

TAB 1

Community Redevelopment Board
April 6, 2009 8:30 p.m.

CRA Board Members Present:

Shirley Bryant (Presiding Officer, Non-Member)
Tamara Cornwell
Mary Lancaster
Tambra Varnadore
Brian Williams
Alan Zirkelbach

Staff Present:

James R. Freeman, City Clerk
Mike Mayer, Deputy Chief of Police
Tanya Lukowiak, CRA Executive Director
Mark P. Barnebey, Kirk Pinkerton
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting of the Community Redevelopment Board (CRA) to order at 7:15 pm.

There was no public comment.

1. CRA BOARD AGENDA APPROVAL

The March 23, 2009 CRA Board minutes were added to the agenda.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the April 6, 2009 CRA Board agenda, with the addition of the March 23, 2009 minutes as item 1A.

1A. MARCH 23, 2009 MINUTES

Commissioner Lancaster stated she had requested a written ruling on the appropriateness of a non-member of a board acting as a presiding officer and she had never received it; therefore, she would not approve the minutes. Attorney Barnebey stated he would provide her a memo on the topic.

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 4-1 to approve the March 23, 2009 minutes. Mrs. Lancaster voted no.

2. APPROVAL: CRA BOARD RULES OF PROCEDURE

Mr. Freeman stated the item was on the agenda because Commissioner Williams requested further discussion. Commissioner Varnadore and Commissioner Williams agreed that the topic was meant to be discussed at the joint CRA Board/CRA Advisory Board meeting scheduled for April 14, 2009.

Commission suggested the following amendments to the Rules:

3.2 Amended to allow the Mayor to request duties to other members of the Board.

3.3 Add language to amend the second sentence so that in the absence of the Mayor and Vice Mayor, the presiding officer of the meeting shall become the senior board member.

4.1.1 The second sentence was deleted.

5.1 Amended by deleting "as Presiding Officer" and added "with the Mayor being the Presiding Officer."

5.1.1 Added "so" at the end of the first sentence. Deleted "which shall not be used to further argue in favor of or against the motion" from the second sentence.

Attorney Barnebey stated that since the Rules have been adopted at a prior meeting, he will make the revisions discussed and bring the document back to Commission at a subsequent meeting.

3. CRA DIRECTOR'S COMMENTS

The agenda is being prepared for the CRA Advisory Board meeting on April 14, 2009. A summary sheet for each "F" projects is being prepared for the CRA Board and CRA Advisory Board joint meeting April 14, 2009.

Discussion has been held with staff regarding mangrove trimming. She explained how the oral quotes were obtained and how a final oral quote was received after the agenda was published. A formalized written policy has been issued, whereby a written request will be issued to vendors and will stipulate a deadline for submitting a quote. Mr. Freeman explained the City's purchasing ordinance still allows staff to orally obtain quotes for items under \$10,000. Commission requested that the purchasing ordinance be moved forward to amend the parameters for obtaining oral quotes. Attorney Barnebey stated the local preference ordinance could be amended before public hearing to incorporate the policy as discussed.

Commissioner Varnadore requested an update of all current storefront grants. Mrs. Lukowiak stated she is in the process of gathering the information.

4. CRA BOARD MEMBERS' COMMENTS

Mrs. Lancaster

Referencing Mr. Smith's comments, Mrs. Lancaster stated that if Mr. Smith had an issued it should have been addressed to the letter's author rather than Commission. She stated she does not want to be accused of directing the NAACP. Inquired if there is going to be a scheduled meeting in Ward 1.

Ms. Cornwell

Requested that the CRA budget is established the same as the City budget. Discussion ensued, with Mr. Freeman and Mrs. Lukowiak explaining that the CRA budget is in the same format as the city budget, the only difference being the two "bucket" accounts that the CRA Board must review and prioritize. Mr. Freeman stated the monthly financial reports also contain a breakdown of the CRA budget. The CRA budget was added to the agenda of the joint meeting with the CRA Advisory Board April 14, 2009.

5. PRESIDING OFFICER'S COMMENTS

Requested permission to have the Compliance Audit be performed by Attorney Susan H. Churiti in an amount not to exceed \$20,000. Commission requested that the topic be placed on the April 14, 2009 agenda, with the scope of the audit services and budget funding information included.

Meeting adjourned at 9:45 pm.

