, 1 Nay

VI. ACTION AGENDA:

- a. Brownfield's- Environmental Engineering Firm Selection

On December 21, 2007 a Request for Qualifications (RFQ CRA 07/08-675) was issued by the City of Lake Worth on behalf of the CRA to contract with up to five environmental engineering firms to conduct Phase I & II environmental assessments within the CRA district. The closing date of the RFQ was January 11, 2008. The CRA received proposals from 12 qualified environmental engineering firms. On February 15, 2008 a selection committee of CRA Staff and city employees met to independently rank and shortlist qualified firms for the purpose of contracting for continuing environmental engineering services as part of the CRA's Brownfield Program. The following firms

were shortlisted:

- Dunkelberger Engineering
- Stanley Consultants, Inc.
- Ardaman and Associates, Inc.
- TBE Group
- ES Consultants Inc.

The above recommended firms were ranked and selected based on their qualifications, experience with similar organizations and similar projects as planned by the CRA, and the comprehensiveness of their respective design teams. The Selection Committee agreed that the breadth and varied experience of these firms provides the CRA with an excellent pool of consultants for future small and larger scale environmental assessments.

Any Phase I or Phase II Environmental Assessment will be paid from the \$200,000 U.S. EPA funded Brownfield Program line item. For FY 07/08, the CRA has budgeted \$100,000 for Brownfield related activities.

Mr. Marcinkoski provided a memo from the Engineering Services Manager at the City recommending that all current Stanley Consultant engineering activities with the City be reviewed or cancelled or remove them from the list of engineering services providers.

Staff stated that Stanley could be removed from the list.

Action: Motion was made by Mrs. Materio to use the four firms shortlisted eliminating Stanley Consultants from the group to negotiate contracts for continuing environmental engineering services seconded by Mr. Rickards.

Vote: All Ayes

b. Police Funding- Authorize additional funding for FY07/08 and authorize line item transfers

CRA funded, community policing patrols were established in 2006 to increase the visibility of police officers through the use of foot, bicycle and vehicle patrols within the CRA boundaries. In October, 2007, the CRA Board authorized the Interim Executive Director to sign an Interlocal Agreement with the City of Lake Worth for the provision of additional community policing services that would not only serve the downtown area, but also, the western neighborhoods. To pay for the additional coverage, the Board voted to increase the line item for community policing from \$100,000 to \$141,000 for fiscal year 07/08.

With the additional police presence, the downtown and western neighborhoods have significantly realized an increased sense of security and safety. The police continue to make strides towards helping to relieve the City of instances of crime and blight. Due to increases in salaries, the monthly invoices from the Police average \$12,296. Using that average, the yearly cost to the CRA would be \$147,552.

Last year, we also funded an additional \$1,577 to cover the costs related to the "National Crime Night Out." We plan on taking part in this event again this year.

Staff requests authorization from the CRA Board to fund an additional \$9,000 for police so that we can maintain the established level of service and fund the "National Crime Night Out." The total expenditure for fiscal year 07/08 would be \$150,000. Since a line item transfer was not done to date, Staff is requesting that the Board authorize a transfer of \$25K from Other Contractual Services and \$25K from Neighborhood Capital Improvements, for a total transfer of \$50K to Community Policing.

Action: Motion was made by Mr. Lynch to approve the additional funding for the Police seconded by Mr. Rickards.

Action (Amended): Motion was made by Mr. Lynch to approve the additional funding and include the line item transfer of funds for the Police seconded by Mr. Rickards.

Mr. Marcinkoski suggested that staff transfer the money from Alleyways instead of the Neighborhood Capital Improvement line item.

Staff stated that funds are being taken from the Neighborhood Capital Improvement line item because that is the line item that was used in FY 06/07 to pay for community policing. If there is a program that comes up we can shift the funds back to this line item.

Vote: All Ayes

c. Police- Authorize Executive Director to amend current Interlocal Agreement with the Police

An amendment to the current Interlocal Agreement is needed to reflect the increase in costs. Staff is also asking the Board to authorize execution of this agreement for a total of \$150,000 to fund community policing for FY 07/08.

Action: Motion was made by Mr. Lynch to authorize the Executive Director to amend the current interlocal agreement with the police for a total amount of \$150,000 seconded by Mrs. Materio.

Vote: All Ayes

d. Commercial Enhancement Grant Application- Potential Changes to Agreements

Staff is requesting that the following changes be made to the grant agreement. The first revision is the creation of a definition of "Maintenance".

Maintenance

The Property owner agrees to operate and maintain the Project and Property in accordance with commonly-accepted industry standards for the life of the project. The Property owner shall keep and maintain the Project interior and exterior in good and safe condition, and shall make repairs in a timely fashion. The Property Owner shall use all reasonable efforts to prevent damage and to insure that the Property does not fall into a state of disrepair. Improvements paid for with CRA funds must be shown on the plans, approved by Staff and preserved, in both design and quality for a minimum of five years.

