

1 Riviera Beach Community Redevelopment Agency Regular Meeting

2 City of Riviera Beach Council Chambers

3 2nd Floor, Municipal Complex

4 600 West Blue Heron Boulevard, Riviera Beach, Florida

5 Wednesday, April 27, 2011

6 6:34 p.m. to 7:38 p.m.

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8
9 APPEARANCES:

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11 Chairperson Judy Davis

12 Vice Chair Billie E. Brooks

13 Commissioner Dawn Pardo

14 Commissioner Cedrick Thomas

15 Commissioner Shelby Lowe

16 Mayor Thomas Masters

17 Attorney Michael Haygood

18 CRA Executive Director Tony Brown

19 CRA Administrative Director Darlene Hatcher

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1 CHAIRPERSON DAVIS: We're calling our regularly scheduled
2 Riviera Beach Community Redevelopment Agency meeting to order.

3 Madam clerk, roll call.

4 (Upon roll call by CRA Administrative Director Hatcher, the
5 following were present: Chairperson Judy Davis, Vice Chair
6 Billie E. Brooks, Commissioner Dawn Pardo, and Commissioner
7 Shelby Lowe. Also present were: Mayor Thomas Masters,
8 Executive Director Tony Brown and Attorney Michael Haygood.)

9 CHAIRPERSON DAVIS: Let's stand for a moment of silence and
10 the pledge led by Mr. Lowe.

11 (Pledge of allegiance.)

12 CHAIRPERSON DAVIS: Are there any additions or deletions?

13 EXECUTIVE DIRECTOR BROWN: There are none, Madam Chair.

14 CHAIRPERSON DAVIS: Is there a motion to adopt the agenda?

15 COMMISSIONER PARDO: So moved.

16 VICE CHAIR BROOKS: Second.

17 (Upon a roll call by CRA Administrative Director Hatcher, the
18 vote was unanimous and motion carried, with Commissioner Thomas
19 being absent during the vote.)

20 CHAIRPERSON DAVIS: We are now at consent. All matters
21 under consent will be approved by one motion unless it's pulled
22 by a commissioner. Does anybody want to pull any of the consent
23 items? No? Is there a motion?

24 COMMISSIONER PARDO: Motion to accept consent.

25 VICE CHAIR BROOKS: Second.

1 (Commissioner Thomas is now on the dais.)

2 (Upon a roll call by CRA Administrative Director Hatcher, the
3 vote was unanimous and motion carried.)

4 CHAIRPERSON DAVIS: Regular business, item 3.

5 MR. HAYGOOD: Resolution number 2011-12. A resolution of
6 the Board of Commissioners of the Riviera Beach Community
7 Redevelopment Agency approving an amendment to a loan agreement
8 between the agency and the City of Riviera Beach to amend loan
9 terms and payment schedule to the city for improvements to the
10 Ocean Mall property and the municipal beach; directing and
11 authorizing the chairman to take such actions as shall be
12 necessary and consistent to carry out the intent and desire of
13 the agency; providing an effective date.

14 CHAIRPERSON DAVIS: Is there a motion?

15 COMMISSIONER PARDO: So moved.

16 VICE CHAIR BROOKS: Second.

17 CHAIRPERSON DAVIS: Any discussion? Mr. Brown?

18 EXECUTIVE DIRECTOR BROWN: This item pertains largely to
19 housekeeping items and the request to amend loan terms that
20 reflect improvements to the Ocean Mall property and the
21 municipal beach interlocal agreement. We're introducing a
22 construction period that was not previously in place, given the
23 way the loan was administered. We're proposing the introduction
24 of a principal deferment payment that was not previously in
25 place. We are also requesting a modification to the start date

1 for repaying the city's loan. The net effect is that from the
2 original terms the loan is extended only by two years.

3 CHAIRPERSON DAVIS: We have one public comment card.
4 Mr. Gerald Ward.

5 MR. WARD: Gerald Ward, 31 West 20th Street.

6 The more important thing is whether the expenditures of up
7 to 10.4 million are properly certified so that neither this
8 board or I would make the same comment more importantly to the
9 city council at the next meeting, which is following this one,
10 is that have we clearly established the proprietariness of each
11 of the expenditures; and that you have appropriate
12 certifications from responsible levels of employees or
13 consultants on each expenditure that encompasses the up to 10.4
14 million dollars.

15 CHAIRPERSON DAVIS: Anything from the board?

16 Okay. Call the question.

17 (Upon a roll call by CRA Administrative Director Hatcher, the
18 vote was unanimous and motion carried.)

19 CHAIRPERSON DAVIS: Item 4.

20 MR. UAYGOOD: Resolution number 2011-13, a resolution of
21 the Board of Commissioners of the Riviera Beach Community
22 Redevelopment Agency approving the first modification to
23 community redevelopment projects note interlocal agreement
24 between the agency and the City of Riviera Beach; directing and
25 authorizing chairman and executive director to take such actions

1 as shall be necessary and consistent to carry out the intent and
2 desire of the agency; providing an effective date.

3 CHAIRPERSON DAVIS: There are no public comment cards.
4 Anything from the board?

5 VICE CHAIR BROOKS: So moved.

6 COMMISSIONER PARDO: Second.

7 (Upon a roll call by CRA Administrative Director Hatcher, the
8 vote was unanimous and motion carried.)

9 CHAIRPERSON DAVIS: Item 5.

10 MR. HAYGOOD: Resolution 2011-14, a resolution of the
11 Riviera Beach Community Redevelopment Agency authorizing the
12 issuance of a redevelopment revenue note Series 2011 in a
13 principal amount not to exceed \$25,570,000 to finance the cost
14 of certain redevelopment projects located within the Community
15 Redevelopment area and consistent with the Community
16 Redevelopment plan; providing that the note shall be a limited
17 obligation of the agency payable from tax increment revenues as
18 provided herein; pledging such tax increment revenues to secure
19 payment of the principal and the interest on said note;
20 providing for the rights, securities and remedies for the owner
21 of the note; making certain covenants and agreements in
22 connection therewith; and providing for an effective date.

