

City of Clearwater

*Main Library - Council Chambers
100 N. Osceola Avenue
Clearwater, FL 33755*



Meeting Minutes

Monday, February 12, 2024

1:00 PM

Main Library - Council Chambers

Community Redevelopment Agency

Roll Call

Present 5 - Chair Brian Aungst Sr., Trustee Mark Bunker, Trustee David Allbritton, Trustee Kathleen Beckman, and Trustee Lina Teixeira

Also Present: Jennifer Poirrier – City Manager, Michael Delk – Assistant City Manager, Daniel Slaughter – Assistant City Manager, David Margolis – City Attorney, Rosemarie Call – City Clerk, Nicole Sprague – Deputy City Clerk, and Jesus Niño – CRA Executive Director

To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.

Unapproved

1. Call to Order – Chair Aungst

The meeting was called to order at 1:00 p.m.

2. Approval of Minutes

- 2.1** Approve the minutes of the January 16, 2024 CRA meeting as submitted in written summation by the City Clerk.

Trustee Beckman moved to approve the minutes of the January 16, 2024 CRA meeting as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

3. Citizens to be Heard Regarding Items Not on the Agenda

Kathy Flaherty expressed concerns with the Festival Core. She said the area was supposed to be a marketplace in the core of the East Gateway District.

4. New Business Items

- 4.1** Approve the Fourth Amendment (Amendment) to Agreement for Development and Purchase and Sale of Property between the Community Redevelopment Agency of the City of Clearwater (CRA), the City of Clearwater (City), and Archway Clearwater Gardens, LLC (Archway); and authorize the appropriate officials to execute same.

Archway Clearwater Gardens, LLC has requested a modified schedule of various milestones in the Agreement for Purchase and Sale of Property, as

amended (Agreement), between the CRA, the City and Archway. Archway has been awarded project-based vouchers for this project from the Clearwater Housing Authority. For consistency with the voucher program, Archway is required to complete a subsidy analysis with the United States Department of Housing and Urban Development (HUD). While Archway has submitted all required documentation, the timing of HUD's response may require a later closing date which will require a shift in other milestones as well.

Clearwater Gardens affordable housing development, located at 1250 Cleveland Street, was selected by Florida Housing Finance Corporation (FHFC) for a 9% Tax Credit award. The project will provide for 52 one-bedroom and 29 two-bedroom units for a total of 81 units. 30 units will be reserved for households earning up to 80% of Area Median Income (AMI) as determined by HUD, 31 units will be reserved for households earning up to 60% AMI, and 20 units will be reserved for households earning up to 30% AMI. Archway is coordinating with the Clearwater Housing Authority to receive 20 project-base vouchers. The developer will continue the operation of the community garden located on the property.

The First Amendment to the Agreement dated February 14, 2022, provided Archway additional time to apply for tax credit funding under multiple Florida Housing Finance Corporation's housing development programs. The Second Amendment dated September 19, 2022, provided for an additional \$3,000,000 loan from the CRA and it increased the City's local government contribution from \$75,000 to \$610,000, also in the form of a loan. Other accommodations were made in the Second Amendment assuming Archway would secure 4% tax credit financing, but this did not occur. The Third Amendment extended several milestones in the Agreement.

With the Fourth Amendment, staff is recommending many of the same milestones modified with the Third Amendment to be extended further. Proposed modifications are outlined below. Archway is optimistic that they will achieve the modified milestones in advance of what has been proposed and no further extensions will be necessary.

Section Category Current Proposed

4.05(b) Building Permits	3/1/2024	6/1/2024
4.05(c) Commence Construction	4/1/2024	7/1/2024
4.05(d) 50% Construction Completion	1/1/2025	4/1/2025
4.05(e) 100% Construction Completion	10/1/2025	1/1/2026
4.05(f) Begin Pre-Leasing	8/1/2025	11/1/2025
4.05(g) Lease Up Complete	1/1/2025	4/1/2026
6.10 Closing Date	3/15/2024	6/15/2024
7.02(a) Commence Construction	4/1/2024	7/1/2024
7.02(b) Commence Vertical Construction	10/1/24	1/1/2025

