

ORDINANCE NO. 2010-02-210

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2009-03-175 AND ORDINANCE NO. 2009-17-189, TO EXTEND THE SUNSET PROVISIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Miami Gardens was awarded Six Million Eight Hundred and Eighty-Six Thousand One Hundred and Nineteen Dollars and 02/100 Cents (\$6,886,119.02) in Neighborhood Stabilization Program (NSP) funds to carry out activities in accordance with the City's NSP Plan, and

WHEREAS, City Council previously adopted Ordinance No. 2009-03-175 authorizing the City Manager to execute purchase and sale agreements in relation to property transfers done through the NSP, and

WHEREAS, City Council approved Ordinance No. 2009-17-189 authorizing the City Manager to execute rehabilitation agreements with general contractors on NSP acquired properties, and

WHEREAS, both Ordinances are scheduled to sunset as of January 1, 2010, and

WHEREAS, the City's current NSP grant period will run through March 2, 2013, and

WHEREAS, in light of this fact, it is necessary for City Council to extend the sunset position of Ordinance No. 2209-03-175 and Ordinance No. 2009-17-189 through January 1, 2014,

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 paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. APPROVAL: The City Council of the City of Miami Gardens hereby approves amending Ordinance No. 2009-03-175 and Ordinance No. 2009-17-189 to extend the sunset provisions of both Ordinances through January 1, 2014.

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 CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

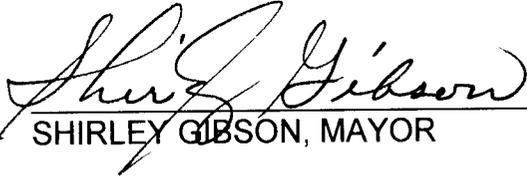
Section 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not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

Section 5. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 9TH DAY OF DECEMBER, 2009.

PASSED ON SECOND READING ON THE 13TH DAY OF JANUARY 2010.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF
MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 13TH DAY OF
JANUARY, 2010.


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: Councilwoman Watson
Second by: Councilman Bratton

VOTE: 6-0

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Oliver Gilbert III	<u> X </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> X </u> (Yes)	<u> </u> (No)
Councilman Aaron Campbell	<u> </u> (Yes)	<u> </u> (No)(not present)
Councilman Andre' Williams	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Barbara Watson	<u> X </u> (Yes)	<u> </u> (No)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	January 13, 2010		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		
			X	Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes	No
			X					
Funding Source:	CDBG Fund - NSP Grant		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 #:	N/A				
		X						
Sponsor Name	Dr. Danny Crew, City Manager		Department:	Community Development				

Short Title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2009-03-175 AND ORDINANCE NO. 2009-17-189, TO EXTEND THE SUNSET PROVISIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

Background

The City of Miami Gardens has been awarded \$6,886,119.02 in Neighborhood Stabilization Program (NSP) funds to carry out activities in accordance with the City’s NSP Plan. City Council passed Resolution No. 2008-231-919, approving the NSP Plan at its November 12, 2008 meeting. Subsequently, the Department of Housing and Urban Development (HUD) approved the City’s NSP Plan and a contract for the funding was executed on March 2, 2009.

The primary purpose of the NSP is to purchase abandoned/foreclosed properties with the intent of rehabbing and reselling them to income eligible buyers. Due to the time constraints imposed by the NSP (18 months to obligate the funds, 48 months to expend), City staff must work diligently to ensure program compliance.

In an effort to implement the NSP program within the time constraints imposed, the Council approved Ordinance No. 2009-03-175 on January 14, 2009 authorizing the City Manager to execute purchase/sale

**ITEM I-2) ORDINANCE
SECOND READING/PUBLIC HEARING
Amending NSP Sunset Provisions**

agreements in relation to property transfers done through the NSP. Additionally, Council approved Ordinance No 2009-17-189 which authorized the City Manager to execute rehabilitation agreements with general contractors on NSP acquired properties without requiring City Council approval. The provision in both Ordinances will sunset as of January 1, 2010.

Current Situation

The current NSP grant period will run through March 2, 2013. As acquired properties are rehabilitated and subsequently sold to qualified buyers, the sales proceeds from these homes will generate program income. This program income can be used to purchase and rehabilitate additional abandoned and foreclosed homes for a period of up to four years, or an additional period as determined by HUD.

Moreover, the City has also applied to HUD under the NSP 2 grant application cycle. Given the City's foreclosure numbers, along with its successful progress with administering NSP 1 Funds, City Staff anticipates being awarded a grant under NSP 2 for an amount at least equal to the NSP1 award. Therefore staff is recommending that the above referenced Ordinances be amended to extend the City Manager's authority to execute purchase/sales agreements and agreements for rehabilitation of properties until such time as NSP Funds are exhausted.

This item was approved under First Reading at the December 9, 2009 Council meeting.

Proposed Action:

City Staff recommends that City Council approve the proposed ordinance under second reading, further amending Section 5 of Ordinance No. 2009-03-175 and Ordinance No. 2009-17-189.

Attachment:

None