

MINUTES OF THE REGULAR MEETING
BOCA RATON COMMUNITY REDEVELOPMENT AGENCY
MONDAY, APRIL 13, 2009
*1:30 P.M.

*The Regular Meeting of the Boca Raton Community Redevelopment Agency was called to order by Chairman Scott at approximately 5:05 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Chairman Constance Scott
Vice Chairman Anthony Majhess
Commissioner Susan Haynie
Commissioner Michael Mullaugh
Commissioner Susan Whelchel

Also attending the meeting were:

Boca Raton City Manager Leif J. Ahnell, Agency Director
Boca Raton City Attorney Diana Grub Frieser, Attorney to the Agency

AMENDMENTS TO THE AGENDA:

There were no amendments to the agenda.

MINUTES:

Minutes of the Regular Meeting of February 23, 2009

Motion was made by Commissioner Whelchel, seconded by Commissioner Haynie, to approve the minutes as presented. Motion carried unanimously on a voice vote; Chairman Scott, Vice Chairman Majhess, Commissioners Haynie, Mullaugh, and Whelchel voting yes.

REGULAR BUSINESS - PART I - QUASI-JUDICIAL & RELATED PUBLIC HEARINGS:

There were no items for consideration.

PUBLIC REQUESTS:

Lenore Wachtel gave a brief history of CRAs, in general, and then distributed a map of the City's CRA District, depicting land use sub-areas, to the Agency. Focusing on the downtown, she stated that buildable rights were calculated carefully to spread out density and traffic. She then spoke to Ordinance No. 4035 and indicated opposition to the transferring of development rights. Additional commentary focused on the MMTD (MultiModal Transportation Districts); Ms. Wachtel concluded by urging the Agency to consider how the City is to keep traffic moving even with the MMTD program.

REGULAR BUSINESS - PART II – RESOLUTIONS AND REGULAR PUBLIC HEARINGS:

1. Resolution No. 2009-03-CRA

A resolution of the Boca Raton Community Redevelopment Agency authorizing the execution of a second amendment to the Amended and Restated Civic Site Lease with Mizner Park Cultural Arts Association, Inc.; providing for severability; providing for repealer; providing an effective date

Development Services Manager of Administrative Services Ruby Childers gave the presentation and provided a brief history of the original agreement and the first amendment. She explained that in February 2009, the Mizner Park Cultural Arts Association (MPCAA) reached an agreement with Mizner Holdings 5 to complete the build-out of the former Cartoon Museum building and use of the second floor. This second amendment would provide changes necessary to clarify the maximum rents for cultural subtenants and enable a tax-exempt entity or charitable foundation to be a subtenant. Specifically, the amendment corrects the rents to reflect a per year charge as opposed to a per month charge. It also provides consideration for subtenant improvements paid for by the MPCAA and corrects the annual maximum rents accordingly.

Ms. Childers advised that the MPCAA requested modification to the terms of subletting by cultural subtenants. She explained that any for-profit entity directly and primarily related to and providing services to a non-profit corporation, tax-exempt entity or charitable foundation would benefit the community when permitted to co-locate with a cultural sub-tenant. This amendment provides for the co-location of such an entity and prohibits services or uses to the general public or display of exterior signage. She then concluded her presentation by advising that there was no fiscal impact to the Agency nor did the Agency receive any portion of the subtenant rents; staff recommended approval of the resolution.

The public hearing was opened and, seeing no one come forward to speak, closed.

Motion was made by Commissioner Whelchel, seconded by Commissioner Haynie, to adopt Resolution No. 2009-03-CRA. Motion carried unanimously; Chairman Scott, Vice Chairman Majhess, Commissioners Haynie, Mullaugh, and Whelchel voting yes.

2. Resolution No. 2009-04-CRA

A resolution of the Boca Raton Community Redevelopment Agency ("Agency") amending the rules of the Agency regarding public notice requirements for Individual Development Approvals; providing for severability; providing for repealer; providing an effective date

Special Projects Director Robert George gave the presentation stating that this item would provide for mailed notice to all property owners within 500 feet of an Individual Development Approval. Generally, notice would be mailed seven days prior to the public hearing. In cases where there is a transfer of development rights between subareas in the downtown, notice would be mailed 14 days prior to the hearing. Mr. George advised that this resolution would change the requirement back to what it was prior to the adoption of Resolution No. 2009-02-CRA in January 2009.

The public hearing was opened and, seeing no one come forward to speak, closed.

Motion was made by Commissioner Whelchel, seconded by Commissioner Haynie, to adopt Resolution No. 2009-04-CRA. Motion carried unanimously; Chairman Scott, Vice Chairman Majhess, Commissioners Haynie, Mullaugh, and Whelchel voting yes.