23 CHAIRPERSON DAVIS: Is there a motion?

24 VICE CHAIR BROOKS: So moved.

25 COMMISSIONER PARDO: Second.

1 CHAIRPERSON DAVIS: We are going to go to public comments
2 first. Ms. Norma Duncombe.

3 MS. DUNCOMBE: Norma Duncombe, 3560 Lakeshore Drive.

4 In looking at this loan, I don't have a problem with the
5 amount of money. It could have been doubled that amount if it
6 were going to benefit the citizens. And I respect the director
7 in terms of his financial background to make the move on this;
8 but I have some real, real questions.

9 You have stated there were certain things that you were
10 going to do. I think one of the things was underground
11 utilities. You also spoke of beautification. The thing I have
12 with the beautification part is that in terms of maintaining the
13 CRA zone, there is not someone in place to maintain that area.
14 So you put out trees and grass, and then it dries up and it looks
15 terrible. Somehow or another maybe that should be in the plan,
16 to have somebody to maintain those areas.

17 I do have a problem with the fact that I think you were
18 talking about a replacement of Newcomb Hall. My big thing with
19 that is there has not been a designated place. You've had
20 people making decisions or making suggestions in terms of what
21 they want. I'm just hoping that this is not going to be a bait
22 and switch, because it would be very disappointing to the
23 people; and we really do need a community center. We need it
24 where it is now. But there has not been a designated place. So
25 how do you make plans when you do not know what size land you're

1 going to have or where you will place it?

2 Usually people design a building based on where it's going
3 to be located. If I were building a house in a certain area, I
4 would want my designs to compliment that.

5 The next thing is a parking garage for the port. The port
6 is not our responsibility. Why are we building a parking garage
7 to accommodate the port? Everybody is saying how short we are
8 of money, so why are we even putting them in the plan? It does
9 not make sense in terms of our citizens.

10 If we had a hotel there, if we had businesses there to
11 anchor a parking garage, that would be different, but it sounds
12 like the same plan that Carlos came with a while back; it sounds
13 like the same plan he had, a parking garage for his workers.
14 And that does not compliment what the citizens of this city need
15 in a tight budget.

16 CHAIRPERSON DAVIS: Rodney Roberts.

17 MR. ROBERTS: Rodney Roberts, 1581 West 14th Street,
18 Riviera Beach, Florida, Federal Gardens.

19 I would like to know where are the plans for the public
20 infrastructure and municipal marina, if one of these slides
21 shows that they won't be finalized until October, and it only is
22 going to cost \$200,000 to get that done. I believe that the CRA
23 itself has \$200,000 to spend to get that done, so that the
24 people see a plan and see the guidelines and things are more
25 concrete. Right now some of the plans show concepts, just

1 ideas, show the Newcomb Hall moved from where it is and a
2 parking garage being right where Newcomb Hall is.

3 At the charrette that we just had last week with Mr. Brown,
4 one of the planners vying for the opportunity to design Newcomb
5 Hall said that he wouldn't think that that would be something
6 that anyone would do, put a parking garage right in that area,
7 where you're right next to the boats; you would think that you
8 would use it for something that's more for the citizens to be
9 enjoying themselves right next to the water.

10 If the CRA paid for it, which again I believe that the CRA
11 has \$200,000 five months from now, we could get a lot of things
12 ironed out and it would save the city \$8,000 in interest at your
13 4.44 interest rate that you'll be getting with the 25 million.

14 Again, I don't believe that 25 million is enough. For
15 instance, we have it earmarked 3 million dollars for Newcomb
16 Hall. At the meeting last week, with the ideas that the
17 citizens had for Newcomb Hall, I think we are going below the
18 scope of what the citizens want. We want state of the art; we
19 want three, four, stories. If you budget it at 3 million which
20 is too low, we'll be like that church on the corner of Congress
21 and 13th Street and you won't have what you want. We don't want
22 to follow anymore, we want to lead, we want to set the standard.
23 And 3 million dollars is not enough just on Newcomb Hall alone.

24 If we go ahead and iron out some more things, let the CRA
25 pay for the marine district site plan with \$200,000, before we

1 take this loan, we'll know exactly what we're getting, how much
2 more we'll probably need.

3 CHAIRPERSON DAVIS: Gerald Ward.

4 MR. WARD: Gerald Ward, 31 West 20th Street.

5 I think that Mr. Brown has done somewhat of an amazing job
6 to get a loan commitment for 25 plus million dollars. However,
7 the resolution is extremely poorly drafted. You need to sit
8 down here and go over particularly the findings. "It is hereby
9 ascertained, determined and declared as follows." Then you go
10 down in there and it says acquisition of certain water, sewer
11 and storm water utilities. That is an unbridled statement that
12 allows you to go to the utility district and buy part of that
13 even. That's not what this agency needs to do. The utility
14 district should be here to serve you.

15 If you go later to the memo of 12 April, which revises the
16 memo of 7 April that Mr. Brown wrote, you find that he does have
17 in there much better language of loan purpose and uses. You
18 could even cite in the findings that you adopt that particular
19 phrase, because it's very specific to do things of a particular
20 nature and it does not give unbridled discretion to buy
21 utilities.

22 Number 2, you need to have discussion over why isn't there
23 an incremental draw down of the 25 plus million dollars. Is
24 that not possible with the bank, so that you don't necessarily
25 pay for money that we ain't using?

