

**WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY
1280 N. CONGRESS AVE., SUITE 215, WEST PALM BEACH, FL. 33409
MINUTES OF THE MONTHLY MEETING**

February 08, 2021

I. CALL TO ORDER (IN PERSON MEETING BROADCASTED ON ZOOM PLATFORM)

Mr. Daniels, the Board Chair, called the meeting to order at 5:08p.m. The roll was called by Ms. Bui.

Present: Ronald Daniels
Joanne Ruffy
Yeraldi Benitez
Ruth Haggerty

Absent: Enol Gilles
Joseph Kirby
Ralph Lewis

Staff Present: Elizée Michel, Executive Director
Denise Pennell, Senior Planner
Carmen Geraine, Bookkeeper
Mai Bui, Administrative Assistant
Thomas J. Baird, Esq., General Counsel (Virtually Via Zoom)

Others Present: Dorritt Miller, Assistant County Administrator, Deputy George Gomez, Deputy Adam Robinson, Keith Jackson, PE, Engenuity Group, CRA Engineer (All Virtually Via Zoom)

II. AGENDA APPROVAL

1. Additions, Deletions, Substitutions to Agenda

- No Additions, Deletions, or Substitutions

2. Adoption of Agenda

- It was moved by Ms. Ruffy and seconded by Ms. Haggerty to adopt the Agenda as amended. Motion carried (4-0)

III. ADOPTION OF W/BH CRA MINUTES

- It was moved by Ms. Haggerty and seconded by Ms. Ruffy to adopt the minutes of the January 11, 2021 meeting. Motion carried (4-0)

IV. PUBLIC COMMENT

- PBSO Deputy Gomez and Deputy Robinson gave a brief report to the Board about police activities in the Westgate CRA area for the previous month.

V. DISCLOSURES

- No disclosures

VI. CONSENT AGENDA

- 1. Approval of Loan Forgiveness of COVID-19 Small Business Emergency Relief Forgivable Loan Program for Alternative Automotive Services, LLC**
- 2. Approval of Loan Forgiveness of COVID-19 Small Business Emergency Relief Forgivable Loan Program for Generation One Inc. d/b/a Advanced Vision**
- 3. Approval of Loan Forgiveness of COVID-19 Small Business Emergency Relief Forgivable Loan Program for Tender Love & Care C.D.C.**

It was moved by Ms. Rufty and seconded by Ms. Haggerty to approve consent agenda. The motion passed unanimously (4-0)

VII. REGULAR AGENDA

1. Approval of Agreement with the Danza Group

The agenda was presented by Mr. Michel. On October 5, 2020, the CRA Board approved a request to extend the Option Agreement negotiated with the Danza Group in 2018 to redevelop the site the CRA owns on Westgate Avenue and Seminole Boulevard based on a Request for Qualification (RFQ) issued by the CRA in 2018. The Agreement will allow the Danza Group to acquire the five parcels owned by the CRA at the southeast corner of Seminole and Westgate, in accordance with the following terms.

The Danza Group shall pay an option fee of \$1,000 when signing the Agreement.

After signing the Agreement, the Group has up to one year to purchase the properties from the CRA.

Prior to purchasing the properties, Danza shall demonstrate that the Group has proof of financing sufficient to acquire and redevelop the properties. Danza shall also obtain all approvals and entitlements from Palm Beach County and land development regulators necessary to complete the project.

The purchase price shall be \$400,000.00 as offered in the 2018 RFQ response.

Danza shall have a period of two years from the closing date to substantially complete construction of the project.

It's been suggested that the reverter clause be removed from the original agreement because it will make it almost impossible for the Group to obtain financing.

Mr. Baird, WCRA's attorney presented to the Board that the option agreement was included with a \$40k deposit, which is 10% of the contract, a non-refundable deposit. There is still the one-year extension possible on exercising it to give Danza Group a year to obtain all their approval, including an amendment to the comprehensive plan. Mr. Baird also stated that the reverter clause was going to make it difficult for the developer to obtain financing for the project even though the Board may feel that the property should not be tied up because others may be interested in developing it, but most banks and most lenders won't lend money without a collateral. If the property is encumbered by a reverter clause. The bank won't have any recourse in the case of a default. There is a liquidated damage provision on page 7 which takes the place of the reverter clause. The insurance bond can be used to complete the project if Danza is not able to finish.

Mr. Michel stated that Danza had contacted him and indicated they agreed with the terms of the option agreement.

Staff recommended that the Board authorizes the Chair to execute the Agreement with the Danza Group.

