



**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Naranja Lakes Community Redevelopment
Agency (CRA)**

South Dade Government Center
Room 203
10710 S.W. 211 Street
Miami, Florida

July 28, 2008
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Madry Sullivan, Director
Clerk of the Board Division

Jill Thornton, Commission Reporter
(305) 375-2505



**CLERK'S SUMMARY AND OFFICIAL MINUTES
NARANJA LAKES
COMMUNITY REDEVELOPMENT AGENCY (CRA)
JULY 28, 2008**

The Naranja Lakes Community Redevelopment Agency (CRA) Board convened in the South Dade Government Center, 10710 S.W. 211 Street, Room 203, Miami, Florida, at 6:00 p.m., July 28, 2008; there being present upon roll call: Mr. Rene Infante, Mr. Moe Hakssa, Mr. Stuart Archer, and Mr. Kenneth Forbes; (Chairperson Nina Betancourt, Mr. Danny Lipe and Mr. Parsuram Ramkissoo were late); (Ms. Marlene Volkert was absent); Staff members present were: Assistant County Attorney Mandana Dashtaki; Mr. Jorge Fernandez, Offices of Strategic Business Management (OSBM) Coordinator; Mr. Jason Rodriguez, CRA Analyst, OSBM; and Deputy Clerk Jill Thornton.

I. Meeting Call to Order and Roll Call

Mr. Forbes called the CRA Board meeting to order at 6:00 p.m. He noted as a quorum was not yet present, informational items would be heard first.

Hearing no objection, the following agenda item(s) were considered out of order.

V. Open Forum for Public Comments

Mr. Forbes opened the floor for public input and the following person(s) appeared:

Mr. Phillip Murray, 13248 SW 256th Terrace, Naranja, Florida, appeared before the CRA and expressed his appreciation to the CRA Board for their assistance provided to the Village of Naranja and Hidden Groves Apartment residents. He questioned whether the CRA was satisfied with the responses received from various County agencies addressing the concerns of the tenants, and whether the CRA was satisfied that every effort was made to resolve those issues. He also questioned whether a process would be implemented requiring County Administration and tenant representatives to provide ongoing follow-up reports to the CRA and reports of future concerns.

Mr. Forbes advised that Commissioner Moss held two meetings with County staff and the representatives of the Villages of Naranja and the Hidden Grove Apartments residents. He commented that information on the outcome of those meetings was to be forwarded to staff with instructions that the information be made available to all CRA members.

Mr. Jason Rodriguez noted he received information pertaining to those meetings and contacted Office of Community Economic Development (OCED) staff to learn more about it, but was unaware of any instruction to make it available to the CRA members.

Mr. Forbes asked staff to ensure the information pertaining to these meetings be made available to all CRA Board members and the public by the next CRA meeting.

Mr. Archer noted he met with Commissioner Moss and several tenants to address a number of concerns that the tenants brought to the attention of the CRA. He commented that Commissioner Moss and his staff took many notes, and were working with several County agencies to resolve the matter but it was a work in progress. Mr. Archer noted the CRA's support in wanting to assist this community and resolve those issues.

Hearing no one else wishing to speak, the public forum was closed; and a quorum now being present, the CRA proceeded to consider the balance of the agenda.

II. Introduction of Jorge Fernandez, OSBM Coordinator

Chairperson Betancourt introduced Mr. Jorge Fernandez, the new staff person replacing Mr. Iturrey as the CRA Coordinator, Office of Strategic Business Management (OSBM).

Mr. Jorge Fernandez, OSBM Coordinator, greeted CRA members and provided a brief summary of his work history with OSBM and his involvement with incorporation and annexation activities for Miami-Dade County.

III. Approval of the Minutes

It was moved by Mr. Archer that the minutes of the May 19, 2008 meeting be approved. This motion was seconded by Mr. Forbes, and upon being put to a vote, passed unanimously by those members present.

IV. Approval of Agenda

Mr. Fernandez noted a scrivener's error listed in tonight's meeting agenda memorandum, under New Business, that should be corrected to read Ms. Rachel Bach, rather than Ms. Rachel Baum.

Mr. Archer asked that a status report on the Heritage Village project be added to the agenda, under Agenda Item Update on General Old Business.

Mr. Infante asked that the agenda's order, under New Business, be changed to hear the items pertaining to De Guardiola Properties first.