1 Number 3, the memo of 12 April talks about two fixed rate
2 options. Where in any of what you're doing tonight are you
3 specifying which fixed rate option you're going to take? Are
4 you giving the staff that determination? I don't think that
5 conforms to what the FRAT committee report says. You've got to
6 be more specific.

7 Lastly, at the last meeting you had specific authorization
8 to write Wachovia and ask them whether they were in concurrence
9 with this. You haven't had a report, that I can see, of that
10 response. Is that a problem or not? Get it on the table now,
11 instead of finding out later that you've got more work for the
12 interim agency attorney.

13 COMMISSIONER THOMAS: Mr. Ward, I missed what you were
14 saying about the FRAT committee. If you would just answer that
15 part and that part only, please.

16 MR. WARD: The FRAT committee is a 7-page report that says
17 you do not let this board give the staff unbridled discretion;
18 and so you need to specify in regards to how you want this done,
19 which fixed rate did you want to take.

20 COMMISSIONER PARDO: Mr. Brown, for the record can you
21 state that we all decided that we're taking the fixed rate of
22 4.44 percent?

23 EXECUTIVE DIRECTOR BROWN: In the memo Mr. Ward referenced
24 I disclosed to members of the board that there were two rate
25 options: One was fixed only for seven years, which allowed the

1 bank to change the rate at the end of seven years and reset it.
2 The other one is the 4.4 percent rate that is fixed throughout
3 the 15-year term. We felt given the current market conditions
4 that we would perhaps be more at risk for rate volatility and it
5 would be beneficial for us to lock in our cost for the 15-year
6 period.

7 MR. HAYGOOD: The note and the resolution provides a fixed
8 rate of 4.4.

9 COMMISSIONER PARDO: The other thing is, once the money
10 goes into the project fund, what interest rate will we be
11 receiving on those funds?

12 EXECUTIVE DIRECTOR BROWN: That will be set by the terms of
13 the account that we establish. I believe we will get a money
14 market type rate of something less than half of one percent.

15 COMMISSIONER PARDO: The last thing is, section 10, I just
16 want to make sure when funds are disbursed that there is council
17 approval prior to that. I brought up the \$1,050,000 check from,
18 you know, seven or eight years ago. I just want to make sure
19 that is in the document. Section 10, item B, the last sentence,
20 it makes note to Exhibit D. So every time an invoice over
21 \$10,000 is being submitted to the bank, we'll pass a resolution?
22 What's going to happen with that?

23 MR. HAYGOOD: Practically speaking I don't know if that's
24 going to work. If you're in the middle of the construction of a
25 project, I don't know if you're going to have time to be able to

1 get each requisition approved in that manner.

2 Certainly the board is going to have to approve any
3 contracts, any major contracts. If you go into a construction
4 contract for a particular project, you will have to approve that
5 contract for the construction of the project. But as far as
6 actually administering the contract itself, I don't know if
7 that's going to be practical.

8 COMMISSIONER PARDO: If we approve a contract, the contract
9 will have the cost with an additional 5 or 10 percent, correct?

10 MR. HAYGOOD: Correct. Much like you did the Ocean Mall
11 project.

12 COMMISSIONER PARDO: I have absolute faith in our chair,
13 our vice chair, and the executive director. But ask the former
14 chair, he thought he was doing the right thing and it turned out
15 the board didn't know. I just don't want to get into that
16 again.

17 EXECUTIVE DIRECTOR BROWN: I think we've heard each of the
18 members quite clearly, and we've reported to you that we've had
19 to define the uses; and there's flexibility in the percentage
20 and amounts of those uses. We intend in collaboration with the
21 city to present to you a process that as we begin to address
22 each proposed usage, that you understand our process, how we
23 came to the final budget amount, and the specific terms with
24 which we would disburse.

25 CHAIRPERSON DAVIS: Any other questions from the board?

1 Okay. Call the question.

2 MR. HAYGOOD: Before you do, I want to note for the record
3 there have been two changes to the resolution as it was
4 published and included in your backup.

5 Section 5 is a description of the note. Subsection B is
6 adjustment of interest rate. The effect of this provision is an
7 adjustment in the interest rate. Since this is a tax exempt
8 issue, this provision provides for a change in the interest rate
9 if in fact something occurs where it becomes taxable. In your
10 draft there were two romanettes, romanette (i) and romanette
11 (ii). (ii) has been stricken. And the language that was
12 stricken was: Or the notes shall not be a qualified tax exempt
13 obligation as defined in Section 265(b)(3) of the code. That
14 was stricken as an event of an adjustment in the interest rate.

15 In section 9, addressing prepayment, commencing on the
16 seventh anniversary date -- and this has to do with the
17 discussion concerning the ability of the CRA to prepay the note.
18 As it stands, you cannot do it during the first seven years of
19 the note. Commencing on the seventh day of the date of issuance
20 of the note, the note shall be subject to prepayment in whole or
21 in part annually on any scheduled payment date. In other words
22 you wouldn't be able to pay it over a period of time; there will
23 be annual payments. Those are the two changes.

24 CHAIRPERSON DAVIS: Any other questions?

25 COMMISSIONER THOMAS: I would have liked to have seen here

1 on page 8-2 the actual amounts that are going to be going out,
2 to see how they're going to be amortized.

3 CHAIRPERSON DAVIS: That was with the other packet.

4 VICE CHAIR BROOKS: At the workshop.

5 EXECUTIVE DIRECTOR BROWN: We need Exhibit A.

6 COMMISSIONER THOMAS: I don't want to sign a blank
7 contract; I would like to see it before I put my signature on
8 it.

9 Also, 8.9 million, is that for the burying of the lines?

10 EXECUTIVE DIRECTOR BROWN: That, and other street types
11 improvements along Broadway; so it would include lines, curbs,
12 sidewalks, street lights.