Minutes approved:

James R. Freeman
City Clerk

Community Redevelopment Board
Community Redevelopment Advisory Board
Joint Meeting 7:00 p.m.
April 14, 2009, concluded April 20, 2009

CRA Board Members Present:

Shirley Bryant (Presiding Officer, Non-Member)
Tamara Cornwell
Mary Lancaster
Tambra Varnadore
Brian Williams
Alan Zirkelbach

CRA Advisory Board Members Present:

Charles Smith, Chair
Sia Mollanazar, Vice Chair
Nick Costides
Betty Ann Price
Tanya Lukowiak, CRA Director

Staff Present:

James R. Freeman, City Clerk
Mark P. Barnebey, Kirk Pinkerton
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the joint meeting of the Community Redevelopment Board (CRA) and CRA Advisory Board to order at 7:10 pm.

Public Comment: Allison Hewitt, CEDC, discussed the third quarter invoice presented to the CRA Advisory Board, which is unpaid, and the proposed next quarter invoice. The CRA Advisory Board tabled the item to its May meeting agenda. Ms. Hewitt voiced concern over the unpaid third quarter invoice and the fact the next invoice would then fall into the 4th quarter. She and Attorney Barnebey will review the contract. Mrs. Lancaster inquired if action is not taken by the CRA Board, if the program will cease.

1. CRA BOARD AND CRA ADVISORY BOARD AGENDA APPROVAL

The agenda was amended to switch item #2 to be considered first.

MOTION: Mr. Zirkelbach moved, Mr. Williams seconded and motion carried 5-0 to approve the April 14, 2009 joint CRA Board and CRA Advisory Board agenda as amended, with a time certain conclusion of 9:30 p.m. without motion.

2. PROJECT REVIEW AND PRIORITIZATION

Mrs. Lukowiak commented on the fact that if the first four projects are approved, funding of \$792,282 has been identified for the current fiscal year.

A detailed discussion of the projects commenced, with the main points of discussion as follows:

A. Riverside Drive and 8th Avenue Traffic Study

Traffic Study recommended the elimination of left turns onto 8th Ave. from Riverside Dr. and the elimination of traffic having the ability to cross over 8th Ave. from Riverside Dr.

- CRA will fund \$150,000 and MPO \$150,000 of the project
- Public Works proposes extending the left turn median onto Riverside Dr. by at least 140 feet and the addition of an additional center median to prevent crossover and left turn traffic movement
- Original FDOT application will be amended (originally right-in and right-out onto 8th Ave.)
- Need for a parking plan for Riverside Dr.
- Need to consider the traffic flow on Riverside Dr. and 10th Ave.
- Meeting with Manatee County to discuss an inter-connect with the County for use of City conduit to manage traffic congestion via the timing of traffic lights
- Adequate signage at the boat ramp to properly direct boat owners back to 8th Avenue

MOTION: CRA Advisory Board member Sia Mollanazar moved, Betty Price seconded and motion carried 4-0 to recommend approval of the project.

MOTION: CRA Board member Mary Lancaster moved, Allen Zirkelbach seconded and motion carried 5-0 to accept the CRA Advisory Board recommendation.

B. Haben Blvd. Gateway Project

Project consists of a roundabout at the 90° turn on Haben Blvd. and includes an outflow drainage project near the mobile home park, to Haben Blvd., through Riviera Dunes into the marina basin.

- Total project is estimated to be \$990,000; MPO funding awarded of \$367,000 (must use in the near future to avoid loss of grant funds); \$90,000 for construction in 2009 ; \$553,000 for construction in 2010; pursuing Stimulus Funding for the resurfacing of Haben Blvd. estimated at \$440,000, excluding the roundabout
- Engineering totaled \$167,300; \$23,000 in 2009 will complete the engineering that includes evaluation and design of the roundabout and the drainage (including the existing box culvert for drainage that is not planned for any type of alteration and the traffic pattern into and out of the roundabout)
- The resurfacing of the western 400-500 feet of Haben Blvd. at US 41 needs to be addressed this year because of the deterioration of the existing asphalt
- \$30,000 preliminary budget for landscaping; discussion of maintenance and irrigation of existing landscaping in the median of Haben Blvd.; additional landscaping grants being pursued by staff
- Potential financial responsibility of the relocation of utilities

MOTION: CRA Advisory Board member Sia Mollanazar moved, Betty Price seconded and motion carried 4-0 to recommend approval of the entire project.

MOTION: CRA Board member Mary Lancaster moved, Brian Williams seconded to accept the CRA Advisory Board recommendation.

Discussion: Mr. Zirkelbach recommended approving only the engineering of the project at this time and then seek bids for the project's construction and landscaping. Mrs. Varnadore concurred. Mr. Tusing suggested that if the construction funding is not going to be approved, the Board should consider approving the project in concept. This type of approval would enable him to report to the MPO that the City agrees the roundabout is an acceptable project for that segment of Haben Blvd. Mr. Smith and Mrs. Cornwell discussed the ability of the MPO to shift

grant allocations if a municipality does not appear committed to a project. Mayor Bryant discussed the possible allocation of unspent Stimulus Funds, stating she would rather see the approval of the engineering and revisit the project should additional Stimulus Funds be available. Mrs. Lukowiak commented on the fact that approval of the entire project only allocates the funds for the project; any construction funds for any project must be approved at the time a construction contract is awarded by the City Commission. Mr. Mollanazar explained that when he approved the entire project that would mean the completion of engineering and permitting, then the approval of construction contracts would be considered.