Mr. Forbes asked that the Agenda Item - Resolution accepting Property Conveyance from D.R. Horton, under New Business, be heard second.

Mr. Ramkissoon presented two articles regarding CRA members' lack of involvement and interest in the community, and a CRA member's residential status. He asked that these articles be added to the agenda as discussion items under New Business.

Chairperson Betancourt announced the order of tonight's agenda. She advised that the CRA would consider the items for discussion, introduced by Mr. Ramkissoon, if time permitted.

It was moved by Mr. Infante that tonight's agenda be approved as amended to add a status report on the Heritage Village Project under Update on General Old Business; to change the order of agenda under New Business to consider the items pertaining to de Guardiola properties first; and to include the articles introduced by Mr. Ramkissoon as an additional item under New Business for discussion, if time permitted. This motion was seconded by Mr. Archer, and upon being put to a vote, passed unanimously by those members present.

In response to Mr. Infante's question whether the items introduced by Mr. Ramkissoon would have any impact on the actions taken by the CRA tonight, Mr. Steven Zelkowitz, Legal Counsel for the CRA, advised that those items were considered reports only, and would not have any impact on the actions taken by the CRA tonight. He noted the CRA board's actions would be legal provided a quorum was present.

VI. Old Business Community Policing

Sergeant Ozzie Hernandez, Miami-Dade Police Department (MDPD), Cutler Ridge District, provided an update on security in the Naranja Lakes area. He reported a Reside Empowering Neighborhood Enforcement Walk (RENEW) operation was conducted during this past reporting period, and the amount of arrests had increased as a result of increased operations and activity during the summer. He noted a person in possession of a stolen car and marijuana was apprehended while selling drugs in the Modello area. Additionally, Sergeant Hernandez noted the Narcotics Team conducted a consensual search of a house in the Sea Pines community, where a resident known as the "Cookie Lady" was suspected of selling drugs/alcohol to kids. The result of the search was negative, he noted, but it was discovered that she had sold cookies from her residence for years. He stated he would reach out to Team Metro to address the issue of a commercial business being run from her residence.

Mr. Archer expressed concern with other activities occurring in the community that might need to be addressed. He noted he had witnessed a large number of people loitering around houses.

Sergeant Hernandez noted MDPD had received several complaints about houses with multiple residents, and one issue the police were dealing with involved several people loitering around a house in Mandarin Lakes that did not belong to them. He noted the situation was currently being investigated as the dwelling appeared to be a housing assistance home. He advised that the police had no reason to stop people unless they were suspected of being involved in illegal activity. He also noted the County Code placed no limitation on the number of people living in one house, but he knew of rules/conditions regarding the maximum number of people allowed to live in one house according to Section 8 housing guidelines; however, he stated this issue would need to be enforced by either the County's housing agencies or Team Metro.

In response to Mr. Archer's inquiry whether criminal activity had increased as a result of kids being out of school, Sergeant Hernandez noted criminal activity had increased some. He advised that with budget cuts and the lack of school buses to transport kids to/from school, truancy would increase in the upcoming school year.

Update on General Old Business

Current re-zoning applications in CRA

Mr. Jason Rodriguez reported staff identified one re-zoning application submitted for a property within the NLCRA District, which was an application to expand Countryside Early Learning Center, a private educational facility.

Mandarin Lakes

Mr. Greg Pettibon, D.R. Horton Representative, appeared on behalf of D.R. Horton's Land Acquisitions Manager, Mr. Karl Albertson, and provided an update on the Sales and Closings of Mandarin Lakes Homes. He noted a total of 548 units had sold to date and a total of 524 homes had closed, which constituted a slight increase in sales for this reporting period.

Infrastructure Construction

Mr. Ignacio Serralta, NLCRA Construction Consultant, SRS Engineering, provided a progress report on the infrastructure construction activities pertaining to the Redevelopment Agreement, and highlighted the following activities:

- Canal Street Bridge – construction had commenced and thirteen (13) pilings were placed in preparation of the first concrete pour to be inspected by SRS Engineers.
- SW 140th Ave Plaza (Civic Building) and Entrance Features – the property was conveyed to the CRA and fenced-off for ELCI construction to begin clearing the site in preparation of laying the foundation.
- SW140th Ave, SW 143rd Ave and SW 272nd St roadway projects – the irrigation and landscaping permits were still in progress. Some irrigation work was done to install conduit, but the Public Works Department (PWD) still held the permit due to electrical issues with the irrigation pumps. The Landscaping plans were submitted and in the process of being reviewed by the County and the Landscaping Architect, but might require some revisions due to Sight Visibility Triangle issues.
- Request for Payment No. 24 – this request was submitted by the developer; reviewed by SRS Engineering and found to be acceptable. The amount was limited to \$400,000 pursuant to an agreement between the developer and the County not to exceed \$400,000 per request.

