



Hallandale Beach Community Redevelopment Agency Agenda Cover Memo

Meeting Date:	September 18, 2023		File No. 23-358	Item Type: <i>(Enter X in box)</i>	Resolution X	Other		
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>		1st Reading N/A		2nd Reading N/A	
	X				Public Hearing: <i>(Enter X in box)</i>		Yes	No
				X				
Funding Source:	5910-531040		Advertising Requirement: <i>(Enter X in box)</i>		Yes		No	
							X	
Account Balance:	\$95,000		RFP/RFQ/Bid Number:					
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	Project Number:					
	X							
Redevelopment Goals: <i>(Enter X in box)</i> <p>Compact & Urban Development Projects</p> <p>Goal 1 – Catalytic projects that support the growth of local economy <input type="checkbox"/></p> <p>Goal 2 – Transit supportive Development <input type="checkbox"/></p> <p>Goal 3 – Neighborhood-level enhancements <input type="checkbox"/></p> <p>Improve Connectivity within community</p> <p>Goal 1 – Development of complete streets <input type="checkbox"/></p> <p>Goal 2 – Facilitate & Identify safe access to multiple modes of transportation <input type="checkbox"/></p> <p>Goal 3- Provide Strategic parking solutions <input type="checkbox"/></p> <p>Create CRA Resiliency</p> <p>Goal 1- Utilize innovative means to create sense of place to attract residents & visitors <input type="checkbox"/></p> <p>Goal 2- Use diverse architectural styles & messaging to create iconic buildings & destinations <input type="checkbox"/></p> <p>Goal 3- Prepare for sustainable future through smart technology, social & economic development Programs and environmental measures <input type="checkbox"/></p>								
Sponsor Name:	Dr. Jeremy Earle, Executive Director		Department:		HBCRA			

SHORT TITLE:

A RESOLUTION OF THE CHAIR AND BOARD OF DIRECTORS OF THE HALLANDALE BEACH COMMUNITY REDEVELOPMENT AGENCY, HALLANDALE BEACH, FLORIDA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH TAYLOR ENGLISH DUMA LLP TO PROVIDE LEGAL REPRESENTATION SERVICES TO THE HALLANDALE BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FISCAL YEAR 2023-2024 IN AN AMOUNT NOT TO EXCEED \$95,000; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE ENGAGEMENT LETTER WITH TAYLOR ENGLISH DUMA LLP; AUTHORIZING THE EXECUTIVE DIRECTOR TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE TERMS OF THE ENGAGEMENT LETTER; AND PROVIDING AN EFFECTIVE DATE.

STAFF SUMMARY:

Background:

On August 3, 2023, Mr. Steven Zelkowitz submitted a letter of engagement for the firm Taylor, English, Duma LLP to perform the duties and responsibilities pursuant to the Rules of Governance of the Hallandale Beach Community Redevelopment Agency (HBCRA), Section 163, Part III, Fla. Stat. and the other general laws of the State of Florida.

Mr. Steven Zelkowitz has over thirty (30) years of experience in both the public and private sectors, dealing with real estate, land use, and zoning matters, contract negotiations, and drafting and renewing development agreements. Additionally, he provides legal advice on a wide variety of legal areas such as redevelopment law, general municipal law, special district law, general state and federal laws, prepares resolutions for Board meetings, as well as attends them, among other legal areas. Mr. Zelkowitz has worked with the HBCRA for several years, and due to his extensive government experience as general and special counsel and his familiarity with the work to be performed, it is in the best interest of the HBCRA for the continuity of his legal services.

Current Situation:

All legal fees for all non-routine projects are to be estimated and budgeted with input from the Executive Director and paid on an hourly rate (see Exhibit 2). This agreement mirrors the agreement that was negotiated last fiscal year per the HBCRA Board's Directive.

The scope of services included in the engagement letter are listed below:

1. Flat Monthly Fee of \$2,500 for each of twelve (12) months with respect to HBCRA monthly Board meetings (includes preparation of all resolutions,

preparation, and attendance at meetings and after-action). The total flat fee for this category of work is \$30,000.

2. Hourly Monthly Fees with a cap of \$5,000 a month, for a maximum total of \$60,000 for routine HBCRA staff matters including, but not limited to, residential loans documentation, drafting and revising agency governance documents and policies, agreement amendments, routine projects, and consultation with staff and Board members.

Accordingly, the maximum total amount of fees for regular Board meetings, routine services, and title and lien searches for the fiscal year is anticipated to be \$95,000, provided, however, the parties agree to review this maximum total in June 2024 to ensure it is working out fairly.

3. All legal fees related to Redevelopment Agreements are to be paid from private party developer application fees on a cost recovery basis implemented and managed by the HBCRA; provided, however, the HBCRA will remain fully responsible to the firm for payment of the firm's invoices in the event the private party fails to pay. Such applies to any Redevelopment Agreements not yet executed and those executed Redevelopment Agreements for which the HBCRA collected an application fee, and there is a balance remaining from such application fee. To the extent there are Redevelopment Agreements for which the application fee was not paid or which application has or becomes exhausted, legal fees shall be on an hourly basis at the Rate (as defined below) and paid by the HBCRA. For new agreements, we will provide an original proposed budget when a proposal is received. Changes to the proposed budget will require the pre-approval of the Executive Director.

4. All legal fees for commercial loan closings to be paid by the borrower from the loan proceeds on an hourly basis at the Rate (as defined below).

5. All legal fees for all non-routine projects to be estimated and budgeted with input from the Executive Director and paid on an hourly basis at the Rate (as defined below). Non-routine projects shall be identified by written notice to the Executive Director prior to the commencement of any billable time.

6. All legal fees for all real estate transactions shall be paid on an hourly basis at the Rate (as defined below). With respect to real estate purchases, the Firm shall act as the title agent and provide a discount to the legal fees in the amount of 20% of the agent's share of the title insurance premium earned for that transaction.

7. The foregoing does not include litigation matters for which we will estimate and prepare a proposed budget for approval by the HBCRA Board.

8. Title and lien searches for residential programs in the amount of \$5,000. The Firm will order the searches from a title company as requested by the HBCRA and provide the searches to the HBCRA at cost without markup.

Except as set forth above, the Firm will charge for services on an hourly basis at the blended hourly rate of \$225 per hour for all shareholders and of counsel at the Firm and \$175 for all associates at the Firm (collectively, the "Rate") who perform legal services hereunder.

Recommendation:

Staff recommends the adoption of the attached resolution approving a Professional Services Agreement with the firm Taylor English Duma LLP to provide legal representation services to the Hallandale Beach Community Redevelopment Agency for Fiscal Year 2023-24.

Why Action is Necessary

Pursuant to the HBCRA By-laws, the Board must approve all procurements for goods and services in excess of Fifty Thousand dollars (\$50,000) and Twenty-Five Thousand (\$25,000) for Professional Services. Pursuant to Section 23-8(2) of the City's Procurement Code, Professional Services are exempted from competitive bid requirements, which are also consistent with State law.

PROPOSED ACTION:

The proposed amount of \$95,000 recommended by Taylor English Duma LLP to provide legal services to the Hallandale Beach Community Redevelopment Agency (HBCRA) and the attached resolution authorizing the Executive Director to execute the engagement letter.

ATTACHMENT(S):

Exhibit 1 – Resolution

Exhibit 2 – Taylor English Duma LLP Engagement Letter FY 2023-24