



City of Hallandale Beach Community Redevelopment Agency

400 S. Federal Highway
Hallandale Beach, FL 33009
www.cohb.org

Chair Joy F. Cooper
Vice Chair Keith S. London
Director Michele Lazarow
Director Anthony A. Sanders
Director Anabelle Taub

Executive Director Roger M. Carlton
HBCRA Attorney Steven W. Zelkowitz
Clerk to the Board Mario Bataille, CMC

Meeting Minutes

Monday, April 17, 2017

6:05 PM

Commission Chambers

1. CALL TO ORDER

Mayor Cooper called the meeting to order at 10:15 PM.

2. ROLL CALL

Present 5 - Chairperson Joy F. Cooper, Vice Chair Keith S. London, Director Michele Lazarow, Director Anthony Sanders, and Director Anabelle Taub

Executive Director Carlton and HBCRA Attorney Zelkowitz were also present.

3. PLEDGE OF ALLEGIANCE

4. ORDER OF BUSINESS

A motion was made by Director Michele Lazarow , seconded by Vice Chair Keith S. London, to consider Item 10.C first, to defer Item 10.G., and to include the Supplemental Agenda Item. The motion carried by a unanimous voice vote.

5. PUBLIC PARTICIPATION - Items not on the agenda (Speakers must sign-in with the Clerk prior to the start of the meeting)

Alexander Lewy, Hallandale Beach, FL, spoke about the Fashion Arts and Design District and further recommended the Board to reach out to the neighboring residents to update them on the type of improvements that will be taking place.

6. PRESENTATIONS

7. DIRECTOR COMMUNICATIONS - Items not on the Agenda

A. DIRECTOR LAZAROW

No Communications.

B. DIRECTOR SANDERS

No Communications.

C. DIRECTOR TAUB

No Communications.

D. VICE CHAIR LONDON

No Communications.

E. CHAIR COOPER

No Communications.

8. APPROVAL OF DRAFT MINUTES**9. CONSENT AGENDA****10. AGENCY BUSINESS**

- A. DISCUSSION OF THE HALLANDALE BEACH COMMUNITY REDEVELOPMENT AGENCY CITIZEN'S ADVISORY COMMITTEE (STAFF: CITY CLERK'S OFFICE)

City Clerk Bataille introduced the item.

A motion was made by Vice Chair Keith S. London, seconded by Director Michele Lazarow, to sunset the HBCRA Citizen's Advisory Committee. The motion carried by a unanimous voice vote.

- B. FORENSIC AUDIT STATUS REPORT - PHASE I PRESENTED BY STANLEY FOODMAN. (STAFF: EXECUTIVE DIRECTOR)

Mr. Stanley Foodman delivered a presentation on Phase I of the Forensic Audit Report and answered questions posed by the Board.

Answering a question posed by Director Taub, Mr. Foodman explained the City transferred \$2.5 million dollars to the HBCRA to open its account and, in recent years, the HBCRA transferred \$5 million back to the City without supporting documentation.

Answering a question posed by Director Taub, Mr. Foodman explained the City and the HBCRA can negotiate through its common Director and Manager about the appropriate funding to be allocated for different programs and initiatives, such as the NET Program. However, Mr. Foodman referenced issues with the lack of metrics and how the figures were arrived at with respect to the development of Memorandum of Understandings (MOU) between the City and the HBCRA.

Director Lazarow referenced properties that are not listed on Broward County Property Appraiser's Office. Mr. Foodman was unable to speak to the matter and will look into the Director's inquiry.

Vice Chair London highlighted some points made by the Office of the Inspector General's report.

Mr. Foodman, responding to Vice Chair London's inquiry with respect to the \$900,000 figure related to City Administrative Costs, mentioned a formula exists to determine indirect costs; however, for direct costs, metrics have to be established based on equal negotiation positions between the HBCRA and the City.

With respect to the \$900,000 figure, Attorney Zelkowitz clarified the HBCRA allocated 10% of the Tax Increment Financing (TIF) to reimburse the City for Administrative Costs.

Vice Chair London recommended that Mr. Foodman reach out to the former HBCRA Fiscal Operations Manager for further information, and further requested the true-up to be conducted from 2010 to the present.

Responding to Vice Chair London's statement, in order to expedite Phase II of the Forensic Report, Mr. Foodman stated he would need all the records related to the HBCRA and City's financials as they existed at the time, preferably in electronic format.

Executive Director Carlton mentioned he presumes the true-up will reveal that the City will owe the HBCRA money, which will prompt the City Commission to decide how the funding will be reimbursed to the HBCRA, or if it will be forgiven.