Regarding the Canal Street Bridge, Mr. Serralta noted after meeting with County staff to discuss how the bridge would be inspected and certified, it was determined that the developer would provide the inspections and the design engineer would certify the bridge, since the County was short-staffed and unable to maintain a full-time inspector on site. Regarding the payment applications, Mr. Serralta noted the developer was in the process of discussing the release of

Retainage with staff, and had proceeded with work since obtaining a Memorandum of Understanding with the County.

Responding to a question by Mr. Hakssa regarding the Entrance Features and whether a marquee could be installed to indicate the project was in process, Mr. Serralta noted the project had not yet begun, but previous issues had surfaced with the PWD allowing permits for markers to be placed in the right-of-ways of property conveyances. He noted he would speak with the developer regarding this matter and provide a report at the next CRA meeting.

Cornerstone Group letter regarding Villa Capri

Mr. Jorge Fernandez noted a meeting between staff and the Cornerstone Group was still pending to discuss what Cornerstone Group was requesting. He noted staff hoped to meet with them within the next few weeks and provide a report on the matter at the next CRA meeting.

Heritage Village Report

Mr. Jorge Fernandez noted at the last CRA meeting, it was announced that a grand opening of the Heritage Village would occur in May 2008, but that event did not occur. He noted staff received information from U.S. Housing and Urban Development (HUD) saying seventeen units had been completed, but not yet occupied and HUD was in the process of finishing another five units by the end of this month. He further noted that HUD was unsure when the Grand Opening event would occur, but staff would continue to inquire of the status.

Mr. Archer noted the Heritage Village project, which had been in progress since Hurricane Andrew, was the most embarrassing project in the housing industry. He noted the CRA continued to receive reports of units being completed, yet people remained in need of housing while the units remained vacant and unavailable for occupancy.

Chairperson Betancourt reminded the CRA Board that this project had not always been under the jurisdiction of HUD, but moved into that arena due to the issues that occurred at the local level.

Mr. Fernandez advised that HUD took over the Miami-Dade Housing Agency (MDHA) about two years ago, and the County no longer had jurisdiction over this project.

Mr. Forbes moved to instruct staff to draft a letter inviting U.S. HUD representatives to attend a CRA meeting to update the CRA on HUD's future plans for the Heritage Village project. This motion was seconded by Mr. Archer for discussion.

Mr. Fernandez noted staff could ensure a HUD representative would be present at the next CRA meeting to answer any questions of the CRA Board.

Chairperson Betancourt noted the CRA's intention was to inform HUD of the CRA's desire to see the Heritage Village project completed and possibly, through some sort of cooperative agreement, the CRA could extend an effort to assist HUD in moving this project forward.

Following Ms. Betancourt's comments, the CRA Board proceeded to vote on the foregoing motion, and upon being put to a vote, the motion passed unanimously by those members present.

VII. New Business

Presentation from de Guardiola Properties regarding proposed Amendments to the Redevelopment Agreement

Mr. Scott Hedge, Vice-President, Architecture and Planning, DeGuardiola Properties, appeared before the CRA on behalf of the developer, Naranja Lakes Construction (NLC), LLC, and noted, since the last CRA meeting, an agreement was reached between the County and NLC on terms of how NLC would progress with construction and how NLC's payment applications would be processed by the County for work completed in phase I. He noted the County still maintained the letters of Credit in full, with an understanding that NLC's payment applications would be processed by the County in a draw fashion, as was done when the project began. Mr. Hedge noted with the Construction Consultant on board working on site, and with some workers familiar with the processes, NLC now had a good team working together to complete the balance of the work in phase I of the project.

Mr. Hedge noted the developer, D.R. Horton, was awaiting the transfer of the deeds to the property conveyed by D.R. Horton to the CRA, which should be received by the CRA tonight. He noted the deeds were recorded to enable D.R. Horton to release work to LC Construction, the firm to build the Entrance Features. Mr. Hedge noted LC Construction was now onsite and had begun laying the foundations, which should be laid out this coming week to be reviewed by SRS Engineers. He noted an issue with one entry feature monument at SW 137th Avenue where Water and Sewer Department's (WASD) water main was located in the medium and WASD was not allowing the monument to be built on top of the water line. He noted the developer and the County departments were working together to find an alternative location. All County departments, he noted, approved moving forward with constructing the larger entrance feature and trellis.