It was moved by Ms. Haggerty and seconded by Ms. Benitez to execute the agreement with the Danza Group. The motion passed unanimously (4-0)

2. Approval of Inter Local Agreement with Palm Beach County for the design and Construction of Streetscape on Seminole Blvd. from Oswego Ave. to Okeechobee Blvd.

The agenda was presented by Mr. Michel. The CRA has received a grant to install 10-12 feet multiuse paths and pedestrian scale streetlights on Seminole Blvd. between Oswego Ave and Okeechobee Blvd. The grant is provided by the Florida Department of Transportation (FDOT) through the Palm Beach County Transportation Planning Agency. FDOT requires that the grant be administered by Palm Beach County which is the appropriate Local Agency Program (LAP) certified to implement FDOT projects.

The County has executed an Agreement with FDOT to implement the project.

The County reserves the right to modify the project for future improvement before the expiration of the useful life of the project. In such case, the County expects the CRA to

support reconfiguration and relocation of the project from the County's right-of-way; and reimburse the County if the County is required to repay or return any funds expended for the project.

The County agrees to design and construct the multiuse paths, streetlights, and landscaping per the approved design section in the grant application.

The County agrees to enter into a LAP Agreement with FDOT. The County agrees to hire design consultant to produce plans, acquire necessary permits, and prepare required LAP documentation for FDOT.

The County will prepare bid documents and contract for construction of the Project, including overseeing the bidding process, and contract finalization. The County will hire Construction Engineering and Inspection (CEI) or use in-house staff to administer contract for construction of the Project as required by LAP. This includes engineering coordination.

The CRA is responsible to forward all grant requirements and conditions received from FDOT to the County, forward all background information received for the project to the County, provide specific guidance and information regarding the project scope, perform all public coordination and address all public information request regarding the project.

The CRA is responsible to provide funding for the project before a contractor is selected. The CRA shall be responsible to pay for all costs associated with the projects.

The CRA will also be responsible to maintain the project after it is completed.

Palm Beach County plans to use Mock Roos for Civil Engineering and Project Management, Hillers Electrical Engineering for Electrical Engineering, Brown & Phillips for Land Surveying and Janus Research for Cultural Resource Assessment. The County is requesting \$150,000 for design and administration fees.

Staff recommended that the Board authorizes the Board Chair to execute the Agreement with the County for the Seminole Blvd. project and authorizes a prepayment of \$150,000.

Ms. Haggerty asked what is the estimated total cost of the design?

Mr. Daniels asked what is total grant?

Mr. Michel responded that the grant amount is about a million, DOT is not going paying for design.

Ms. Pennell stated that the grant covers certain parts of constructions and some percentage of the landscaping. Design and administration will be covered by the WCRA.

Mr. Michel stated that WCRA is responsible for the design, some landscaping and everything else that FDOT does not cover.

Mr. Daniels asked if we have a budget set up for the construction of the project?

Mr. Michel added that once the project is approved, we have three years to construct it. Every year when we do the budget we need to include funding in the annual for the TPA project.

Mr. Daniels said we have to keep track and keep a budget on the side for the TPA projects.

Mr. Michel stated that the construction cost will be approximately \$1 million. The design, the administration and Construction Engineering and Inspection (CEI) will not be covered by FDOT. The total of those costs is estimated at \$600,000 for a total project cost of \$1.6 million.

Mr. Daniels said it will roughly cost \$600k in three years.

Mr. Michel stated that he hopes WCRA will not need the total amount. A higher contingency amount is included to make the County more comfortable.

It was moved by Ms. Rufty and seconded by Ms. Haggerty to execute the Inter local agreement. The motion passed unanimously (4-0)

VIII. STAFF REPORTS

Mr. Michel reported to the Board that, WCRA staff has met with the County's design engineer about the Westgate Ave. Streetscape Project. Staff and County engineer discussed on street parking, number of driveways, street lighting and landscaping. Construction is scheduled to start on July 2022.

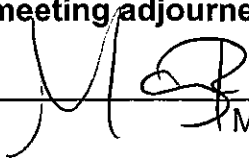
Mr. Michel reported to the Board that the Belvedere Heights drainage and FDOT project is moving forward.

Mr. Michel reported that, to address last month's resident concerns about neighborhood clean-up, two groups were hired to pick up trash dump in various areas in the CRA. We will do this kind of sweep once a month. Also, the fence is being repaired. A contract is being negotiated for a major improvement of the Babbling Brook. We have been recommended to do that at least every six months.

Mr. Michel reported to the Board that the auditors will be coming to the next month board meeting.

IX. AJOURNMENT

**It was moved by Ms. Ruffy and seconded by Ms. Haggerty to adjourn the meeting.
The meeting adjourned at 5:41p.m.**


_____ Administrative Assistant, Westgate CRA
Mai Bui