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Haldeman Creek MSTU

Agenda item 4,a– April 3, 2018 meeting minutes

**BAYSHORE/GATEWAY TRIANGLE COMMUNITY REDEVELOPMENT LOCAL
ADVISORY BOARD MINUTES OF THE APRIL 3, 2018 MEETING**

The meeting of the Bayshore/Gateway Triangle Community Redevelopment Advisory Board was called to order by Chairman, Maurice Gutierrez at 6:03 p.m. at the CRA Office, 3750 Bayshore Drive, Unit 102, Naples, FL 34112

- I. **Roll Call:** Advisory Board Members Present: Maurice Gutierrez, Karen Beatty, Mike Sherman, Steve Main, Shane Shadis and Peter Dvorak. Excused Absence: Larry Ingram. Absent: Ron Kezeske.
CRA Staff Present: Shirley Garcia, Operations Coordinator, CRA; Tami Scott, Senior Project Mgr.; and Debrah Forester, CRA Director; Naomi Hutcheson, Administrative Assistant; Tim Durham, Executive Director of Corp Business Ops.
- II. **Pledge of Allegiance:** The Pledge of Allegiance was led by Chairman Gutierrez
- III. **Adoption of Agenda:** Debrah Forester requested that the two murals on the Agenda for review, items 6(d) and 6(e), be moved forward due to the number of attendants at the meeting for those particular items. She also requested the addition of a Draft Letter for the Community Redevelopment Agency's (CRA) Advisory Board to review under Agenda item VII. New Business. Peter Dvorak, Vice Chair, made a motion accept Amended Agenda wherein the Mural Issue will be addressed before the Community Presentation and to add the Draft Letter under New Business. Second by Karen Beatty. Passed Unanimously.
- IV. **Adoption of Minutes:** Peter Dvorak, made a motion to accept March Minutes as is. Second by Karen Beatty. Passed Unanimously.
- V. **Murals:**
 - A. **BCC Mural Recap:** Maurice Gutierrez, Chairman, gave a brief recap on the mural discussion that occurred during the joint meeting between the CRA and the Board of County Commissioners (BCC) on April 3rd, 2018 at 1:00pm. Both Boards are in accordance that until a firmly established process is in place for Public Art in the Bayshore/Gateway Triangle Redevelopment Area, no further applications will be accepted. The two current murals may remain intact as is. The Boards are comfortable with the murals despite contentious issues revolving around them. They ask only a formality of paperwork to resolve the issue. Debrah reinforced this by stating the information she garnered from the Code Enforcement Office after the joint BCC/CRA meeting. All



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Bayshore Gateway Triangle CRA • Bayshore Beautification MSTU
Haldeman Creek MSTU

future and current mural projects have been put on hold until an official process is established. No new code cases will be established on the current murals. The CRA Board has the right to either put the current code cases on hold until such a time that an appropriate process is established, or they can vote to keep the murals as they currently are and close the code cases. Eric Short from Code Enforcement reiterated that the Code Department could close the cases without any additional work from the property owners by voting to keep the murals as is, and submitting the meeting minutes to the Code Enforcement Office. If the CRA does not want to keep the murals as they currently are, they can vote to put the code cases on hold.

- B. Future Applications:** Peter Dvorak made a motion to recognize no additional applications for murals be accepted until formal standards have been set. Second by Mike Sherman. Passed Unanimously.
- C. Mural Review-Jaron Fine Jewelry, 3784 Bayshore Drive:** Peter Dvorak made a motion to approve the Jaron building mural at 3784 Bayshore Drive as is. Second by Steve Main. Passed Unanimously.
- D. Mural Review—Diane Sullivan, 3248 Bayshore Drive:** Peter Dvorak made a motion to approve the Diane Sullivan building Mural at 3248 Bayshore Drive as is. Second by Steve Main. Passed Unanimously.