Mr. Hedge noted construction on the Canal Street Bridge had progressed as well. He also noted some issues with the landscaping permit regarding site visibility triangles at every intersection and how trees might impact visibility that needed further review. He noted the developer was working diligently to complete that process.

Mr. Hedge noted the developers met with County staff to express their desire to move forward with Phase II of the project. He displayed exhibits reflecting background information and highlights of the CRA's FY2007/08 and FY2008/09 budget periods. Mr. Hedge also discussed owner obligations under Section 2.02 of the Redevelopment Agreement and prerequisites for proceeding with Phase II of the project. He indicated that at the time the Redevelopment Agreement was written, the Tax Increment Financing (TIF) funds were projected to generate enough to reimburse the County for funding the primary redevelopment project, Mandarin Lakes. He compared TIF projections in FYs 2005/06 through 2008/09, and noted the TIF projections were initially perceived to generate about \$49 million, but today's numbers reflected TIF generating funds in excess of \$106 million. Mr. Hedge presented a proposal by the

developer to delete certain conditions under Section 2.02 of the Redevelopment Agreement that would allow the developers to proceed with implementing the infrastructure improvements in Phase II of the project. He asked CRA members for their support by directing County staff and the CRA's Legal Counsel to work with the developers to modify the Redevelopment Agreement.

In response to Mr. Infante's inquiry whether the original benchmarks would be deleted by this proposal, and what would be the new numbers, Mr. Hedge noted the developers felt the original numbers were set as safeguards to ensure adequate TIF was generated to pay back the County loans. He stated TIF revenues had exceeded projections every year since inception, and was currently generating almost \$2.3 million, which was much more than what was projected to pay off the County loan and allow the developer to move forward with phase II.

Chairperson Betancourt clarified this proposal would not substitute the benchmarks with other numbers, but would remove those conditions set for completing Phase I.

Mr. Hedge noted the proposal was to have those conditions removed and allow staff some time to re-analyze the numbers.

In response to Mr. Infante's question whether the developer was getting better contract prices in today's market, Mr. Hedge noted construction prices had increased as oil prices increased; however, the developer would get better prices today than next year, if enabled to move forward.

It was moved by Mr. Archer that the CRA direct its Legal Counsel, Mr. Zelkowitz, along with County staff and the developer, to draft a modified Redevelopment Agreement deleting certain owner obligations under Section 2.02 and to provide other necessary revisions that would allow the project to move forward. This motion was seconded by Mr. Infante for discussion.

Mr. Lipe spoke in support of the foregoing motion. He questioned whether staff had an opportunity to review this proposal and what safeguards would be in place to ensure a minimal number of units would be built over time.

Chairperson Betancourt agreed that many compelling reasons existed to modify the Redevelopment Agreement, but she noted the proposal needed to be reviewed realistically to ensure safeguards were in place. She stated she would like to hear from staff and the attorney regarding this proposal since the CRA would be responsible for continued maintenance.

With regard to construction, Mr. Hedge noted 611 units had been completed to date and ready for closing versus the 545 units reflected in the report, and D.R. Horton had begun constructing another 11 units.

Mr. Greg Pettibon, D.R. Horton, Inc. representative, spoke in support of the proposal presented by Mr. Hedge. He noted the developer's willingness to get involved with the construction in Phase II of the project was largely dependant upon the progress of Phase II infrastructure improvements and seeing the CRA move ahead.

Mr. Hedge noted other important components of Phase II of the project included housing topology, the Village Center, the bulk of the single-family housing inventory that needed infrastructure in place in order to proceed.

Mr. Jorge Fernandez noted staff held a very constructive meeting with the developers and involved parties. He noted the exhibits presented tonight were produced after that meeting, and staff did not have the opportunity to verify the numbers presented. He noted staff was currently working with the developer and the Property Appraiser's Office to get the taxable values of the project and the CRA District area in order to provide the CRA with more accurate information and projections. He noted staff was not prepared to make that presentation tonight because staff had not received those numbers from the Property Appraiser yet.