The City is a party to the agreement only as it relates to sections 3.07 and 15.18 of the Agreement. Section 3.07 of the Agreement required Archway to grant and deliver to the City, its heirs, successors, licensees, or assigns, a perpetual exclusive easement over the area existing as a community garden, solely for use as a community garden. The Amendment requires Archway to execute a declaration of restrictive covenant, instead of a perpetual easement, restricting the use to a community garden for the benefit, use, and enjoyment of the public. This change eliminates the need for the City to procure, manage, or contract with future operators and users of the community garden. Archway will take on this responsibility. Section 15.18 commits the City to a contribution of \$610,000 to the project in the form of a deferred loan. This amount is considered the Local Government Areas of Opportunity funding commitment and is required for a project application to receive the maximum amount of basis points. Section 15.18 is not affected by the amendment.

APPROPRIATION CODE AND AMOUNT:

Funds are available and allocated in R2010 Housing- County

In response to questions, CRA Executive Director Jesus Niño said the item before the Trustees is the timeline by three months. The community garden is located on property owned by Archway. Archway President Brett Green said the garden will remain and the Clearwater Community Gardens, Inc. will continue to operate the garden. He said Clearwater Community Garden, Inc. will be executing a new lease soon.

One individual spoke in opposition.

Trustee Bunker moved to approve the Fourth Amendment (Amendment) to Agreement for Development and Purchase and Sale of Property between the Community Redevelopment Agency of the City of Clearwater (CRA), the City of Clearwater (City), and Archway Clearwater Gardens, LLC (Archway); and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 4.2** Approve the transfer of Community Redevelopment Agency tax increment financing (TIF) funds from CRA project 388-C2105, Mercado-Downtown Gateway of \$770,178.63 and 388-C2002, Community Engagement, of \$384,583.98 to the City of Clearwater capital project 315-C2105, Mercado-Downtown Gateway for the completion of the Mercado capital improvement project and authorize the appropriate official to execute same.

On May 20, 2021, Council approved a contract to Gibbs and Register to construct the Cleveland Street Streetscape Phase III (16-0003-UT) project. The Mercado design was not complete, and not included in the contract.

On October 17, 2022, Council approved the shade structure and turf design concepts for the Mercado public space at the intersection of Cleveland St. and Gulf to Bay Blvd.

On September 18, 2023, staff presented an overview to the CRA Trustees that the change order pricing from Gibbs & Register was over budget. Staff recommended allowing Gibbs & Register to complete the streetscape project and get new pricing from another firm to construct the Mercado portion. The City worked with Biltmore Construction under the CMAR, Continuing Services contract, to bid and construct the Mercado in the amount of \$930,929; pursuant to Request for Qualifications (RFQ) #40-20, Construction Manager at Risk (CMAR).

To reduce overall cost to the City, a PO will be issued directly to USA Shade who was paid a deposit and designed and provided structure hardware under the initial Gibbs & Register contract, hence impractical to bid.

APPROPRIATION CODE AND AMOUNT:

A mid-year budget amendment will transfer \$770,178.63 from 388-C2105 Mercado-Downtown Gateway and \$384,583.98 from 388-R2002, Community Engagement, to the City of Clearwater capital project 315-C2105, Mercado-Downtown Gateway to provide funds for the completion of the Mercado capital improvement.

In response to questions, Mr. Niño said a ribbon cutting event may coincide with National Hispanic Heritage Month as the project is expected to be completed in September. City Engineer Tara Kivett said the "sea walls" will be similar to the edge of Beachwalk, providing seating areas along the edge of the planters and storage area on the east side. She said there is no planned seating under the shade area.

One individual spoke in opposition.

Trustee Teixeira moved to approve the transfer of Community Redevelopment Agency tax increment financing (TIF) funds from CRA project 388-C2105, Mercado-Downtown Gateway of \$770,178.63 and 388-C2002, Community Engagement, of \$384,583.98 to the City of Clearwater capital project 315-C2105, Mercado-Downtown Gateway for the completion of the Mercado capital improvement project and authorize the appropriate official

to execute same. The motion was duly seconded and carried unanimously.

Discussion ensued with comments made that many individuals have complained about the lack of shade in Coachman Park and one individual claims no one wants the shade structure in the Mercado area.

