



## CITY OF MIAMI GARDENS CITY COUNCIL MEETING AGENDA

**Meeting Date:** May 12, 2010  
1515 NW 167<sup>th</sup> St., Bldg. 5, Suite 200  
Miami Gardens, Florida 33169  
**Next Regular Meeting Date:** May 26, 2010  
**Phone:** (305) 622-8000 **Fax:** (305) 622-8001  
**Website:** www.miamigardens-fl.gov  
**Time:** 7:00 p.m.

Mayor Shirley Gibson  
Vice Mayor Aaron Campbell Jr.  
Councilwoman Barbara Watson  
Councilman André Williams  
Councilman Melvin L. Bratton  
Councilwoman Sharon Pritchett  
Councilman Oliver G. Gilbert III  
City Manager Dr. Danny O. Crew  
City Attorney Sonja K. Dickens, Esq.  
City Clerk Ronetta Taylor, MMC

**City of Miami Gardens Ordinance No. 2007-09-115 requires all lobbyists before engaging in any lobbying activities to register with the City Clerk and pay an annual fee of \$250.00. This applies to all persons who are retained (whether paid or not) to represent a business entity or organization to influence “City” action. “City” action is broadly described to include the ranking and selection of professional consultants, and virtually all-legislative, quasi-judicial and administrative action. All not-for-profit organizations, local chamber and merchant groups, homeowner associations, or trade associations and unions must also register however an annual fee is not required.**

- (A) CALL TO ORDER/ROLL CALL**
- (B) INVOCATION**
- (C) PLEDGE OF ALLEGIANCE**
- (D) APPROVAL OF MINUTES**
  - D-1) Regular City Council Minutes – April 14, 2010
- (E) ORDER OF BUSINESS** (Items to be pulled from Consent Agenda at this time)

**(F) SPECIAL PRESENTATIONS (5 minutes each)**

- F-1) Chief Boyd, Police Department Monthly Report
- F-2) Proclamation – Public Works Week May 16-22, 2010
- F-3) Proclamation – National Missing Children Day
- F-4) Mayor Gibson – Miami Gardens KEEP Screening
- F-5) Team United Presentation
- F-6) Universal Public Purchasing Certification Council Presentation

**(G) PUBLIC COMMENTS**

**(H) ORDINANCE(S) FOR FIRST READING:**

**H-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 4 AND 15 OF ORDINANCE 2005-13-51, THE “PROPERTY MAINTENANCE” ORDINANCE TO INCLUDE REQUIREMENTS FOR THE REMOVAL OF SOLID WASTE RECEPTACLES FROM RIGHTS-OF-WAY; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY COUNCILWOMAN BARBARA WATSON)**

**H-2) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING A MORATORIUM ON THE SUBMISSION, PROCESSING AND ISSUANCE OF CERTIFICATES OF USE AND BUSINESS TAX RECEIPTS FOR THE OPERATION OF PAIN CLINICS AND PAIN MANAGEMENT CLINICS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A STUDY(S); PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**(I) ORDINANCE(S) FOR SECOND READING/PUBLIC HEARING(S)**

**I-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, PROVIDING FOR AN AMENDMENT TO SECTION 2.3(C), OF THE CHARTER OF THE CITY OF MIAMI GARDENS, TO DELETE THE REFERENCE TO “N.W. 20TH AVENUE” FROM THE EASTERN BOUNDARY DESCRIPTION FOR RESIDENTIAL AREA ONE; SUBMITTING THE QUESTION**

**FOR APPROVAL OF THE ELECTORATE OF THE CITY OF MIAMI GARDENS AT THE GENERAL ELECTION TO BE HELD IN AUGUST 2010; PROVIDING FOR THE CALL OF THE ELECTION ON THE ISSUE TO BE PRESENTED ON THE BALLOT; PROVIDING FOR AUTHORITY TO THE CITY ATTORNEY AND CITY CLERK; PROVIDING FOR REPRESENTATIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY COUNCILMAN AARON CAMPBELL JR.) (1<sup>ST</sup> Reading – April 28, 2010)**

- I-2) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2005-10-48, AS AMENDED, TO CREATE ARTICLE III ESTABLISHING DEPARTMENT PROCEDURES; PROVIDING DEFINITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER) (1<sup>ST</sup> Reading – April 28, 2010)**

**(J) CONSENT AGENDA**

- J-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO UTILIZE PARKS AND RECREATION DEPARTMENT OPERATING FUNDS AS A DOLLAR-FOR-DOLLAR MATCH TOWARD THE SAFE NEIGHBORHOOD PARKS BOND PROGRAM GRANT FUNDS IN THE AMOUNT OF ONE HUNDRED TWENTY-SEVEN THOUSAND, ONE HUNDRED EIGHTY-TWO DOLLARS (\$127,182.00) TO REPLACE PLAYGROUND EQUIPMENT AT A. J. KING PARK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**
- J-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO UTILIZE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND AND QUALITY NEIGHBORHOOD IMPROVEMENT PROGRAM FUNDS AS A DOLLAR-FOR-DOLLAR MATCH TOWARD THE SAFE NEIGHBORHOOD PARKS GRANT AWARD IN THE AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) TO**

**DEVELOP THE AMPHITHEATER AT THE MIAMI GARDENS COMMUNITY CENTER; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

- J-3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN AGREEMENT WITH HORIZON CONTRACTORS, INC., ATTACHED HERETO AS EXHIBIT "A", IN THE AMOUNT OF FOUR HUNDRED SIXTY-TWO THOUSAND, ONE HUNDRED AND NINETY-SIX DOLLARS AND 20/100 CENTS (\$462,196.20) FOR LAP ROADWAY IMPROVEMENT PROJECTS; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**
- J-4) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK, TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN EASEMENT AGREEMENT GRANTING MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT ACCESS TO WATER AND SEWER FACILITIES LOCATED AT THE MIAMI GARDENS COMMUNITY CENTER; PROVING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**
- J-5) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, INVOKING THE PROVISIONS OF SECTION 6.03 OF THE CHARTER OF MIAMI-DADE COUNTY IN ORDER TO AMEND SECTION 2.2 AND 3.3(1) OF THE CHARTER OF THE CITY OF MIAMI GARDENS, REQUESTING THAT THE SUPERVISOR OF ELECTIONS SUBMIT THE BALLOT QUESTION TO THE VOTERS AT THE AUGUST 24, 2010 GENERAL ELECTION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY ATTORNEY)**
- J-6) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, INVOKING THE PROVISIONS OF SECTION 6.03 OF THE CHARTER OF MIAMI-DADE COUNTY, IN ORDER TO AMEND SECTION 5.2(D) OF THE CHARTER OF THE CITY OF MIAMI GARDENS; REQUESTING THAT THE**

**SUPERVISOR OF ELECTIONS SUBMIT THE BALLOT TO THE VOTERS AT THE AUGUST 24, 2010 GENERAL ELECTION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY ATTORNEY)**

**J-7) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, INVOKING THE PROVISIONS OF SECTION 6.03 OF THE CHARTER OF MIAMI-DADE COUNTY IN ORDER TO AMEND SECTION 6.2(B) OF THE CHARTER OF THE CITY OF MIAMI GARDENS; REQUESTING THAT THE SUPERVISOR OF ELECTIONS SUBMIT THE BALLOT QUESTION TO THE VOTERS AT THE AUGUST 24, 2010 GENERAL ELECTION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY ATTORNEY)**

**J-8) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, INVOKING THE PROVISIONS OF SECTION 6.03 OF THE CHARTER OF MIAMI-DADE COUNTY, IN ORDER TO AMEND SECTION 2.3(C), OF THE CHARTER OF THE CITY OF MIAMI GARDENS; REQUESTING THAT THE SUPERVISOR OF ELECTIONS SUBMIT THE BALLOT QUESTION TO THE VOTERS AT THE AUGUST 24, 2010 GENERAL ELECTION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY ATTORNEY)**

**J-9) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CONFIRMING COUNCILWOMAN SHARON PRITCHETT'S RE-APPOINTMENT OF PATRICIA WRIGHT TO THE COMMISSION FOR WOMEN FOR A TWO YEAR TERM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY COUNCILWOMAN SHARON PRITCHETT)**

**J-10) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CONFIRMING COUNCILMAN ANDRE WILLIAMS' RE-APPOINTMENT OF ROSETTA NELSON TO THE COMMISSION FOR WOMEN FOR A TWO YEAR TERM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY COUNCILMAN ANDRE WILLIAMS)**

**J-11) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING THE 2010-13 LOCAL HOUSING ASSISTANCE PLAN; AUTHORIZING THE CITY MANAGER TO SUBMIT THE PLAN TO THE FLORIDA HOUSING FINANCE CORPORATION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**(K) RESOLUTIONS**

**K-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RENAMING THE MIAMI GARDENS COMMUNITY CENTER TO THE “MIAMI GARDENS RECREATIONAL COMPLEX”; AND NAMING THE RECREATIONAL BUILDING THE “BETTY T. FERGUSON COMMUNITY CENTER;” PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY MAYOR SHIRLEY GIBSON)**

**K-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING RESOLUTION NO. 2010-80-1262 WHICH AUTHORIZED THE CITY MANAGER TO UNDERTAKE A FORMAL PROCESS FOR THE SOLICITATION OF PROPOSALS RELATING TO THE CITY OF MIAMI GARDENS TOWN CENTER DEVELOPMENT, TO BROADEN THE TYPES OF PROPOSALS THAT MAY BE ACCEPTED; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY COUNCILMAN ANDRÉ WILLIAMS)**

**(L) RESOLUTION(S)/PUBLIC HEARING(S)**

**L-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING THE CITY’S NEIGHBORHOOD STABILIZATION PROGRAM (“NSP”) TO DE-OBLIGATE THE SUM OF ONE MILLION, SEVEN HUNDRED SIXTEEN THOUSAND, FIVE HUNDRED TWENTY-NINE DOLLARS AND 70/100 CENTS (\$1,716,529.70) THAT WAS PREVIOUSLY AWARDED TO DIAMOND POINT AT MIAMI GARDENS, LLC; TRANSFERRING THE SUM OF ONE MILLION DOLLARS (\$1,000,000.00) TO BE DIVIDED IN EQUAL PARTS OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FROM ACTIVITY #5 SUBSIDY ASSISTANCE FOR BUYERS OF**

**PURCHASED PROPERTIES, TO ACTIVITY #3 PURCHASE OF FORECLOSED PROPERTIES FOR RESALE AND FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) TO ACTIVITY #4 REHABILITATION OF UNITS FOR RESALE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**L-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING THE CITY'S CDBG-R SUBSTANTIAL AMENDMENT; AUTHORIZING THE CITY MANAGER TO SUBMIT THE AMENDMENT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**L-3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING THE HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM SUBSTANTIAL AMENDMENT TO THE 2008-09 ANNUAL ACTION PLAN; AUTHORIZING THE CITY MANAGER TO SUBMIT THE AMENDMENT TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**(M) REPORTS OF CITY MANAGER/CITY ATTORNEY/CITY CLERK**

**(N) REPORTS OF MAYOR AND COUNCIL MEMBERS**

**(O) WRITTEN REQUESTS, PETITIONS & OTHER WRITTEN COMMUNICATIONS FROM THE PUBLIC**

**(P) ADJOURNMENT**

IN ACCORDANCE WITH THE AMERICAN WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT RONETTA TAYLOR, MMC, CITY CLERK (305) 622-8000 EXT./ 2750, NO LATER THAN 48 HOURS PRIOR TO SUCH PROCEEDINGS. TDD NUMBER 1-800-955-8771.

ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM MAY CONTACT RONETTA TAYLOR, MMC, CITY CLERK (305) 622-8000 EXT. 2750. THE ENTIRE AGENDA PACKET CAN ALSO BE FOUND ON THE CITY'S WEBSITE AT [www.miamigardens-fl.gov](http://www.miamigardens-fl.gov).

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF MIAMI GARDENS WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.



**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b>	May 12, 2010		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b>	<b>Ordinance</b> X	<b>Other</b>	
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1<sup>st</sup> Reading</b> X		<b>2<sup>nd</sup> Reading</b>	
		X		<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b> X	<b>Yes</b>
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>	
						X	
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>				
		X					
<b>Sponsor Name</b>	<b>Councilwoman Barbara Watson</b>		<b>Department:</b>	<b>Mayor and City Council</b>			

**Short Title:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 4 AND 15 OF ORDINANCE 2005-13-51, THE "PROPERTY MAINTENANCE" ORDINANCE TO INCLUDE REQUIREMENTS FOR THE REMOVAL OF SOLID WASTE RECEPTACLES FROM RIGHTS-OF-WAY; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

**Staff Summary:**

On March 5, 2005, the City Council of the City of Miami Gardens, adopted Ordinance No. 2005-13-51 to establish standards of maintenance of properties and to improve and enhance the aesthetic environment throughout the City. Since the adoption of the Property Maintenance Ordinance, the City has encountered many cases in which property owners have left solid waste receptacles along the public right-of-ways for extended periods prior to and after trash pick-up. As such, Councilwoman Watson is recommending that the City Council amend the Property Maintenance Ordinance to impose regulations for the removal of solid waste receptacles from the rights-of-ways. Currently, Miami-Dade's code provides that solid waste containers be to be placed on the curb by 7:00 a.m. and removed on the same day. There is no deadline in the County's Ordinance for how long before 7:00 a.m., the trash receptacles can be placed at the curb. The proposed Ordinance will required that containers only be placed on the curb for twelve hours before and that they be removed by 11:59 p.m. the day of the pick-up.

**ITEM H-1) ORDINANCE  
FIRST READING  
Amending the Property  
Maintenance Ordinance**

**Proposed Action:**

Councilwoman Watson recommends that the City Council approve an amendment to Sections 4 and 15 of the Property Maintenance Ordinance.

**Attachment:**

Miami-Dade County's current Ordinance.

ORDINANCE NO. 2010\_\_\_\_\_

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 4 AND 15 OF ORDINANCE 2005-13-51, THE "PROPERTY MAINTENANCE" ORDINANCE TO INCLUDE REQUIREMENTS FOR THE REMOVAL OF SOLID WASTE RECEPTACLES FROM RIGHTS-OF-WAY; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 9, 2005, the City Council of the City of Miami Gardens adopted Ordinance No. 2005-13-51 to establish standards for the maintenance of properties and to improve and enhance the aesthetic environment throughout the City, and

WHEREAS, enforcing proper maintenance standards serves a public purpose in creating safe, sanitary and litter-free neighborhoods within the City of Miami Gardens, and

WHEREAS, the City has encountered problems whereby property owners are leaving solid waste receptacles along public rights-of-way for extended periods of time, and

WHEREAS, the placement and abandonment of waste receptacles for extended periods of time creates blight, litter and animal scavenger problems which poses a threat to the environment and public health, and

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Language deleted is stricken through and language added is underlined

1           WHEREAS, the City would like to amend the “Property Maintenance  
2 Ordinance” to include requirements for the removal of solid waste receptacles from  
3 rights-of-way,

4           NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
5 CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

6           Section 1.   ADOPTION OF REPRESENTATIONS:   The foregoing  
7 Whereas paragraphs are hereby ratified and confirmed as being true, and the same  
8 are hereby made a specific part of this Ordinance.

9           Section 2.   REPEAL:   Section 15-5 of the Miami-Dade County Code of  
10 Ordinances, as made applicable to the City of Miami Gardens is hereby repealed.

11           Section 3.   AMENDMENT:   Section 4 of Ordinance No. 2005-13-51 as  
12 amended, is hereby amended to include the following definition:

13           V.   Solid waste.   Garbage, trash, yard trash (except for compost piles),  
14 litter, cuttings from vegetation, refuse, paper, bottles, rags, hazardous waste,  
15 construction and demolition debris, industrial waste, or other discarded materials,  
16 including material or containers from domestic, commercial or agricultural  
17 operations, as defined in the City Code of Ordinances.

18  
19           W.   Solid waste receptacle.   A container constructed of such material  
20 and in such manner as to hold solid waste and trash and other such items  
21 without breaking or collapsing. “Receptacles” shall have handles and covers so  
22 that the contents therein are not exposed to weather, animals and vermin. A  
23 disposable plastic bag shall constitute a receptacle if it is of sufficient strength  
24 and durability to hold its contents of solid waste, garbage, rubbish and trash,  
25 without breaking when collected.

26  
27           ~~W-X~~ *Structure.* Anything constructed or erected the use of which  
28 requires rigid location on the ground, or attachment to something having a  
29 permanent location on the ground, including buildings, walls, fences, signs, light  
30 stands, towers, tanks, etc.  
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Language deleted is stricken through and language added is underlined

1           ~~XY~~    Unimproved lot. Any vacant lot or any lot without structure.

2  
3           ~~YZ~~    Vacant Land. Any parcel of land, whether divided or undivided, upon  
4 which there are no structures.

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6           Section 4.    AMENDMENT: Section 15 of Ordinance No. 2005-13-51 is  
7 amended as follows:

8   SECTION 15.   ~~PREMISES ENTRANCE AND EGRESS; EXTERIOR PEDESTRIAN~~  
9                   ~~WALKWAYS, PARKING LOTS, GREEN AREAS AND PUBLIC RIGHTS-~~  
10                  ~~OF-WAY.~~

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12 (1) Premises entrances and egresses, including lighting, signage, and  
13 landscaping, shall be maintained so as not to cause visibility hazards to motorists  
14 or pedestrians. Entrances and egresses shall be maintained in accordance with  
15 the approved site plan.

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17 (2) Exterior pedestrian walkways, parking lots, green areas and public rights-of-  
18 way shall remain free of obstructions, including but not limited to tables and chairs,  
19 merchandise displays, and store merchandise.

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21 (3) No owner or occupant of any residential unit shall permit any solid waste  
22 receptacle used by such owner or occupant to remain in any public right-of-way for  
23 a period of twelve (12) hours before the date of a scheduled solid waste pick-up.  
24 Solid waste receptacles shall be removed no later than 11:59 p.m. the day of the  
25 scheduled pick-up.

26  
27           Section 5.    CONFLICT: All ordinances or code provisions in conflict  
28 herewith are hereby repealed.

29           Section 6.    SEVERABILITY: If any section, subsection, sentence,  
30 clause, phrase or portion of this Ordinance is for any reason held invalid or  
31 unconstitutional by any court of competent jurisdiction, such portion shall be  
32 deemed a separate, distinct and independent provision and such holding shall  
33 not affect the validity of the remaining portions of this Ordinance.

