



**LAKE WORTH COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
LAKE WORTH CITY HALL COMMISSION CHAMBERS
TUESDAY, DECEMBER 22, 2009
6:00 P.M.**

I. ROLL CALL:

The Recording Secretary called the meeting to order at 6:00 p.m. on the above date in the Commission Chambers located at 7 North Dixie Highway, Lake Worth, Florida.

Present were CRA Members Peter Meyerhoefer, Andy Amoroso, Donna Ross, Ed Grimm, Jessica Rockstein, Cary Sabol & Michael Hyde.

Also present was CRA Director, Joan Oliva

II. PLEDGE OF ALLEGIANCE:

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

Javier DelSol- I received a grant last year it was difficult to find a space for the programs that I would like to provide but I have and I will be having the programs at the Compass Center working with children at large from 12-18 years old. If you know anyone that wants to participate it is Friday evening's at the Compass Center.

IV. DISCUSSION AGENDA:

a. CRA Redevelopment Plan

The following is a memorandum created by CRA legal counsel and is intended to address issues related to the process for amending the Community Redevelopment Agency's Redevelopment Plan. The process for amending the redevelopment plan is governed by Section 163.361, Florida Statutes, which reads as follows:

163.361 Modification of community redevelopment plans

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment area to add land to or exclude land from the redevelopment area, or may include the development and implementation of community policing innovations.

(2) The governing body shall hold a public hearing on a proposed modification of any community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the agency.

(3)(a) In addition to the requirements of s. 163.346, and prior to the adoption of any modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan as required by s. 163.362(10), the agency shall report such proposed modification to each taxing authority in writing or by an oral presentation, or both, regarding such proposed modification.

As provided in the above statutory provisions, the CRA Board of Commissioners would make a recommendation to the City Commission to amend the redevelopment plan. The amendment may include a change in the boundaries. In order for the City to change the CRA's boundaries, as part of

the process for amending the redevelopment plan, the City Commission would need to adopt a resolution finding that the areas to be included in the CRA meet the definition of either a "slum area" or "blighted area" as defined in Sections 163.340(7) and (8), Florida Statutes. The definitions for "slum area" and "blighted area", as contained in Section 163.340(7) and (9), Florida Statutes, are as follows:

(7) "**Slum area**" means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:

- (a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;
- (b) High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or
- (c) The existence of conditions that endanger life or property by fire or other causes.

(8) "**Blighted area**" means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:

- (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Inadequate and outdated building density patterns;
- (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- (h) Tax or special assessment delinquency exceeding the fair value of the land;
- (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- (j) Incidence of crime in the area higher than in the remainder of the county or municipality;
- (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
- (m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
- (n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

However, the term "blighted area" also means any area in which at least one of the factors identified in paragraphs (a) through (n) are present and all taxing authorities subject to s. 163.387(2)(a) agree, either by interlocal agreement or agreements with the agency or by resolution, that the area is blighted. Such agreement or resolution shall only determine that the area is blighted. For purposes of qualifying for the tax credits authorized in chapter 220, "blighted area" means an area as defined in this subsection.

Prior to adoption of a resolution finding a slum or blighted area exists, the City or the CRA would need to perform a study of the proposed expansion area to determine whether the area meets the definition of either a slum or blighted area.

Once the CRA Board of Commissioners forwards the recommendation to amend the redevelopment plan to the City Commission, the City Commission shall hold a public hearing on the proposed modification. The public hearing shall only be held after notice is published in a newspaper having a general circulation in the City, and after notice of the proposed modification is provided to each taxing authority which levies ad valorem taxes within the CRA's boundaries.

Following the public hearing, the City Commission would then decide whether to approve the modification to the redevelopment plan, including any boundary changes. If the City Commission approves the modification, the modified plan would then be the effective plan for the Community Redevelopment Agency.

Staff stated that although the plan was created in 2001 there are still a lot of goals and objectives that have not been addressed. Staff stated updating the plan or expanding the boundaries is up to the Board. Ms. Rockstein stated that she placed this item on the agenda for discussion to see what direction the Board would like to take. At the retreat it was stated that redevelopment plans should be updated every 5 years and ours is almost 10 years old and in reviewing I feel that the economic climate now is drastically different than that of when the plan was written.

Mr. Sabol asked if there are any areas within the district that the goal has been met and should be removed from the district or is the common process to expand? Staff stated the Board must consider that tax payers within the district have been paying into the redevelopment trust fund and you want to keep it the same so that the people paying taxes within the district get some of the rewards.

The Board reached consensus to set up a workshop on the Community Redevelopment Plan.

b. Budget Review/Hands-On Agreement

The CRA adopted the fiscal year 09/10 budget at the August 25, 2009 meeting. Prior to its adoption, a workshop was held July 28, 2009 to review the proposed budget and provide the Board with an opportunity to give input and recommend changes. In September, the proposed CRA 09/10 budget was presented to and reviewed by the City Commission. A separate department was established within the budget this year for costs associated with the Cultural Redevelopment/ Renaissance program.