Assistant City Manager Michael Delk said staff worked with the community and designed a project that included a shade structure. The item is before the Trustees because additional funds are needed for the shade structure. He said staff is not spending funds that were allocated to another project. Staff is looking at a higher level of activation for the Mercado area. Parks and Recreation is working on an activation plan that includes two major annual street closures, initially. He said staff anticipates the project will be completed by Summer. The City Manager said CRA staff goes out regularly to communicate with the stakeholders and seek feedback on proposed activities and road closures.

- 4.3 Approve a Business Lease Contract between the Community Redevelopment Agency and the Clearwater Community Gardens, Inc for a community garden at 1277 Grove Street to establish anew lease for the community garden and authorize the appropriate officials to execute same.**

The purpose of this request is to enter a new lease with the Clearwater Community Gardens, Inc for a period of one year with two one-year renewals. The Clearwater Community Garden and the Clearwater Community Redevelopment Agency entered a three-year lease in 2015 for a community garden in the Downtown Gateway neighborhood. The Clearwater Community Garden group established and has maintained the community garden on Grove Street since April 2015.

At the February 2020 CRA Meeting, the board approved a one-year lease with a one-year renewal.

The lease of the community garden is tied to the development agreement for Archway Gardens at 1250 Cleveland Street. At the time of closing the lease will be assigned to Archway Gardens, LLC.

Trustee Allbritton moved to approve a Business Lease Contract between the Community Redevelopment Agency and the Clearwater Community Gardens, Inc for a community garden at 1277 Grove Street to establish anew lease for the community

**garden and authorize the appropriate officials to execute same.
The motion was duly seconded and carried unanimously.**

5. Director's Report

Mr. Niño reviewed recent interactions with community stakeholders. He said the Department's community engagement activities will continue. CRA Sr. Division Manager Anne Lopez said the grand opening for the Food Hall was postponed in order to firm up the last couple of items; staff will advise once confirmed.

6. Adjourn

The meeting adjourned at 1:41 p.m.

Attest

Chair
Community Redevelopment Agency

City Clerk

Community Redevelopment Agency on 2024-02-12 1:00 PM

Meeting Time: 02-12-24 13:00

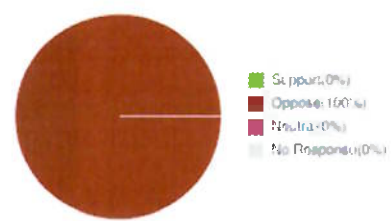
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Community Redevelopment Agency on 2024-02-12 1:00 PM	02-12-24 13:00	10	1	0	1	0

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



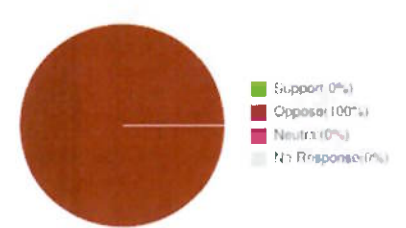
Community Redevelopment Agency on 2024-02-12 1:00 PM
02-12-24 13:00

Agenda Name	Comments	Support	Oppose	Neutral
4.1 ID#24-0151 Approve the Fourth Amendment (Amendment) to Agreement for Development and Purchase and Sale of Property between the Community Redevelopment Agency of the City of Clearwater (CRA), the City of Clearwater (City), and Archway Clearwater Gardens, LLC (Archway); and authorize the appropriate officials to execute same.	1	0	1	0

Sentiments for All Agenda Items

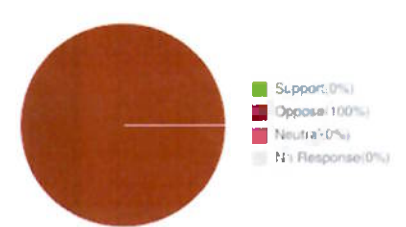
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for 4.1 ID#24-0151 Approve the Fourth Amendment (Amendment) to Agreement for Development and Purchase and Sale of Property between the Community Redevelopment Agency of the City of Clearwater (CRA), the City of Clearwater (City), and Archway Clearwater Gardens, LLC (Archway); and authorize the appropriate officials to execute same.