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Language deleted is stricken through and language added is underlined

1           Section 7.    INCLUSION IN CODE: It is the intention of the City Council  
2 of the City of Miami Gardens that the provisions of this Ordinance shall become  
3 and be made a part of the Code of Ordinances of the City of Miami Gardens and  
4 that the sections of this Ordinance may be renumbered or relettered and the  
5 word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other  
6 appropriate word or phrase, the use of which shall accomplish the intentions  
7 herein expressed; provided, however, that Section 1 hereof or the provisions  
8 contemplated thereby shall not be codified.

9           Section 8.    EFFECTIVE DATE: This Ordinance shall become effective  
10 immediately upon its final passage.

11           PASSED ON FIRST READING ON THE 12TH DAY OF MAY, 2010.

12           PASSED ON SECOND READING ON THE \_\_\_\_ DAY OF \_\_\_\_, 2010.

13           ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF  
14 MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE \_\_\_ DAY OF  
15 \_\_\_\_\_, 2010.

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\_\_\_\_\_  
SHIRLEY GIBSON, MAYOR

22 **ATTEST:**

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\_\_\_\_\_  
RONETTA TAYLOR, MMC, CITY CLERK

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PREPARED BY: SONJA K. DICKENS, CITY ATTORNEY

\_\_\_\_\_  
Language deleted is stricken through and language added is underlined

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2 SPONSORED BY: COUNCILWOMAN BARBARA WATSON

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5 Moved by: \_\_\_\_\_

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7 Second by: \_\_\_\_\_

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11 **VOTE:** \_\_\_\_\_

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15	Mayor Shirley Gibson	_____ (Yes)	_____ (No)
16	Vice Mayor Aaron Campbell	_____ (Yes)	_____ (No)
17	Councilman Melvin L. Bratton	_____ (Yes)	_____ (No)
18	Councilman Oliver Gilbert III	_____ (Yes)	_____ (No)
19	Councilman Andre' Williams	_____ (Yes)	_____ (No)
20	Councilwoman Sharon Pritchett	_____ (Yes)	_____ (No)
21	Councilwoman Barbara Watson	_____ (Yes)	_____ (No)

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Language deleted is stricken through and language added is underlined

## Miami Dade County- Current Provision

### Sec. 15-5. - Duty to dispose of solid waste and prevent accumulations.

(a)

*Prohibited acts.* It shall be unlawful for the owner, manager, occupant, lessee, or other person responsible for any lot, parcel or tract of land in any unincorporated area of the County, to deposit, store, keep, or maintain, or let, allow, cause, permit or suffer to be deposited, stored, kept or maintained, solid waste which is not containerized, upon such property, or adjoining right-of-way, easements or alleys except as specifically authorized in this chapter. **All solid waste containers shall be placed at curbside or other designated collection area only on scheduled collection days no later than 7:00 a.m. and shall be removed on the day of collection.** Yard trash or vegetative food waste which is being maintained for the purpose of composting may be kept uncontainerized on any lot, parcel or tract of land in the unincorporated area of the county, provided that the yard trash or vegetative food waste is not located on any right-of-way, alley or front yard area.



**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b>	May 12, 2010		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>	
					X		
<b>Fiscal Impact:</b>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		X			X		
			<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
					X		
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>	
						X	
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>	N/A			
		X					
<b>Sponsor Name</b>	Dr. Danny O. Crew, City Manager		<b>Department:</b>	City Manager			

**Short Title:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING A MORATORIUM ON THE SUBMISSION, PROCESSING AND ISSUANCE OF CERTIFICATES OF USE AND BUSINESS TAX RECEIPTS FOR THE OPERATION OF "PAIN CLINICS" AND "PAIN MANAGEMENT CLINICS"; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A STUDY(S); PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

The attached ordinance proposes a temporary moratorium on the processing of certificates of use and business tax receipts for pain clinics within the City. By way of history, Councilman Oliver Gilbert contacted the City Attorney to determine whether the City prohibits pain management clinics. Councilman Gilbert was advised that the City does not currently prohibit pain management clinics. As such, Councilman Gilbert requested the City Attorney to draft an ordinance, to prohibit such uses, for consideration by the City Council.

The Miami Gardens Police Department has recently become aware of increased criminal activity, including illegal prescription drug sales, noise, loitering and littering around pain clinics located within the City. As a result, the City Attorney suggested that the City Manager issue an administrative moratorium to allow Staff an opportunity to study the matter and draft the legislation proposed by Councilman Gilbert. On April 13, 2010, the City Manager issued an **ITEM H-2) ORDINANCE/FIRST READING** **Moratorium on issuance of C.U. and B.T.R. for the operations of a pain clinic**

administrative moratorium on the processing of any and all zoning approvals, including certificates of use and business tax receipts, relating to pain management clinics within the City of Miami Gardens.

During the period of the administrative moratorium, Staff has begun conducting research and studying various regulatory options. It is anticipated that a final version of the attached Ordinance regulating pain management clinics will be placed on the agenda for the May 26, 2010 meeting of the City Council.

**Proposed Action:**

Staff recommends that the City Council adopt a moratorium on the processing of any and all zoning approvals, including certificates of use and business tax receipts, relating to pain management clinics within the City of Miami Gardens, until the ordinance requested by Councilman Gilbert can be finalized.

**Attachment:**

None

ORDINANCE NO. 2010 \_\_\_\_

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3 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
4 MIAMI GARDENS, FLORIDA, ADOPTING A MORATORIUM ON  
5 THE SUBMISSION, PROCESSING AND ISSUANCE OF  
6 CERTIFICATES OF USE AND BUSINESS TAX RECEIPTS FOR  
7 THE OPERATION OF PAIN CLINICS AND PAIN MANAGEMENT  
8 CLINICS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A  
9 STUDY(S); PROVIDING FOR ADOPTION OF  
10 REPRESENTATIONS; REPEALING ALL ORDINANCES IN  
11 CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING  
12 FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.  
13

14 WHEREAS, pursuant to Article VII, Section 2 of the Florida Constitution and  
15 Chapter 166 of the Florida Statutes, the City of Miami Gardens is authorized and  
16 required to protect the public health, safety and welfare of its citizens and has the power  
17 and authority to enact regulations for valid governmental purposes that are not  
18 inconsistent with general or special law, and

19 WHEREAS, the City and surrounding neighboring municipalities have  
20 experienced an influx of “pain clinics” and “pain management clinics”, and

21 WHEREAS, a pattern of illegal drug use and distribution has been associated  
22 with pain management clinics, which dispense on-site narcotic drugs, and

23 WHEREAS, Staff is requesting time to research and study the nature and scope  
24 of possible measures for regulating “pain clinics” and “pain management clinics” and  
25 businesses involved in the dispensing of narcotic prescription drugs,

26 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY  
27 OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

28 Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas  
29 paragraphs are hereby ratified and confirmed as being true, and the same are hereby  
30 made a specific part of this Ordinance.

1           Section 2.    ESTABLISHMENT OF MORATORIUM: A moratorium on the  
2 submission, processing and issuance of Certificates of Use and Business Tax Receipts for  
3 the operation of pain clinics and pain management clinics, as defined herein is hereby  
4 established for a period of sixty (60) days from the effective date of this ordinance. The  
5 moratorium is subject to the provisions of Section 3 herein. Except as otherwise provided  
6 herein, no department of the City shall issue any permits, development orders, or  
7 undertake the review and approval of any site plans, building permits, or development  
8 plans with respect to such uses within the City during the term of the moratorium  
9 established hereby.

10           Section 3.   EXEMPTION: This moratorium shall not affect any business  
11 currently operating within the City pursuant to a validly issued Business Tax Receipt until  
12 the renewal date of such business tax receipt.

13           Section 4: STUDY: The City Manager and City Attorney, as well as such other  
14 departments of the City, as the City Manager shall deem appropriate shall continue to  
15 study pain management clinics and shall report back to the Mayor and City Council the  
16 results of any studies.

17           Section 5.   CONFLICT: All ordinances or Code provisions in conflict herewith  
18 are hereby repealed.

19           Section 6.   SEVERABILITY: If any section, subsection, sentence, clause,  
20 phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by  
21 any court of competent jurisdiction, such portion shall be deemed a separate, distinct  
22 and independent provision and such holding shall not affect the validity of the remaining  
23 portions of this Ordinance.



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**VOTE:** \_\_\_\_\_

Mayor Shirley Gibson	_____ (Yes)	_____ (No)
Vice Mayor Aaron Campbell	_____ (Yes)	_____ (No)
Councilman Melvin L. Bratton	_____ (Yes)	_____ (No)
Councilman Oliver Gilbert III	_____ (Yes)	_____ (No)
Councilman Andre' Williams	_____ (Yes)	_____ (No)
Councilwoman Sharon Pritchett	_____ (Yes)	_____ (No)
Councilwoman Barbara Watson	_____ (Yes)	_____ (No)

ORDINANCE NO. 2010 \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 9-10 USE REGULATIONS; AMENDING SECTION 9-20 USES PERMITTED WITH EXTRA REQUIREMENTS; AMENDING SECTION 10-30 ACCESSORY USES AND STRUCTURES, ADDITIONAL STANDARDS; AMENDING SECTION 12-80 NUMBER OF REQUIRED OFF-STREET PARKING SPACE REQUIREMENTS FOR ALL DISTRICTS AND USES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE

WHEREAS, on April 7, 2010, the City Council of the City of Miami Gardens adopted its own Land Development Regulations to ensure that future development and redevelopment within the City of Miami Gardens is architecturally and aesthetically pleasing and in line with the policies adopted by the City's Comprehensive Development Master Plan (CDMP), as well as to promote public health, safety and welfare, and

WHEREAS, the City Council directed Staff to study the nature and scope of regulating "pain clinics" and "pain management clinics" and businesses involved in the dispensing of narcotic drugs, and

WHEREAS, the Miami Gardens Police Department has observed suspected drug sales, and other criminal activity on or around the properties on which various pain clinics are located, and

WHEREAS, according to a recent TIME Magazine article, prescription drug use in Florida rose from 2,780 in 2006 to 3,317 in 2007, and then to 3,750 in

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2008, the last figure is equivalent to about 10 reported deaths a day, more than the number of fatalities from street drugs like cocaine and heroin, and

WHEREAS, the illegal sale, use and delivery of controlled substances is a threat to the health, safety and welfare of the residents of the City of Miami Gardens, and

WHEREAS, increased criminal activity and other secondary effects including parking, noise, loitering and littering associated with the narcotic-related activities at pain management clinics, is significant and threatens to undermine the economic health of the City's development and redevelopment efforts, and

WHEREAS, in the absence of regulations identifying where narcotic drugs may be dispensed, the City's residents, visitors and businesses are more vulnerable to criminal actions, despite the provision of law enforcement services, and

WHEREAS, this Ordinance is not intended to interfere with the legitimate medical use of controlled substances, but rather to prohibit the location of dispensing of narcotic drugs on site at medical offices, to the extent permitted by law,

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.

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Language deleted is stricken through and language added is underlined

Section 2. DEFINITIONS: The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- A. *Pharmacy.* Any establishment offering on-site dispensing of prescription drugs.
- B. *Pain Clinic and Pain Management Clinic.*
  1. Any clinic, medical office or medical practitioner’s office that is not affiliated with a hospital, hospice or other facility for treatment of terminally ill; and
  2. The primary business purpose of such clinic, medical office or medical practitioner’s office it to prescribe or dispense pain medication, identified in Schedules II, III, IV in Sections 893.03, 893.035 or 893.0355, Florida Statutes, to individuals, or
  3. The clinic, medical office or medical practitioner’s office advertises as being in business to prescribe pain medication, as defined above in subparagraph 2, and which may or may not provide dispensing of pain medication on site.

Section 3. AMENDMENT. Section 9-10 of the Land Development Code is hereby amended as follows:

**Table 1: Permitted Uses.**

Zoning Districts/ Uses	R-1	R-2	R-15 R 25 R-50	NC	PCD	OF	I-1	I-2	PD	AU	GP
<b>OFFICE TYPE USES</b>											
Call Center					P	P	P	P	P		
Office- business, sales, professional, semi-professional services				P	P	P	P	P	P		
Office-medical office/medical clinic				P	P	P	P	P	P		
<u>Pain management</u>				<u>P</u>	<u>P</u>	<u>P</u>					

Language deleted is stricken through and language added is underlined

<u>clinics</u>												
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Section 4. AMENDMENT: Section 9-20 of the Land Development Code

is hereby amended as follows:

(EE) Office - medical office/medical clinic. Shall be subject to the following supplemental regulations:

(1) On-site dispensing of controlled substances identified in Schedule II, III, or IV in Sections 893.03, 893.035, or 893.0355, Florida Statutes, as may be amended from time to time, is prohibited, unless otherwise expressly permitted as follows:

(a) A health care practitioner when administering a controlled substance directly to a patient if the amount of the controlled substance is adequate to treat the patient during that particular treatment session.

(b) A pharmacist or health care practitioner when administering a controlled substance to a patient or resident receiving care at a hospital, nursing facility, institution or asylum, ambulatory surgical center, or hospice which is licensed in this state.

(c) A pharmacist or health care practitioner when administering a controlled substance to a patient or resident receiving care at an intermediate care facility for the developmentally disabled which is licensed in this state.

(d) A health care practitioner when administering a controlled substance in the emergency room of a licensed hospital.

(e) A health care practitioner when dispensing a one-time, 72-hour emergency resupply of a controlled substance to a patient.

(GG) Pain management clinics. It shall be expressly prohibited the activity of on-site dispensing or controlled substances that are indentified in Schedules II, III, or IV in Sections 893.03, 893.035 or 893.0355, Florida Statue, unless otherwise expressly permitted by law. On-site dispensing shall mean in within the clinic, or within the building of which the clinic is located. Pain management clinics shall not be located within the same building where a pharmacy is located.

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Language deleted is stricken through and language added is underlined

- (HH) Pharmacy, drug store. Shall not be permitted to be located within the same establishment or building as any medical office or clinic, or as any medical or dental laboratory, or any pain management clinic which is staffed by health care practitioners licensed to prescribe controlled substances identified in Schedule II, III, or IV in Sections 893.03, 893.035, or 893.0355, Florida Statutes, as may be amended from time to time. A pharmacy shall not be located within the same building where a pain management clinic is located. These supplemental regulations are not to be interpreted to limit the lawful operation of a hospital or institution or asylum separately defined and permitted in zoning districts according to separate regulations.

SECTION 5. AMENDMENT: Section 10-30(DD) of the Land Development

Code is hereby amended as follows:

- (A) *Mobile medical, professional unit.* Mobile medical facilities or other self contained facilities that travel to several locations, are at the location for a period greater than twenty-four (24) hours, and provide medical or other professional services shall be required:
- (1) Special permit. Receive a special permit that is renewed annually.
  - (2) Site plan. Provide a site plan for all locations indicating where the unit shall be placed on the site; and,
  - (3) Visitation. Specify length of time and frequency of visits to the various locations. The unit shall be on each site no longer than thirty (30) days from the date permit is issued. Units shall visit the site no more than six (6) times a year.
  - (4) Mobile pain management clinics, as herein defined, shall be prohibited.

SECTION 6. AMENDMENT: Section 12-80(E) of the Land Development

Code is hereby amended as follows:

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Language deleted is stricken through and language added is underlined

**Table 1- Off-Street Parking Requirements**

USE	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
<b>COMMERCIAL TYPE USES</b>	
Call center	1 per 300 square feet of GFA
Office- business, sales, professional, semi-professional services	1 per 300 square feet of GFA
Office- medical office/medical clinic	1 per 250 square feet of GFA
<u>Pain management clinic</u>	<u>Parking analysis or 1 per 250 GFA, whichever is greater</u>

Section 7. AMENDMENT: Appendix “A” Master Use List and Use

Definitions of the Land Development Code are hereby amended as follows:

USE	RELATED USES	DEFINITION
Office medical office/medical clinic	Chiroprodists. Chiropractors. Christian Science practitioners. Cosmetic procedures and surgery Dentists. Dieticians. Medical clinics by appointment with and without laboratory and other incidental medical services. Midwives. Naturopaths. Nurses, registered and practical. Nutritionists. Occupational therapists. Optometrists. Osteopathic. Outpatient clinics. Rehabilitation centers. Physicians and surgeons.	An establishment where patients are examined, treated or both on an individual basis by physicians, chiropractors, dentists, osteopaths, optometrists, acupuncturists, and other health practitioners who are duly licensed to practice their respective professions in the State of Florida. Does not include personal service establishments or places for treatment of animals, nor does it entail overnight patient stays. The offices of psychologists, social workers and mental health counselors are not medical offices. (See business and

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	<p>Physiotherapists. Podiatrists. Psychiatrists. Psychoanalysts. Psychologists. Psychotherapists. Urgent care centers Visiting nurse association. Walk in clinics with and without laboratory and other incidental medical services.</p>	<p>professional office). <u>Shall not include pain management clinics, as herein defined.</u> <i>Rehabilitation centers.</i> A type of medical office established to aid persons affected by excessive or illegal use of drugs, narcotics or other hallucinatory substances, not including alcohol, who have developed a dependency on such substances, including but not limited to methadone maintenance facilities, and outpatient rehabilitation facilities.</p>
<p><u>Pain management clinic</u></p>	<p><u>Pain clinic</u></p>	<p><u>Any clinic, medical office or medical practitioner's office that is not affiliated with a hospital, hospice or other facility for treatment of terminally ill; and</u> <u>The primary business purpose of such clinic, medical office or medical practitioner's office it to prescribe or dispense pain medication, identified in Schedules II, III, IV in Sections 893.03, 893.035 or 893.0355, Florida Statutes, to individuals, or</u> <u>The clinic, medical office or medical practitioner's office advertises as being in business to prescribe pain medication, identified in Schedules II, III, IV in Sections 893.03, 893.035</u></p>

Language deleted is stricken through and language added is underlined

		<u>or 893.0355, Florida Statutes, and which may or may not provide dispensing of pain medication on site.</u>
Personal care services	Barber shop. Hair saloon Nails saloon Jewelry repair Petting sitting service Tailors. Shoe repair Licensed massage therapy Personal training (fitness) studios Spa/wellness centers. Drycleaning.	A business primarily engaged in providing individual services on the premises involving the care of a person or their apparel, jewelry and other items worn on one's person. Astrologists and other fortune telling activities, medical services, and mortuaries and related businesses shall not be considered personal service establishments. <u>Shall not include pain management clinics, as herein defined.</u>

Section 8. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 9. 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 10. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall

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become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the section 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.

Section 11. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 26TH DAY OF MAY, 2010.

PASSED ON SECOND READING ON THE 9TH DAY OF JUNE, 2010.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 9TH DAY OF JUNE, 2010.