Mr. Forbes noted at the meeting between staff and the developers to renegotiate the Redevelopment Agreement, one issue discussed was the CRA should move forward proactively and aggressively with infrastructure improvements, in light of the market's current status. He spoke in support of the foregoing motion, and noted he trusted that staff, the developer and legal counsel would negotiate the needed safeguards.

Mr. Archer agreed with CRA members' concerns for the need of safeguards and accurate financial numbers, but emphasized that his motion was only to authorize staff and Legal Counsel to review the proposal with the developer and bring back an item for the CRA Board's approval.

Mr. Hakssa asked that staff also provide a report comparing the original projections with the new projections for the CRA's review.

Mr. Steven Zelkowitz, Legal Counsel for the CRA, noted all parties would agree that the Redevelopment Agreement (RA) needed to be amended in order to move forward with Phase II construction, but the RA, as written, would not permit the County or the CRA to continue funding the project since the set benchmarks had not been met. He also noted all parties would agree that the TIF funds generated were higher than what was projected five years ago; that additional TIF funds were available to pay the debt service, and that the market had changed in the past five years and would probably bounce back at some point. He noted with that understanding, he would move forward in negotiating with the developer and County staff for changes to benchmarks and necessary safeguards in order to move forward with Phase II construction. Mr. Zelkowitz advised CRA members that in light of the Strand Case, they needed to understand how the County planned to finance the project going forward, since TIF alone would not be sufficient to pay the construction costs. He also noted the CRA had anticipated issuing a bond to pay for debt service using TIF funds directly; however, the CRA could not issue a bond now, and this issue needed to be discussed. Mr. Zelkowitz said he looked forward to negotiating with staff and the developer in a positive direction to get this project back on course and completed.

Chairperson Betancourt stated it was critical for the CRA to understand the agreements with the County for future funding and debt repayment. She also noted a critical component of the discussions should be the CRA's dependence upon excessive TIF revenues to assist with other projects outside the primary project. Chairperson Betancourt questioned whether the County

perceived the additional TIF revenues as funds to pay back the debt sooner, which could hinder the CRA's ability to initiate other projects in the area. She pointed out the CRA could not maintain the primary project in the middle of the CRA District without improving the areas surrounding it, which would require using some of the excess funds.

Mr. Infante questioned how projects proposed for surrounding areas would be impacted if the Redevelopment Agreement was modified. He stated he hoped the County would maintain the same rate of repayment currently imposed on the CRA.

Mr. Zelkowitz clarified he had informed the CRA on several occasions that the RA contained provisions, which clearly stated that all of the CRA's TIF was pledged to the County to repay the debt. He acknowledged the CRA's struggle to implement revitalization programs while the RA clearly limited what the CRA could do with its TIF. He noted if the CRA board desired, he would inquire of County staff as to whether that RA condition could be revisited to see how the CRA, as well as the developer, could benefit, since the TIF revenues generated had exceeded the projections.

Mr. Infante pointed out the CRA's desire to enhance the surrounding areas was consistent with the Mayor's strategy for economic development.

Mr. Zelkowitz noted if the CRA had bonded out, it would know its debt service payment every year and would have a surplus of TIF to do other projects. He suggested that staff review the resulting debt service if a bond were included, and rework the numbers in order to give the CRA some flexibility.

Mr. Archer restated his motion to direct the CRA's Legal Counsel, Mr. Zelkowitz, along with County staff and the developer, to draft a modified Redevelopment Agreement deleting certain owner obligations under Section 2.02 and to provide necessary safeguards and accurate financial information that would allow Phase II of the project to move forward.

The CRA Board proceeded to vote on the foregoing motion, and upon being put to a vote, the motion passed unanimously by those members present.

Mr. Jorge Fernandez advised that staff would come back with an item for the CRA's approval, once an agreement was reached.

**Resolution Accepting property conveyance from D.R. Horton pursuant to
Redevelopment Agreement**

Mr. Steven Zelkowitz, Legal Counsel for the CRA, read the foregoing proposed resolution into the record, and provided an explanation of its intent.

It was moved by Mr. Forbes that the foregoing proposed resolution accepting the property conveyed to the CRA from D.R. Horton be approved. This motion was seconded by Mr. Hakssa, and upon being put to a vote, passed unanimously by those members present.

Chairperson Betancourt asked that Mr. Hakssa's name be spelled correctly in this resolution.