13 COMMISSIONER THOMAS: The DOT that are getting ready to do
14 work, that couldn't be a cost that they bear?

15 EXECUTIVE DIRECTOR BROWN: No, it would not be.

16 COMMISSIONER THOMAS: I have an issue with that much money
17 going to bury lines. I want to see Broadway improved, of
18 course. I know we have several entities working to make that
19 happen. But to borrow 25 million and spend 9 of it toward
20 burying lines, I have a hard time swallowing that.

21 You are very aware that I'm very dedicated to making sure
22 that something happens between Congress and Old Dixie, from 1st
23 to Silver Beach, that area that's mostly forgotten throughout
24 the city. We do have a good amount of that land that is in the
25 CRA. I would like to see more money dedicated to doing things

1 in that area.

2 CHAIRPERSON DAVIS: Mr. Thomas, the amortization is the
3 last page before your tab six.

4 COMMISSIONER THOMAS: So I said a whole lot there. What
5 are we going to do to make --

6 EXECUTIVE DIRECTOR BROWN: The two issues you brought up,
7 the amount of money concerning the streetscape, and even a
8 comment that Mr. Ward made about utility budget, in
9 conversations with the city we do realize that there is some
10 potential additional funding from utilities, storm water
11 management, and all those items will get reconciled.

12 We do want to create a very vibrant looking Broadway.
13 Today most buildings sit just about at the curb. If one person
14 is walking north and another person walking south, you almost
15 have to turn catty-corner to keep from bumping shoulders. So we
16 do not have a very pedestrian friendly, inviting business
17 Broadway corridor.

18 In the end, whether we can afford to bury utility lines,
19 that would not be a Florida Department of Transportation
20 responsibility, nor is it an FP&L responsibility.

21 There are aesthetic benefits. There are additional
22 benefits in the event of a major hurricane and major winds that
23 could blow down lines. So there are aesthetic benefits and
24 safety benefits.

25 We'll bring a recommendation to this board. If you feel

1 that the costs outweigh the benefits, then you can have us
2 redirect.

3 The issue on Riviera Beach Heights: As we reported to you
4 before, these are the items, particularly Riviera Beach Heights,
5 represent the things that are in our control. We plan to tackle
6 Riviera Beach Heights and look at the charrette that was done
7 nearly two years ago as one of our highest priorities, validate
8 the amount and other things.

9 There's flexibility among members of the board in terms of
10 what we tackle first, and the magnitude of the amount that you
11 wish to invest relative to the benefits.

12 COMMISSIONER THOMAS: I just want to make it public that
13 I'm serious about this. I'm just not saying this on the CRA's
14 side, I'm saying this on the city's side as well. That part of
15 our city has been neglected for years and years. So when we
16 have this type of money, of course I'm going to be saying, do we
17 have to spend that much money on it. I'm not trying to bleed
18 this loan totally dry, but I do want to make sure that that part
19 gets some real attention. I want Broadway to be beautiful; but
20 I also want the west side of town to be beautiful too. So if
21 anything can be moved around to get more money over into the
22 Riviera Beach Heights, I just would like to see it.

23 EXECUTIVE DIRECTOR BROWN: I believe that concern is shared
24 by your colleagues.

25 CHAIRPERSON DAVIS: Anything else from the board?

1 Okay. Call the question.

2 (Upon a roll call by CRA Administrative Director Hatcher, the
3 vote was unanimous and motion carried.)

4 CHAIRPERSON DAVIS: Item 6.

5 MR. HAYGOOD: A resolution of the Board of Commissioners of
6 the Riviera Beach Community Redevelopment Agency authorizing the
7 executive director to open bank services with BB&T to comply
8 with loan terms and that agency's RFP# 2011-02 for capital
9 development bonds.

10 CHAIRPERSON DAVIS: Is there a motion?

11 COMMISSIONER PARDO: So moved.

12 COMMISSIONER LOWE: Second.

13 CHAIRPERSON DAVIS: We have no cards on that.

14 Mr. Brown, do you have anything?

15 EXECUTIVE DIRECTOR BROWN: I do not.

16 CHAIRPERSON DAVIS: Call the question.

17 (Upon a roll call by CRA Administrative Director Hatcher, the
18 vote was unanimous and motion carried.)

19 CHAIRPERSON DAVIS: Public comments. Marie Davis, then
20 Cynthia Phillips, and Mike Mahoney.

21 MS. DAVIS: My name is Marie Davis; and I reside at 3001
22 Lake Drive in Riviera Beach.

23 I have a couple of concerns and questions. I understand
24 the City of Riviera Beach has about a 5 to 6 million dollar
25 shortfall this year in their budget. I also understand that

1 there are various commercial projects coming on line to be
2 paying taxes; and Florida Power & Light will be paying 7 or 8
3 million dollars a year in about two years. If it's going to
4 take two years to be shovel ready, why not use the money from
5 Florida Power & Light? We don't have to pay interest on it.

6 I know that you're trying to choose an architectural firm,
7 if you haven't already. With no concrete plan, and with the
8 ability to be flexible and redirect funds from the Marina
9 District, which includes I presume Newcomb Hall, how do you know
10 if you have enough money? And if you don't have enough money,
11 where are you going to get it? You're only going to be able to
12 get it through taxes.

13 And my concern is our national economy, our state economy,
14 and our city economy is underwater. We have a lot of
15 foreclosures in the City of Riviera Beach, as does other areas
16 of Palm Beach County. And if that continues, we aren't going to
17 have a lot on the tax rolls. And that's my big concern, is the
18 additional payment of taxes. Who's going to pay it? The rest
19 of us.

20 And why do we need to pay X number of dollars in interest,
21 when we can actually use our money to fund this project? And I
22 think it's prudent to do that.