Executive Director Carlton clarified Mr. Foodman exceeded the estimated costs for Phase I of the audit by \$4,000, which will be paid to him. He further discussed the next phase of the Forensic Audit will cost between \$50,000 - \$100,000, which will be paid by the HBCRA.

For the sake of moving forward expeditiously, Executive Director Carlton suggested the Board authorize him to negotiate a price with Mr. Foodman while proceeding with Phase II of the Forensic Audit from 2012 to the present, and for the Board ratification of the negotiated amount be retroactively approved via resolution at the next HBCRA Meeting.

Executive Director Carlton stated the Comprehensive Annual Financial Report (CAFR) cannot be finalized until the Forensic Audit is completed. He also added, after speaking to Marcum, LLC about Mr. Foodman's report, they do not agree with everything Mr. Foodman stated in Phase I of the Forensic Audit.

Vice Chair London moved to authorize the Executive Director to negotiate with Mr. Foodman Phase II of the Forensic Audit, starting from 2012 (\$2.5 million mark) to the present. Director Taub seconded the motion.

Responding to Chair Cooper's question, Executive Director Carlton mentioned there were two Maximus studies conducted.

Chair Cooper recommended Mr. Foodman reach out to former HBCRA Executive Director Renee Miller to better understand the methodology used to determine Administrative Costs.

Responding to Chair Cooper's inquiry, Attorney Zelkowitz stated the Interlocal Agreements (ILAs) and MOUs were approved by the Board's legal counsel as to form and sufficiency; however, as mentioned by Mr. Foodman, there are no metrics which determine how the figures were arrived at. Community Policing activities and code compliance are services that fall within the boundaries of the HBCRA; however, when fines are imposed and funds are collected by the City, there is uncertainty as to whether the HBCRA has to pay for those services since they generate revenue for the City.

Chair Cooper stated, for the record, all of the CRA Resolutions in Mr. Foodman's report were passed unanimously by the Board.

Mr. Foodman stated he will attempt to have the Forensic Audit completed by August 2017 to prevent the delay of the CAFR.

Responding to Attorney Zelkowitz's recommendation with respect to the Board recognizing a dollar amount for the negotiation process, Executive Director Carlton stated a not to exceed amount of \$100,000.

Vice Chair London amended his motion to include a not to exceed amount of \$100,000 for Phase II and for the Executive Director to bring forth a resolution ratifying the negotiated contract.

There being no further discussion, Chair Cooper called the question.

A motion was made by Vice Chair Keith S. London, seconded by Director Anabelle Taub, to authorize the Executive Director to negotiate with Mr. Foodman Phase II of the Forensic Audit starting from 2012 (\$2.5 million mark) to the present, to include a not to exceed amount of \$100,000 for Phase II, and for the Executive Director to bring forth a resolution ratifying the negotiated contract. The motion carried by a unanimous vote.

- C. A RESOLUTION OF CHAIR AND BOARD OF DIRECTORS OF THE HALLANDALE BEACH COMMUNITY REDEVELOPMENT AGENCY, HALLANDALE BEACH, FLORIDA, APPROVING ADDENDUM NUMBER THREE TO THE DEVELOPMENT AGREEMENT BETWEEN THE HALLANDALE BEACH COMMUNITY REDEVELOPMENT AGENCY AND STUART AND SHELBY DEVELOPMENT, INC.; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ADDENDUM NUMBER THREE TO THE DEVELOPMENT AGREEMENT; AND PROVIDING AN

EFFECTIVE DATE. (STAFF: EXECUTIVE DIRECTOR)

City Clerk Bataille introduced the item.

There being no discussion, Chair Cooper called the question.

A motion was made by Director Lazarow, seconded by Vice Chair London, that this Resolution be approved. The motion carried by the following vote:

Ayes: 5 - Chairperson Cooper, Vice Chair London, Director Lazarow, Director Sanders and Director Taub

Nayes: 0

D. A RESOLUTION OF CHAIR AND BOARD OF DIRECTORS OF THE HALLANDALE BEACH COMMUNITY REDEVELOPMENT AGENCY ACCEPTING AND RECOMMENDING REVISIONS TO THE CITY OF HALLANDALE BEACH PROCUREMENT PROCEDURES FOR PUBLIC-PRIVATE-PARTNERSHIPS; AND PROVIDING AN EFFECTIVE DATE. (STAFF: EXECUTIVE DIRECTOR)

City Clerk Bataille introduced the item.