In response to Mr. Archer's inquiry as to whether the newly conveyed property was properly insured, Mr. Hedge noted from the standpoint of construction, the CRA was insured. He noted the CRA, the County and the developer were named as additional insured in terms of the construction contract and the payment performance bond.

In response to Chairperson Betancourt's question whether the CRA was insured as an agency to the County, Mr. Zelkowitz noted the CRA was not an agency to the County; rather its own agency under State statutes. He noted, with respect to construction work, the CRA was covered under the developer's liability insurance; and as owners of the property, the CRA was entitled to sovereign immunity like any other government agency, with Tort Liability limited to \$200,000. Mr. Zelkowitz suggested the CRA discuss with County staff, how the County insured its real properties to see if this conveyed property could be added to one of the County's policies for liability purposes; otherwise, the property could be insured through the Florida League of Cities. He pointed out that, at some point, a Community Center would be built on this property, and would need to be insured, which would probably require a liability policy.

It was moved by Mr. Archer that staff ensure that the property conveyed to the CRA by D.R. Horton was properly insured to protect the CRA from any potential liability. This motion was seconded by Mr. Hakssa, and upon being put to a vote, passed unanimously by those members present.

Mr. Zelkowitz advised that staff should go forward with insuring the property and should include in the CRA's proposed FY2008/09 Budget, the necessary funding to pay for it.

Report from the Selection Subcommittee re: review and ranking of responses to RFQ for Economic Development Coordinator

Chairperson Betancourt provided a brief overview of the Selection Subcommittee's review and ranking process of the responses to the Request for Quotes (RFQ) for the Economic Development Coordinator (EDC) position. She noted the Subcommittee met on two occasions; first, to rank the submitted applications, and second, to hear oral presentations by the applicants. Chairperson Betancourt noted, based on the responses given, there was a slight spread between the top three rankings, and she announced Ms. Rachel Bach as the highest ranking candidate selected for this position. She also noted the Subcommittee asked Mr. Zelkowitz to engage in negotiations with Ms. Bach for the EDC position pursuant to the advertised RFQ.

Mr. Forbes requested a discussion on the Selection Subcommittee's tasks.

Discussion on Selection Subcommittee recommendation for Economic Development Coordinator

Mr. Forbes reviewed past actions and votes taken by the CRA board at various CRA meetings held from March 2007 to present. He noted the minutes included votes taken to solicit interest for an Executive Director as a CRA employee; to advertise a Request for Quotes (RFQ) for an

Economic Development Coordinator; and to hire an Executive Director. He stated he felt it was disingenuous and unacceptable for the Selection Subcommittee to change the status of a previous vote taken by the CRA. He also stated he felt the Subcommittee failed in performing what they were tasked to do by interviewing a team instead of one person.

Mr. Archer noted he totally disagreed with Mr. Forbes' comments because the Selection Subcommittee followed a thorough process pursuant to the advice received from Legal Counsel and County staff. He noted the RFQ was reissued for various legal and budget reasons, and the Subcommittee reviewed six well-qualified individuals. He noted Ms. Bach, the individual selected, worked jointly with a partner, but the Subcommittee basically considered her as one person, and accomplished its mission through the proper guidance of the attorney and staff.

Mr. Infante stated it was always his intention that the CRA hire an Executive Director, but he thought it would be prudent for the CRA to hire an EDC on a six-month trial basis with the prospect of that person becoming the CRA's Executive Director in the future. He noted he preferred someone who would represent the CRA, and he agreed with Mr. Forbes' comments that the intent was to work with only one person. Mr. Infante indicated he would not support the CRA working with a team.

Mr. Ramkissoon concurred with Mr. Forbes' comments because he supported the CRA hiring an Executive Director from the onset. He expressed concern that the recommended individual or company would be working limited hours for the CRA, and would require more hours to accomplish the scope of work the CRA expected, which would cost the CRA more. He noted if the CRA hired an Executive Director, that person would be held responsible for achieving the goals set within the scope of work and salary range.

Mr. Hakssa clarified that salary or monies were not discussed in this selection process, only the qualifications of the person.

Mr. Forbes clarified he was not opposed to the candidate selected, but felt it was unfair that the Selection Subcommittee ranked the candidates based on a team of people rather than an individual as described in the RFQ. He noted when the CRA approved the RFQ, it was clear that the CRA was looking for one person, and not a team.