23 I don't think it's prudent to go out and spend 25 million
24 dollars when you don't have a plan. Thank you.

25 MS. PHILLIPS: My name is Cynthia Phillips. I live at 34

1 East 21st Street.

2 I'm here to ask council tonight to show some
3 accountability. You guys have been up there since, what, 2000
4 now? Where is the performance? I haven't seen any.

5 And this stuff with the Broadway corridor, where you guys
6 are literally trying to take through eminent domain all over
7 again. You all are trying to do eminent domain all over again,
8 and the citizens don't even know it with this plan, this
9 so-called plan that you have.

10 You're not thinking about the lives and the people that
11 you're destroying right here in Riviera Beach. And the people
12 don't come to the council meetings, so they don't know.

13 I'm here to ask the council tonight to stick to its
14 comprehensive plan that it sent to the state of Florida.

15 You guys have made no provisions for residential property
16 over here where Viking and where Rybovich is.

17 And you keep saying that the Boathouse is in compliance.
18 Well, I talked to the state of Florida today, and he's not in
19 compliance. And you know he's not in compliance because you
20 received your letter saying that he's not in compliance from
21 your supervisor, Mr. Jevon White. Ms. Davis, you're looking
22 like you don't know what I'm talking about, that you don't know
23 Mr. Jevon White. Well, he is the supervisor of the storm water
24 management. So if you guys don't even know your employees, and
25 don't know what's going on, how could you approve a

1 comprehensive plan; and not have no -- you said you had public
2 input; but there was no public input. You even put in the paper
3 that there was public input. You snuck it in.

4 And the reason you snuck it in is because these boathouses
5 that you're trying to put in here is because you're trying to
6 get them in compliance.

7 You told the state of Florida, oh, it's going to be
8 harmonious, it's going to be sensitivity applied to the people.
9 I didn't see no sensitivity when the police came out and
10 arrested Mr. Reaves. I didn't see no sensitivity for the
11 Boathouse's store on our property. No sensitivity like you say
12 in your comprehensive plan that you amended.

13 So this is why I'm saying the city council should be
14 dismantled, because you guys don't know what's going on
15 apparently. You guys are just signing, yes, yes, yes. Stop
16 saying yes and read sometime.

17 COMMISSIONER THOMAS: I thought I saw Ms. Jones come in
18 here.

19 CHAIRPERSON DAVIS: She is back there.

20 COMMISSIONER THOMAS: Ms. Jones, at some point we have to
21 give the community the proper information as to what's going on.
22 I don't know what this young lady is speaking about. I know
23 that she came at the last meeting and we asked you to talk with
24 her about whatever issue it is.

25 Can you please give us some feedback on what this citizen

1 is speaking about?

2 MS. JONES: I have not seen the letter from Mr. White as it
3 relates to storm water.

4 If you will recall, when we sent forward the comprehensive
5 plan -- now it must be understood there is a distinction between
6 the comprehensive plan and the CRA redevelopment plan, they're
7 very different documents. They should be companion to one
8 another, but they are very different documents.

9 Staff has met with individuals involved in this particular
10 situation, and as --

11 COMMISSIONER THOMAS: Was Ms. Reaves one of the people that
12 you met with?

13 MS. JONES: I know that Mr. Reaves was present in the
14 mediation. I am not sure whether Ms. Phillips was present in
15 the mediation.

16 MS. PHILLIPS: Can I please retract?

17 CHAIRPERSON DAVIS: No, ma'am.

18 MS. PHILLIPS: It's not fair. She's not telling the truth.

19 CHAIRPERSON DAVIS: You are out of order.

20 MS. PHILLIPS: I apologize. Please let me retract though.

21 MS. JONES: When you sat down with the department staff,
22 you asked us to sit and to meet with them.

23 The Community Redevelopment Agency staff met with them to
24 try to determine what were the issues. Staff went out; we
25 looked at the property to determine whether there had been any

1 violations as it related to the development that the Boathouse
2 was pursuing.

3 We did find out some things: Where the fence is, and whose
4 side it's really on, and where it ought to be. According to the
5 survey, it's on the Boathouse property.

6 So we did find out the information, attempted to try and
7 work with both parties to determine whether there was a
8 violation of any of the city's ordinances.

9 COMMISSIONER THOMAS: Was there any violations?

10 MS. JONES: No.

11 COMMISSIONER THOMAS: Because I don't want every meeting
12 for Ms. Reaves to come up and say that something is going on
13 that's actually not going on.

14 Have we produced in writing to her our findings of what she
15 was requesting? And if one of your staff members sent a letter
16 to her, that should have come through you; we should know this.

17 It's been too long that somebody comes here and just says
18 things that we don't know that are true or not. We make policy;
19 that side is under operation. We're not really supposed to know
20 all of that. We can't, you know. We are trying to be policy
21 makers. But when they bring it here, then it becomes an issue
22 for us. So I want you, as well as the citizens, to know what's
23 going on. And we're just trying to make policy. That's not a
24 policy issue.

25 MS. JONES: Yes, sir. And you are accurate.

1 We have been attempting to work with both sides, sitting
2 them down, putting up a wall, painting the wall, so things are
3 occurring, and they're taking place.

4 Unfortunately, if the decision is not one that an
5 individual is looking for, sometimes it takes them a while to
6 understand what actually has to take place, because they're not
7 hearing what they want to hear.

8 We are continuing to work on this issue, sir. And trust
9 me, this issue has not gone unattended from several individuals.
10 Even I personally was with Councilman Lowe and we went by the
11 property. It is being handled.

12 CHAIRPERSON DAVIS: And I'll add that I tried but sometimes
13 you don't say what people want to hear and it kind of makes the
14 situation worse; so I decided to let staff handle it.

15 EXECUTIVE DIRECTOR BROWN: Madam Chair, I think there is
16 only one issue I want to address, the statement from
17 Ms. Phillips about the money being used to acquire property
18 under eminent domain. I feel obligated to let you know that not
19 one dime of this money is being used to acquire property, not
20 one dime of this money is being used to improve any property
21 that was ever acquired under eminent domain.