Motion on the floor carried 5-0.

C. 8th & 9th Street at 4th Avenue

Project consists of replacing an aluminum storm drain system in Ward 3, estimated at \$435,000. Mr. Tusing recommended getting new bids for the project. The CRA Board concurred with his recommendation. Mr. Mollanazar stated the previous CRA Board had approved the project, based on receipt of new bids.

D. Edenfield Property Site Assessment

Mrs. Lukowiak informed Commission that FDEP is requiring a revised site assessment and site plan based on its new rules. She stated the City will meet with FDEP to determine how much of the old data will be used for the revised assessment, but the City will have to provide the new report before any remediation or site closure can be considered. Mr. Tusing stated staff is seeking approval for the plan at a cost of \$22,240 and a site assessment estimated at a maximum of \$94,470. He confirmed that the City will have to develop a plan before moving forward in any way concerning the property.

Attorney Barnebey questioned if the CRA met the requirements in the Quit Claim Deed within the stipulated time frame, wherein in CRA was to submit a development plan to the City in 2004. Mrs. Lukowiak reported CRA had reported to the City once and again last year that CRA did not have the report from FDEP; therefore, a plan could not be submitted, and had Commission confirm the CRA would keep the property. Attorney Barnebey stated that if the requirements were not met, the property automatically reverted back to the City. If that is the case the City would have to transfer the property back to the CRA. Attorney Barnebey opined there may be a question if CRA can do anything at this time on this issue. Attorney Barnebey agreed with Mrs. Lukowiak that the CRA could fund the project, but the ownership of the property must be confirmed.

Mr. Tusing requested that both the plan and the assessment be approved. He again confirmed both will be needed before the City can move forward. Mrs. Lukowiak stated that for budgeting purposes Commission should decide if they want to do both of the options.

MOTION: CRA Advisory Board member Betty Ann Price moved, Nick Costides seconded and motion carried 4-0 to recommend approval of Phase I and Phase II cost estimates be approved for the remediation of the Edenfield Property.

MOTION: CRA Board member Brian Williams moved, Tandra Varnadore seconded and motion carried 5-0 to approve the recommendation of the CRA Advisory Board to conduct the Site I, Site II assessment plan in an amount not to exceed \$116,710.

E. Affordable Housing Linkage Fee Study

Pursuant to Commission's instructions in 2008, staff was directed to investigate an impact fee for attainable housing in lieu of the mandatory period in the current attainable housing ordinance.

Commission discussion at that time determined it was not feasible to remain in a mandatory period. Ms. Cornwell requested research to determine how the City will address the imposed ordinance on developers and if the requirement could be lifted. There was also discussion of accepting a cash donation vs. increasing inventory. It was consensus of the CRA Board to return the item to the CRA Advisory Board for review.

F. Downtown Stormwater Vault

The Waterfront Plan developed a pedestrian friendly area, yet development requires parking and a retention pond on site. Mr. Zirkelbach stated the previous CRA Board looked at a centralized underground stormwater vault, with centralized parking over the vault, and had decided the project should be funded for engineering and a design concept. He opined that a parking plan for the downtown area should also be considered if the project is pursued, and funding should be considered. Mrs. Lukowiak confirmed that vault B had been removed for consideration because the study concluded upstream stormwater consideration was not necessary.

Discussion ensued on the Board's ability to discuss all the projects, given the time. Mr. Tusing stated the stormwater vault, 8th Ave. drainage project and 7th St. extension can be discussed at a subsequent meeting. The Rules and Procedures had been discussed by the CRA Board and approved at a prior meeting. It was consensus of the CRA Board to return the items, together with the storefront grant application and the grant application to the CRA Advisory Board for its review and recommendation. Mayor Bryant stated that at a minimum the CRA and CRA Advisory Board would meet on an annual basis, or more frequently if deemed necessary.

MOTION: Mr. Zirkelbach moved, Mr. Williams seconded and motion carried 5-0 to extend the meeting time to 10:00 pm.

G. CBI Property Use

Public comment on the CBI property was accepted from Cindy Jarvis and Mathew Mayo. Both individuals recommended that the CRA Board should study what type of business should be permitted in the downtown district. Ms. Jarvis stated she would like the CRA to sell the property. Mr. Mayo suggested bidding the property to the private community, with restrictions.