Chairperson Betancourt clarified the recapping of the minutes and the votes by Mr. Forbes clearly showed the CRA voted in favor of hiring an Executive Director in 2007 but there was dissension among the CRA members, and at some point, a discussion ensued regarding a transitional position that would eventually evolve into an Executive Director, for which the Board voted unanimously.

The CRA, by motion duly made, seconded and carried unanimously, agreed to extend tonight's meeting for an additional thirty minutes.

Mr. Archer assured the CRA members that these issues were considered when the Selection Subcommittee reviewed and evaluated all of the presentations, and the selections were made based on what the CRA wanted. He noted Ms. Bach had a reliable partner to assist her with

additional tasks that would provide a more efficient job for the CRA. He noted his disappointment with some board members comments regarding unfairness in the selection process since it was sanctioned by the CRA's Legal Counsel. He stated he felt the Selection Subcommittee was correct in what they did, and the CRA should proceed with the selection.

Mr. Hakssa noted, as a member of the Selection Subcommittee, he participated in a fair selection process; reviewed every candidate based on the RFQ; and considered Ms. Bach as the most qualified. He noted Ms. Bach was considered as an individual, who had a partner that had expert knowledge of CRAs.

Mr. Forbes clarified his position was that the Selection Subcommittee could not change the will of the CRA Board as a whole, which voted to hire an Executive Director.

Mr. Infante asked to hear from Ms. Bach.

Ms. Rachel Bach appeared before the CRA and introduced herself as the selected applicant for the EDC position. She noted she clearly submitted her application as an individual and her intent was always to be the primary contact person representing the CRA as its EDC. She noted her associate, Ms. Chris Morey (phonetic), was going to assist her in working on the action plan and other various activities. Ms. Bach further noted she and Ms. Morey had a long history working together and had worked together on the redevelopment of Plantation, Florida. She also noted Ms. Morley had worked in the construction industry for the past five years.

In response to Mr. Infante's question whether she would consider becoming the CRA's Executive Director in the future as a full time employee, Ms. Bach noted she would need to discuss with County staff the terms of the scope of work in the RFQ and the CRA's specific needs and plans. She stated she felt the CRA's primary focus should be on completing the development of the action plan before this fiscal year ended.

Chairperson Betancourt stated she felt the CRA needed to schedule a workshop soon with Ms. Bach to discuss the direction the CRA wanted to proceed.

Mr. Infante stated he felt the scope of the proposed agreement should be narrowed down to the two months remaining in this fiscal year to observe Ms. Bach's performance. He expressed concern with the community not seeing any action for the next two months.

Mr. Archer noted the Selection Subcommittee was aware that this fiscal year was ending very rapidly, and was one reason why they asked Legal Counsel to initiate the preliminary negotiations and advance the agreement as quickly as possible. He expressed concern with a two-month time frame not long enough for the EDC to accomplish the work that needed to be done. He suggested amending the agreement to extend it six months, and asked Mr. Zelkowitz to provide a recommendation on how the time frame could be increased.

Mr. Forbes expressed concern with language on page 7, section 7.6 in the proposed agreement, under Independent Contractors, which stated "...this agreement did not create an employee/employer relationship between the parties, and the intent was the consultant would be

an independent contractor under this agreement and not the CRA's employee for any and all purposes...." He noted his position was the CRA passed a motion over a year ago to hire an Executive Director, which was approved and budgeted, and moved to hire an individual as an employee of the CRA. He stated he felt that motion should still stand.

In response to Mr. Archer's questions regarding whether the RFQ process adhered to the legal guidelines, and how the CRA could quickly move forward, Mr. Steven Zelkowitz explained the history of the RFQ. He noted two occasions where the Board discussed whether or not to hire an Executive Director with some dissension, and the costs. He noted the CRA originally agreed to proceed with a request for letters of interest, which received very little response, and then proceeded with having him draft an RFQ for an Economic Development Coordinator. At that time, he noted the CRA discussed whether or not to hire a person as an employee or as a consultant, and concluded they would hire an independent contractor since the CRA was not at the point to hire an employee because that would require providing health insurance benefits. He noted the EDC agreement drafted was the same agreement he used when developing an agreement for hiring the CRA's Construction Consultant, Mr. Serralta.

In response to Mr. Forbes' question whether a previous motion approved by the CRA needed to be reconsidered in order to proceed with hiring an EDC, Mr. Zelkowitz noted a number of votes were taken on different motions, and he understood all votes were incorporated into the RFQ he prepared, which was reviewed and approved for issuance by the CRA. He also noted he carefully drafted the tasks the CRA expressed they wanted accomplished, and the terms drafted in this agreement were based on the RFQ and the direction given to him to draft an agreement hiring an EDC on a consultant basis.