VI. Community/ Business Presentations:

- A. Mini Triangle-Presentation by Bob Mulhere, FAICP Hole Montes:** Debrah Forester introduced Bob Mulhere from Hole Montes, who did a PowerPoint presentation on the proposed development and the revisions to the rezoning application since he presented in November. Based on comments received, the developer has been asked to revision the mix of uses and eliminate the proposed matrix. They will be presenting at the April 5th Planning Commission and the May 8th BCC meeting. They are currently on schedule to close in late 2018. The presentation included the basics of how the conversion matrix worked using trips generated by uses in tandem with the Collier County Department of Transportation's (DOT) formulas to calculate PM Peak Hour Trips. The presentation included charts indicating minimums and maximums of unit type allowances in relation to estimated vehicular traffic projections as well as an overview of project design, information on the negotiations with the Naples Airport in relation to building height (projected final height 168ft), and multiple conceptual images. The contract for the parcel was finalized in 2016, the CRA gave their unanimous support in November 2017, and they have met with the CCPC on February 15th, March 1st, and will again on April 5th, 2018. It goes before the BCC on May 8th, 2018.

Debrah Forester asked the CRA Board to consider a recommendation on the proposed changes made to the plans since the November 2017 meeting. Peter Dvorak made a motion to support the Mini Triangle as presented with the



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Haldeman Creek MSTU

changes adopted since the November meeting. Second by Steve Main. Passed Unanimously.

VII. Old Business:

- A. **Vacant Lots:** Debrah Forester gave a quick refresher on the Vacant Lot issue with Lend Equity—represented by William Rose—and the Love & Legacy Lots (Previously being handled by Cal Montenegro). Jennifer Belpedio in the County Attorney's Office has been discussing the issue with Mr. Rose. Mr. Rose has been informed that the CRA did not approve the \$10k per lot offer previously presented. Staff provided a counter offer of \$10,000 plus a profit share of 6% of the sales price. Mr. Rose's attorney has reached out to Ms. Belpedio and said the profit share was unacceptable and then a suggestion of \$15k per lot was offered. Tim Durham reported that he had spoken briefly to Ms. Belpedio just prior to the meeting and the \$15,000 per lot appeared to be their final offer. Should the CRA accept the offer, details including the timeline would be established wherein Lend Equity would pay \$15k per lot for five lots immediately, with the additional lots divided into groupings to be paid in 6 month increments. Should they not complete construction as outlined, a penalty would be built into the terms. And if they didn't complete the first set as outlined, the terms of the proposal would be terminated. General disappointment amongst the CRA that neither Jennifer or Mr. Rose were in attendance. A community member, Justine, asked why they were not on the open market? Community Member Carla Corbin asked why the issue was not settled. Vice Chair Peter explained that the deeds were clearly drawn up with the CRA under BCC, which included a reverter clause. However suspect transactions have incurred a large legal mess. Peter personally advocates for an upfront settlement that allows the issue to be done. He would like to reject the \$15k offer, even if it is upfront, as that is less than the CRA paid to acquire the properties and the land is worth significantly more now. He believes that a counter offer should not be accepted unless it begins with a 2 or 3. Tim interjected that staff was eager to move towards closure and that the CRA is in a much stronger financial position now than when they sold the lots originally. Karen Beatty requested the CRA refrain from negotiations until the different parties can show up to a meeting. She also suggested enforcing the reverter clause and taking the property back. Mike Sherman feels the Board has been too lenient. That there was nothing written down to allow the transactions that happened with the deed and that the lending company does not have a case. The lots cannot be utilized as leverage. Steve Main would be willing to accept an upfront offer of \$50k-\$75k for each property. Discussion pursued and instead he presented a motion to assert the CRA's Rights and take the titles back, just like the deed states. Second by Karen Beatty. Passed Unanimously.



