



**MINUTES**  
**DOWNTOWN DEVELOPMENT AUTHORITY SPECIAL MEETING**  
**Monday – July 31, 2017 – 11:00 AM**  
**Northern Trust Bank, 2<sup>nd</sup> Floor, 777 East Atlantic Avenue**

**1. Call to order/Roll Call – 9:00 AM**

Members Present: Bonnie Beer, Alan Costilo, Peter Arts, Mark Denkler, Mavis Benson, Frank Frione  
Absent: John Conde  
Staff: Laura Simon, Lauren Lyall, Alexandra Farnsworth  
Guests: Michael Dutko, Roy Simon

**2. Agenda: Changes & Additions**

**ACTION** – Motion to amend the agenda to add item 3A Discussion of Legal Needs & Retainer for Conrad & Scherer

**Motion:** P. Arts; 2<sup>nd</sup>: B. Beer

**Motion carried unanimously.**

**3. A. Discussion of Legal Needs**

Michael Dutko, Conrad & Scherer I have worked in government relations and was the prior Assistant City Attorney for Delray Beach as well as the Assistant State Attorney. I sat on multiple boards and helped updated review on special act.

F. Frione I'd like to know the dos and don'ts of what we can do.

Michael Dutko I'd believe as far as millage that would take 10-15 hours. The millage rate is really the main authority we have under that special act. I don't think it would take much more than that.

A. Costilo On page 12 of that act that it says that we set it. When we first met we discussed what everybody wanted out of the DDA, everyone felt that we want our opinions and recommendations to have force behind them. We really need to know what we have the ability to say.

F. Frione We're talking about specifically today's meeting about parking, I would like to know where we stand on issues like that and what type of authority we have or don't. I think the millage is pretty cut and dry but going back to Roy's letter, we would like more time to review and he was advised that that was not his job by the PMAB. We also need to look at the hourly fee.

Michael Dutko My hope is that there is not any retainer required.

F. Frione I think we should have a vote for a cap of between 20-25 total hours to review the millage and review our special act. I would like to have an opinion letter based on that and I don't think I want anywhere to go anywhere at this point in time to discuss your findings.

Michael Dutko I'm happy to perform research or any other counsel. Anyone from my office would be charging \$250 per hour and if for some reason you want a paralegal it could be less than \$250.

**ACTION** – Motion to retain Michael Dutko and Conrad & Scherer under the terms and conditions of the retainer agreement and authorize them to work up to 25 hours to study of our special act and statute.

**Motion:** A. Costilo; 2<sup>nd</sup>: M. Denkler

**Motion carried unanimously.**

## **B. DDA Parking Management Plan and Presentation: Review and Recommend**

M. Denkler I've been trying to find out how they're coming up with these numbers.

Michael Dutko Most public records require most work product; I don't know what kind of legal justification they had not to give it to us.

F. Frione Are we calling the city attorney?

P. Arts The entire cloak of this whole thing is return on investment, that's why your point is so important. When they go from one work plan to another...

M. Denkler I don't know where they go from the usual 3.1% to the .35 cents.

A. Costilo it's not every charge it's only if you use the app. There is no charge for the software it's .35 per transaction if you use an app. Apparently it doesn't charge for residents. The whole system of enforcement is based on the license plate.

L. Simon The goal today is to come up with a recommendation for the city commission from the DDA.

P. Arts What about the PMAB Meeting?

L. Simon Now there is a new special meeting Tuesday at 5:30 to counteract what was decided.

A. Costilo What Laura is going to present I presented it to Jorge, he said it would be profitable, workable and happy to discuss and talk about it.

L. Simon Tomorrow we have called a town hall meeting with our businesses and to get their feedback and buy in. We are getting actual employee data as well because they are questioning our data.

M. Denkler Helping the city without killing the Economic Vitality of Downtown. One thing I would add about the slow and low, that's exactly what Dr. Shoup said. We should add that—Cary is the one that invited him. I think that I mentioned that when I was in front of the dais last time.

F. Frione That should be documented.

L. Simon It should provide turnover—turnover we need to have. The point of being a walkable place is to give them the opportunity to explore. We need to provide customer and employee parking.

M. Denkler This will force the employees to make them go to the outer lots.

L. Simon Lanier is coming on board but they are taking over the parking enforcement; additional parking is still a goal.

P. Arts This might be a good idea to add that we want to find out about in lieu of parking.

L. Simon And then make parking fun. We have an opportunity to make this as a cool approach, if you're going to do it, do it a different way. The next page is our suggested metered areas. Start enforcing at noon to midnight.

B. Beer But Sunday's free wouldn't be on the beach right? And enforcement would start earlier?

M. Denkler I suggest we do \$2.00... you could also go up on Atlantic Avenue, Mizner is \$2. If the City Commission wants to make some money, I suggest we be competitive with our competition. I'm worried if we don't go to them with making a least half a million ROI they will tell us that we're wasting our time.

L. Simon We're spending a lot of money on our beach and we want people to pay for it... The next page is durations and surface lots. We suggested all lots be free. While they will be free they will still be enforced.

M. Denkler Will the North go in first (Atlantic Crossing) and parking added before they take all this away

L. Simon Yes. And then with the Old City Lot we suggested two hour and four hour. The other garages top floors we wanted designated for employees.

F. Frione What about keeping it the same \$5 for Thursday, Friday, Saturday?

M. Denkler But then during events they make it paid parking.

A. Costilo We assume they're all doing this for income but the parking team insists that this will go for parking only, there is no budget in the city for parking maintenance.

F. Frione I think we just have to make sure it goes into that fund. But you're going to want to keep it in the **Discussion Ensued** about a proposed rate structure, employee and resident parking.

P. Arts Can we do a summation? I had a process question—How are we going to share this new message between now and Wednesday.

A. Costilo When I asked Laura to get us on the agenda Laura said it was too late. Enough people have to be there for us to make this happen.

P. Arts You wouldn't believe how many delinquent tickets—hopefully Lanier can pick that up. Also having some sort of parking ombudsmen would help. Unfortunately, I won't be able to be there.

L. Simon Public comments are after the presentations.

A. Costilo Mike is there any way we can stop the direction?

L. Simon I can tell you Shirley Johnson was at that meeting, there is going to be lots of conversation. For us after tomorrow's conversation with constituents, they aren't happy to go meter the entire downtown without any employee parking.

A. Costilo Should we put a letter together for them before Wednesday night?

P. Arts What I always fight with is somebody handing me this before the meeting.

M. Denkler Right now they have this in their packet.

L. Simon Should we send this before the meeting tomorrow?

A. Costilo I think we should wait to hear from our constituents—when do we hand it off to the PMAB board?

L. Simon After the Town Hall Session tomorrow.

M. Denkler Who's leading the town hall and what's the format?

P. Arts We want to make sure that you all are protected; can we get a police officer there just in case?

L. Simon The meeting tomorrow starts at 3:00. We're going to record the meeting and we want to make sure they introduce themselves and how long they have been a business owner or employee. The purpose is to provide the constituents time to share their voice.

**Discussion ensued**

**4. Board Comments**

- **No Board Comments**



**5. ACTION – Motion to adjourn the meeting**

**Motion:** B. Beer; 2<sup>nd</sup>: A. Costilo

**Motion carried unanimously**

**Meeting adjourned at 1:35 pm**

Respectfully submitted,  
Lauren Lyall

  
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DDA Board Member  
  
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DATE 8/14/17