Following further discussion, it was moved by Mr. Archer that the CRA instruct its Legal Counsel, Mr. Zelkowitz, to proceed with negotiations with Ms. Bach and to finalize an agreement that included a salary amount and a time-frame, and that it be brought back before the CRA for approval. This motion was seconded by Mr. Infante for discussion.

Mr. Zelkowitz noted the primary issue with extending the contract past the end of this fiscal year was the CRA would be unable to pay the salary until the County Commission approved the CRA's budget. He noted the CRA felt it wanted someone on board by the end of May to work through this summer during the budget process, and wanted the EDC's initial term of engagement to end when the current fiscal year ended, at which time, the CRA could decide whether or not to approve another term in next fiscal year's budget.

Chairwoman Betancourt noted she believed the Selection Subcommittee moved forward on what the CRA wanted, and the intention of the CRA to hire an Executive Director was not ignored. She stated the CRA now had an exceptionally qualified person, chosen through a selection process, to be the EDC and an engagement with an EDC of Ms. Bach's caliber would move the CRA closer to hiring an Executive Director.

In response to Mr. Infante's question whether the monies approved in this year's budget could be used to further payments in next fiscal year's budget, Mr. Zelkowitz noted that would depend on whether the County Commission approved the CRA's next fiscal year budget and approved

carrying over those funds to be used next year. He explained that the monies approved in the CRA's current fiscal year (FY2007/08) Budget could only be spent through September 30, 2008.

Chairwoman Betancourt pointed out that Mr. Zelkowitz explained the contract could be extended six months, but the issue was the CRA's inability to make payments until after October 1, 2008, when the budget was approved.

In response to Mr. Lipe's comments that the payments needed to be contingent upon approval of the budget, Mr. Zelkowitz noted the agreement could be worded several ways based on an agreement with Ms. Bach and her willingness to start.

In response to Mr. Infante's question whether Mr. Forbes' was correct in stating his position that the Selection Subcommittee acted in an illegal manner or violated a direction, Mr. Zelkowitz noted the CRA delegated authority to its Selection Subcommittee to do the will of the CRA. He noted the Selection Subcommittee received and reviewed six proposals in response to the RFQ, which they could have thrown out based on some wording and irregularities in the applications, but the RFQ gave great latitude to accept the irregularities, and the Subcommittee decided to review them all and hear the presentations. He advised his opinion was that the Selection Subcommittee did nothing illegal but acted within the scope of what they were delegated to do. He noted the purpose of having the agreement come back before the CRA for approval was to give CRA members the opportunity to approve or disapprove the recommendation.

Chairperson Betancourt pointed out the August 2007 minutes reflected a vote taken on a motion made by Mr. Lipe that the CRA broaden its mission by considering an Economic Development Coordinator, which was approved unanimously.

Following further discussion, Mr. Archer reiterated his motion to instruct the CRA's Legal Counsel, Mr. Zelkowitz, to proceed with negotiations with Ms. Bach and to finalize an agreement that included a salary amount and a time-frame, contingent upon the County Commission's approval of the CRA's FY2008/09 Budget.

The CRA board proceeded to vote on the foregoing motion, and upon being put to a vote, the motion passed 4-3 (Mr. Infante, Mr. Forbes and Mr. Ramkissoon voted No), (Ms. Volkert was absent)

The CRA, by motion duly made, seconded and carried unanimously, extended tonight's meeting an additional ten (10) minutes to complete the agenda.

In view of the time, Mr. Ramkissoon asked that the items he requested to be added to tonight's agenda be presented at the next CRA meeting for discussion.

Approval of award of contract to Rachel Baum, AICP, for Economic Development Coordinator

See the report under the Agenda Item-Discussion on Selection Subcommittee recommendation for Economic Development Coordinator.

VIII. Next Meeting Dates:

August 25, 2008, Regular Board Meeting

Chairperson Betancourt announced the next NLCRA Regular Board Meeting would be held on August 25 2008 at 6:00 p.m.

IX. Adjournment

There being no further business to come before this Board, the Naranja Lakes Community Redevelopment Agency meeting was adjourned at 8:15 p.m.

Chairperson Nina Betancourt
Naranja Lakes Community Redevelopment Agency