Creativity in Bloom

Bayshore Gateway Triangle CRA • Bayshore Beautification MSTU
Haldeman Creek MSTU

- B. 17 Acres-Staff Update:** Debrah Forester and Tim Durham provided an update on the project, stating they have been meeting weekly with Arno, who is very enthusiastic about the project. No additional proposals were received by the March 19th date. Additional due diligence regarding the financial commitment has taken place and Arno has decided to change financial partners. He is working with the new group to obtain the financial commitment needed and they are doing their own due diligence on the project. The committee discussed the opportunity of including the CRA office and public meeting rooms in the new development and requested including some language in the Purchase and Sale Agreement to include the CRA office. It was suggested the office be located in a commercial building and meetings held in the theater. Mr. Gutierrez inquired of the gathered public what their preference was in the location of the CRA office and monthly meetings. It was recommended to keep the CRA Office on Bayshore Drive, and future meetings could either be held in the coming theater or at the Naples Botanical Gardens. Steve was under the impression the office had been taken off the plans. Debrah Forester mentioned that Arno continues to work through the plan details that will be presented during the rezoning of the property but the terms should be the same as what was presented to the CRA Board in February 2018. Tim added that he is meeting weekly with Arno who is very enthusiastic about the project. The item is scheduled to go back to the CRAB on April 24th, 2018. Once all the preliminaries are finalized and approved the other financial party's name will be made available.
- C. Redevelopment Plan:** Debrah has sent out Save-The-Dates to the CRA Board members in regard to the April Redevelopment Plan meetings. Tami Scott, Sr. Project Manager, went over the current proposed schedule. Wednesday, April 25th, 2018 is an invitation only kick off meeting from 12:30 to 2:30 pm at the Naples Botanical Garden Conference Room. Attendees have been asked to RSVP as it will be a catered working lunch. Several Stakeholder meetings are scheduled on Wednesday evening and throughout the day on Thursday, with small focus groups in mind. While these meetings are open to the public, they will be focused and fact finding, covering predetermined areas of attention for the Redevelopment Plan. The big meeting for the entire community will be on Thursday, April 26th, 2018 at 6pm at the Naples Botanical Gardens Buehler Auditorium. Karen Beatty inquired as to whether the Bayshore Beautification MSTU would be having its own meeting. Staff is unsure that there would be enough turnout to justify the separate time slot and space, but that the current schedule is a draft and will be tweaked and polished and a finalized copy sent out prior to the meetings.

VIII. New Business:

A. Reappointments:

- i. Ron Kezeske:** Ron Kezeske was absent from the meeting. Shirley Garcia mentioned that he does not wish to re-apply. His term is up in



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Haldeman Creek MSTU

May. His spot is now considered open. Discussion took place regarding the vacancy. He was the business representative for Davis Blvd. Steve Main's business has moved during his current term to Davis Blvd. Mr. Main stated he would be willing to move laterally to the David Blvd Board position and allow his Bayshore Business position to be opened for further applicants. Shirely Garcia said she would forward Steve Main's information to Wanda Rodriguez in the County Attorney's Office who will take care of the paperwork to make the change. Debrah Forester requested a motion be passed in regard to this change in title just in case. Maurice Gutierrez inquired if changing it to a Bayshore Business Owner or Artist was a possibility. Debrah Forester said it could be brought up during the Redevelopment Plan Workshop during discussion about the CRA Boards Structure, but as of now it would need to remain a Business Owner. Maurice Gutierrez made a motion that Steve Main move laterally from the position of Bayshore Business Owner to the position of Davis Business Owner. Second by Peter Dvorak. Passed Unanimously.

ii. **Maurice Gutierrez:** Peter Dvorak made a motion to reappoint Maurice Gutierrez to the CRA Board. Second by Karen Beatty. Passed Unanimously.

iii. **Michael Sherman:** Peter Dvorak made a motion to reappoint Mike Sherman to the CRA Board. Second by Steve Main. Passed Unanimously.