\_\_\_\_\_  
SHIRLEY GIBSON, MAYOR

ATTEST:

\_\_\_\_\_  
RONETTA TAYLOR, MMC, CITY CLERK

Prepared by SONJA K. DICKENS, CITY ATTORNEY

SPONSORED BY: COUNCILMAN OLIVER GILBERT III

Moved by: \_\_\_\_\_

\_\_\_\_\_  
Language deleted is stricken through and language added is underlined

Second by: \_\_\_\_\_

**VOTE:** \_\_\_\_\_

Mayor Shirley Gibson	_____ (Yes)	_____ (No)
Vice Mayor Aaron Campbell	_____ (Yes)	_____ (No)
Councilman Melvin L. Bratton	_____ (Yes)	_____ (No)
Councilman Oliver Gilbert III	_____ (Yes)	_____ (No)
Councilman Andre' Williams	_____ (Yes)	_____ (No)
Councilwoman Sharon Pritchett	_____ (Yes)	_____ (No)
Councilwoman Barbara Watson	_____ (Yes)	_____ (No)

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Language deleted is stricken through and language added is underlined



**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b>	<i>May 5, 2010</i>		<b>Item Type:</b>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>	
			<i>(Enter X in box)</i>		<b>x</b>		
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		<b>x</b>	<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
						<b>x</b>	
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>	
				<b>x</b>			
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>	N/A			
		<b>x</b>					
<b>Sponsor Name</b>	<b>Vice Mayor Aaron Campbell</b>		<b>Department:</b>	<i>Mayor and Council</i>			

**Short Title:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, PROVIDING FOR AN AMENDMENT TO SECTION 2.3(C), OF THE CHARTER OF THE CITY OF MIAMI GARDENS, TO DELETE THE REFERENCE TO “N.W. 20<sup>TH</sup> AVENUE” FROM THE EASTERN BOUNDARY DESCRIPTION FOR RESIDENTIAL AREA ONE; SUBMITTING THE QUESTION FOR APPROVAL OF THE ELECTORATE OF THE CITY OF MIAMI GARDENS AT THE GENERAL ELECTION TO BE HELD IN AUGUST 2010; PROVIDING FOR THE CALL FO THE ELECTION ON THE ISSUE TO BE PRESENTED ON THE BALLOT; PROVIDING FOR AUTHORITY TO THE CITY ATTORNEY AND CITY CLERK; PROVIDING FOR REPRESENTATIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES AND RESOLUTION IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

Section 2.3(C) of the City’s Charter, which describes the boundaries for the City’s residential areas, makes reference to “N.W. 20<sup>th</sup> Avenue” in the Eastern Boundary description for Residential Area One. The reference to “N.W. 20<sup>th</sup> Avenue” should be eliminated because the eastern boundary line for Residential Area One actually ends and N.W. 27<sup>th</sup> Avenue. The reference to “N.W. 20<sup>th</sup> Avenue” should be removed to eliminate any confusion that constituents may have regarding their respective districts and voting precincts.

**ITEM I-1) ORDINANCE  
SECOND READING/PUBLIC HEARING  
Amendment to the boundary description for  
Residential Area One**

**Proposed Action:**

It is the intention of the City Council of the City of Miami Gardens that in the event the ballot question presented herein is approved by the electors of the City that the provisions of this Ordinance shall become and be made a part of the Charter as included in the Code of Ordinances of the City of Miami Gardens.

**Attachment:**

Attachment: Map of Area

ORDINANCE No. 2010-

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5 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI  
6 GARDENS, PROVIDING FOR AN AMENDMENT TO SECTION 2.3(C), OF  
7 THE CHARTER OF THE CITY OF MIAMI GARDENS, TO DELETE THE  
8 REFERENCE TO "N.W. 20TH AVENUE" FROM THE EASTERN  
9 BOUNDARY DESCRIPTION FOR RESIDENTIAL AREA ONE;  
10 SUBMITTING THE QUESTION FOR APPROVAL OF THE ELECTORATE  
11 OF THE CITY OF MIAMI GARDENS AT THE GENERAL ELECTION TO  
12 BE HELD IN AUGUST 2010; PROVIDING FOR THE CALL OF THE  
13 ELECTION ON THE ISSUE TO BE PRESENTED ON THE BALLOT;  
14 PROVIDING FOR AUTHORITY TO THE CITY ATTORNEY AND CITY  
15 CLERK; PROVIDING FOR REPRESENTATIONS; PROVIDING FOR  
16 ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES  
17 AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY  
18 CLAUSE; PROVIDING AN EFFECTIVE DATE.  
19

20 WHEREAS, in accordance with §166.031, Florida Statutes, a municipality may  
21 amend its charter by adopting an ordinance and by placing the proposed amendment to a  
22 vote of the electors at the next general election held within the municipality or at a special  
23 election called for such a purpose, and

24 WHEREAS, Section 2.3(c) of the City's Charter, which describes the boundaries for  
25 the City's residential areas, makes reference to "N.W. 20th Avenue" in the Eastern  
26 Boundary description for Residential Area One, and

27 WHEREAS, the reference to "N.W. 20th Avenue" should be eliminated because the  
28 eastern boundary line for Residential Area One actually ends at N.W. 27th Avenue, and

29 WHEREAS, the reference to "N.W. 20th Avenue" should be removed to eliminate  
30 any confusion that constituents may have regarding their respective districts and voting  
31 precincts,

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Language deleted is stricken through and language added is underlined.

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

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

6 SECTION 2. APPROVAL: The City Council hereby amends Section 2.3(C) of  
7 the Charter as follows:

8  
9 (C) *Residential Areas. Seats 1-4.* The City shall be divided into four residential  
10 areas. Individually each is a "Residential Area" collectively "Residential Areas."  
11 One Council member shall be elected to a Seat from each Residential Area.  
12 Council members from Residential Areas are collectively the "Residential Area  
13 Council members." Individually each is a "Residential Area Council member."  
14 The Residential Areas corresponding to each Seat are formally set forth below:

- 15
- 16 Seat 1 Northern Boundary: N.W. 215<sup>th</sup> Street
- 17 Eastern Boundary: N.W. 27<sup>th</sup> Avenue, ~~N.W. 20<sup>th</sup> Avenue~~
- 18 Southern Boundary: N.W. 199<sup>th</sup> Street, west to N.W. 37<sup>th</sup>
- 19 Avenue, south to N.W. 191<sup>st</sup> Street,
- 20 west to N.W. 42<sup>nd</sup> Avenue, South to SR
- 21 826, west to 47<sup>th</sup> Avenue.
- 22
- 23 Western Boundary: N.W. 47<sup>th</sup> Avenue
- 24
- 25 Seat 2 Northern Boundary: N.W. 215<sup>th</sup> Street
- 26 Eastern Boundary: N.E. 2<sup>nd</sup> Avenue, south to N.W. 199<sup>th</sup>
- 27 Street, west to North Miami Avenue,
- 28 south to N.W. 183<sup>rd</sup> Street
- 29 Southern Boundary: N.W. 183 Street
- 30 Western Boundary: Florida Turnpike, north to N.W. 199<sup>th</sup>
- 31
- 32
- 33
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Language deleted is stricken through and language added is underlined.

1 Street, west to N.W. 27<sup>th</sup> Avenue, north  
2 to N.W. 215<sup>th</sup> Street  
3  
4 Seat 3 Northern Boundary: N.W. 199<sup>th</sup> Street, south along Florida  
5 Turnpike, to N.W. 183<sup>rd</sup> Street, east  
6 along N.W. 183<sup>rd</sup> Street to North Miami  
7 Avenue.  
8  
9 Eastern Boundary: North Miami Avenue, South to SR 9,  
10 southwest on SR 9 to N.W. 151<sup>st</sup> Street  
11  
12 Southern Boundary: N.W. 151<sup>st</sup> Street to N.W. 27<sup>th</sup> Avenue.  
13  
14 Western Boundary: N.W. 27<sup>th</sup> Avenue  
15  
16 Seat 4 Northern Boundary: N.W. 199<sup>th</sup> Street, west to N.W. 37<sup>th</sup>  
17 Avenue, south to N.W. 191<sup>st</sup> Street,  
18 west to N.W. 42<sup>nd</sup> Avenue, south to SR  
19 826, west to 57<sup>th</sup> Avenue.  
20  
21 Eastern Boundary: N.W. 27<sup>th</sup> Avenue.  
22  
23 Southern Boundary: N.W. 151<sup>st</sup> Street to N.W. 57<sup>th</sup> Avenue.  
24  
25 Western Boundary: N.W. 57<sup>th</sup> Avenue, north to SR 826, east  
26 to N.W. 47<sup>th</sup> Avenue, north to N.W. 191<sup>st</sup>  
27 Street, east to 37<sup>th</sup> Avenue, north to  
28 N.W. 199<sup>th</sup> Street, east to N.W. 27<sup>th</sup>  
29 Avenue.

30 SECTION 3. ELECTION CALL: The Mayor and City Council hereby call for an  
31 election to be held concurrent with the general election to be held in the month of August  
32 2010, at such time as may be convenient for, and determined in accordance with the  
33 procedure of the Supervisor of Elections in and for Miami-Dade County, Florida, the City  
34 Clerk and City Attorney are hereby directed and empowered to do such things as may be  
35 necessary and proper in accordance with the laws of the City of Miami Gardens and the  
36 laws of the State of Florida to provide for such election on the proposition herein

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Language deleted is stricken through and language added is underlined.

1 contemplated; and there should be presented to the electorate of the City of Miami  
2 Gardens, the question of whether or not to amend Section 2.3(C) of the City Charter to  
3 eliminate the reference to "N.W. 20th Avenue" from the Eastern Boundary Description for  
4 Seat One.

5 SECTION 4. ELECTORATE APPROVAL NECESSARY: There shall be placed  
6 on the ballot of the General Election to be held in the month of August, 2010, in  
7 accordance with the call thereof by the City Council, the following proposition of whether to  
8 amend Section 2.3(C) of the Charter to eliminate the reference to "N.W. 20th Avenue"  
9 from the description of the Eastern Boundary Line for Residential Area One; providing that  
10 each elector shall indicate such elector's approval for the proposition; providing further,  
11 that in the event the elector shall indicate both approval for and against such change, such  
12 elector's vote and ballot shall not be counted in determining the question presented on  
13 such ballot and in such election. One ballot shall be established and made available to  
14 each elector, by electronic or other means for the purpose of expression of such elector's  
15 approval or disapproval of the proposition and such proposition shall be summarized as  
16 follows:

17  
18 **ELIMINATE REFERENCE TO "N.W. 20TH AVENUE" FROM THE EASTERN**  
19 **BOUNDARY DESCRIPTION FOR RESIDENTIAL AREA ONE**  
20

21 Shall Section 2.3(C) of the City Charter be amended to eliminate any  
22 reference to "N.W. 20th Avenue" from the description of the Eastern  
23 Boundary line for Residential Area One?

24  
25 For\_\_\_\_\_

26  
27 Against\_\_\_\_\_

28  
29

---

Language deleted is stricken through and language added is underlined.

1           SECTION 5. AUTHORITY: The City Attorney and City Clerk are hereby authorized  
2 to make any such amendments to the ballot title and/or question based upon the rules,  
3 regulations and policies of the Miami-Dade Supervisor of Elections, and is hereby  
4 authorized to take all steps necessary to fulfill the intent of this Ordinance.

5           SECTION 6. CONFLICT: All ordinances or Code provisions in conflict herewith  
6 are hereby repealed.

7           SECTION 7. SEVERABILITY: If any section, subsection, sentence, clause,  
8 phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any  
9 court of competent jurisdiction, such portion shall be deemed a separate, distinct and  
10 independent provision and such holding shall not affect the validity of the remaining  
11 portions of this Ordinance.

12           SECTION 8. INCLUSION IN CODE: It is the intention of the City Council of the City  
13 of Miami Gardens that in the event the ballot question presented herein is approved by the  
14 electors of the City that the provisions of this Ordinance shall become and be made a part  
15 of the Charter as included in the Code of Ordinances of the City of Miami Gardens and  
16 that the sections of this Ordinance may be renumbered or relettered and the word  
17 "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate  
18 word or phrase, the use of which shall accomplish the intentions herein expressed

19           SECTION 9. EFFECTIVE DATE: This Ordinance shall become immediately upon  
20 its passage.

21           PASSED ON FIRST READING ON THE APRIL 28TH DAY OF

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Language deleted is stricken through and language added is underlined.

1 \_\_\_\_\_, 2010.

2 ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY  
3 OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE \_\_\_\_\_ DAY OF  
4 \_\_\_\_\_, 2010.

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\_\_\_\_\_  
SHIRLEY GIBSON, MAYOR

10 ATTEST:

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14

\_\_\_\_\_  
RONETTA TAYLOR, MMC, CITY CLERK

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17  
18  
19

Prepared by SONJA K. DICKENS, ESQ., CITY ATTORNEY

20 SPONSORED BY: COUNCILMAN AARON CAMPBELL, JR.

21  
22

MOVED BY:

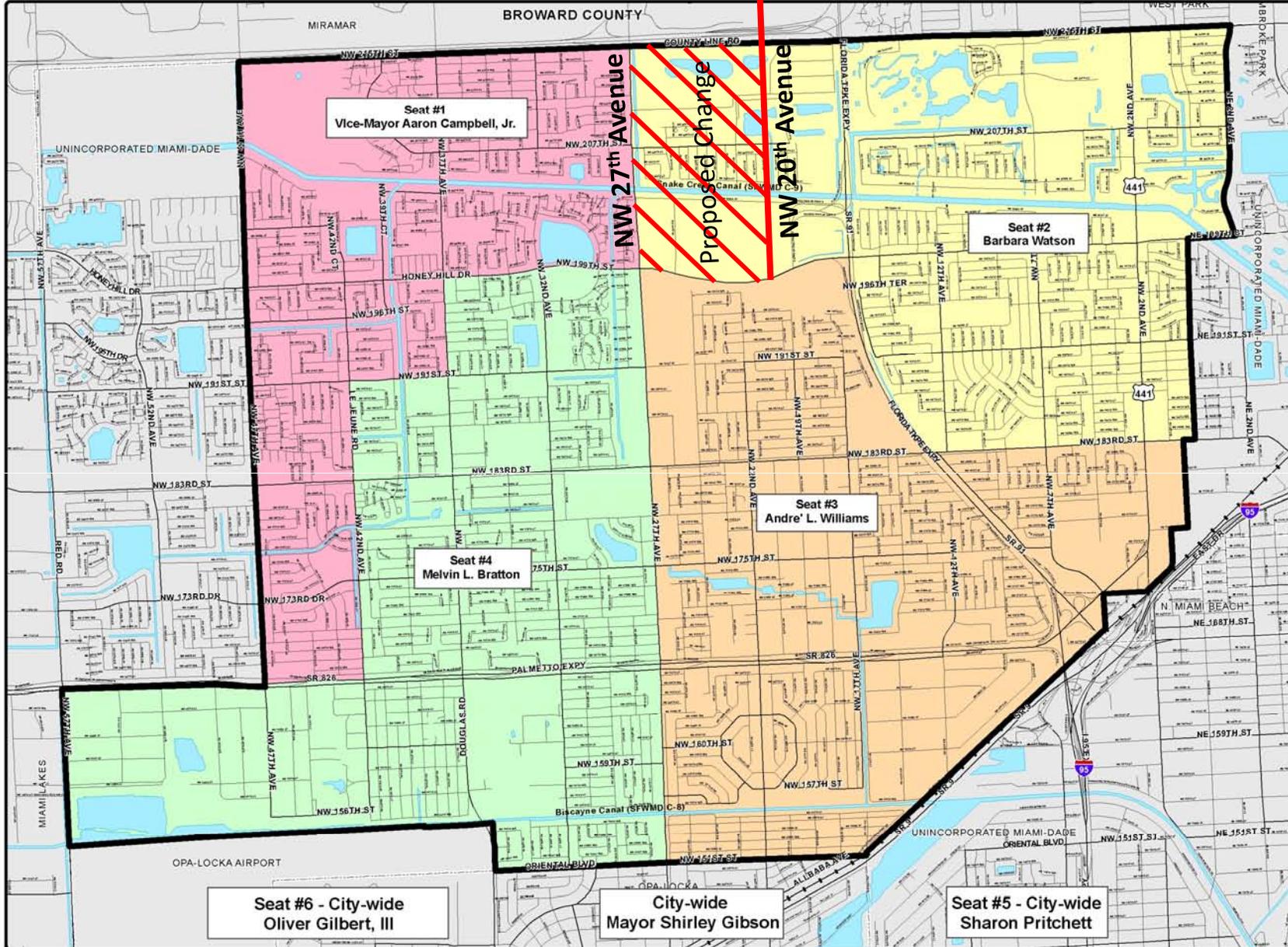
24 **VOTE:**

25

26 Mayor Shirley Gibson	___(Yes)	___(No)
27 Vice Mayor Aaron Campbell	___(Yes)	___(No)
28 Councilman Melvin L. Bratton	___(Yes)	___(No)
29 Councilwoman Barbara Watson	___(Yes)	___(No)
30 Councilman Andre' Williams	___(Yes)	___(No)
31 Councilwoman Sharon Pritchett	___(Yes)	___(No)
32 Councilman Oliver Gilbert,III	___(Yes)	___(No)

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Language deleted is stricken through and language added is underlined.





**CITY OF MIAMI GARDENS**  
City Council  
Boundary Map

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Major Roadways  
 Local Roadways  
 Water Bodies  
 Mayor - Shirley Gibson\*  
 Seat 1 - Vice-Mayor Aaron Campbell, Jr.  
 Seat 2 - Councilwoman Barbara Watson  
 Seat 3 - Andre Williams  
 Seat 4 - Melvin L. Bratton  
 Seat 5 - Sharon Pritchett\*  
 Seat 6 - Oliver G. Gilbert, III\*  
 \* = Citywide

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0 0.3 0.6  
Miles

April 2010

Prepared by:  
Planning & Zoning Department

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**DISCLAIMER:**  
Every attempt has been made to ensure the accuracy of this map. This map is not to be construed as a survey instrument. The City of Miami Gardens does not assume any liability arising from the use of this map. Users of this map should consult the planning & zoning division for verification of information provided on this map.