Vice Chair London recommended, in light of the new Board of Directors, an HBCRA Visioning Session, in addition to an Implementation Plan, be scheduled by staff.

Vice Chair London requested defined metrics with respect to the Unsolicited Proposal selection process.

Responding to Vice Chair London's inquiry, Attorney Zelkowitz clarified the HBCRA is not obligated to accept the staff's recommendation and further emphasized the need for cost recovery mechanisms with respect to extensive consultant time spent on modifying agreements that pose legal and financial issues.

Attorney Zelkowitz clarified the procurement procedures for public-private partnerships have not been amended to reflect the change in application fees, which would need to be effectuated by the City, as the HBCRA adheres to the City's procurement procedures.

There being no further discussion, Chair Cooper called the question.

A motion was made by Vice Chair London, seconded by Director Taub, that this Resolution be approved. The motion carried by the following vote:

Ayes: 5 - Chairperson Cooper, Vice Chair London, Director Lazarow, Director Sanders and Director Taub

Nayes: 0

E. UPDATE ON THE FASHION ARTS AND DESIGN DISTRICT STREETSCAPE IMPROVEMENT PLAN. (STAFF: EXECUTIVE

DIRECTOR)

City Clerk Bataille introduced the item.

HBCRA Business Development Coordinator Lina Duran and NV5 Consultant Matthew Cohen provided an update on the item and answered questions posed by the Board.

Executive Director Carlton noted community outreach is incorporated into the project.

The next steps in the project include: (1)complete project construction cost verification, (2)HBCRA staff to evaluate two proposals for project construction and financing, and for (3)HBCRA staff to present a recommendation of the proposer at the May 7, 2017 HBCRA Board of Directors Meeting.

Executive Director Carlton stated the purpose of the item is to inform the Board of the direction the project is headed. He also mentioned that, prior to bringing forth an item on 1st Avenue, staff needs more data to establish the project's funding.

Responding to Director Lazarow's inquiry with respect to how much funding remains for the 1st Avenue project, Deputy City Manager Rafols explained she is still in the process of researching how much was originally allocated for the project.

Attorney Zelkowitz clarified the Board can only carry funds forward from the last three years after funding for the capital project is appropriated.

F. UPDATE ON THE FOSTER DIXIE SITE. (STAFF: EXECUTIVE DIRECTOR)

City Clerk Bataille introduced the item.

Executive Director Carlton provided a brief update on the item, thereby requesting authority from the Board to commence negotiations.

In light of the late hour, Executive Director Carlton requested the deferral of the item to April 19, 2017 at 4:00 PM.

A motion was made by Vice Chair Keith S. London, seconded by Director Anabelle Taub, to defer Item 10.F. to April 19, 2017 at 4:00 PM and to publicly notice it accordingly. The motion carried by a unanimous vote.

G. DISCUSSION ON THE GULFSTREAM EARLY CHILDHOOD CENTER OF EXCELLENCE. (STAFF: EXECUTIVE DIRECTOR)

This item was deferred to the May FY18 Budget Workshop.

H. DISCUSSION ON THE FY 2017-2018 BUDGET WORKSHOP CALENDAR. (STAFF: EXECUTIVE DIRECTOR)

There was consensus to meet jointly with the City Commission on May 4, 2017.

- I. DISCUSSION ON THE MEMORANDA OF UNDERSTANDING (MOU) BETWEEN HBCRA AND THE CITY FOR FY 2017-2018. (STAFF: EXECUTIVE DIRECTOR) (Please see Item 10. B.)
- J. DISCUSSION ON THE BOARD OF DIRECTORS RECESS FOR SUMMER 2017 AND ADMINISTRATIVE APPROVAL DURING RECESS PERIOD. (STAFF: EXECUTIVE DIRECTOR)

The item runs concurrently with the City's Workshop reschedule.

DISCUSSION ON THE 2015 TRUE-UP TIFF PAYMENT TO GULFSTREAM PARK. (STAFF: EXECUTIVE DIRECTOR)

Please see the comments included in the embedded memo. [Please click here](#) to view.

11. HBCRA ATTORNEY COMMUNICATIONS

12. EXECUTIVE DIRECTOR COMMUNICATIONS

13. INFORMATIONAL ITEMS- No Action Required

- A. MONTHLY FINANCIAL REPORT - MARCH 2017
- B. AFTER ACTION FOLLOW-UP - March 13, 2017

14. ADJOURN

There being no further business, Chair Cooper adjourned the meeting at 1:15 AM.

RESPECTFULLY SUBMITTED:

Chair Joy F. Cooper

ATTEST:

Mario Bataille, City Clerk