3. Resolution No. 2009-05-CRA

A resolution of the Boca Raton Community Redevelopment Agency amending the rules of the Agency regarding the review of Individual Development Approvals by the Planning and Zoning Board and the Community Appearance Board; providing for severability; providing for repealer; providing an effective date

Special Projects Director Robert George gave the presentation explaining that the Planning & Zoning Board and Community Appearance Board would review and make recommendations to the CRA prior to consideration of Individual Development Approvals by the CRA; details were provided. This resolution would change the requirement back to what it was prior to the adoption of Resolution No. 2008-08-CRA in September of 2008.

Responding to the Agency, Mr. George gave a brief history of this requirement being changed back and forth. He explained that from the time the original DDRI (Downtown Development of Regional Impact) Development Order was created in 1988 to 1992, there was no review required by either of the Boards.

Due to a controversy over a particular building in 1992, it was decided to include the Planning & Zoning Board and the Community Appearance Board to obtain additional input prior to any action being taken by the CRA. Then in September 2008, the process was rescinded. Details were provided as to staff's findings regarding input received from both Boards over the years. Mr. George confirmed with the Agency that the original Development Order (Ordinance No. 4035) did not include review by either the Planning & Zoning Board or the Community Appearance Board.

At this time, Commissioner Whelchel explained why she brought forward the last two resolutions.

The public hearing was opened and, seeing no one come forward to speak, closed.

Motion was made by Commissioner Whelchel, seconded by Commissioner Mullaugh, to adopt Resolution No. 2009-05-CRA. Motion carried unanimously; Chairman Scott, Vice Chairman Majhess, Commissioners Haynie, Mullaugh, and Whelchel voting yes.

4. Resolution No. 2009-06-CRA

A resolution of the Boca Raton Community Redevelopment Agency recommending changes to Chapter 2 of the City Code of Ordinances consistent with the rules of the Agency regarding Individual Development Approval review by the Planning and Zoning Board and the Community Appearance Board; providing for severability; providing for repealer; providing an effective date

Special Projects Director Robert George gave the presentation and explained that the prior resolution changed the rules to provide for recommendations by the Planning & Zoning Board and the Community Appearance Board to the CRA. Since those Boards are City Boards – not Agency Boards – the Code of Ordinances must be changed regarding the duties and responsibilities of those boards to allow them to make the recommendations as outlined in the rules of the Agency. Specifically, this resolution recommends changes to the City Code to delegate those powers and duties to the Planning & Zoning Board and the Community Appearance Board.

The City Attorney advised that there were two typos on the first page of the resolution; she stated that reference is made to Resolution No. 2008-05-CRA and it should be Resolution No. 2009-05-CRA. Ms. Frieser also clarified that the ordinance referred to in the resolution is Ordinance No. 5094, which is listed in tomorrow night's City Council agenda as Item No. 8.

The public hearing was opened and, seeing no one come forward to speak, closed.

Motion was made by Commissioner Whelchel, seconded by Commissioner Haynie, to adopt Resolution No. 2009-06-CRA, as amended. Motion carried unanimously; Chairman Scott, Vice Chairman Majhess, Commissioners Haynie, Mullaugh, and Whelchel voting yes.

OTHER BUSINESS:

There were no items for consideration.

DIRECTOR'S REPORT:

5. Sanborn Square District Update

Mr. Ahnell reported that Crocker Partners has attempted to acquire larger parcels in the Sanborn Square District but was unable to come to a price that made economic sense to them. Therefore, they are not going to pursue the project at this time.

Commissioner Whelchel stated that she would like to revisit the village concept design that Ray Gindroz of Urban Design Associates (UDA) had prepared but noted that the project would not be doable until the CRA could agree on changes to be made in that area, given that there are approximately 12 to 16 different property owners. She suggested that incentives would need to be given to existing owners to cultivate their desire to redevelop; in addition, the CRA would have to dig into its own pockets for projects

such as walkways and landscaping. She concluded by indicating that the ultimate goal was to create an environment that citizens can enjoy.

Vice Chairman Majhess agreed with Commissioner Whelchel in regard to building on what has already been accomplished and then suggested a recap on the progress made by UDA up to this point. He also suggested that UDA might have investment groups that would be willing to back a project. Meanwhile, the CRA could plan some events downtown to attract residents. Mr. Ahnell advised that UDA could certainly come before the CRA. Noting that their original proposal was a lower-scale village, Mr. Ahnell indicated that staff could inquire as to UDA's connections/partners as well.

ATTORNEY'S REPORT:

The City Attorney had nothing to report at this time.

COMMISSIONERS' REPORTS:

The Commissioners had nothing to report at this time.

ADJOURNMENT:

Motion was made by Commissioner Whelchel, seconded by Commissioner Mullaugh, to adjourn the meeting. Motion carried unanimously on a voice vote; Chairman Scott, Vice Chairman Majhess, Commissioners Haynie, Mullaugh and Whelchel voting yes.

The regular meeting of the Boca Raton Community Redevelopment Agency adjourned at approximately 5:45 p.m., Monday, April 13, 2009.

Constance Scott, Chairman

ATTEST:

Sharma Hagerty, City Clerk