22 MR. HAYGOOD: And for the record, CRAs don't have eminent
23 domain authority anymore.

24 COMMISSIONER LOWE: Can I say something? Upon visiting the
25 property, it does look like there was some encroachment by the

1 next door business. And that issue needs to be resolved. I
2 mean if you go on the property you'll see that the fence line is
3 dug up. And I see where the owner has a vehicle there, it
4 hasn't been moved.

5 CHAIRPERSON DAVIS: No, I think you missed that the fence
6 is actually encroaching on the Boathouse property.

7 COMMISSIONER LOWE: But what I'm saying is the way they did
8 it, if you come home one day and your truck is parked in a
9 certain area and then maybe two or three inches from it it's dug
10 up; and if a hard rain comes, and your truck can be in somebody
11 else's yard without you knowing it. You just need to be
12 notified. And it's a communication issue. It's about being
13 neighborly and one person not running over another person.
14 That's all we want to ensure, is that people get treated fairly
15 and folks don't get muscled out of their property, not by force
16 or indirectly, either by noise or smoke. You know, those type
17 of invasions. Which you have to take into account that those
18 are real issues, because they are next to a boat yard. And boat
19 houses and boat yards make noise. So I can see it from more
20 than one perspective. And I just wanted to make that note
21 because I did go out and personally visit.

22 CHAIRPERSON DAVIS: Mike Mahoney, and then Nora Mahoney.

23 MR. MAHONEY: Mike Mahoney, 2120 Broadway.

24 I'd like to just ask when that 25 million is allocated and
25 the city starts disbursing it that whatever BRIC gets, because

1 apparently you're going to use some of that money for the
2 facades and beautifications and things of that nature, because I
3 was a recipient and I got penalized because I'm in litigation
4 with the city, and I didn't think that was fair. But my point
5 is that up to that night you didn't have any criteria at all on
6 who got the money, who didn't get the money. And I went through
7 the proper procedure, and out of nowhere that money was taken
8 from me. So my point being is that there is, you know, there's
9 been other businesses in the city that have sued you guys over
10 the years; and I'm sure there will be more; and there's more
11 probably present right now that you may not know of. So I just
12 wanted to make sure that I wasn't just the one person that was
13 picked on with that and that it's done fairly across the board,
14 in case there are other businesses.

15 And my other problem that I've had, because I've been on
16 Broadway for a long time, I notice that a lot of these
17 businesses on Broadway have been boarded up; and it seems like
18 now, because you're going to get money, they're going to get
19 fixed up. And I won't agree with that. And I won't mention who
20 owns what. But you guys know who owns what on Broadway. Those
21 businesses have been sitting, blighted, and look like trash for
22 five or six, ten years, as long as they've owned it. And we've
23 always made a point to keep our business clean with other
24 people; and I've never gotten anything from you guys. Actually,
25 I've gotten money taken away.

1 So it kills me the way things work in the city. And
2 they're being awarded now because their property has been
3 sitting, boarded up and blighted, and now that there's money
4 available, they're taking advantage of it. So I just don't
5 think that's fair, to be honest with you.

6 And as far as this letter on the property from the
7 Department of Environmental Protection, you guys know I'm
8 involved in that also, and there is a letter circulating. So
9 for the city manager to say she didn't see it, I don't
10 understand that. How can she come up here and comment on
11 anything? Because that letter clearly states that the Boathouse
12 is not operating under correct state regulations. Not city
13 regulations. State. And state supersedes city. So you need to
14 tell your city manager to look into that further before she
15 comes up here and makes any comments.

16 MS. MAHONEY: Good evening. Nora Mahoney, 2120 Broadway.

17 25 million dollars and \$576,000 is a lot of money. When
18 you're talking about 1 million, that's different. When you're
19 talking about 25 with 4.99 interest from the bank, this is money
20 that belongs to everybody here who is paying taxes; and extra
21 probably in the future. I think that this one needs to be taken
22 to referendum. What in the world? We're going to be paying for
23 25 million? Hello. Where are you coming from?

24 We are in an economical situation in crisis right now,
25 cutting pennies and cents in order to cover expenses. And

1 you're going to have a fall in your budget. You probably have
2 to lay off people from here. And the service here is going to
3 be short for everybody who pay taxes.

4 The other thing I want to tell you is about Riviera Beach
5 Heights. I think that they have a block grant a long time ago.
6 Where is the money? Why do we have to cover back again?

7 About FPL: 6 or 7 million dollars coming every year? Why
8 don't we use that money?

9 The parking garage they want to build I believe is also
10 sharing it with the port. Why doesn't the port bring some money
11 to the city and share it with you? Why do we have to cover the
12 whole expense?

13 This is really out of control. I think if you don't do
14 something about it, the people here living in this city are
15 going to be taking over and they're going to ask you many
16 questions; and you're going to be in big trouble.

17 The other thing, CRA director, Mr. Brown, what about the
18 statutes or the workshop for the people who at that time that we
19 have it at Newcomb Hall regarding the U.S. 1 corridor, with the
20 parking? You are talking about media, media, media, no parking,
21 no pedestrian friendly. Because we don't have no parking in
22 Broadway. We don't. The people have to park very far, and they
23 have to come back to every place that they need to come. Hello.
24 What are you going for? We are asking you for parking for how
25 long? You said that the parking issue was already addressed.

1 It is not addressed.

2 Do we have to talk to somebody over there in Tallahassee
3 and tell them what is going on here? You're not listening to
4 the people. CRA board, city council board, the same board, CRA
5 director. That's why we have a CRA director, because you are
6 the representative of the board to listen to the people and take
7 a different direction. And you are not doing anything about it.

