

MINUTES OF THE REGULAR MEETING
BOCA RATON COMMUNITY REDEVELOPMENT AGENCY
MONDAY, MARCH 24, 2008
*1:30 P.M.

*The Regular Meeting of the Boca Raton Community Redevelopment Agency was called to order by Chairman Baronoff at approximately 3:05 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Chairman Peter R. Baronoff
Vice Chairman M.J. Mike Arts
Commissioner Steven L. Abrams
Commissioner Bill Hager
Commissioner Susan Whelchel

Also attending the meeting were:

Boca Raton City Manager Leif J. Ahnell
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 25, 2008

Motion was made by Commissioner Whelchel, seconded by Commissioner Hager, to approve the minutes as presented. Motion carried unanimously on a voice vote; Chairman Baronoff, Vice Chairman Arts, Commissioners Abrams, Hager and Whelchel voting yes.

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

There were no items for consideration.

PUBLIC REQUESTS:

No one came forward to speak.

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

1. Resolution No. 2008-02-CRA

A resolution of the Boca Raton Community Redevelopment Agency establishing an interim cost recovery program for urban design reviews of proposed projects and Individual Development Approvals; providing for severability; providing for repealer; and providing an effective date

Ruby Childers, Manager of Administrative Services for Development Services, referred to the Downtown Master Plan Update, which was reviewed by Council in August 2007. She stated that the update included necessary urban design guidelines to steer future development in the downtown. Noting that urban design review is essential to ensure conformity with established guidelines, Ms. Childers advised that the consultant who worked on the Downtown Master Plan Update, Urban Design Associates, was available to provide the needed reviews. Passage of the above resolution would authorize an interim cost recovery system for these reviews until such time as a detailed cost recovery program could be established.

Specifically, this interim cost recovery program would provide establishment of a project account, including minimum balances, supplemental deposits, refunds, and account closures; timeframes for review and analysis; 30 days for an initial report from the consultant; and 10 days after the initial report, completion of a final planning report. Ms. Childers concluded her presentation by advising that 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 Hager, to adopt Resolution No. 2008-03-CRA. Motion carried unanimously; Chairman Baronoff, Vice Chairman Arts, Commissioners Abrams, Hager and Whelchel voting yes.

2. Resolution No. 2008-03-CRA

A resolution of the Boca Raton Community Redevelopment Agency establishing a consolidated Application Review Fee Schedule; repealing Resolutions 2001-18-CRA and 2005-04-CRA regarding application review fees and the DDRI Cost Recovery Fee respectively; providing for severability; providing for repealer; providing an effective date

Ruby Childers, Manager of Administrative Services for Development Services, advised that in concurrence with Resolution No. 2008-02-CRA, which was just passed, new fees for urban design review needed to be added to the current application review fees. Ms. Childers briefly reviewed these fees, which included an initial deposit based on the size of the building proposed; supplemental deposits, as required should the project account balance fall below a certain amount; and payment of application processing fees and advertising fees, in addition to the consultant fees, to defray additional costs; details were provided. Ms. Childers advised that an assessment of the application fees was conducted to ensure that the fees were appropriate and not duplicative of the cost recovery charges for consultant review services.

Lastly, it was noted that the above resolution would repeal Resolution No. 2001-18-CRA and 2005-05-CRA, which related to previous application review fees; add charges for urban design review; and establish a consolidated Application Review Fee Schedule. Ms. Childers then concluded her presentation and answered questions from the Agency regarding staff application review cost; the City Attorney then drew attention to Page 2 of the resolution and provided additional information as to the individuals performing the reviews.

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

Motion was made by Commissioner Hager, seconded by Commissioner Abrams, to adopt Resolution No. 2008-03-CRA. Motion carried unanimously; Chairman Baronoff, Vice Chairman Arts, Commissioners Abrams, Hager and Whelchel voting yes.