IX. Staff Report

A. **Project Manager Report:** Tami mentioned that the Project Manager Report was not included in the packet but that she wanted to highlight just a few points:

i. **Project Map:** A map of the Bayshore district was distributed that depicted all the projects in the area with a blue dot. She noted that it is exciting and encouraging to see how many projects are currently underway in the area.

ii. **Mattamay Homes & Thomasson Drive:** Staff has met several times with Mattamay homes. They do not have a project to show to the CRA yet, but discussion about landscaping, sidewalks, benches, art, etc. on Thomasson Dr and Bayshore Dr have commenced. There are concerns with both parties about the timing and overlapping construction between their project and the Thomasson Drive project. The county is working on an agreement with Mattamay to have construction access on Thomasson Drive with the stipulation that they cover any damage cost done to the Thomasson Drive project. The



Creativity in Bloom

Bayshore Gateway Triangle CRA • Bayshore Beautification MSTU
Haldeman Creek MSTU

proposed wall will be 6 feet in height and will be 7.5 ft from the property line in their 15ft buffer.

- iii. **Windstar:** Windstar will be covering the expense for external landscaping installation and maintenance along their wall after the completion of the Thomasson Drive/Hamilton Drive project. Until that time the wall will remain blank to keep from going two steps forward and one step back.
- iv. **Racetrac:** Has gone to the Hearing Examiner (HEX), which is a two step process. There are some negotiations still underway in regard to distance waivers. Both HEX Decision were signed on March 20th, 2018. Racetrac is willing to present to the CRA, but no date has been set yet. A possible stipulation was suggested that language be inserted to assure that the previous property under consideration would not be allowed to develop as a gas station. Staff can follow-up with Mike Bossi for a recommendation on bringing forward that option during the zoning process.
- v. **Thomasson Drive:** A Bayshore Beautification project that starts at the end of Hamilton Drive and goes through Orchid. The 100% drawings have been submitted by RWA and are awaiting final approval. Expanding the boundaries of the MSTU to include the right of way (ROW) from Dominican to Orchid is being reviewed to present to the BCC. Staff aims to have the least disruption to school and peak hour traffic.

B. Draft Letter: The CRA Advisory Board voted on March 6th, 2018 to write a letter to the BCC regarding affordable housing in the area and the proposed Housing Plan. Staff has complied a letter and asked the CRA Advisory Board to review the letter and vote on whether it is or is not what they would like to submit to the BCC. Steve inquired why a vote was necessary again. Debrah Forester explained the letter was drafted utilizing the motion passed during the March 6th, 2018 meeting in conjunction with staff's interpretation of the conversation had by the CRA Advisory Board. In addition, several CRA Board members were not present during the vote and should be allowed to weigh in on the verbiage of said letter. She did not feel comfortable presenting words on behalf of the CRA to the BCC without a firm backing that what is stated in the letter fully addresses their concerns regarding diversifying affordable housing throughout the county. It was agreed either a consensus of the board to approve the letter would be sufficient as it was previously voted on. However, for prudence sake, Peter Dvorak moved to approve the letter articulating a vote regarding affordable housing, have the Chairman sign said letter, and have the letter sent to the Board of County Commissioners. Second by Mike Sherman. Passed Unanimously.



Creativity in Bloom

Bayshore Gateway Triangle CRA • Bayshore Beautification MSTU

Haldeman Creek MSTU

C. Financials: Debrah and Tami distributed a copy of the CRA current, official financial standing. Peter asked a number of questions in regard to inventory, market values, restrictions, and real values of property. Shirley informed him the CRA pays a \$50K/month on a loan which is held in collateral. Peter stated a \$5 million loan should be a liability which would cut the net worth in half. He would like a handle on the actual budget at the next meeting. He stated that since the CRA is technically a County Department, there should be someone in the financial department that is monitoring the finances for the department and can provide a profit & loss as well as balance sheet with anticipated TIFs. Staff will continue to work with the Budget Office to get additional information.