**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b>	May 12, 2010		<b>Item Type:</b>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>	
					X		
<b>Fiscal Impact:</b>	Yes	No	<b>Ordinance Reading:</b>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		X					X
			<b>Public Hearing:</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
							X
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b>	<b>Yes</b>		<b>No</b>	
				X			
<b>Contract/P.O. Required:</b>	Yes	No	<b>RFP/RFQ/Bid #:</b>	N/A			
		X					
<b>Sponsor Name:</b>	Dr. Danny O. Crew, City Manager		<b>Department:</b>	Purchasing			

**Short Title:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2005-10-48, AS AMENDED, TO CREATE ARTICLE III ESTABLISHING DEBARMENT PROCEDURES; PROVIDING DEFINITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

An ordinance was placed on the March 10, 2010 City Council Agenda to amend the Purchasing Code to include procedures for debarment of businesses that default on contracts and violate ethical standards. During the meeting, a number of questions were raised concerning the differences between Miami-Dade County's debarment procedures and the City's proposed ordinance. As a result, Council directed the City Attorney to analyze and highlight key differences between the County's ordinance and the City's proposed ordinance.

The proposed ordinance authorizes the City Manager to recommend debarment after consultation with the City Attorney. The debarment period shall be for a period of not less than two (2) years and no more than five (5) years.

**ITEM I-2) ORDINANCE  
SECOND READING/PUBLIC HEARING  
Establishing Debarment Procedures**

Debarred contractors may appeal the City Manager's decision by filing a written Notice of Appeal to the Office of the City Clerk within ten (10) calendar days. A Special Master will be appointed to hear the appeal within 15 days receipt of the notice. An aggrieved party, including the City, may appeal a final order of the Special Master to the Appellate Division of the Circuit Court of the Eleventh Judicial Circuit.

## **Proposed Action:**

The City Council approves the proposed amendment to Ordinance 2005-10-48 to include Article III Debarment Procedures.

## **Attachment:**

1. Memo dated March 25, 2010 from the City Attorney
2. Analysis of Debarment Procedures between Miami-Dade County and the City of Miami Gardens
3. Miami-Dade County Debarment Ordinance

ORDINANCE No. 2010-

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2005-10-48, AS AMENDED, TO CREATE ARTICLE III ESTABLISHING DEBARMENT PROCEDURES; PROVIDING DEFINITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Miami Gardens desires to conduct business with contractors who operate with the highest level of integrity, and

WHEREAS, it is necessary to amend Ordinance No. 2005-10-48 to establish debarment procedures to protect the City from engaging in business relations with dishonest, unethical, or otherwise irresponsible contractors, and

WHEREAS, the establishment of debarment procedures will prevent fraud, waste and abuse of City resources,

NOW THEREFORE, BE IT RESOLVED 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 Resolution.

Section 2. AMENDMENT: Ordinance No. 2005-10-48 is hereby amended to create include Article III establishing debarment procedures as follows:

**ARTICLE III: DEBARMENT PROCEDURES**

**Section 25: Purpose.**

The purpose of this Article is to protect the City from risks associated with awarding contracts to persons or firms having exhibited an inability or unwillingness to fulfill contractual requirements, and to protect the City’s interests and the integrity of the procurement process by preventing contractors who have displayed improper conduct from engaging in business with the City for specific periods of time. The policies outlined in this Article are not intended to be punitive in nature. Instead, the City will seek other legal recourse, if necessary to enforce contractual obligations.

**Section 26: Definitions.**

For purposes of Article III, the following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning:

- (1) “Debarment” is the act of excluding a vendor from city contracting and city approved contracting.
- (2) “Conviction” means a judgment or conviction of a criminal offense, be it a felony or misdemeanor, by any court of competent jurisdiction, whether entered upon by a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- (3) “Civil judgment” means a judgment or finding of a civil offense by any court of competent jurisdiction.

**Section 27: Causes for Debarment.**

The City Manager shall debar a person or entity from city procurement for cause. The debarment period shall be for a period of not less than two (2) years and no more than five (5) years. Causes for debarment include:

- (1) Conviction of a criminal offense or civil judgment as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract if in the opinion of the City Manager or City Attorney that such offense will affect the contractor’s ability to perform under the contract;
- (2) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a city contractor;
- (3) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

1  
2 (4) Violation of contract provisions which are regarded by the City Manager to be so  
3 serious as to justify debarment action. Such actions include:

- 4  
5 (a) Deliberate failure, without good cause, to perform in accordance with the  
6 specifications or within the time limit provided in the contract;  
7  
8 (b) A record of failure to perform, or of unsatisfactory performance in  
9 accordance with the terms of one or more contracts;  
10  
11 (c) The untimely and unwarranted withdrawal of a bid or response to ITB or  
12 RFP;  
13  
14 (d) Becoming insolvent or being declared bankrupt;  
15  
16 (e) Any misrepresentation in connection with a solicitation or any  
17 misrepresentation of fact upon which the City has based a decision on  
18 awarding a bid;

19  
20 (5) Violation of the ethical standards contained in this Code;

21  
22 (6) Debarment by another governmental entity for any cause listed in this Code; and

23  
24 (7) Any other cause the City Manager determines to be serious and compelling as to  
25 affect responsibility as a city contractor.

26  
27 **Section 28: Effect of Debarment.**

28  
29 (1) Debarred contractors are excluded from receiving contracts, and departments  
30 shall not solicit offers from, award contracts to, or consent to subcontracts with these  
31 contractors, unless the City Manager determines that an emergency exists justifying  
32 such action, and obtains approval from the City Council. Debarred contractors are also  
33 excluded from conducting business with the city as agents, representatives,  
34 subcontractors or partners of other contractors.

35  
36 (2) Debarred contractors are excluded from acting as individual sureties.

37  
38 **Section 29: List of Debarred Contractors.**

39  
40 The City Manager, or his or her designee, shall compile and maintain a current,  
41 consolidated list of all contractors debarred by the City. Such list shall be public record  
42 and shall be available for public inspection and dissemination. The list shall include:

43  
44 (1) The names and addresses of all contractors debarred;

45

1 (2) The cause for the debarment action, as is further described herein, or other  
2 statutory or regulatory authority;

3  
4 (3) The effect of the debarment action;

5  
6 (4) The termination date for each listing;

7  
8 (5) The contractor's certificate of competency or license number, when applicable;  
9 and

10  
11 (6) The qualifier of the contractor, when applicable.

### 12 13 **Section 30: Decision to Debar.**

14  
15 A decision to suspend or debar shall be made after consultation with the City Attorney.  
16 The City Manager, or his or her designee, shall issue a written decision of debarment to  
17 the person involved. The decision shall state the reasons for the action taken and shall  
18 include information on the person's right to appeal. A copy of the decision shall be  
19 mailed via certified mail to the person, which is the subject of debarment within five (5)  
20 business days of the decision.

### 21 **Section 31: Appeals Process.**

22  
23 (1) A decision to debar shall be final and conclusive, unless the person debarred  
24 files a written notice of appeal to the City Clerk within ten (10) calendar days after  
25 receipt of the City Manager's decision. Such written notice shall state the particular  
26 grounds on which it is based, shall include all pertinent documents and evidence and  
27 shall be accompanied by a non-refundable cashier's check in the amount of \$500.00 to  
28 reimburse the City for administrative costs associated with the appeals process. Any  
29 grounds not stated shall be deemed waived.

30  
31 (2) Appeals shall be referred by the City Clerk to the City Attorney who shall select a  
32 Special Master, from the list of City-approved Special Masters, to hold a hearing and  
33 submit written findings and recommendations within fifteen (15) calendar days of the  
34 filing of the Notice of Appeal. The Special Master shall consider the written notice of  
35 appeal, supporting documents in evidence, the City's recommendations and supporting  
36 documentation and all evidence presented at the hearing. Such findings and  
37 recommendations shall be filed with the City Clerk.

38  
39 (3) An aggrieved party, including the City, may appeal a final order of the Special  
40 Master to the appellate division of the Circuit Court of the Eleventh Judicial Circuit. Such  
41 an appeal shall not be a hearing de novo but shall be limited to appellate review of the  
42 record created before the Lower Tribunal. An appeal shall be filed within thirty (30)  
43 calendar days of the date of the written order to which the appeal is directed.

44  
45 (4) Failure to follow the appellate procedures set forth herein shall automatically  
46 nullify any appeal or claim brought by an aggrieved contractor.

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**Section 32: Right to Initiate Legal Proceedings**

Nothing contained herein shall prohibit the City from initiating litigation, or availing itself to other remedies available by law.

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 take effect immediately upon its final passage.

PASSED ON FIRST READING ON THE 28TH DAY OF APRIL, 2010.

PASSED ON SECOND READING ON THE 12TH DAY OF MAY, 2010.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 12TH DAY OF MAY, 2010.

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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:\_\_\_\_\_

**VOTE:** \_\_\_\_\_

Mayor Shirley Gibson	___(Yes)	___(No)
Vice Mayor Aaron Campbell	___(Yes)	___(No)
Councilman Melvin L. Bratton	___(Yes)	___(No)
Councilman Oliver Gilbert, III	___(Yes)	___(No)
Councilwoman Barbara Watson	___(Yes)	___(No)
Councilwoman Sharon Pritchett	___(Yes)	___(No)
Councilman André Williams	___(Yes)	___(No)



# City of Miami Gardens

## INTER-OFFICE MEMORANDUM

**DATE:** March 24, 2010

**TO:** Mayor Shirley Gibson  
Vice Mayor Aaron Campbell, Jr.  
Councilman Melvin L. Bratton  
Councilman Oliver Gilbert, III  
Councilwoman Barbara Watson  
Councilwoman Sharon Pritchett  
Councilman Andre' Williams

**CC:** Dr. Danny Crew, City Manager  
Pamila Thompson, Procurement Manager

**FROM:** Sonja K. Dickens, City Attorney 

**RE:** Debarment Procedures

---

An ordinance was placed on the March 10, 2010 Agenda to amend the Purchasing Code to include debarment procedures. During the meeting a number of questions were raised concerning differences between Miami-Dade County's debarment procedures. As a result, my office analyzed and compared the County's debarment procedures with the City's proposed ordinance.

Enclosed you will find the following:

1. Analysis of Miami-Dade County's debarment procedures
2. Miami-Dade County Debarment Ordinance
3. Analysis of City of Miami Gardens' proposed debarment procedures
4. City of Miami Gardens Proposed Debarment Ordinance

Please review the enclosed documents and do not hesitate to contact me should you have any questions. It is anticipated that the proposed debarment procedures will be placed on the April 28, 2010 City Council Meeting Agenda. Thank you.

## CITY OF MIAMI GARDENS DEBARMENT PROCEDURES

1. After consultation with the City Attorney, the City Manager recommends debarment. Written notice of debarment is mailed to contractor.
2. Within ten (10) calendar days of City Manager's decision, debarred contractor must file written Notice of Appeal to City Clerk outlining grounds of appeal and enclosing pertinent documents and evidence and \$500 administrative fee.
3. A Special Master hearing is conducted within 15 days of the filing Notice of Appeal. The Special Master weighs all evidence and issues a written opinion.
4. Special Master's findings may be appealed to the 11th Judicial Circuit.

## MIAMI-DADE COUNTY DEBARMENT PROCEDURES

### **Debarment Committee consists of:**

1. Two (2) County department directors or assistant directors; and
2. One (1) member from private industry selected the County's Department of Business Development from a Standing Pool of Committee members appointed by the County Manager.

*Please note that at least one committee member must have working knowledge of the affected area.*

### **Debarment Process:**

1. The affected department forwards a written request for debarment to the County's Director of Business Development.
2. Director of Business Development creates a Debarment Committee from the Standing Pool of Committee members.
3. The requesting department presents evidence and argument to the Debarment Committee. The County Attorney's Office provides legal representation to the requesting debarment department. Please note that the County Attorney's Office is responsible for providing the Debarment Committee with independent counsel as well.
4. A Notice of Proposal to Debar is issued to the contractor at least twenty (20) days prior to the debarment hearing.
5. Seven (7) days prior to the hearing, the contractor is required to furnish the Debarment Committee with a list of defenses, along with any supporting documents. An extension may be requested and the Debarment Committee has the sole authority to grant or deny such request.
6. Debarment Committee may rule in one the following three (3) ways:
  - a. In actions based upon a conviction or judgment, or in which there is no genuine dispute over material facts, the Debarment Committee issues a ruling based on the information in the administrative record;
  - b. In actions where the facts are in dispute, the Debarment Committee bases its decision on the preponderance of the evidence standard; or
  - c. In the event the contractor fails to appear at the debarment hearing or to present competent proof under oath through persons with direct knowledge, the contractor will be subject to automatic debarment.

7. County Manager has the right to override the committee's findings. The County Manager must state, in writing, the reasons for overriding the Debarment Committee's decision.
8. If the County Manager affirms the committee's decision, the contractor is issued a written copy of the Debarment Committee's decision within twenty (20) working days. The decision becomes final the 21st working day after the issuance of the Debarment Committee's written opinion.
9. The committee's decision may be appealed to the Appellate Division of the Circuit Court. Debarred contractors are permitted to seek a stay of the debarment decision in accordance with the Florida Rules of Appellate Procedure.

**The County Commission is not involved in the debarment process.**

## Sec. 10-38. - Debarment of contractors from County work.

(a)

### *Purpose of debarment:*

(1)

The County shall solicit offers from, award contracts to, and consent to subcontracts with responsible contractors only. To effectuate this policy, the debarment of contractors from County work may be undertaken.

(2)

The serious nature of debarment requires that this sanction be imposed only when it is in the public interest for the County's protection, and not for purposes of punishment. Debarment shall be imposed in accordance with the procedures contained in this ordinance.

(3)

Debarment is intended as a remedy in addition to, and not in substitution of, the evaluation of the responsibility of County bidders and contractors, and the rejection or termination of County bidders and contractors based on findings of non-responsibility on a case by case basis.

(b)

### *Definitions:*

(1)

*Affiliates.* Business concerns, organizations, or individuals are affiliates of each other if, directly or indirectly, (i) either one (1) controls or has the power to control the other, or (ii) a third party controls or has the power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized by a debarred entity, individual, or affiliate following the debarment of a contractor that has the same or similar management, ownership, or principal employees as the contractor that was debarred or suspended.

(2)

*Civil judgment* means a judgment or finding of a civil offense by any court of competent jurisdiction.

(3)

*Contractor* means any individual or other legal entity that:

(i)

Directly or indirectly (e.g., through an affiliate), submits offers for or is awarded, or reasonably may be expected to submit offers for or be awarded, a County contract for construction or for procurement of goods or services, including professional services; or

(ii)

Conducts business, or reasonably may be expected to conduct business, with the County as an agent, surety, representative or subcontractor of another contractor.

(iii)

For the purposes of this section, the terms "vendor" and "consultant" have the same meaning as "contractor." "Subconsultant" has the same meaning as "subcontractor."

(4)

*Conviction* means a judgment or conviction of a criminal offense, be it a felony or misdemeanor, by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

(5)

*Debarment* mean action taken by the Debarment Committee to exclude a contractor from County contracting and County-approved subcontracting for a reasonable, specified period as provided in subsection (j) below; a contractor so excluded is debarred.

(6)

*Debarment committee* means a group of two (2) County department directors or assistant directors and one (1) member from private industry selected by DBD from a Standing Pool of Committee members appointed by the County Manager, to evaluate and, if warranted, to impose debarment. At least one (1) member of the Debarment Committee shall have working knowledge of the affected area. All Debarment Committee members appointed to a specific Debarment Committee shall be subject to restrictions similar to those in the Cone of Silence Ordinance 98-106 in that they are prohibited from having any communication with any of the parties involved in the specific debarment, or their representatives. Violation of this policy could lead to termination.

(7)

*Indictment* means indictment for a criminal offense. An information or other filing by competent authority charging a criminal offense shall be given the same effect as an indictment.

- (8) *Legal proceeding* means any civil judicial proceeding to which the county is a party or any criminal proceeding. The term includes appeals from such proceedings.
- (9) *List of debarred contractors* means a list compiled, maintained and distributed by the Department of Business Development ("DBD") of Miami-Dade County, containing the names of contractors debarred under the procedures of this ordinance.
- (10) *Preponderance of the evidence* means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

(c)

*List of debarred contractors:*

- (1) DBD, as the agency charged with the implementation of this ordinance shall:
- (i) Compile and maintain a current, consolidated list ("List") of all contractors debarred by County departments. Such list shall be public record and shall be available for public inspection and dissemination;
  - (ii) Periodically revise and distribute the list and issue supplements, if necessary, to all departments, to the office of the County Manager, to the Board of County Commissioners; and
  - (iii) Include in the list the name and telephone number of the official responsible for its maintenance and distribution.
- (2) The list shall indicate:
- (i) The names and addresses of all contractors debarred, in alphabetical order;
  - (ii) The name of the department that recommends initiation of the debarment action;
  - (iii) The cause for the debarment action, as is further described herein, or other statutory or regulatory authority;
  - (iv) The effect of the debarment action;
  - (v) The termination date for each listing;
  - (vi) The contractor's certificate of competency or license number, when applicable;
  - (vii) The qualifier of the contractor, when applicable;
  - (viii) The name and telephone number of the point of contact in the department recommending the debarment action.
- (3) DBD shall:
- (i) In accordance with internal retention procedures, maintain records relating to each debarment;
  - (ii) Establish procedures to provide for the effective use of the list, including internal distribution thereof, to ensure that departments do not solicit offers from, award contracts to, or consent to subcontracts with contractors on the list; and
  - (iii) Respond to inquiries concerning listed contractors and coordinate such responses with the department that recommended the action.

(d)

*Effects of debarment:*

- (1) Debarred contractors are excluded from receiving contracts, and departments shall not solicit offers from, award contracts to, or consent to subcontracts with these contractors, unless the county manager determines that an emergency exists justifying such action, and obtains approval from the Board of County Commissioners. Debarred contractors are also excluded from conducting business with the County as agents, representatives, subcontractors or partners of other contractors.
- (2) Debarred contractors are excluded from acting as individual sureties.

(e)

*Continuation of current contracts:*

- (1) Commencing on the effective date of this ordinance, all proposed County contracts for construction, or for procurement of goods and services, including professional services, shall incorporate this ordinance and specify that debarment may constitute grounds for termination of any existing County contract.
- (2) The debarment shall take effect in accordance with the notice provided by the County Manager pursuant to subsection (i)(9) below, except that if a department continues contracts or subcontracts in existence at the time the contractor was debarred, the debarment period shall commence upon the conclusion of the contract, and in the interim the debarred contractor shall not enter into any county contracts.
- (3) Departments may not renew or otherwise extend the duration of current contracts, or consent to subcontracts with debarred contractors, unless the County Manager determines that an emergency exists justifying the renewal or extension or for an approved extension due to delay or time extension for reasons beyond the contractors control, and such action is approved by the Board of County Commissioners.
- (4) No further work shall be awarded to a debarred contractor in connection with a continuing or miscellaneous construction contract, or a continuing or miscellaneous contract for goods or services, including professional services, or similar contract, where the work is divided into separate discrete groups and the county's refusal or denial of further work under the contract will not result in a breach of such contract.