Overall Sentiment



Kathy Flaherty
Location:
Submitted At: 12:59pm 02-11-24
No TIF funds for Developers

Call, Rosemarie

From: Kathy Flaherty <kathyipad68@icloud.com>
Sent: Monday, February 12, 2024 5:22 PM
To: Call, Rosemarie
Cc: City Council; Eliseo Santana; Jared Leone; Poirrier, Jennifer; Niño, Jesus
Subject: Re: Updated - Mercado Design to be approved is Racist in origin

This is going to be attached to todays CRA minutes correct?



On Feb 7, 2024, at 12:47 PM, Kathy Flaherty <kathyipad68@icloud.com> wrote:

Use this one instead sorry for the confusion I made some changes.

Subject: Mercado Design to be approved is Racist in origin

Rosemarie,
Please attach the following email to the CRA meeting Minutes to be held on 2/12/24.
Please confirm this will be done.
Thank you.

I see the CRA Trustees are putting the final nail into the coffin of the Hispanic Civic Core that was approved by the CRA Trustees in 2017 and announced in the Tampa Bay Times the next day.

<2YDBMLWIUMI6TIRQPAY4DVT77I.jpg>

**Mercado and festival plaza for Clearwater's
East Gateway moves forward**
[tampabay.com](https://www.tampabay.com)

On 2/12/2024 CRA Trustees will, for the fourth time, consider constructing something in this space.

On the agenda is an item to approve a useless, racist based project they refer to as Mercado improvements. When in fact, it is a charade to cover up the FACT that the some folks in the CRA, the City and the DDB have all worked to cancel and diminish the approved 2017 Hispanic Street Market Project-and still are.

Here is the agenda-

<2805_A_Community_Redevelopment_Agency_24-02-12_Meeting_Agenda.pdf>

Here is the link to the agenda item.

<https://clearwater.legistar.com/LegislationDetail.aspx?ID=6506964&GUID=BB827316-8E20-4FD1-9285-F59167A1C168>

My comments on this are-

The CRA is planning to spend @ \$800,000.00 for building a non functioning shade structure in the Eastgate that nobody wants! The CRA has used County TIF funds for the this project too.

When the umbrella type thing was first presented to the CRA Trustees last year, Mayor Hibbard asked about rain protection from the structure and was told by the CRA staffer that it wasn't designed for protection or to promote gatherings underneath it.

It is a token to the Hispanic community and I suspect to the Pinellas County Commissioners, who approved the delayed 2017 Mercado Project in 2012 and then again in the 2018 City Development Plan. Instead of promoting a Street Market Area the CRA is building a useless structure that nobody in the community wants.

The Mercado or the Street Market area is not listed in the Special Events Ordinances that was updated late last year. You can't rent it.

<Special Events Ordinance 05.16.pdf>

This umbrella structure is for an area that Parks and Recs does not even recognize as a Park, but instead considers a Vacant Lot, as shown below in email an from Parks and Recs Director Art Krader, aka "Arti".

Parks and Recreation Special Events Division will be responsible for handling the special events held in this space as well as a rental program for the Mercado space.

We are working to put the final touches on how this might work.

As far as the Mercado space goes it is designed to be a public gathering place or plaza and not considered as a park.

Of course, Parks and Beautification will be responsible for the maintenance of this space.

I will have Ellen Ayo, my assistant, send you the correct emails for the other Parks and Recreation Board members.

Arti

The Assistant City Manager, Micheal Delk, who has been in charge of this project since 2019, when asked why the Hispanic Market was denied the use of constructed Street Market area wrote -

On Dec 19, 2023, at 11:39 AM, Delk, Michael
<michael.delk@myclearwater.com> wrote:

The Mercado was designed and constructed to be a focal point or centerpiece to the east Gateway area community. The City acquired privately owned property in order to assemble the space necessary to accommodate this public space and redesign the intersection of the two roadways.

The mercado was not built for any specific purpose intending to close streets. As with any street closure, it will be evaluated in the context of special event process review. Public safety and mobility are reviewed for appropriateness. The city's investment in the area is not yet completed pending a review of the cost to build out the remaining infrastructure of the mercado space. We hope to resolve this issue and move to completion after the new year.

Michael L. Delk, AICP
Assistant City Manager

It's not supposed to be anything!