X. Correspondence and Communications:

A. Keep Collier Beautiful: Shirley Garcia reminded everyone that there is still time to sign up to come out on April 14, 2018 to help clean up the Bayshore Area and Haldeman Creek. Shirley Garcia is working with Code Enforcement to have enough shirts, dumpsters, maps, etc.

XI. Public Comments:

A. Help for Elderly/Veterans: A community member inquired about what services the area was providing for individuals who are elderly/veterans. His neighbor is over 80 and not physically capable of resolving his code cases on his own. Corporal Mike Nelson, Collier County Sheriff's office, mentioned there are many services available. He himself has assisted many individuals in the area to stay healthy in a safe living environment. However, the county cannot physically move or remove anyone. Corp. Nelson offered to discuss in more detail after the meeting.

B. Vacant Lots/Parking: Several open lots in the area were discussed as potential parking for area establishments. The proposed empty lots being utilized as parking lots or parking structures would accommodate the rise in project business without having to worry about street parking. This conversation also included possible location for the CRA Office. It was decided to keep the monthly regular meeting on Bayshore, no matter the location of the office. It is easier for the community to attend. Arno's original plans included a space for the CRA office and meeting spaces. That will be revisited. Naples Botanical Gardens has also offered meeting space.

XII. Staff Communication:

A. Sherriff Dept: Corp. Mike Nelson mentioned some restricting in the department and introduced his new Immediate Director/Supervisory for Community



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Bayshore Gateway Triangle CRA • Bayshore Beautification MSTU

Haldeman Creek MSTU

Policing, Sgt. David Plamondan. It is his first time in the area, but they are excited to have him on their team. A general discussion about proactive patrolling ensued including clarification on a point of contact in case of an issue. Corp. Nelson stated he is still the main contact, but he would leave the cards of the other officers covering the area in the CRA office as well. It was also mentioned that Corp. Nelson received recognition for efforts with Kid's Bicycle Safety. Ms. Garcia mentioned that many officers never receive recognition, but Corp. Nelson has accomplished 2 safety awards during his time as an Officer of the Law. The CRA is proud to have such an accomplished and dedicated leader in the community.

- B. **Code Cases:** Karen Beatty inquired on how Code Enforcement can become more proactive so that citizen do not need to call in issues that are obviously Code Violations. A list of all current code cases was distributed to the CRA. Eric Short reviewed the list, noting 15 were highlighted in yellow still pending their initial 45 days of investigation. Two of those would be closed out after the meeting with the CRA approval of the two murals. Several code violations were stated as well, including an unregistered vehicle being moved from spot to spot. Eric Short mentioned that proactive code citations are for Health and Safety concerns. It was suggested that during the redevelopment plan update, the Committee could make recommendations on the codes in Bayshore to reflect the community's vision. Otherwise Code must act within the parameters currently set. Shirley Garcia, Mike Nelson and Eric Short all gave examples of Code acting proactive for the betterment of the community. Karen Beatty made a motion that Code Enforcement be more proactive in their dealings so that citizens do not have to make reports. Second by Mike Sherman. Passed Unanimously.
- C. **Dan Burden:** Debrah mentioned that Dan Burden, from the Blue Zone Project, has drafted a report that he would like to present it to the CRA at the next meeting. The information may be useful as we review and update the Redevelopment Plan.

XIII. Advisory Board General Communication:

- A. **Thanks:** Maurice Gutierrez and Karen Beatty both wanted to thank the staff of the CRA and BCC for a productive day of meetings. Peter thanked the community for their productive, positive, progressive participation. It is greatly appreciated how much this community comes together.


XII. Next Meeting Date: April 3, 2018 at 6:00 p.m.

XIII. Adjournment – The meeting adjourned at 8:30 p.m.



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Bayshore Gateway Triangle CRA • Bayshore Beautification MSTU
Haldeman Creek MSTU


Chairman Maurice Gutierrez