8 So we are expecting it from you, to have a workshop for
9 that community, not the media, about the parking on Broadway.
10 And if you don't do that, something is going to happen.

11 CHAIRPERSON DAVIS: Gerald Ward, and then Ms. Hubbard.

12 MR. WARD: Gerald Ward, 31 West 20th Street.

13 We had at a workshop early in the week allegations by the
14 so-called city marina manager that we need to shut the dry stack
15 operations down. This is absolutely counterproductive to income
16 producing of the enterprise account and the centroid for the
17 CRA, that produces good people to come and use the facilities
18 within the CRA district.

19 The dry stack facilities are clearly part of your code,
20 Section 2107, and I'll give a copy to the staff for distribution
21 to you at a later date. But since Ms. Ward gives you a copy of
22 the code, you must know it by heart.

23 Dry stacks are part of the waterfront advisory board
24 charge. And it was apparently alleged we need to raise the
25 rates 50 percent. Well, how many rate increases have you had

1 all this century? You haven't had no problem raising the water
2 and sewage rates. And I think it's incumbent upon you to ask
3 questions. If he's saying he needs a big rate increase, why
4 hasn't he done so as part of his charge?

5 Ms. Jones, you need to ask these questions also.

6 The 50 million dollar bond issue, 5 million dollar grant
7 provides for repair and enhancement of these. We are now years
8 into this grant and not done what was promised to the county.

9 So we'll have on the 22nd of May at 9:30 in the morning, a
10 Tuesday, a discussion with the county commission over that same
11 issue of compliance with your agreements with Palm Beach County
12 over the 50 million dollar public access to public waters grant.

13 Process and procedure: You can't just vote next month on
14 doing this without holding necessary process and procedure
15 meetings; both waterfront advisory board and city planning board
16 would be required to do this.

17 The lady who mentioned the comp plan. Compliance with the
18 comp plan is something you need to ask for every time. The
19 staff report should always say a line that it is in compliance.
20 This board has to fully comply with the comprehensive plan, as
21 does any other entity of the city.

22 I guess lastly we need to ask why you didn't answer the
23 question about the Wachovia letter that you had to put on last
24 meeting. I will certainly ask it at the city level, because you
25 have a more important fiduciary responsibility there not to get

1 into a lawsuit unknowingly.

2 MR. HAYGOOD: To address Mr. Ward's question: Under the
3 Wachovia note there was a provision that allowed or provided
4 that the trust fund would be removed upon presentation of the
5 certificate. There was no action upon Wachovia to do anything.
6 So when the letter was sent to Wachovia, that gave you the
7 authority to do what you did earlier.

8 CHAIRPERSON DAVIS: Ms. Hubbard.

9 MS. HUBBARD: Lynn Hubbard, 1405 West 23rd Street.

10 In light of the fact that we are going to borrow the 25
11 million dollars, I would like to see that that work be done by
12 the residents and businesses of the City of Riviera Beach. We
13 always say we want to give businesses opportunities in Riviera
14 Beach. This is one time where we can't hide behind the state
15 law or the federal law and say we cannot just make it local
16 preferences. We can do that with this money, and make sure that
17 these works and these jobs and these projects are done by local
18 businesses. I would like to see that those funds would be used
19 by the businesses or residents of Riviera Beach.

20 Secondly, the dry storage is an opportunity for us to
21 generate revenue and to make money here in the City of Riviera
22 Beach. It's also an opportunity for us to keep the residents
23 that are employed down there working, as opposed to fixing or
24 laying them off at this time. There's no real reason for us to
25 do away with our dry storage here in the City of Riviera Beach.

1 One time we made up this big farce about it not being
2 engineer -- that the engineer said that it wasn't sound. That
3 didn't pan out to be true either. And we have the money to
4 update it, to bring it up to par. That was what we told the
5 county we would be doing with the money. We should do that.

6 If we're going to lay people off after closing down that
7 portion of the marina, I think that it would behoove us in this
8 economy to go ahead, spend the dollars that we do have, and
9 update the dry storage, keep the people of Riviera Beach
10 employed; and not to make we're going to borrow money, burden
11 the residents, and then lay some of them off. That really
12 doesn't pan out. I think this is an opportunity where we can do
13 both things. We already have the money. We don't have to use
14 the 25 million dollar monies to repair the dry storage. We have
15 funds that we can do that with now. And I don't think that
16 that's something we should be even considering, laying people
17 off by closing down the dry storage or just to do repairs down
18 at the marina or updates at the marina. Thank you.

19 EXECUTIVE DIRECTOR BROWN: Under comments I have two points
20 I would like to make, Madam Chair, members of the board.

21 First I would like to thank BB&T. When we drafted the RFP
22 in collaboration with the city, it was important to the city
23 that whatever the CRA was able to garner in the way of
24 financing, that it did not put the city at risk; that the city
25 was not guaranteeing or pledging any revenues.

1 We submitted the RFP. We didn't know what type of response
2 we'd get. We did know that what we were asking was not
3 customary for a CRA financing. So we are very thankful for BB&T
4 and their trust and belief in the growth and prosperity of our
5 city.

6 I just want to emphasize that this structure places no
7 budgetary risk on the city budget whatsoever. Our revenues are
8 not generated by any increase in taxes. We are not a taxing
9 authority. The revenue that's generated for the CRA comes as a
10 result of revenues created by new development, not by an
11 increase in taxes.

12 I think we have representatives from BB&T in the audience
13 and so we want to thank them for putting their balance sheet at
14 risk and for believing in the future of our great city.