Within the next month, the City's Finance Department will finish its preliminary closing the books and the ending fund balance figure should be available. Although it appears likely that the CRA will have to rebate some of the interest earned on the proceeds of the 2005 loan back to the IRS, the budget amendment for that payment should wait until the year end close is complete.

Staff read each line item of the budget to the Board with explanations.

Ms. Rockstein stated that the Board had been operating without all of the budget back up until this meeting and wished the Board would have had it sooner. On September 3 the minutes state that Commissioner Jennings had specific requests for the CRP program and was wondering if staff had addressed those issues yet. Staff stated that the finance director is no longer here and the presented budget is a line item budget. All back up on CRP including the budget was given to the Board during the retreat.

Ms. Ross requested another joint meeting with City Commission to review priorities. Ms. Rockstein stated that we have not had monthly updates from the consultants. *Staff stated that we do not get a written monthly report but the consultants do attend meetings and were present at the Board retreat. Ms. Rockstein requested that a monthly report be given to the Board per the contract. Mr. Sabol stated that he was not interested in a monthly report. Over micromangement is not efficient. Chair stated that he felt very up to date the consultant lives in Lake Worth and is available by phone. Ms. Rockstein clarified that a written report was not necessary just a verbal report because this is our major ticket item under our budget. There are benefits to having the*

consultants come to the meetings and present their ideas. Mr. Sabol stated maybe the Board should create sub- groups to take on specific projects so that the Board is not so overwhelmed. Mr. Hyde stated that it is important to have a monthly meeting so that the Board, Commission and public know what is going on with this project. Mr. Hyde expressed concerns regarding establishment of procedures for this project. Do we have procedures and guidelines? Can we have a draft if they have not been done so that we can meet the requirements of the program? Staff stated that the program originally was targeting residential and then shifted to commercial. The development of these procedures depends on getting properties. At this time we have no properties. Mr. Hyde stated that we have to develop acquisition policies prior to purchasing properties. Legal counsel stated that these procedures dealt more with the program when it was going to be for residential properties. Mr. Hyde stated that the same type of procedure has to go through for commercial properties. The contract calls for establishing a procedure to acquire the properties. Mr. Sabol suggested that we put it on the agenda as a regular item for an update. Ms. Ross asked who the contract is between Hands on and the CRA Board or Hands on and Joan? Ms. Ross stated that one on one meetings are unacceptable they are not in the sunshine. All meetings should be in public forum. Ms. Rockstein stated when reviewing Exhibit B the scope it was shocking that very little had been accomplished. Ms. Rockstein called staff to inquire about what progress had been made and requested a review of Phase I, II, III, IV or V from the consultant as well as the five things that came out of the last City Commission joint meeting on October 27th. Staff stated that the consultants will be available for a presentation in January. Ms. Rockstein asked if the consultant could give a brief description of what has been going on to the Board tonight. Mr. Barone stated that they will give the details of the phases in January at the next scheduled meeting. Ms. Rockstein stated that it is very problematic that consultants are not willing to answer questions or give updates. Ms. Rockstein wanted to know what the daily process was and if it was working? After 8 months of payment some of these things should be answered. At one of the private meetings that I attended with the consultants and Joan I asked the same questions about the concerns from the joint meeting and the consultant replied what concerns? I have a lot of qualms about that. It is problematic that our employees are not following through on what is requested of them. Mr. Sabol stated that we should not jump to that conclusion because the Board does not know. Chair stated that we need to start asking more specific questions and giving staff better direction. Ms. Rockstein stated that she listened to the minutes from the joint meeting and Commissioner Mulvehill listed five items of concern. It was stated that the issues would be addressed in 6 weeks. I am not asking for a detailed update just a brief run down over the last 8 months. Mr. Amoroso stated that we have another joint meeting on January 4th. Ms. Rockstein stated this was placed on the agenda 2 weeks ago and I would hope when something of this significance is placed on the agenda with all of this documentation that one would expect some response from our consultant. I am surprised that staff did not let him know; maybe you did let him know. If the consultants were not prepared to dialogue perhaps this item should have been placed on a later agenda. Was he made aware of this? Staff stated yes he was. Mr. Sabol stated that he was not prepared to ask the detailed questions necessary to the consultant because it was not the scope of the meeting. Let's give the consultants a chance to speak to us before we accuse them of not doing anything. Legal counsel stated that amendments to the agreement can always be made if the Board would like to do so. Mr. Hyde asked legal counsel if the Board can create a letter of expectations or if the contract should be amended? Legal counsel stated from a legal perspective an amendment should be created.

Board reached a consensus to have Hands on Consulting come before the Board and give a presentation regarding each of the phases of the contract.