So let's see why the CRA folks want to do this - it's cause the CRA has gotten caught in diverting the Eastgate funds and resources to Developers and Downtown interest groups. The changed the Economic Opportunity zone and are using future community TIF payments to fund developers.

The funds that were supposed to go to the Eastgate Action Plan, a plan for economic and infrastructure improvements are now going to the pockets of developers and all the communities projects have been discarded.

The Hispanic and overall Eastgate Community was never consulted on the new designed Mercado project. The Mercado name was replaced with Festival Core and this new project was presented without any notice to the Community at a Cleveland Streetscape Construction update Meeting on August 30, 2022.

**Festival Core 8/30 Presentation- plan not
Mercado for Hispanic Community done for
others**
youtu.be

All actual community meetings were blocked by the CRA and Trustee Lina Texieria. I asked Trustee Lina to hold a Community meeting to discuss this change in name and purpose and was told it was not allowed because of a State Law banning mailings for City projects.

Here's an email from the CRA Staff explaining the Law Lina used to say there couldn't be any mass community meetings.

On Sep 13, 2022, at 1:07 PM, Jackson, Matthew
<Matthew.Jackson@myclearwater.com> wrote:

Thank you for the clarification. After I sent the email I ran into council member Teixeira and she clarified that she is researching Florida legislature specific to mailer information. I believe it is more specific to the referendum but can provide more information once received.

Also, I found the Mercado sign and thank you again for the information.

Sincerely,

Matt Jackson
Assistant Director | Community Redevelopment Agency

The only outreach to the community was done by the CRA staff that put up two tables outside the local laundry mat with a survey that did not even have the name Mercado on it. Attached are the surveys. The CRA staff used the surveys for a Festival Core to show the Hispanic Community's support for the diminished project.

<Survey Responses Festival Core Shade Structure.pdfV2.pdf>

Nobody in the community has even seen these plans.

The President of a National Hispanic Organization had to go before the City Council to get the Mercado name back.

<maxresdefault.jpg>

**9-15 Hispanic Community support for the
Mercado, expects and waiting for space since
2011**

youtu.be

Here's the Council reaction to getting caught

<maxresdefault.jpg>

**9-15 CRA Director Jennings saying Always
Mercado plan changed 8-30 presentation Lina
helped plan**
youtu.be

This design and attempt to change the name was done with the purpose of diminishing the Mercado space and the Hispanic Community. The City and CRA staff even set up a Shill Neighborhood group to wipe it out.

What the CRA Trustees are being asked to approve is a design for a "gathering space" for the Downtown Gateway Business Neighborhood Group. A group established in 2021, propped up by the City/DDB/CRA to show no interest in the 2017 approved Street Market Project. This is what that group wanted and got.

<IMG_0671.PNG>

This Shade Structure addition represents waste and fraud.

NOBODY EVEN WANTS A SHADE STRUCTURE!

The real community **WANTS A STREET MARKET AREA WITH A SMALL PARK** that was approved in 2017, and has been built.

The real reason for this horrible project is to cover up the fact that it's origins are based on racism.

The Council \ CRA changed the Economic zones so the Street Market Area would not be promoted. It's not in the 2045 plan.

Also why is the CRA all of a sudden willing to spend funds? They were not willing to pay extra in 2022 when the plan became infeasible and canceled by the Trustees.

<maxresdefault.jpg>

5-16 Save Mercado no paving
youtu.be

It's because they got caught in their scam to screw over the Eastgate community and the the larger Hispanic Community by taking their funds, taking away a street market area, and trying to kill the Hispanic themed park.

They still are. This is part of it.

So I suggest that instead of constructing a shade structure that is designed to Not to provide shade or rain protection, change the Downtown Economic Zones back and admit that the Street Market area is built and promote that and most important, not pay any greedy developers the Eastgate community's TIF funds.

The only reason the CRA Trustees are moving forward with this is to prove they are doing something for the the community, to show they are not the RACIST group that they actually are. This is in fact, a project that is harmful to the community.

Its purpose is to deny the Hispanic Community its Civic Core as envisioned and approved in 2017.

<PPS Presentation 09-05-2017.pdf>

I ask that the Hispanic Community stand up and and say no to this charade.

Kathy Flaherty,
Eastgate Property and Business Owner