15 The second thing is, on May 11th, at your next board
16 meeting, we will be presenting what we hope will be a
17 recommendation for the architect of record, who through a
18 competitive process around the design of Newcomb Hall that would
19 reflect as best the consensus and the vision of our community,
20 for both the size and the location of Newcomb Hall. We think
21 that will be an important milestone in the CRA's history. It
22 reflects the direction each of you have given me in terms of the
23 importance of Newcomb Hall, that it is the shining asset that is
24 the draw to our marina. We're hopeful that in this design
25 competition, that the two architectural firms understand the

1 importance of this asset to our community, to you. And you will
2 have a full presentation; and if all goes well, we'll have a
3 recommendation that will allow us to take what has been ideas
4 and concepts to put forth the real plan that you would direct us
5 to move forward to invest and to execute. The next meeting
6 should be exciting.

7 CHAIRPERSON DAVIS: Great. Anything from the board?

8 COMMISSIONER THOMAS: First thing I'd like to do is say,
9 Mr. Brown, you need to advertise more; utilize 18 in putting out
10 there what's actually going on in the CRA. I've been hearing a
11 lot of misinformation, you know, that they just really are just
12 unaware of what's going on. We need to utilize 18 so that the
13 information can get out there a little bit more.

14 Secondly, I heard Ms. Hubbard say something about the
15 workers from the local businesses, which you know this entire
16 board supports. Is there something we can do to close it off to
17 Riviera Beach? If not, let's state that. If we know that it
18 is, let's state that.

19 EXECUTIVE DIRECTOR BROWN: We will work very closely with
20 the city's procurement department and follow the legal
21 guidelines that we know that reflect your desire for local
22 preference. And Mr. Guy has indicated that he will hold our
23 hand and he will lead us through this process.

24 COMMISSIONER THOMAS: Just so I can have a yes or no answer
25 to this: Is it legal for us just to close it off to Riviera

1 Beach businesses? If it is, please state so.

2 MR. HAYGOOD: I have not researched the issue. I will talk
3 with Ms. Ryan and get back to you.

4 COMMISSIONER THOMAS: I really want that at the next
5 meeting. We want to help our businesses as much as possible,
6 but we also want to make sure we are in compliance with the law.
7 So if we can do it, I'm 100 percent behind it. But if we can't,
8 we need to put that out there and state what we need to do in
9 order to make this fly.

10 CHAIRPERSON DAVIS: Didn't we adopt the local boundary
11 piece on the city's side? But there was still -- because there
12 was so many points that we would give to the local. Mr. White,
13 go ahead.

14 MR. WHITE: Paul White, assistant city manager.

15 You are correct, the city has a local preference. However,
16 we cannot just simply close it off to Riviera Beach businesses.
17 There has to be a competitive process. It is legal to provide a
18 preference for local companies. So that's the answer, you can't
19 close it off.

20 COMMISSIONER THOMAS: What can we do to give our Riviera
21 Beach businesses the best opportunity at being able to do
22 business in the city?

23 MR. WHITE: The ordinance has a 10 percent preference for
24 local businesses at this time.

25 COMMISSIONER THOMAS: Can we make it 20, 30, 40, 50? What

1 can we do?

2 MR. WHITE: That is problematic. And what happened
3 previously when we had the preference for construction is other
4 companies stopped bidding. And we had one Riviera Beach company
5 that was winning bids that were really outside their expertise;
6 and so we had problems with that. Barracuda Bay, Lindsey Davis,
7 Avenue U, and some of our sidewalk projects, were all having
8 problems and we ended up having the bond pulled. So it was at
9 that point that we removed the 10 percent preference on
10 construction.

11 The amendment that will be coming forth from the
12 procurement office and amending, I want to say it's ordinance
13 2570, reinstates a preference on our construction. The balance
14 you have to reach is our fiduciary responsibility to provide
15 services at the best cost, while also supporting our local
16 businesses. So we think we've reached a nexus there; and that
17 will probably be before you next month, or the month after, in
18 terms of the amendment.

19 COMMISSIONER THOMAS: These are hard times for everyone.
20 We have a lot of construction going on around here. And if we
21 do a better job at getting our local construction companies, and
22 architectural firms, and accountants, or whatever, in on some of
23 these huge projects we're doing, then they can eventually get
24 the experience and be able to get the bonding to be able to
25 handle these on their own.

1 So what my goal is not to do anything illegal, not to put
2 the city at risk so that we have to pull bonds, but to make sure
3 the companies that are in the city, we can kind of help nurture
4 them in some way, some form, or some fashion, so that they can
5 eat in these times also.

6 I don't want this to fly up under the radar. I want to
7 know some clear facts so that the community can know the clear
8 facts. This is a time where I want the community to know every
9 step of the way what's going on, so no one thinks they're just
10 trying to give the money outside of the city. I want them to
11 understand what our role is as council members; and I want to
12 make sure that that is as transparent as it can possibly be.

13 CHAIRPERSON DAVIS: I also want to thank BB&T for assisting
14 us, in responding to our RFP for this loan. We are very excited
15 about moving forward. And thank you for being here this
16 evening.

17 Okay. Is there a motion to adjourn?

18 COMMISSIONER PARDO: So moved.

19 (Proceedings concluded at 7:38 p.m.)
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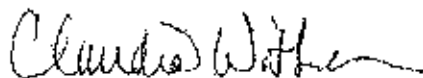
C E R T I F I C A T E

THE STATE OF FLORIDA

COUNTY OF PALM BEACH

I, Claudia Price Witters, Registered Professional Reporter, certify that I was authorized to and did report the foregoing proceedings at the time and place herein stated, and that the foregoing is a true and correct transcription of my stenotype notes taken during said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of May, 2011.



CLAUDIA PRICE WITTERS
Registered Professional Reporter

ADJOURNMENT

The meeting was adjourned at 7:38 P.M. The minutes were approved by the Board of Commissioners on _____.

Judy L. Davis, Chairperson

Executive Director Tony Brown

/cw
Florida Court Reporting