(f)

*Restrictions on subcontracting:*

- (1) When a debarred contractor is proposed as a subcontractor for any subcontract subject to County approval, the department shall not consent to subcontracts with such contractors unless the County Manager determines that an emergency exists justifying such consent, and the Board of County Commissioners approves such decision.
- (2) The County shall not be responsible for any increases in project costs or other expenses incurred by a contractor as a result of rejection of proposed subcontractors pursuant to subsection (f)(1) above, provided the subcontractor was debarred prior to bid opening or opening of proposals.

(g)

*Debarment:*

- (1) The Debarment Committee may, in the public interest, debar a contractor for any of the causes listed in this ordinance, using the procedures outlined below. The existence of a cause for debarment, however, does not necessarily require that the contractor be debarred; the seriousness of the contractor's acts or omissions and any mitigating factors should be considered in making any debarment decision.
- (2) Debarment constitutes debarment of all officers, principals, directors, shareholders owning or controlling ten (10) percent or more of the stock, partners, qualifiers, divisions or other organizational elements of the debarred contractor, unless the debarred decision is limited by its terms to specific divisions, organizational elements, or commodities. The Debarment Committee's decision includes any existing affiliates of the contractor, if they are (i) specifically named and (ii) given written notice of the proposed debarment and an opportunity to respond. Future affiliates of the contractor are subject to the pre-existing Debarment Committee's decision.
- (3) A contractor's debarment shall be effective throughout county government.

(h)

*Causes for debarment:*

- (1) The Debarment Committee may debar a contractor for a conviction or civil judgment:
    - (i) For commission of a fraud or a criminal offense in connection with obtaining, attempting to obtain, performing, or making a claim upon a public contract or subcontract, or a contract or subcontract funded in whole or in part with public funds;
    - (ii) For violation of federal or State antitrust statutes relating to the submission of offers;
    - (iii) For commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
    - (iv) For commission of any other payment or performance related offense that seriously and directly affects the completion of one (1) or more contracts or the performance of the completed building, or project, or goods and services; or
    - (v) Which makes the County the prevailing party in a legal proceeding, and a court determines that the lawsuit between the contractor and the County was frivolous or filed in bad faith.
  - (2) The committee may debar a contractor, based upon a preponderance of the evidence, for:
    - (i) Violation of the terms of a County contract or subcontract, or a contract or subcontract funded in whole or in part by County funds, such as willful failure to perform in accordance with the terms of one (1) or more contracts; or the failure to perform, or unsatisfactory performance of one (1) or more contracts.
    - (ii) Violation of a County ordinance or administrative order which lists debarment as a potential penalty.
    - (iii) Any other cause of so serious or compelling a nature that it affects the responsibility of a county contractor or subcontractor in performing County work.
  - (3) The debarment committee may debar a CSBE based upon a preponderance of evidence that the CSBE has forfeited a bond or has defaulted on financial assistance, either of which was provided under the CSBE program; or if any individual or corporation, partnership or other entity, or any individual officer, shareholder with a significant interests, director or partner of such entity, or affiliated business of such entity attempts to comply with the provisions of this ordinance through fraud, misrepresentation, or material misstatement.
- (i) *Debarment procedures:*
- (1) Investigation and referral. Departments shall promptly investigate and prepare written reports concerning a proposed debarment, and prepare written requests to DBD for the debarment of contractors the department believes is subject to any of the causes listed above. The County Manager (or his or her designee), and the Office of the Inspector General, may investigate, prepare written reports on, and prepare written requests for, debarment of contractors or subcontractors.
  - (2) Upon receipt of a request for debarment, DBD shall create a Debarment Committee, from the Standing Pool of Committee members appointed by the County Manager, none of whose members shall include a representative from the department making the debarment request. DBD shall act as staff to the Debarment Committee. The department requesting debarment shall present evidence and argument to the Debarment Committee. In the event that the requesting department requests the assistance of the County Attorney's Office, the County Attorney's Office shall provide as counsel to the requesting department a representative of the office independent from any designated to advise the Debarment Committee in the proceedings.
  - (3) Notice of proposal to debar. DBD, on behalf of the Debarment Committee, shall issue a notice of proposed debarment advising the contractor and any specifically named affiliates, by certified mail, return receipt requested, or personal service, that:
    - (i) Debarment is being considered;

- (ii) Of the reasons and causes for the proposed debarment in terms sufficient to put the contractor on notice of the conduct or transaction(s) upon which it is based;
  - (iii) That a hearing shall be conducted before the Debarment Committee on a date and time not less than twenty (20) days after service of the notice. The notice shall also advise the contractor that it may be represented by an attorney, may present documentary evidence and verbal testimony, and may cross-examine evidence and testimony presented against it.
  - (iv) The notice shall also describe the effect of the issuance of the notice of proposed debarment, and of the potential effect of an actual debarment.
- (4) No later than seven (7) calendar days prior to the scheduled hearing date, the contractor must furnish DBD a list of the defenses, and the documents and records supporting those defenses, the contractor intends to present at the hearing. If the contractor fails to submit the list of defenses, in writing, and the documents and records supporting those defenses, at least seven (7) calendar days prior to the hearing, or fails to seek an extension of time, in writing, at least seven (7) calendar days prior to the hearing, within which to do so, the contractor shall have waived the opportunity to be heard at the hearing. Failure to request an extension at least seven (7) calendar days prior to the hearing shall constitute an absolute waiver to present defenses and to be heard before the Debarment Committee. The Debarment Committee Chair (or the Director of DBD, or his or her designee) has the right to grant or deny an extension of time so long as the request for an extension of time is made at least seven (7) calendar days prior to the hearing, and [his or her decision may only be reviewed upon an abuse of discretion standard.
- (5) Discovery. The process of discovery, including the subpoenaing of witnesses, the taking of depositions, the submission of interrogatories, and requests for documents, is not permitted under this ordinance. However, any party may make a public records request under Chapter 119 of the Florida Statutes.
- (6) Hearsay evidence shall be admissible at the hearing but shall not form the sole basis for initiating a debarment procedure nor the sole basis of any determination of debarment. The hearing shall be transcribed, taped or otherwise recorded by use of a court reporter, at the election of the committee and at the expense of the county. Copies of the hearing tape or transcript shall be furnished at the expense and request of the requesting party.
- (7) Debarment Committee's decision. In actions based upon a conviction or judgment, or in which there is no genuine dispute over material facts, the Debarment Committee shall make a decision on the basis of all the undisputed, material information in the administrative record, including any undisputed, material submissions made by the contractor. Where actions are based on disputed evidence, the Debarment Committee shall decide what weight to attach to evidence of record, judge the credibility of witnesses, and base its decision on the preponderance of the evidence standard. In the event that the contractor fails to appear at the debarment hearing or to present competent proof under affirmation or oath through persons with direct knowledge of the contractor's performance, the contractor shall be presumed to be not responsible and subject to debarment. The Debarment Committee's decision shall be based on a majority of the members of the Committee. The Debarment Committee shall be the sole trier of fact. The committee's decision shall be made within twenty (20) working days after conclusion of the hearing, unless the Debarment Committee extends this period for good cause.
- (8) The committee's decision shall be in writing and shall include the committee's factual findings, the principal causes of debarment as enumerated in this Ordinance, identification of the contractor and all affiliates affected by the decision, and the specific term, including duration, of the debarment imposed.
- (9) Notice of Debarment Committee's decision.
- (i) If the Debarment Committee decides to impose debarment, and the Debarment Committee's decision is not overridden by the County Manager, the county manager shall give the contractor and any affiliates involved written notice by certified mail, return receipt requested, or hand delivery, within twenty (20) working days of the decision, specifying the reasons for debarment and including a copy of the committee's written decision; stating the period of debarment, including effective dates; and advising that the debarment is effective throughout the county departments.
  - (ii) If debarment is not imposed by the Debarment Committee, and the Debarment Committee's decision is not overridden by the County Manager, the county manager shall notify the contractor and any affiliates involved, by certified mail, return receipt requested, or personal service, within twenty (20) working days of the decision.
- (10)

All decisions of the Debarment Committee shall be final and shall be effective on the date the notice is signed by the county manager unless overridden by the County Manager within twenty (20) working days of the date of the Debarment Committee's written decision. If the County Manager overrides the decision of the Debarment Committee, the County Manager shall state in writing the reasons for his or her override of the Debarment Committee's decision. If the County Manager does not override the Debarment Committee's decision within twenty (20) working days of the date of the Debarment Committee's written decision, and does not sign the notice to the contractor as stated in Section (i)(9) above, the Debarment Committee's decision is final, and becomes effective on the twenty-first (21st) working day after the date of the Debarment Committee's written decision. The Director of DBD or his or her designee shall then issue the notice to the contractor as required in Section (i)(9) above. Decisions of the Debarment Committee may be appealed to the Appellate Division of the Circuit Court within thirty (30) calendar days of the date the notice is signed by the County Manager. Decisions of the Debarment Committee shall not be overturned absent a finding of abuse of discretion. A debarred contractor may seek a stay of the debarment decision in accordance with the Florida Rules of Appellate Procedure.

(j)

*Period of debarment:*

(1)

The period of debarment imposed shall be within the sole discretion of the Debarment Committee. Debarment shall be for a period commensurate with the seriousness of the cause(s), and, where applicable, within the guidelines set forth below, but in no event shall exceed five (5) years.

(2)

The following guidelines in the period of debarment shall apply except where mitigating or aggravating circumstances justify deviation:

(i)

For commission of an offense as described in subsection (h)(1)(i): five (5) years.

(ii)

For commission of an offense as described in subsection (h)(1)(ii): five (5) years.

(iii)

For commission of an offense as described in subsection (h)(1)(iii): five (5) years.

(iv)

For commission of an offense as described in subsection (h)(1)(iv): one (1) to two (2) years.

(v)

For commission of an offense as described in subsection (h)(1)(v): two (2) to five (5) years.

(vi)

For commission of an offense as described in subsections (h)(2)(i) or (ii): two (2) to five (5) years.

(vii)

For commission of an offense as described in subsection (h)(2)(iii): one (1) to two (2) years.

(3)

The Debarment Committee may, in its sole discretion, reduce the period of debarment, upon the contractor's written request, for reasons such as:

(i)

Newly discovered material evidence;

(ii)

Reversal of the conviction or civil judgment upon which the debarment was based;

(iii)

Bona fide change in ownership or management;

(iv)

Elimination of other causes for which the debarment was imposed; or

(v)

Other reasons the Debarment Committee deems appropriate.

(4)

The debarred contractor's written request shall contain the reasons for requesting a reduction in the debarment period. DBD, with the assistance of the affected department, shall have thirty (30) days from receipt of such request to submit a written response thereto. The decision of the Debarment Committee regarding a request made under this subsection is final and non-appealable.

(k)

*Scope of debarment:*

- (1) The fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, agent, employee, or other individual associated with a contractor may be imputed to the contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the contractor, or with the contractor's knowledge, approval, or acquiescence. The contractor's acceptance of the benefits derived from the conduct may be evidence of such knowledge, approval or acquiescence.
- (2) The fraudulent, criminal, or other seriously improper conduct of a contractor may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the contractor who participated in, knew of, or had reason to know of the contractor's conduct.
- (3) The fraudulent, criminal or other seriously improper conduct of any subcontractor associated with a contractor may be imputed to the contractor when the conduct occurred in connection with the subcontractor's performance of duties for or on behalf of the contractor and the contractor had knowledge of, approved of, or acquiesced in this conduct. The contractor's acceptance of benefits derived from the conduct shall be evidence of such knowledge, approval or acquiescence.
- (4) The fraudulent, criminal, or other seriously improper conduct of one (1) contractor participating in a joint venture or similar arrangement may be imputed to other participating contractors if the conduct occurred for or on behalf of the joint venture or similar arrangement, or with the knowledge, approval, or acquiescence of these contractors. Acceptance of the benefits derived from the conduct may be evidence of such knowledge, approval, or acquiescence.

*(Ord. No. 93-129, § 1, 11-16-93; Ord. No. 97-52, § 2, 5-20-97; Ord. No. 98-107, § 1, 7-21-98; Ord. No. 00-18, § 1, 2-8-00)*



## City of Miami Gardens Agenda Cover Memo

<b>Council Meeting Date:</b>	May 12, 2010		<b>Item Type:</b>	<b>Resolution</b>	<b>Ordinance</b>		<b>Other</b>	
			<i>(Enter X in box)</i>	X				
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>		<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
	X		<b>Public Hearing:</b> <i>(Enter X in box)</i>		Yes	No	Yes	No
<b>Funding Source:</b>	<b>CIP; Parks &amp; Recreation</b>		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>		Yes		No	
						X		
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>					
<b>Sponsor Name</b>	<b>Danny Crew, City Manager</b>		<b>Department:</b>		<b>CIP; Parks &amp; Recreation</b>			

**Short Title:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO UTILIZE PARKS AND RECREATION DEPARTMENT OPERATING FUNDS AS A DOLLAR-FOR-DOLLAR MATCH TOWARD THE SAFE NEIGHBORHOOD PARKS BOND PROGRAM GRANT FUNDS IN THE AMOUNT OF ONE HUNDRED TWENTY-SEVEN THOUSAND, ONE HUNDRED EIGHTY-TWO DOLLARS (\$127,182.00) TO REPLACE PLAYGROUND EQUIPMENT AT A. J. KING PARK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

On July 15, 2009 Miami-Dade County announced the availability of approximately \$6 million in Safe Neighborhood Parks Bond Program grant funds for land acquisition and capital improvements of open public spaces. All funds must be expended within one year after funds are awarded by the Miami Dade Board of County Commission.

According to the Miami- Dade County’s Request for Proposal the review committee is looking for well-planned capital projects that meet a pressing need, display broad support, will be completed promptly and, once completed, are managed successfully. With the Council’s approval staff submitted applications in support of capital improvements at AJ King Park, Miami Gardens Community Center, Myrtle Grove Park, Norwood Park, and Rolling Oaks Park to further developments outlined in the Parks Master Plan as well as land acquisition of the property located at 18330 NW 12 Avenue.

**ITEM J-1) CONSENT AGENDA  
RESOLUTION  
Safe Neighborhood Parks Bond Program Grant Funds**

On January 29, 2010, the Safe Neighborhood Parks Citizens' Oversight Committee met to review additional applications and make recommendations for award. This Committee put forth the recommendation that the Miami Dade Board of County Commissioners award the City of Miami Gardens \$127,182 to replace the playground equipment at A.J. King Park. This award also requires a dollar-for-dollar cash match from the City and an accompanying authorizing resolution as "proof of match". Staff recommends the \$127,182 match comes from the Parks and Recreation Department Operating Funds.

**Proposed Action:**

That City Council allow the City Manager to utilize Parks and Recreation Department Operating funds as the dollar-for-dollar match towards the Safe Neighborhood Parks \$127,182 grant award to replace the playground equipment at A.J. King Park.

**Attachment:**

None.

RESOLUTION No. 2010-

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO UTILIZE PARKS AND RECREATION DEPARTMENT OPERATING FUNDS AS A DOLLAR-FOR-DOLLAR MATCH TOWARD THE SAFE NEIGHBORHOOD PARKS BOND PROGRAM GRANT FUNDS IN THE AMOUNT OF ONE HUNDRED TWENTY-SEVEN THOUSAND, ONE HUNDRED EIGHTY-TWO DOLLARS (\$127,182.00) TO REPLACE PLAYGROUND EQUIPMENT AT A. J. KING PARK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 15, 2009, Miami-Dade County announced the availability of approximately Six Million Dollars (\$6,000,000.00) in Safe Neighborhood Parks Bond Program Grant funds for land acquisition and capital improvements of open public spaces, and

WHEREAS, with the City Council's approval, staff submitted an application in support of capital improvements at A. J. King Park, Miami Gardens Community Center, Myrtle Groove Park, Norwood Park, and Rolling Oaks Park to further development as outlined in the Parks Master Plan, as well as the acquisition of property located at 18300 N.W. 12th Avenue, and

WHEREAS, on January 29, 2010, the Safe Neighborhood Parks Citizens' Oversight Committee recommended to the Miami-Dade County Board of County Commissioners that the City of Miami Gardens be awarded the sum of One Hundred Twenty-Seven Thousand, One Hundred Eighty-Two Dollars (\$127,182.00) to replace playground equipment at A. J. King Park, and

1           WHEREAS, the award requires a dollar-for-dollar cash match from the City and  
2 an accompanying resolution as proof of the match, and

3           WHEREAS, City staff is recommending that the One Hundred Twenty-Seven  
4 Thousand, One Hundred Eighty-Two Dollars (\$127,182.00) be paid from the Park and  
5 Recreation Department Operating Funds,

6           NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
7 OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

8           Section 1.   ADOPTION OF REPRESENTATIONS: The foregoing Whereas  
9 paragraphs are hereby ratified and confirmed as being true, and the same are hereby  
10 made a specific part of this Resolution.

11           Section 2.   AUTHORIZATION: The City Council of the City of Miami Gardens  
12 hereby authorizes the City Manager to utilize Parks and Recreation Department  
13 Operating Funds as a dollar-for-dollar match toward the Safe Neighborhood Parks Bond  
14 Program Grant Funds in the amount of One Hundred Twenty-Seven Thousand, One  
15 Hundred Eighty-Two Dollars (\$127,182.00) to replace playground equipment and A. J.  
16 King Park.

17           Section 3.   EFFECTIVE DATE: This Resolution shall take effect immediately  
18 upon its final passage.

19 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS  
20 AT ITS REGULAR MEETING HELD ON MAY 12, 2010.