3. Resolution No. 2008-04-CRA

A resolution of the Boca Raton Community Redevelopment Agency authorizing the Chairman to execute a non-disturbance and attornment agreement with Tavistock Restaurants II, LLC related to the lease between the Agency and the Mizner Park Cultural Arts Association; providing for severability; providing for repealer; providing an effective date

Development Services Director Jorge Camejo gave the presentation, explaining that Tavistock Restaurant is a subtenant of Mizner Park V, which is a subtenant of the Mizner Park Cultural Arts Association (MPCAA), which is a lessee of the CRA. He advised that this agreement protects the investment of the Tavistock group and is similar to those agreements the CRA made in the past with Jacobsons, AMC Movie Cinema, Ruby Tuesday's, and other significant tenants in Mizner Park. Essentially, the document spells out what would occur should there be a default by Mizner Park V or MPCAA and basically allow Tavistock to cure those defaults, protect its investment, and continue restaurant operations as though a default had not occurred. Staff reviewed the agreement, as did the City Attorney's Office and outside counsel, and recommended approval of same as submitted. Mr.

Camejo and Ms. Frieser then provided additional information to the Agency, as requested, in regard to the language in the agreement, possible default scenarios, and the CRA's legal authority in terms of the agreement.

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

Motion was made by Commissioner Whelchel, seconded by Commissioner Hager, to adopt Resolution No. 2008-03-CRA. Motion carried unanimously; Chairman Baronoff, Vice Chairman Arts, Commissioners Abrams, Hager and Whelchel voting yes.

OTHER BUSINESS:

There were no items for consideration.

DIRECTOR'S REPORT:

Development Services Director Jorge Camejo gave an update on the cartoon museum building, indicating that GGP (General Growth Properties) anticipated having a Certificate of Completion on the structural shell by the end of the month. Work on the street separating Mizner Park Cultural Arts Association (MPCAA) from the movie theater is expected to begin this week; work on the TV studio would also begin shortly, pending completion of fire alarm and sprinkler installation. He noted that space had been turned over to the bookstore and, subject to minor punch list items, the bookstore's interior improvements were ready to commence. In addition, the restaurant space for ZED 451 (Tavistock) had also been turned over, and work on MPCAA space was ongoing.

Mr. Camejo advised that staff was working with Palm Beach County (PBC) on enhancement of the black box theater, which is part of the second floor. He added that the Chairman of the MPCAA would provide an agreement to PBC, addressing the flow of funds in the amount of \$1.2 million that the County is expected to provide for the black box theater; a draft of same was anticipated soon.

Mr. Camejo also reported that landscaping was currently underway; however, there was some frustration in connection with the easement maintenance agreement with the Department of Transportation (DOT); basically, DOT wants a reconsideration of the agreement that was previously approved by the CRA. He advised that Bob George, the City's Special Projects Director, was working on this matter, which just came up last week. Specifically, this issue is related to eight oak trees planted along Federal Highway and the DOT's requirements in terms of allowing that type of planting. Mr. Camejo concluded his comments by advising that he toured the facility with Palm Beach County Commissioner Mary McCarty, who appeared to be impressed with the facility; an invitation was extended to Agency members who wished to tour same.

ATTORNEY'S REPORT:

The City Attorney had nothing to report at this time.

COMMISSIONERS' REPORTS:

Commissioner Whelchel provided positive commentary related to the Festival of the Arts, indicating that everything was well attended and jam-packed for 17 days; Council Member Hager concurred.

Vice Chairman Arts thanked Chairman Baronoff for all his efforts on behalf of the CRA and then commended Mayor Abrams for a job well done. He concluded his comments by asking the City Manager which of the Tavistock restaurants would be taking up residence in Mizner Park. Mr. Ahnell advised that ZED 451 was proposed.

Chairman Baronoff extended compliments to the Boca Raton Historical Society in relation to the Boca Bacchanal; details were provided. He then advised that the Festival of the Arts was already being planned for 2009.

ADJOURNMENT:

Motion was made by Commissioner Hager, seconded by Vice Chairman Arts, to adjourn the meeting. Motion carried unanimously on a voice vote; Chairman Baronoff, Vice Chairman Arts, Commissioners Abrams, Hager and Whelchel voting yes.

The regular meeting of the Boca Raton Community Redevelopment Agency adjourned at approximately 3:26 p.m., Monday, March 24, 2008.

M.J. Mike Arts, Chairman

ATTEST:

Sharma Hagerty, City Clerk