V. ACTION AGENDA:

a. Executive Director- Annual Review

Staff stated that the Employment Agreement executed December 11, 2008 dictates that an annual performance evaluation be conducted "on or around December 1st, each year during the term of the agreement for the purpose of recommending compensation and benefit adjustment for

the ensuing year." The term of the employment agreement is one year.

Although the Director's responsibilities are many and day to day operations take up a considerable amount of time, I have listed what I believe to be a summary of significant accomplishments this past year for your review.

- Produced a \$23.2M Neighborhood Stabilization Program (NSP) application to Housing and Urban Development (HUD) for federal funding and executed twenty-one consortium partner agreements with for profit and non-profit partners
- Attraction, siting and assistance with final approval for a downtown Publix Supermarket
- Development and approval of a Bicycle Network Plan
- Management and oversight for the construction and completion of the 10th Avenue Gateways Project
- Produced an RLI and agreement for the development of the Cultural Renaissance Program that included the hiring of Hands-On Consulting
- Attraction and approval of agreement with the Palm Beach Cultural Council for their downtown headquarter building
- Final approval and bidding for the 812 CRA Parking Lot on Dixie Highway
- Development and approval of the Citizen's Transit-Oriented-Development (TOD) Master Plan
- Newly designed newsletters and e-mail blasts
- Formed partnership with the Small Business Development Center (SBDC) at Palm Beach Community College. The SBDC and the CRA hosted a Business Development Workshop in May and have an agreement to host two more this fiscal year
- Hosted or provided assistance for local events including Parking Day, the Children's Bicycle Rodeo, the Great American Clean-Up, Bike Night, the Green Market and others
- Responsible for annual Board retreat, development and approval of annual budget, Capital Improvement Plan (CIP), Work Plan, Annual Report, continual refinement and management of grant programs, other grant applications

Each Board member was given the opportunity to meet with me prior to the Board meeting to ask questions, raise concerns or to find out more about the process. Most of the Board members performed the evaluation at that meeting and returned the evaluation sheet to Staff. The Chair was given all the completed evaluations so they could be combined and a recommendation made. Copies of all the evaluations, if completed, were available at the meeting.

Staff requested the Board review and provides comments on the performance evaluations make a compensation recommendation and approve my annual contract.

Ms. Rockstein asked that the director conduct a self evaluation in the future. Staff stated that she is requesting an additional 5 days vacation. Staff stated that all members of the Board met with Staff individually for the evaluation except Commissioner Ross. Ms. Ross stated that she did not remember that being discussed at a meeting and wanted to see the minutes. Mr. Amoroso stated that since Ms. Oliva does not accept health insurance through the CRA this is a big savings. Currently staff receives 15 paid vacation days.

Action: Motion was made by Mr. Grimm to sign another one year contract with the executive director adding an additional five days vacation and the salary to remain the same as the previous year seconded by Mr. Amoroso.

Shanon Materio- I appreciate all of the comments tonight. Prior to Joan the CRA has been through two executive directors. Joan is results driven and things have gotten done that were not able to get done prior to her coming to Lake Worth.

Javier Del Sol- My concern is family. Joan works 24 hours a day be sensitive this is corporate America. Is it worth it? Google volunteer simplicity. Working this much is dehumanizing and not

family friendly.

Ms. Rockstein stated that she would like to include a self review as part of the annual evaluation next year.

Vote: All Ayes

Action: Ms. Rockstein made a motion to include a self review as part of the annual evaluation next year seconded by Mr. Grimm.

Ms. Ross stated that she would like to read it. Legal counsel stated that you would have to amend the bylaws and include it for next year.

Vote: All Ayes

VI. EXECUTIVE DIRECTOR'S REPORT:

Staff thanked the Board for renewing her contract. This has been an amazing year with a lot of accomplishments. We gave away more than 50 bikes at the giveaway; the backup includes the list of those who donated.

VII. BOARD MEMBERS' COMMENTS:

Mr. Hyde- I apologize for being late and I appreciate the Boards candor this evening.

Mr. Sabol- No comment.

Ms. Rockstein- No comment.

Ms. Ross- The Tree Board has offered a booth for the festival of trees and suggested promoting our rain barrel program. Staff stated that we do not have a rain barrel program. The second suggestion was to give something away to people or sell it at \$1. Staff stated in years prior we gave away seed packets and façade brochures.

Mr. Grimm- Commissioner Sabol had a beneficial idea to set up committees

Mr. Amoroso- I would like to give an update on the DCA. We are trying to coordinate with City Staff to create a partnership so that we can go forward with Friday night events.

Mr. Meyerhoefer- No comment.

VIII. ADJOURNMENT:

Meeting adjourned at 8:01 p.m.

Minutes Approved

3.9.2010


Peter Meyerhoefer
Chair, CRA Board


Emilia Theodossakos
Recording Secretary