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SHIRLEY GIBSON, MAYOR

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ATTEST:

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RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, CITY ATTORNEY

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: \_\_\_\_\_

VOTE: \_\_\_\_\_

Mayor Shirley Gibson	___(Yes)	___(No)
Vice Mayor Aaron Campbell, Jr.	___(Yes)	___(No)
Councilman Melvin L. Bratton	___(Yes)	___(No)
Councilman Oliver Gilbert, III	___(Yes)	___(No)
Councilwoman Barbara Watson	___(Yes)	___(No)
Councilwoman Sharon Pritchett	___(Yes)	___(No)
Councilman André Williams	___(Yes)	___(No)



**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b> <i>(Enter X in box)</i>	May 12, 2010		<b>Item Type:</b>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>		
			<i>(Enter X in box)</i>	X				
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>		<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
	X		<b>Public Hearing:</b> <i>(Enter X in box)</i>		Yes	No	Yes	No
<b>Funding Source:</b>	<b>Building Better Communities Bond Funds &amp; Quality Neighborhood Improvement Program Funds</b>		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>		<b>Yes</b>		<b>No</b>	
							X	
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>					
<b>Sponsor Name</b>	<b>Danny Crew, City Manager</b>		<b>Department:</b>		<b>CIP</b>			

**Short Title:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING RESOLUTION NO. 2009-194-1140 AUTHORIZING THE CITY MANAGER TO UTILIZE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND AND QUALITY NEIGHBORHOOD IMPROVEMENT PROGRAM FUNDS AS A DOLLAR-FOR-DOLLAR MATCH TOWARD THE SAFE NEIGHBORHOOD PARKS GRANT AWARD IN THE AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) TO DEVELOP THE AMPHITHEATER AT THE MIAMI GARDENS COMMUNITY CENTER; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

In October 2009 Council approved Resolution No. 2009-194-1140 which allowed the City Manager to utilize Building Better Communities General Obligation Bond and Quality Neighborhood Improvement Program funds as the dollar-for-dollar match towards the Safe Neighborhood Parks grant award of \$50,000 to develop the amphitheater at the Miami Gardens Community Center.

**ITEM J-2) CONSENT AGENDA  
RESOLUTION  
Building Better Communities General  
Obligation Bond**

Staff is requesting an amendment to Resolution No. 2009-194-1140 to raise the committed match of \$50,000 to \$500,000, as our final Safe Neighborhood Parks award amount is \$500,000 to develop the amphitheater at the Miami Gardens Community Center.

This \$500,000 match will come from the Building Better Communities General Obligation Bond and Quality Neighborhood Improvement Program funds that are already committed to this project.

**Proposed Action:**

That the City Council allows the City Manager to utilize Building Better Communities General Obligation Bond and Quality Neighborhood Improvement Program funds as the dollar-for-dollar match towards the Safe Neighborhood Parks \$500,000 grant award to develop the amphitheater at the Miami Gardens Community Center.

**Attachment:**

None.

RESOLUTION No. 2010-

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING RESOLUTION NO. 2009-194-1140 AUTHORIZING THE CITY MANAGER TO UTILIZE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND AND QUALITY NEIGHBORHOOD IMPROVEMENT PROGRAM FUNDS AS A DOLLAR-FOR-DOLLAR MATCH TOWARD THE SAFE NEIGHBORHOOD PARKS GRANT AWARD IN THE AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) TO DEVELOP THE AMPHITHEATER AT THE MIAMI GARDENS COMMUNITY CENTER; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 15, 2009, Miami-Dade County announced the availability of approximately Six Million Dollars (\$6,000,000.00) in Safe Neighborhood Parks Bond Program Grant funds for land acquisition and capital improvements of open public spaces, and

WHEREAS, all funds must be expended within one (1) year of award, and

WHEREAS, on August 18, 2009, the Safe Neighborhood Parks Citizens' Oversight Committee recommended to the Miami-Dade County Board of Commissioners that the City of Miami Gardens be awarded funds to develop the amphitheater at the Miami Gardens Community Center, and

WHEREAS, this award of \$500,000 requires a dollar-for-dollar cash match from the City and an accompanying resolution as proof of the match, and

WHEREAS, City staff is recommending that the Five Hundred Thousand Dollars (\$500,000.00) match come from the Building Better Communities General Obligation Bond and Quality Neighborhood Improvement Program Funds that have already been committed to this Project,

1 NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
2 OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

3 Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas  
4 paragraphs are hereby ratified and confirmed as being true, and the same are hereby  
5 made a specific part of this Resolution.

6 Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens  
7 hereby authorizes the approval of the City Manager to utilize Building Better  
8 Communities General Obligation Bond and Quality Neighborhood Improvement  
9 Program Funds as a dollar-for-dollar match toward the Safe Neighborhood Parks Grant  
10 award in the amount of Five Hundred Thousand Dollars (\$500,000.00) to develop the  
11 amphitheater at the Miami Gardens Community Center.

12 Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately  
13 upon its final passage.

14 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS  
15 AT ITS REGULAR MEETING HELD ON MAY 12, 2010.

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ATTEST:

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RONETTA TAYLOR, MMC, CITY CLERK

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PREPARED BY: SONJA K. DICKENS, CITY ATTORNEY

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SHIRLEY GIBSON, MAYOR





**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b>	May 12, 2010		<b>Item Type:</b>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>	
				X			
<b>Fiscal Impact:</b>	Yes	No	<b>Ordinance Reading:</b>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		X		<b>Public Hearing:</b>	Yes	No	Yes
					X		
<b>Funding Source:</b>	Transporation Fund / America Recovery Reinvestment Act (ARRA)		<b>Advertising Requirement:</b>	<b>Yes</b>		<b>No</b>	
				X			
<b>Contract/P.O. Required:</b>	Yes	No	<b>RFP/RFQ/Bid #:</b>	ITB#09-10-014 LAP Roadway Improvement Project			
	X						
<b>Sponsor Name</b>	Dr. Danny Crew, City Manager		<b>Department:</b>	Public Works Department			

**Short Title:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN AGREEMENT WITH HORIZON CONTRACTORS, INC., ATTACHED HERETO AS EXHIBIT "A", IN THE AMOUNT OF FOUR HUNDRED SIXTY-TWO THOUSAND, ONE HUNDRED AND NINETY-SIX DOLLARS AND 20/100 CENTS (\$462,196.20) FOR LAP ROADWAY IMPROVEMENT PROJECTS; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE

**Staff Summary:**

Background

The City of Miami Gardens received \$2,516,740 in American Recovery and Reinvestment (ARRA) stimulus funds through the Florida Department of Transportation to improve city roads that are designated by Federal Highway Administration and designated as emergency roads by the US Department of Transportation. ARRA funds can only be used for road resurfacing, sidewalk repairs/installation, and guardrail repairs.

Of our three proposed projects, Project A (\$575,683.36) and Project C (\$404,197.75) were awarded by Council in February 2010.

Per ARRA guidelines, our proposal had to be broken down into three projects because proposals could not exceed \$1 million; therefore, each project needed to be approved separately.

**ITEM J-3) CONSENT AGENDA  
RESOLUTION  
Agreement w/ Horizon Contractors, Inc.**

## Current Situation

In April 2010, the Florida Department of Transportation issued the City a Notice to Proceed (Attachment A) for Project B (\$462,196.20).

## **Project B:** ITB#09-10-014 LAP Roadway Improvements ARRA 429;ARRA430

Areas to be completed:

- NW 156 St. from NW 47 Ave to NW 42 Ave
  - a. New and repair Sidewalks/ADA North Side of NW 156 St.
  - b. Milling and Resurfacing entire NW 156 Street
  - c. Repair Guardrail
  - d. Repair and add Sidewalks/ADA as needed.
- NW 47 Ave from NW 156 St to NW 167 St
  - a. New and repair Sidewalks/ADA North Side of NW 156 St.
  - b. Milling and Resurfacing entire NW 156 Street
  - c. Repair Guardrail
  - d. Repair and add Sidewalks/ADA as needed.
- NW 42nd Ave from NW 156 St to NW 191 St
  - a. NW 42 Avenue from NW 156 Street to NW 167 Street:
    - 1. Milling, resurfacing and stripping .
    - 2. Repair sidewalks/ADA as needed.
  - b. NW 42 Ave from NW 167 St to NW 191 St:
    - 1. Repair sidewalks as needed.
  - c. NW 42 Avenue from NW 170 Street to NW 178 Street:
    - 1. New Sidewalks/ADA on West Side only.

Specifications were prepared by City staff and our engineering consultant Craven and Thompson, for three LAP Roadway Improvement Projects which include resurfacing of roads, repairs and replacements of sidewalks; the first two projects were awarded by Council in February 2010. Bid #09-10-014 was advertised on February 24, 2010. A broadcast notice was sent to 677 vendors. Fifteen bid packages were requested. The bid was opened on March 25, 2010. There were seven bids received and publicly read. The apparent low bidder was Horizon Contractors, Inc, located in Hialeah, Florida (Attachment B).

Bids were evaluated for compliance with the specifications and their ability to perform the work. Staff checked references for past performances, finances, and insurances. All of the references were very favorable, the finances are fine, and insurance is sufficient. Once the staff completed their review, the tabulation was sent to Florida Department of Transportation (FDOT) for their review. FDOT concurred with staff's findings. A copy of the proposal document and submittals are available at the assistant to the mayor and council's office for review.

### **Proposed Action:**

That City Council approve the attached resolution authorizing the City Manager to execute the contract for LAP Roadway Improvement Project B in the amount of \$462,196.20 for ITB#09-10-014 to Horizon Contractors, Inc., located in Hialeah, Florida.

**Attachment:**

- Attachment A – Notice to Proceed
- Attachment B – Tabulation Sheets
- Attachment C – Contract

RESOLUTION No. 2010-

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN AGREEMENT WITH HORIZON CONTRACTORS, INC., ATTACHED HERETO AS EXHIBIT "A", IN THE AMOUNT OF FOUR HUNDRED SIXTY-TWO THOUSAND, ONE HUNDRED AND NINETY-SIX DOLLARS AND 20/100 CENTS (\$462,196.20) FOR LAP ROADWAY IMPROVEMENT PROJECTS; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Miami Gardens was awarded American Recovery and Reinvestment ("ARRA") stimulus funds through the Florida Department of Transportation to improve City roads designated by Federal Highway Administration ("FHWA") and designated as emergency roads by the U. S. Department of Transportation, and

WHEREAS, ARRA funds can only be used for road resurfacing, sidewalk repairs and installation, and guardrail repairs, and

WHEREAS, City Staff prepared specifications for three (3) LAP Roadway Improvement Projects which include roadway and sidewalk improvements along NW 156 Street from NW 47 Avenue to NW 42 Avenue, along NW 47 Avenue from NW 156 Street to NW 167 Street, and along NW 42nd Avenue from NW 156 Street to NW 191 Street, and

WHEREAS, Bid #09-10-014 was advertised on February 24, 2010, and

WHEREAS, seven (7) bids were received for each project and publicly read, and

WHEREAS, the apparent low bidder was Horizon Contractors, Inc., located in Hialeah, Florida,

1           NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
2 OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

3           Section 1.   ADOPTION OF REPRESENTATIONS: The foregoing Whereas  
4 paragraphs are hereby ratified and confirmed as being true, and the same are hereby  
5 made a specific part of this Resolution.

6           Section 2.   AUTHORIZATION: The City Council of the City of Miami Gardens  
7 hereby authorizes the City Manager and the City Clerk to execute and attest,  
8 respectively, that certain Agreement, with Horizon Contractors, Inc., attached hereto as  
9 Exhibit "A", in the amount of Four Hundred Sixty-Two Thousand, One Hundred Ninety-  
10 Six Dollars and 20/100 Cents (\$462,196.20) for LAP Roadway Improvement Projects.  
11 The City Manager is hereby authorized to take any and all steps necessary in order to  
12 fulfill the obligations under said Agreement.

13          Section 3.   INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby  
14 authorized to obtain two (2) fully executed copies of the subject Agreement with Horizon  
15 Contractors, Inc., with one (1) to be maintained by the City, and one (1) to be delivered  
16 to Horizon Contractors, Inc.

17          Section 4.   EFFECTIVE DATE: This Resolution shall take effect immediately  
18 upon its final passage.

19 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS  
20 AT ITS REGULAR MEETING HELD ON MAY 12, 2010.

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SHIRLEY GIBSON, MAYOR

1 ATTEST:

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RONETTA TAYLOR, MMC, CITY CLERK

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9 PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

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12 SPONSORED BY: DANNY CREW, CITY MANAGER

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16 MOVED BY: \_\_\_\_\_

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20 VOTE: \_\_\_\_\_

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23 Mayor Shirley Gibson                    \_\_\_(Yes)    \_\_\_(No)

24 Vice Mayor Aaron Campbell, Jr.        \_\_\_(Yes)    \_\_\_(No)

25 Councilman Melvin L. Bratton           \_\_\_(Yes)    \_\_\_(No)

26 Councilman Oliver Gilbert, III        \_\_\_(Yes)    \_\_\_(No)

27 Councilwoman Barbara Watson        \_\_\_(Yes)    \_\_\_(No)

28 Councilwoman Sharon Pritchett       \_\_\_(Yes)    \_\_\_(No)

29 Councilman André Williams           \_\_\_(Yes)    \_\_\_(No)

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ITB#09-10-014 - LAP Roadway Improvements ARRA ARRA 429; 430 - (project B)

March 25, 2010 - 2:00 p.m.

Bid Tabulation Sheet

Item	UOM	Qty	Horizon Contracting Hialeah, FL		Kailas Corp Hialeah, FL		Williams Paving Medley, FL		General Asphalt Miami, FL	
			\$UOM	TOTAL	\$UOM	TOTAL	\$UOM	TOTAL	\$UOM	TOTAL
Bid Bond				yes		yes		yes		yes
2009-1001	LS	1	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$23,000.00	\$23,000.00	\$4,000.00	\$4,000.00
2009-1002	LS	1	\$4,000.00	\$4,000.00	\$20,000.00	\$20,000.00	\$11,000.00	\$11,000.00	\$10,000.00	\$10,000.00
2009-1003	LS	1	\$300.00	\$300.00	\$4,000.00	\$4,000.00	\$3,000.00	\$3,000.00	\$1,000.00	\$1,000.00
<b>Roadway</b>										
0334-1-13	SY	29,688	\$5.00	\$148,440.00	\$5.20	\$154,377.60	\$4.65	\$138,049.20	\$4.50	\$133,596.00
0327-701	SY	29,689	\$1.00	\$29,689.00	\$1.10	\$32,657.90	\$1.40	\$41,564.60	\$1.25	\$37,111.25
2009-1004	SY	550	\$17.00	\$9,350.00	\$10.00	\$5,500.00	\$30.25	\$16,637.50	\$20.00	\$11,000.00
<b>Sidewalk</b>										
2009-1005	EA	45	\$750.00	\$33,750.00	\$800.00	\$36,000.00	\$170.00	\$7,650.00	\$995.00	\$44,775.00
0527-1	EA	18	\$300.00	\$5,400.00	\$300.00	\$5,400.00	\$170.00	\$3,060.00	\$420.00	\$7,560.00
0522-2	SY	251	\$30.00	\$7,530.00	\$24.00	\$6,024.00	\$44.05	\$11,056.55	\$44.00	\$11,044.00
0522-2A	SY	2000	\$45.00	\$90,000.00	\$40.00	\$80,000.00	\$50.00	\$100,000.00	\$52.00	\$104,000.00
2009-1006	SY	2,000	\$25.00	\$50,000.00	\$21.00	\$42,000.00	\$39.60	\$79,200.00	\$30.00	\$60,000.00
0110-4	SY	1,000	\$5.00	\$5,000.00	\$5.00	\$5,000.00	\$5.30	\$5,300.00	\$15.00	\$15,000.00
survey	LF	3,000	\$1.50	\$4,500.00	\$2.50	\$7,500.00	\$0.90	\$2,700.00	\$1.00	\$3,000.00
<b>Pavement</b>										
0711-11211	MI	2.308	\$2,500.00	\$5,770.00	\$3,326.40	\$7,677.33	\$2,900.00	\$6,693.20	\$2,600.00	\$6,000.80
0711-11231	MI	0.786	\$2,500.00	\$1,965.00	\$3,326.40	\$2,614.55	\$1,525.00	\$1,198.65	\$1,385.00	\$1,088.61
0711-11223	LF	829	\$1.50	\$1,243.50	\$1.26	\$1,044.54	\$1.60	\$1,326.40	\$1.45	\$1,202.05
0711-11224	LF	1,361	\$2.25	\$3,062.25	\$2.31	\$3,143.91	\$3.80	\$5,171.80	\$3.45	\$4,695.45
0711-11125	LF	278	\$3.00	\$834.00	\$3.15	\$875.70	\$5.35	\$1,487.30	\$4.80	\$1,334.40
0706-3	EA	574	\$4.25	\$2,439.50	\$3.99	\$2,290.26	\$4.50	\$2,583.00	\$4.10	\$2,353.40
0711-11170	EA	30	\$65.00	\$1,950.00	\$52.50	\$1,575.00	\$58.00	\$1,740.00	\$53.00	\$1,590.00
0711-11160	EA	8	\$135.00	\$1,080.00	\$131.25	\$1,050.00	\$139.00	\$1,112.00	\$125.00	\$1,000.00
2009-1007	EA	8	\$285.00	\$2,280.00	\$210.00	\$1,680.00	\$406.00	\$3,248.00	\$350.00	\$2,800.00
<b>Temp Mark</b>										
2009-1008	MI	2.308	\$2,800.00	\$6,462.40	\$3,326.40	\$7,677.33	\$1,225.00	\$2,827.30	\$1,100.00	\$2,538.80
2009-1009	MI	0.786	\$2,800.00	\$2,200.80	\$3,326.40	\$2,614.55	\$695.00	\$546.27	\$630.00	\$495.18

ITB#09-10-014 - LAP Roadway Improvements ARRA ARRA 429; 430 - (project B)

March 25, 2010 - 2:00 p.m.

Bid Tabulation Sheet

cont. 2

Item	UOM	Qty	Horizon Contracting		Kailas Corp		Williams Paving		General Asphalt	
			\$UOM	TOTAL	\$UOM	TOTAL	\$UOM	TOTAL	\$UOM	TOTAL
2009-1010	LF	829	\$1.50	\$1,243.50	\$1.05	\$870.45	\$0.70	\$580.30	\$0.70	\$580.30
2009-1011	LF	1,361	\$2.25	\$3,062.25	\$2.10	\$2,858.10	\$1.15	\$1,565.15	\$1.10	\$1,497.10
2009-1012	LF	278	\$3.00	\$834.00	\$2.94	\$817.32	\$1.75	\$486.50	\$1.65	\$458.70
2009-1013	EA	30	\$90.00	\$2,700.00	\$42.00	\$1,260.00	\$25.50	\$765.00	\$23.00	\$690.00
2009-1014	EA	8	\$170.00	\$1,360.00	\$120.75	\$966.00	\$58.00	\$464.00	\$53.00	\$424.00
<b>Misc.</b>										
0535-73	LF	200	\$2.00	\$400.00	\$3.50	\$700.00	\$7.75	\$1,550.00	\$5.00	\$1,000.00
2009-1015	LF	120	\$55.00	\$6,600.00	\$24.00	\$2,880.00	\$30.65	\$3,678.00	\$80.00	\$9,600.00
2009-1016	EA	5	\$550.00	\$2,750.00	\$100.00	\$500.00	\$325.00	\$1,625.00	\$500.00	\$2,500.00
2009-1017	LF	300	\$20.00	\$6,000.00	\$15.00	\$4,500.00	\$5.80	\$1,740.00	\$12.00	\$3,600.00
<b>TOTAL</b>				<b>\$462,196.20</b>		<b>\$466,054.54</b>		<b>\$482,605.72</b>		<b>\$487,535.04</b>

This is only a tabulation of prices submitted and is not an indication of award or responsiveness

H&J Asphalt, Inc. bid was determined to be non-responsive - bid bond submitted was 5% not the required 10%

ITB#09-10-014 - LAP Roadway Improvements ARRA ARRA 429; 430 - (project B)

March 25, 2010 - 2:00 p.m.