Mr. Williams stated he has had conversation with a gentleman who is interested in purchasing the CBI building. A proposal from the gentleman will be forthcoming. Mrs. Lukowiak and Mayor Bryant stated they have also received calls regarding the property. It was consensus of Commission to return the topic back to the CRA Advisory Board for evaluation and subsequent recommendation.

3. COMPLIANCE AUDIT

Mayor Bryant informed the Board that she is interviewing three individuals and will bring the topic to the next meeting. Attorney Barnebey suggested recessing the meeting to April 20, 2009, with the compliance audit topic as the only agenda item.

Mayor Bryant informed the Board she has requested that Mrs. Lukowiak compile a list of all the vacant properties in the City and the zones in which they are located, i.e. CRA, EZ, for a meeting with a core of business owners. Mrs. Lukowiak and Ms. DeLeon will be invited to attend the meeting when established and make presentations to the group.

MOTION: Mr. Zirkelbach moved, Ms. Cornwell seconded and motion carried 5-0 to recess the CRA meeting to 7:00 pm, or as soon thereafter as can be heard, on April 20, 2009.

CRA Advisory Board chair Charles Smith stated he and Mrs. Price will be working with Mrs. Lukowiak to develop the agenda and its delivery schedule.

Mayor Bryant recessed the meeting at 9:55 pm on April 14, 2009.

Mayor Bryant reconvened the April 14, 2009 CRA Board meeting on April 20, 2009 at 8:30 pm.

3. COMPLIANCE AUDIT

Mayor Bryant read a definition of a compliance audit. She stated the audit will review of all applicable state, federal and local guidelines. She proposed the audit for the Palmetto CRA to begin January 1, 2001 through January 1, 2009. The audit will encompass CRA grants awarded and paid, projects approved and any litigation initiated on the CRA's behalf.

Mayor Bryant stated she had identified Allison Yurko (withdrew), Richard E. Davis at \$250 per hour and Susan P. Churiti at \$265 per hour. Mayor Bryant recommended retaining the services of Susan P. Churiti, in an amount not to exceed \$10,000 without prior written approval.

Mrs. Lancaster referred to Resolution No. 97-11, which established competitive auditor selection procedures, and inquired if a compliance audit is different. Attorney Barnebey confirmed that even though a portion of the resolution applies to a financial audit of the CRA, it does not apply to the proposed compliance audit.

Discussion ensued on the applicants. Attorney Barnebey confirmed that the ethics violation against Ms. Churiti had been dismissed because no probable cause was found. He also opined both individuals are very strong candidates; he would be comfortable retaining either individual given the nature of the audit; an attorney is more qualified given the scope; and agreed he would also seek a professional outside the area. Mrs. Lancaster requested a copy of the document excusing the charges against Ms. Churiti.

Mr. Freeman and Mrs. Lukowiak discussed possible funding sources for the audit. They also discussed how the monthly legal fee is prorated between the City and CAR. Mr. Freeman explained the allocation as a portion of the fixed annual fee of \$212,000; Finance determined the monthly percentage rate applied to CRA.

Mr. Zirkelbach, as a member of the prior CRA Board, suggested that any action approved by the CRA based on attorney opinion should be considered by the attorney undertaking the audit. He opined that the members of the prior board feel the audit "is fine", but when tapes are not available, the audit should end at that point in time. Attorney Barnebey stated the Board has a defense when relying on legal comments in any action taken.

Mrs. Lancaster stated rules should be developed to address when a project or property is partially in the CRA District. Mayor Bryant stated the property appraiser's office is preparing a map that contains the property identification numbers. Mrs. Lukowiak stated problems have arisen because the original map delineating the CRA District doesn't always match the property identification numbers.

Referring to Mr. Zirkelbach's comments, Mrs. Lukowiak stated she, as well as some of the Board members she has spoken with, favors an auditor who is held to state standards because of the financial issues. She stated she seeks an "unbiased, quantitative measure that will put the CRA Board where it should be and determine how we should be progressing."

Mr. Zirkelbach inquired if the attorney is being given the ability to hire an auditor, if necessary. Attorney Barnebey confirmed the \$10,000 would include a broad review of all actions, perhaps

with a focus placed on issues that have been raised, and would include the hiring of outside professionals.

MOTION: Ms. Varnadore moved, Mr. Williams seconded and motion carried 4-1 to authorize the Mayor to execute and agreement with Susan P. Churiti, not to exceed \$10,000. Mrs. Lancaster voted no.

Meeting adjourned at 9:00 pm on April 20, 2009.

Minutes approved:

James R. Freeman
City Clerk