

ORDINANCE No. 2009-17-189

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2009-03-175 TO PROVIDE FOR A TEMPORARY AMENDMENT TO THE CITY'S PURCHASING ORDINANCE IN ORDER TO AUTHORIZE THE CITY MANAGER TO EXECUTE ANY AND ALL AGREEMENTS WITH CONTRACTORS IN REFERENCE TO THE NEIGHBORHOOD STABILIZATION PROGRAM; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 14, 2009, the City Council authorized an Amendment to the City's current Purchasing Ordinance whereby the City Manager would have authority to execute Purchase And Sales Agreements and all other attendant documents necessary in order to transfer and purchase property in accordance with the Neighborhood Stabilization Program ("NSP"), and

WHEREAS, that provision of the Purchasing Ordinance is going to automatically sunset as of January 1, 2010, and

WHEREAS, the City Staff has undertaken the process of purchasing NSP properties which will be transferred to homeowners in the near future, and

WHEREAS, in accordance with the City's approved NSP Plan, the City will rehab those properties before transferring them to new Property owners, and

WHEREAS, the City intends to undertake a formal bid solicitation process whereby contractors will be able to bid on the housing rehabilitation portion of the program, and

WHEREAS, the City intends to follow the dictates of its Purchasing Code prior to awarding any contracts, and

WHEREAS, currently, the City's Code would require each of these contracts to come back to the City Council for approval, and

WHEREAS, City Staff is recommending that the process be streamlined to permit the City Manager to execute these Agreements in accordance with the City's NSP Program,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. AMENDMENT: Ordinance No. 2009-03-175 is amended in Section 2(N) to read as follows:

(N) To execute Purchase and Sales Agreements and any and all other attendant documents that are necessary in order to transfer and purchase properties, as well as any and all agreements with contractors who shall be providing rehabilitation services in accordance with the Neighborhood Stabilization Program and the City's Amendment to its Third-Year Program Action Plan. The only documents authorized by this provision are those that are required to effectuate the actual transfer of real property, and those documents necessary in order for the City to enter into Agreements with contractors who shall provide rehabilitation services to the City. The City Manager shall be required to provide a monthly report of all transfers of real property to the City Council. This section of the Ordinance shall automatically sunset as of January 1, 2010, and should be of no further force and effect.

SECTION 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

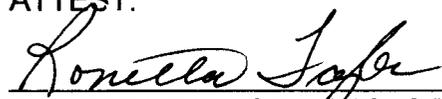
SECTION 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 24th DAY OF JUNE, 2009.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 9th DAY OF JULY, 2009.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Councilman Gilbert
SECOND BY: Councilman Campbell

VOTE: 5-0

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Barbara Watson	<u> </u> (Yes)	<u> </u> (No) (out of town)
Councilman Melvin L. Bratton	<u> </u> (Yes)	<u> </u> (No) (out of town)
Councilman Aaron Campbell	<u> X </u> (Yes)	<u> </u> (No)
Councilman Oliver Gilbert, III	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> X </u> (Yes)	<u> </u> (No)
Councilman André Williams	<u> X </u> (Yes)	<u> </u> (No)

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City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	<i>July 8, 2009</i>		Item Type:	Resolution	Ordinance	Other	
			<i>(Enter X in box)</i>		X		
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading	
		X					X
			Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes	No
					X		
Funding Source:	NSP Funds		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No	
					X		
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:	<i>(Enter #)</i>			
		X					
Sponsor Name	Danny Crew, City Manager		Department:	Community Development			

Short Title:

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Staff Summary:

Background

The City of Miami Gardens received an allocation of \$6,866,119.02 from the Neighborhood Stabilization Program. The City submitted to HUD the plan of activities it proposed to carry out with these funds. HUD approved the City's Plan and on March 4, 2009 a contract was executed between the City and U.S. HUD. The primary purpose of the NSP Funds is to purchase abandoned and foreclosed homes with the intent of rehabbing and reselling them to income eligible buyers. The City's plan estimates the purchase of approximately 25 single family housing units. Due to the time constraints imposed by the NSP (18 months to use the funds), City staff must work diligently to ensure program compliance.

Ordinance Number 2009-03-175 was amended on January 14, 2009, authorizing the City Manager to execute any and all sale and purchase agreements for single family properties relating to the NSP.

Current Situation

Since the execution of the agreement with HUD on March 4, 2009, Staff has begun to carry out NSP plan activities beginning with the purchase of five (5) single family homes which are vacant and in need of repairs. These repairs have been estimated to be approximately \$40,000 to \$50,000 per house. The City currently has over 70 approved general contractors that work on the Housing Rehabilitation Program. This list of general contractors will be given the opportunity to bid on these projects on an individual basis. It should be noted that many of these approved general contractors have not been awarded any contracts under the City's existing rehab program. The NSP provides an additional opportunity for general contractors to do business with the City. The bid solicitation process to be used under the NSP will be the same as currently used under the City's approved Housing Rehabilitation Program.

The current procurement process requires City Council to approve every agreement entered into by the City. The attached Ordinance amendment, which was approved on first reading at the June 24, 2009 City Council meeting, requests Council approval to authorize the City Manager to execute rehabilitation agreements in relation to properties purchased under the NSP. The proposed amendment will sunset as of January 1, 2011. City staff anticipates approximately 15-25 rehabilitation agreements with a maximum value of \$55,000.

Proposed Action:

Staff recommends that City Council approve the proposed ordinance amendment (on second reading) further amending section 2 of ordinance 2009-03-175.

Attachment:

None