Bid Tabulation Sheet

Item	UOM	Qty	H&R Paving		Weekley Asphalt		Tran Construction		\$UOM	TOTAL
			Miami, FL	TOTAL	Pembroke Pines, FL	TOTAL	Miami, FL	TOTAL		
Bid Bond				yes		yes		yes		
2009-1001	LS	1	\$24,844.46	\$24,844.46	\$31,810.00	\$31,810.00	\$28,501.00	\$28,501.00		\$0.00
2009-1002	LS	1	\$10,000.00	\$10,000.00	\$36,907.00	\$36,907.00	\$10,920.00	\$10,920.00		\$0.00
2009-1003	LS	1	\$500.00	\$500.00	\$350.00	\$350.00	\$546.00	\$546.00		\$0.00
<b>Roadway</b>										
0334-1-13	SY	29,688	\$4.00	\$118,752.00	\$4.50	\$133,596.00	\$5.70	\$169,221.60		\$0.00
0327-701	SY	29,689	\$1.50	\$44,533.50	\$2.00	\$59,378.00	\$1.20	\$35,626.80		\$0.00
2009-1004	SY	550	\$45.00	\$24,750.00	\$25.07	\$13,788.50	\$16.40	\$9,020.00		\$0.00
<b>Sidewalk</b>										
2009-1005	EA	45	\$900.00	\$40,500.00	\$1,056.00	\$47,520.00	\$431.30	\$19,408.50		\$0.00
0527-1	EA	18	\$300.00	\$5,400.00	\$445.00	\$8,010.00	\$376.80	\$6,782.40		\$0.00
0522-2	SY	251	\$30.00	\$7,530.00	\$49.70	\$12,474.70	\$30.40	\$7,630.40		\$0.00
0522-2A	SY	2000	\$70.00	\$140,000.00	\$57.93	\$115,860.00	\$64.20	\$128,400.00		\$0.00
2009-1006	SY	2,000	\$25.00	\$50,000.00	\$36.67	\$73,340.00	\$24.10	\$48,200.00		\$0.00
0110-4	SY	1,000	\$15.00	\$15,000.00	\$7.15	\$7,150.00	\$9.90	\$9,900.00		\$0.00
survey	LF	3,000	\$1.00	\$3,000.00	\$0.35	\$1,050.00	\$3.30	\$9,900.00		\$0.00
<b>Pavement</b>										
0711-11211	MI	2.308	\$2,376.00	\$5,483.81	\$2,900.00	\$6,693.20	\$2,882.90	\$6,653.73		\$0.00
0711-11231	MI	0.786	\$590.00	\$463.74	\$800.00	\$628.80	\$720.70	\$566.47		\$0.00
0711-11223	LF	829	\$1.00	\$829.00	\$1.25	\$1,036.25	\$2.10	\$1,740.90		\$0.00
0711-11224	LF	1,361	\$1.50	\$2,041.50	\$1.90	\$2,585.90	\$3.00	\$4,083.00		\$0.00
0711-11125	LF	278	\$2.00	\$556.00	\$2.50	\$695.00	\$3.80	\$1,056.40		\$0.00
0706-3	EA	574	\$3.00	\$1,722.00	\$3.50	\$2,009.00	\$4.40	\$2,525.60		\$0.00
0711-11170	EA	30	\$50.00	\$1,500.00	\$50.00	\$1,500.00	\$49.10	\$1,473.00		\$0.00
0711-11160	EA	8	\$60.00	\$480.00	\$100.00	\$800.00	\$109.20	\$873.60		\$0.00
2009-1007	EA	8	\$150.00	\$1,200.00	\$260.00	\$2,080.00	\$218.40	\$1,747.20		\$0.00
<b>Temp Mark</b>										
2009-1008	MI	2.308	\$1,000.00	\$2,308.00	\$1,050.00	\$2,423.40	\$1,383.60	\$3,193.35		\$0.00
2009-1009	MI	0.786	\$264.00	\$207.50	\$400.00	\$314.40	\$345.10	\$271.25		\$0.00

ITB#09-10-014 - LAP Roadway Improvements ARRA ARRA 429; 430 - (project B)

March 25, 2010 - 2:00 p.m.

Bid Tabulation Sheet

cont. 2

Item	UOM	Qty	H&R Paving		Weekley Asphalt		Tran Construction			TOTAL
			\$UOM	TOTAL	\$UOM	TOTAL	\$UOM	TOTAL		
2009-1010	LF	829	\$0.40	\$331.60	\$0.60	\$497.40	\$1.00	\$829.00		\$0.00
2009-1011	LF	1,361	\$0.60	\$816.60	\$0.95	\$1,292.95	\$1.20	\$1,633.20		\$0.00
2009-1012	LF	278	\$1.00	\$278.00	\$1.25	\$347.50	\$1.40	\$389.20		\$0.00
2009-1013	EA	30	\$20.00	\$600.00	\$25.00	\$750.00	\$16.40	\$492.00		\$0.00
2009-1014	EA	8	\$50.00	\$400.00	\$35.00	\$280.00	\$43.70	\$349.60		\$0.00
<b>Misc.</b>										
0535-73	LF	200	\$10.00	\$2,000.00	\$1.50	\$300.00	\$8.70	\$1,740.00		\$0.00
2009-1015	LF	120	\$35.00	\$4,200.00	\$46.11	\$5,533.20	\$16.40	\$1,968.00		\$0.00
2009-1016	EA	5	\$500.00	\$2,500.00	\$750.00	\$3,750.00	\$327.60	\$1,638.00		\$0.00
2009-1017	LF	300	\$30.00	\$9,000.00	\$7.90	\$2,370.00	\$16.40	\$4,920.00		\$0.00
<b>TOTAL</b>				<b>\$521,727.71</b>		<b>\$577,121.20</b>		<b>\$522,200.20</b>		<b>\$0.00</b>

This is only a tabulation of prices submitted and is not an indication of award or responsiveness

*Florida Department of Transportation*

**CHARLIE CRIST**  
GOVERNOR

**STEPHANIE C. KOPELOUSOS**  
SECRETARY

April 13, 2010

O. Tom Ruiz, CGC, CFM  
Public Works Director  
1050 NW 163 Drive  
Miami Gardens, FL 33169

Reference: Evaluation of Bids and Intent to Proceed with Recommendation  
ARRA Roadway Improvement Project  
ARRA 429 and ARRA 430  
FM No: 426473-2 and 426477-1, Contract No: APT 12  
Local Agency Program Request for Concurrence

Dear Mr. Ruiz,

The Florida Department of Transportation has received your bid tabulation and request for concurrence in the above referenced ARRA project. This letter serves as concurrence from the Florida Department of Transportation for Miami-Dade Public Works Department to proceed with a recommendation of award to Horizon Contracting.

If you have any questions, please do not hesitate to contact me at (305) 470-5289.

Sincerely,



Danny Iglesias, P.E.  
District LAP Administrator

CC: Paul Rodas, PE



**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b> <i>(Enter X in box)</i>	May 12, 2010		<b>Item Type:</b>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>		
			<i>(Enter X in box)</i>	X				
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>		<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		X	<b>Public Hearing:</b> <i>(Enter X in box)</i>		Yes	No	Yes	No
						X		
<b>Funding Source:</b>	<b>Capital Projects Fund</b>		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>		<b>Yes</b>		<b>No</b>	
							X	
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>		N/A			
	X							
<b>Sponsor Name</b>	Dr. Danny O. Crew, City Manager		<b>Department:</b>		Capital Projects			

**Short Title:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK, TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN EASEMENT AGREEMENT GRANTING MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT ACCESS TO WATER AND SEWER FACILITIES LOCATED AT THE MIAMI GARDENS COMMUNITY CENTER; PROVING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

**Background:**

On September 27, 2006 City Council in accordance with Resolution No. 2006-115-461 authorized the City Manager to enter into an agreement for Miami-Dade County to provide water and sanitary services for the Carol City Community Center. The agreement expired on March 26, 2008. Resolution No. 2008-56-743 was passed authorizing the City Manager to execute an addendum to the agreement for Miami-Dade County Water and Sewer Department (MDWASD) to render water and sewer services to the City's property now known as the Miami Gardens Community Center.

**ITEM J-4) CONSENT AGENDA  
Easement agreement w/  
Miami-Dade County**

**Current Situation:**

Now that the construction for the project has achieved substantial completion it is necessary to complete the conveyance documents for the Water and Sewer Facilities installed for the Miami Gardens Community Center. The water and sewer facilities that will be conveyed to MDWASD consist of two new water mains, four fire hydrants, a fire line through the site and a sewer lateral. It is also necessary to grant an easement to MDWASD to service the facilities. It is recommended that City Council authorizes the City Manager to execute the attached conveyance documents provided by MDWASD.

**Proposed Action:**

It is recommended that City Council authorizes the City Manager to execute the attached conveyance documents for the Miami-Dade County Water and Sewer Department for Miami Gardens Community Center.

**Attachment:**

Attachment A - Conveyance Documents for Water and Sewer Facilities

RESOLUTION No. 2010-

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK, TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN EASEMENT AGREEMENT GRANTING MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT ACCESS TO WATER AND SEWER FACILITIES LOCATED AT THE MIAMI GARDENS COMMUNITY CENTER; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 27, 2006, the City Council in accordance with Resolution No. 2006-115-461, authorized the City Manager to enter into an Agreement with Miami-Dade County Water and Sewer Department (“MDWASD”) to provide water and sanitary services for the Miami Gardens Community Center, and

WHEREAS, now that the Miami Gardens Community Center has achieved substantial completion, it is necessary to execute an easement agreement granting MDWASD access to the installed water and sewer facilities, and

WHEREAS, the easement which will be conveyed to MDWASD consists of two (2) new water mains, four (4) fire hydrants, one (1) fire line through the site and a sewer lateral, and

WHEREAS, it is also necessary to grant an easement to MDWASD to service the facilities,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

1           Section 1.   ADOPTION OF REPRESENTATIONS: The foregoing Whereas  
2 paragraphs are hereby ratified and confirmed as being true, and the same are hereby  
3 made a specific part of this Resolution.

4           Section 2.   AUTHORIZATION: The City Council of the City of Miami Gardens  
5 hereby authorizes the City Manager and the City Clerk, to execute and attest,  
6 respectively, that certain Easement Agreement granting Miami-Dade County Water and  
7 Sewer Department access to water and sewer facilities located at the Miami Gardens  
8 Community Center.

9           Section 3.   INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby  
10 authorized to obtain three (3) fully executed copies of the subject Easement Agreement,  
11 with one (1) to be maintained by the City, and two (2) to be delivered to the Miami-Dade  
12 County Water and Sewer Department.

13           Section 4.   EFFECTIVE DATE: This Resolution shall take effect immediately  
14 upon its final passage.

15 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS  
16 AT ITS REGULAR MEETING HELD ON MAY 12, 2010.

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SHIRLEY GIBSON, MAYOR

ATTEST:

\_\_\_\_\_  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, CITY ATTORNEY



THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2010, between CITY OF MIAMI GARDENS A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, whose mailing address is 1515 NW 167 ST MIAMI GARDENS, FL 33169-, hereinafter called GRANTOR, and MIAMI-DADE COUNTY, a political subdivision of the State of Florida, whose mailing address is: c/o Miami-Dade Water and Sewer Department, P.O. Box 330316, Miami, Florida 33233-0316, hereinafter called GRANTEE:

W I T N E S S E T H

THAT, the GRANTOR, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged by the GRANTOR, has granted and does hereby grant, to the GRANTEE, its successors and assigns, forever, the right, privilege and easement to construct, reconstruct, lay, install, operate, maintain, relocate, repair, replace, improve, remove and inspect water transmission and distribution facilities and all appurtenances thereto, including but not limited to fire hydrants, and/or sewage transmission and collection facilities and all appurtenant equipment, including the right to remove or demolish, with no obligation to repair or replace same, any obstructions including pavers as may be necessary to carry out any right granted herein, and with full right of ingress thereto and egress there from on the property of the GRANTOR described as follows, to wit:

Reserved for County Court

See Exhibit "A" attached

THE GRANTOR does hereby fully warrant that it has good title to the above-described property and that it has full power and authority to grant this easement.

IN WITNESS WHEREOF, the GRANTOR by its proper officials has hereunto set its hands and seals the year and day first above written.

CITY OF MIAMI GARDENS A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA

WITNESSETH:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name

By: \_\_\_\_\_  
SIGNATURE (SEAL)

By: \_\_\_\_\_  
SIGNATURE (SEAL)

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
PRINT NAME

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ and \_\_\_\_\_, of CITY OF MIAMI GARDENS A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA. He/She/They are personally known to me or have produced \_\_\_\_\_ as identification and did/did not take an oath.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
SERIAL NUMBER

\_\_\_\_\_  
PRINT NAME

This instrument was prepared by  
New Customer Division  
Miami-Dade Water and Sewer Department  
3575 South LeJeune Road  
Miami, Florida 33146-2221

**Sketch to Accompany Legal Description  
for  
CAROL CITY COMMUNITY CENTER  
NEW WASD EASEMENT**

**EXHIBIT A**  
July 22, 2009

**SOURCES OF DATA:**

The Legal Description of the Subject Property was generated from the parcel of land described as follows:  
Northeast one quarter of **Section 4, Township 52 South, Range 41 East, Miami-Dade County, Florida.**

In addition, the following sources of data were used to the extent required to complete this document in a defensible matter, that is to say:

Construction Plans provided by the client from showing the approximate area of the future easements.  
Water Distribution System As-built (DW 2008-653)

Bearings as shown hereon are relative to the State Plane Coordinates, Florida East Zone (NAD of 1983, 1990 Adjustment)

**EASEMENTS AND ENCUMBRANCES:**

No information was provided as to the existence of any easements. Please refer to the Limitations portion with respect to possible restrictions.

**LIMITATIONS:**

Since no other information other than what is cited in the Sources of Data were furnished, the Client is hereby advised that there may be legal restrictions on the subject property that are not shown on the Sketch or contained within this Report that may be found in the Public Records of Miami-Dade County, Florida or any other public and private entities as their jurisdictions may appear.

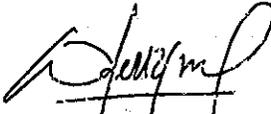
This document does not represent a field boundary survey of the described property, or any part or parcel thereof.

**INTENDED USE/EXPRESS PURPOSES:**

It is understood by the Surveyor that the intended use of this document is to create an easement for the benefit of Miami-Dade, Water and Sewer Department.

**SURVEYOR'S CERTIFICATE:**

I hereby certify to GPE Engineers and General Contractors: That this "Sketch to Accompany Legal Description," was prepared under my direction and is true and correct to the best of my knowledge and belief and further, that said Sketch meets the intent of the "Minimum Technical Standards for Land Surveying in the State of Florida", pursuant to Rule 61G17-6 of the Florida Administrative Code and its implementing Rule, Chapter 472.027 of the Florida Statutes.

By: 

William Herryman, P.L.S.  
Professional Land Surveyor  
Certificate No 2804  
14321 Jockey Circle North  
DAVIE, Florida 33330  
(305) 554-8583 phone  
(305) 554-8543 fax

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Each Sheet as incorporated therein shall not be considered full, valid and complete unless attached to the others. This Notice is required by Rule 61G17-6 of the Florida Administrative Code.

**Sketch to Accompany Legal Description  
for  
CAROL CITY COMMUNITY CENTER  
NEW WASD EASEMENT**

**EXHIBIT A**  
July 22, 2009

**Legal Description :**

A strip of land lying in the North half of Section 4, Township 52 South, Range 41 East and the Southeast one-quarter of Section 33, Township 51 South, Range 41 East, Miami-Dade County, Florida. More particularly described as follows:

Commence at the North quarter corner of Section 4, Township 52 South, Range 41 East, Miami-Dade County, Florida. THENCE run S 86°05'50" W along the North line of said Section, for a distance of 49.61 feet to a point on the East right of way line of NW 32nd AVENUE; THENCE run S 12°57'41" E for a distance of 253.08 feet to the POINT OF BEGINNING of a 12.00 foot wide easement lying 6.00 feet on each side of the following described centerline:

THENCE run N 75°39'17" E for a distance of 52.30 feet; THENCE run N 60°33'57" E for a distance of 114.58 feet; THENCE run N 85°36'36" E for a distance of 60.78 feet; THENCE run S 72°20'14" E for a distance of 91.24 feet; THENCE run N 82°01'48" E for a distance of 45.91 feet; THENCE run N 60°10'21" E for a distance of 55.08 feet to point "A"; THENCE run N 60°10'21" E for a distance of 117.05 feet; THENCE run N 87°06'33" E for a distance of 246.91 feet; THENCE run N 01°06'53" W for a distance of 3.26 feet to point "B"; THENCE run N 01°06'53" W for a distance of 227.50 feet to POINT OF TERMINATION on the South right of way line of NW 119th STREET.

TOGETHER WITH:

BEGINNING at the above mentioned point "A", also being the POINT OF BEGINNING of a 21.20 foot wide easement lying 10.60 feet on each side of the following described centerline:

THENCE run S 32°27'42" E for a distance of 40.51 feet to the POINT OF TERMINATION.

TOGETHER WITH:

BEGINNING at the above mentioned point "B", also being the POINT OF BEGINNING of a 12.00 foot wide easement lying 6.00 feet on each side of the following described centerline:

THENCE run N 88°53'07" E for a distance of 25.25 feet to the POINT OF TERMINATION.

Containing 13,160 square feet more or less by calculation.

The side lines of these easements are to be lengthened or shortened at angle points and intersection points to form a contiguous strip of land along the route described on the attached sketch.