Secondly, Staff recommends adding language relating to ownership of the property. Although the CRA's goal with this grant is to alleviate blight and unsightly structures along our major corridors, we may want to incorporate language that deters people from buying a property, improving it, in part with CRA funds, and then selling it, releasing them from compliance with the agreement to maintain the property. We want to encourage long-term investment in the area and not short-term buyers with the intention of flipping the property. The requested change is as follows:

If the property is currently listed for sale, the owner of the property may not apply for a grant. Properties sold within one year of receiving façade funding must repay the full amount; properties sold within two years of receiving façade funding must repay 50% of the amount received.

Staff believes these two changes will help significantly over the long term in eliminating and preventing the spread of blighted conditions and develop a work program to aid in the areas rehabilitation, conservation and redevelopment.

Staff stated that there is a 5 year lien placed on properties that receive façade grants specifically for maintenance.

Action: Motion was made by Mr. Marcinkoski to approve staff's recommendation seconded by Mr. Constantine.

Mr. Lynch would like to waive the obligation of the grant recipient to have to repay 50% of its grant amount in year 2. Mr. Lynch stated that adding this new language to the grant agreement may discourage people from investing in Lake Worth.

Laurie Witkin -I agree with staff. People should have to maintain their businesses. You should be supporting business men and not speculators. It is not the CRA's job to help people fix their properties and then sell them. This is not where the tax money should go. I think you should vote for staffs' recommendation.

Dee McNamara- When they make their profits after you decide that you want to subsidize them with our money do they share their profits with us?

Vote: 4 Ayes, 1 Nay

e. 1105 6th Avenue South- Status of negotiations of the Development Agreement with Housing Trust Group for the development of the Pugh Property. **(Deleted)**

f. 1105 6th Avenue South- Status of the Option Agreement for the Purchase and Sale of the Pugh Property. **(Deleted)**

VII. EXECUTIVE DIRECTORS' REPORT:

- a. Treasurer's Report
- b. Speaker's Bureau

Staff stated that in the agenda packets there is an updated Speaker's Bureau calendar with contact information for each neighborhood association. Staff encouraged Board members to attend neighborhood association meetings to answer any questions and give updates on projects within the CRA's district.

Chair stated that the downtown jewel neighborhood association has a new contact. The new contact is Alyx Kellington.

VIII. BOARD MEMBERS' COMMENTS:

Mark Rickards- No comment.

Wayne Marcinkoski- I had asked that the two items regarding the Pugh Property be placed on the agenda because I thought that the public needed to know the status of this project. I am disappointed that our Board did not take the time to listen or get an update with what was going on with this project. The Commission should have been given the opportunity to listen to tonight's meeting and know what is going on with this project.

Action: Motion was made by Mr. Marcinkoski to delegate all responsibilities regarding the Pugh Project to the City Commission to select a company to develop this property; thereby getting the CRA completely out of the picture seconded by Mrs. Materio.

Chair stated that we have already selected a company. Mr. Marcinkoski stated that he would like the opportunity to give the City Commission the authority to listen to presentation from the two firms or all 3 firms that responded and let the Commission be in control of the whole thing.

Seconder did not feel comfortable with the motion.

Staff stated that the Board authorized staff to enter into negotiations with the first ranked

respondent, Housing Trust Group.

Mr. Lynch stated that we have selected a company. Mr. Lynch recommended that Mr. Marcinkoski state in his motion that a company has been selected and that we should transfer the details and all authority of this project to the City Commission.

Mr. Rickards stated that the Commission voted last week during it's meeting to act as the CRA Board. Mr. Rickards stated that ultimately, the City Commission will hold all authority on this project.

Mr. Marcinkoski would like to make this motion so that the company can still have the opportunity to apply for the tax credits. Staff stated that a resolution needs to be passed before the City Commission can act as a CRA. Mr. Marcinkoski asked for another opinion from legal council. Mr. Tolces stated that the City Commission must adopt a resolution until this happens the current Board is still the CRA.

Mr. Tolces stated that a resolution can be passed only by vote of the City Commission, until then the CRA Board is still the governing Board.

Secunder withdrew the motion.

Chair stated that he was surprised that the motion maker and seconder were the 2 Board members that had been against this project all along. We should wait until the workshop next week with the City Commission.

Mr. Lynch stated that he does want to kill this project and stop spending money on this option and move forward and continue to spend money on other things.

Mr. Marcinkoski stated that if this project does not go through we will be hundreds of thousands of dollars into this project with no results.

Action: Motion made by Mr. Marcinkoski to delegate all responsibilities of this project to the City Commission seconded by Mr. Lynch

Mr. Tolces stated that the resolution is only passed upon approval of the City Commission.

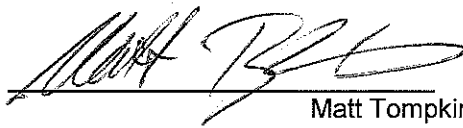
Vote: 3 Ayes, 3 Nays

Motion fails.

IX. ADJOURNMENT:

Meeting adjourned at 7:00 p.m.

Minutes Approved 3/11/08



Matt Tompkins
Chair, CRA Board



Emilia Theodossakos
Recording Secretary