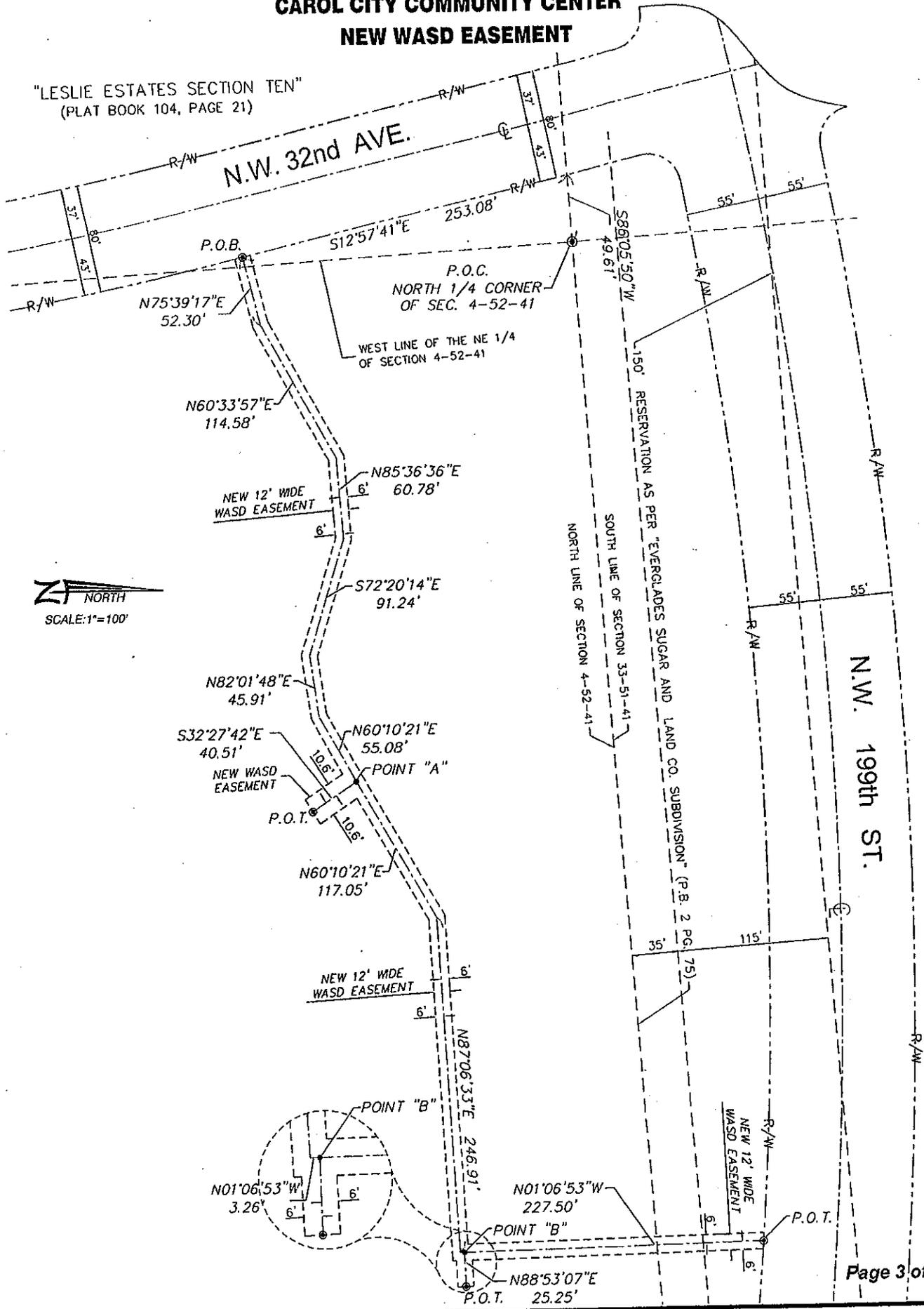
The intent of these easement descriptions are to encompass the recently installed lines and related facilities as shown under the As-Built DW 2008-653

Sketch to Accompany Legal Description

for  
CAROL CITY COMMUNITY CENTER  
NEW WASD EASEMENT

EXHIBIT A  
July 22, 2009

"LESLIE ESTATES SECTION TEN"  
(PLAT BOOK 104, PAGE 21)



NORTH  
SCALE: 1"=100'

KNOW ALL MEN BY THESE PRESENTS, CITY OF MIAMI GARDENS A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, hereinafter called GRANTOR which term shall include the singular or plural as the context shall require, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, paid and delivered by MIAMI-DADE COUNTY, a political subdivision of the State of Florida, hereinafter called GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained, sold, transferred and delivered, and by these presents does grant, bargain, sell, transfer and deliver unto the GRANTEE, its successors and assigns, the following:

All water and sewer facilities built and constructed to serve CAROL CITY COMMUNITY CENTER, DW2008-053 and SB2008-534, ID # 19596 located in Section 04-52-41, Miami-Dade County, Florida, as shown on Exhibit "A" attached hereto and made a part hereof and as more particularly described on Exhibit "B" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the same unto the GRANTEE, its successors and assigns forever. GRANTOR does covenant to and with the GRANTEE, its successors and assigns, that GRANTOR is the lawful owner of the above described; that said property is free from all encumbrances; that GRANTOR has good right to sell the same aforesaid; that the GRANTOR will warrant and defend the sale of the said property unto the GRANTEE, its successors and assigns, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the GRANTOR has hereunto set its hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

CITY OF MIAMI GARDENS A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA

WITNESSETH:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name

By: \_\_\_\_\_  
SIGNATURE (SEAL)

By: \_\_\_\_\_  
SIGNATURE (SEAL)

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
PRINT NAME

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ and \_\_\_\_\_, of the CITY OF MIAMI GARDENS A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA. He/She/They are personally known to me or have produced \_\_\_\_\_ as identification and did/did not take an oath.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
SERIAL NUMBER

\_\_\_\_\_  
PRINT NAME



**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b>	<i>May 12, 2010</i>		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>	
				X			
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		X		<b>Public Hearing:</b> <i>(Enter X in box)</i>	Yes	No	Yes
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>	
						X	
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>	N/A			
		X					
<b>Sponsor Name</b>	Sonja K. Dickens City Attorney		<b>Department:</b>	City Attorney			

**Short Title:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, INVOKING THE PROVISIONS OF SECTION 6.03 OF THE CHARTER OF MIAMI-DADE COUNTY IN ORDER TO AMEND SECTION 2.2 AND 3.3(1) OF THE CHARTER OF THE CITY OF MIAMI GARDENS; REQUESTING THAT THE SUPERVISOR OF ELECTIONS SUBMIT THE BALLOT QUESTION TO THE VOTERS AT THE AUGUST 24, 2010 GENERAL ELECTION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

In accordance with Section 6.1 and 6.2 of the City of Miami Gardens Charter, the City's Charter Revision Commission has recommended amending Section 2.2 and 3.3(1) of the Charter to give City Council the authority to directly appoint, hire, promote, supervise and remove its own legislative staff persons. This Resolution directs that the Miami-Dade County Supervisor of Elections submit the question on the ballot at the general election to be held on August 24, 2010.

**Proposed Action:**

It is recommended that the City Council approve the Resolution.

**ITEM J-5) CONSENT AGENDA  
RESOLUTION  
Charter Amendment Ballot Questions:  
Section 2.2 and 3.3(1)**

**Attachment:**

RESOLUTION No. 2010-

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, INVOKING THE PROVISIONS OF SECTION 6.03 OF THE CHARTER OF MIAMI-DADE COUNTY IN ORDER TO AMEND SECTION 2.2 AND 3.3(1) OF THE CHARTER OF THE CITY OF MIAMI GARDENS; REQUESTING THAT THE SUPERVISOR OF ELECTIONS SUBMIT THE BALLOT QUESTION TO THE VOTERS AT THE AUGUST 24, 2010 GENERAL ELECTION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 6.1 and 6.2 of the City of Miami Gardens Charter, the City's Charter Revision Commission made certain recommendations for Charter amendments to the City Council, and

WHEREAS, the Charter Revision Commission has recommended and the City Council has authorized an amendment to Section 2.2 and 3.3(1) of the Charter to give City Council the authority to directly appoint, hire, promote, supervise and remove its own legislative staff persons, and

WHEREAS, it is appropriate to submit the Charter amendment to the Supervisor of Elections for the general election to be held on August 24, 2010,

NOW THEREFORE, BE IT RESOLVED 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 Resolution.

Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens hereby invokes the provisions of Section 6.03 of the Miami-Dade County Charter, and

1 authorizes amendment to Section 2.2 and 3.3(1) of the Charter of the City of Miami  
2 Gardens allowing City Council to appoint, hire, promote, supervise and remove its own  
3 legislative staff persons. The City Council further requests that the Supervisor of  
4 Elections submit the ballot question at the next general election to be held on August  
5 24, 2010.

6 Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately  
7 upon its final passage.

8 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS  
9 AT ITS REGULAR MEETING HELD ON MAY 12, 2010.

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SHIRLEY GIBSON, MAYOR

15 ATTEST:

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20 RONETTA TAYLOR, MMC, CITY CLERK

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23 PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

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26 SPONSORED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

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30 MOVED BY: \_\_\_\_\_

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34 **VOTE:** \_\_\_\_\_

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37 Mayor Shirley Gibson

\_\_\_\_(Yes) \_\_\_\_ (No)

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|---|--------------------------------|----------|---------|
| 1 | Vice Mayor Aaron Campbell, Jr. | ___(Yes) | ___(No) |
| 2 | Councilman Melvin L. Bratton   | ___(Yes) | ___(No) |
| 3 | Councilman Oliver Gilbert, III | ___(Yes) | ___(No) |
| 4 | Councilwoman Barbara Watson    | ___(Yes) | ___(No) |
| 5 | Councilwoman Sharon Pritchett  | ___(Yes) | ___(No) |
| 6 | Councilman André Williams      | ___(Yes) | ___(No) |
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**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b> <i>(Enter X in box)</i>	<i>May 12, 2010</i>		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>	
				X			
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		X		<b>Public Hearing:</b> <i>(Enter X in box)</i>	Yes	No	Yes
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>	
					X		X
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>	N/A			
		X					
<b>Sponsor Name</b>	Sonja K. Dickens City Attorney		<b>Department:</b>	City Attorney			

**Short Title:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, INVOKING THE PROVISIONS OF SECTION 6.03 OF THE CHARTER OF MIAMI-DADE COUNTY, IN ORDER TO AMEND SECTION 5.2(D) OF THE CHARTER OF THE CITY OF MIAMI GARDENS; REQUESTING THAT THE SUPERVISOR OF ELECTIONS SUBMIT THE BALLOT QUESTION TO THE VOTERS AT THE AUGUST 24, 2010 GENERAL ELECTION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

In accordance with Section 6.1 and 6.2 of the City of Miami Gardens Charter, the City's Charter Revision Commission has recommended amending Section 5.2(D) of the Charter to require that the City Clerk verify all signatures required for initiatives or referendums with the Miami-Dade Supervisor of Elections. This Resolution directs that the Supervisor of Elections submit the question on the ballot at the general election to be held on August 24, 2010.

**Proposed Action:**

**ITEM J-6) CONSENT AGENDA  
RESOLUTION  
Charter Amendment Ballot Questions:  
Section 5.2(D)**

It is recommended that the City Council approve the Resolution.

**Attachment:**

RESOLUTION No. 2010-

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, INVOKING THE PROVISIONS OF SECTION 6.03 OF THE CHARTER OF MIAMI-DADE COUNTY, IN ORDER TO AMEND SECTION 5.2(D) OF THE CHARTER OF THE CITY OF MIAMI GARDENS; REQUESTING THAT THE SUPERVISOR OF ELECTIONS SUBMIT THE BALLOT QUESTION TO THE VOTERS AT THE AUGUST 24, 2010 GENERAL ELECTION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 6.1 and 6.2 of the City of Miami Gardens Charter, the City's Charter Revision Commission made certain recommendations for Charter amendments to the City Council, and

WHEREAS, the Charter Revision Commission has recommended and the City Council has approved amending Section 5.2(D) of the Charter to require that the City Clerk verify all signatures required for initiatives or referendums with the Miami-Dade Supervisor of Elections, and

WHEREAS, it is appropriate to submit the Charter amendment to the Supervisor of Elections for the general election to be held on August 24, 2010,

NOW THEREFORE, BE IT RESOLVED 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 Resolution.

Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens hereby invokes the provisions of Section 6.03 of the Miami-Dade County Charter, and

1 authorizes an amendment to Section 5.2(D) of the Charter of the City of Miami Gardens  
2 directing the City Clerk to verify all signatures required for initiatives or referendums with  
3 the Miami-Dade Supervisor of Elections. The City Council further requests that the  
4 Supervisor of Elections submit the ballot question, at the next general election to be  
5 held on August 24, 2010.

6 Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately  
7 upon its final passage.

8 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS  
9 AT ITS REGULAR MEETING HELD ON MAY 12, 2010.

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SHIRLEY GIBSON, MAYOR

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ATTEST:

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RONETTA TAYLOR, MMC, CITY CLERK

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PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

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SPONSORED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

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MOVED BY: \_\_\_\_\_

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**VOTE:** \_\_\_\_\_

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Mayor Shirley Gibson

\_\_\_\_(Yes) \_\_\_\_ (No)

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|---|--------------------------------|----------|---------|
| 1 | Vice Mayor Aaron Campbell, Jr. | ___(Yes) | ___(No) |
| 2 | Councilman Melvin L. Bratton   | ___(Yes) | ___(No) |
| 3 | Councilman Oliver Gilbert, III | ___(Yes) | ___(No) |
| 4 | Councilwoman Barbara Watson    | ___(Yes) | ___(No) |
| 5 | Councilwoman Sharon Pritchett  | ___(Yes) | ___(No) |
| 6 | Councilman André Williams      | ___(Yes) | ___(No) |
| 7 |                                |          |         |
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**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b> <i>(Enter X in box)</i>	<b>May 12, 2010</b>		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>	
				<b>X</b>			
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		<b>X</b>		<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Yes</b>
<b>Funding Source:</b>	<b>N/A</b>		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>	
					<b>X</b>	<b>X</b>	
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>RFP/RFQ/Bid #:</b>	<b>N/A</b>			
		<b>X</b>					
<b>Sponsor Name</b>	<b>Sonja K. Dickens</b>		<b>Department:</b>	<b>City Attorney</b>			

**Short Title:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, INVOKING THE PROVISIONS OF SECTION 6.03 OF THE CHARTER OF MIAMI-DADE COUNTY IN ORDER TO AMEND SECTION 6.2(B) OF THE CHARTER OF THE CITY OF MIAMI GARDENS; REQUESTING THAT THE SUPERVISOR OF ELECTIONS SUBMIT THE BALLOT QUESTION TO THE VOTERS AT THE AUGUST 24, 2010 GENERAL ELECTION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

In accordance with Section 6.1 and 6.2 of the City of Miami Gardens Charter, the City's Charter Revision Commission has recommended amending Section 6.2(B) of the Charter to prohibit City staff and Council members, other than the non-voting City Council members, to be appointed by the Mayor from serving on the Charter Revision Commission. This Resolution directs that the Miami-Dade County Supervisor of Elections submit the question on the ballot at the general election to be held on August 24, 2010.

**Proposed Action:**

**ITEM J-7) CONSENT AGENDA  
RESOLUTION  
Charter Amendment Ballot Question:  
Section 6.2(B)**

It is recommended that the City Council approve the resolution.

**Attachment:**

Ordinance No. 2009-35-207

RESOLUTION No. 2010-

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
4 MIAMI GARDENS, FLORIDA, INVOKING THE PROVISIONS OF  
5 SECTION 6.03 OF THE CHARTER OF MIAMI-DADE COUNTY IN  
6 ORDER TO AMEND SECTION 6.2(B) OF THE CHARTER OF  
7 THE CITY OF MIAMI GARDENS; REQUESTING THAT THE  
8 SUPERVISOR OF ELECTIONS SUBMIT THE BALLOT  
9 QUESTION TO THE VOTERS AT THE AUGUST 24, 2010  
10 GENERAL ELECTION; PROVIDING FOR THE ADOPTION OF  
11 REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

12  
13 WHEREAS, in accordance with Section 6.1 and 6.2 of the City of Miami Gardens  
14 Charter, the City's Charter Revision Commission made certain recommendations for  
15 Charter amendments to the City Council, and

16 WHEREAS, the Charter Revision Commission recommended, and the City  
17 Council approved an amendment to Section 6.2(B) of the Charter to prohibit City staff  
18 and Council members, other than the non-voting City Council members, to be appointed  
19 by the Mayor from serving on the Charter Revision Commission, and

20 WHEREAS, it is appropriate to submit the Charter amendment to the Supervisor  
21 of Elections for the general election to be held on August 24, 2010,

22 NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
23 OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

24 Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas  
25 paragraphs are hereby ratified and confirmed as being true, and the same are hereby  
26 made a specific part of this Resolution.

27 Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens  
28 hereby invokes the provisions of Section 6.03 of the Miami-Dade County Charter, and

1 authorizes an amendment to Section 6.2(B) of the Charter of the City of Miami Gardens  
2 prohibiting City staff and Council members, other than the non-voting City Council  
3 members to be appointed by the Mayor, from serving on the Charter Revision  
4 Commission. The City Council further requests that the Supervisor of Elections submit  
5 the ballot question at the next general election to be held on August 24, 2010.

6 Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately  
7 upon its final passage.

8 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS  
9 AT ITS REGULAR MEETING HELD ON MAY 12, 2010.

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\_\_\_\_\_  
SHIRLEY GIBSON, MAYOR

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ATTEST:

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RONETTA TAYLOR, MMC, CITY CLERK

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PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

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SPONSORED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

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MOVED BY: \_\_\_\_\_

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**VOTE:** \_\_\_\_\_

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Mayor Shirley Gibson

\_\_\_\_(Yes) \_\_\_\_ (No)

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Vice Mayor Aaron Campbell, Jr.

\_\_\_\_(Yes) \_\_\_\_ (No)

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Councilman Melvin L. Bratton

\_\_\_\_(Yes) \_\_\_\_ (No)

- 1 Councilman Oliver Gilbert, III
- 2 Councilwoman Barbara Watson
- 3 Councilwoman Sharon Pritchett
- 4 Councilman André Williams

\_\_\_(Yes) \_\_\_(No)  
\_\_\_(Yes) \_\_\_(No)  
\_\_\_(Yes) \_\_\_(No)  
\_\_\_(Yes) \_\_\_(No)

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**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b>	<i>May 12, 2010</i>		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>	
				X			
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		X		<b>Public Hearing:</b> <i>(Enter X in box)</i>	Yes	No	Yes
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>	
						X	
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>	N/A			
		X					
<b>Sponsor Name</b>	Sonja K. Dickens City Attorney		<b>Department:</b>	City Attorney			

**Short Title:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, INVOKING THE PROVISIONS OF SECTION 6.03 OF THE CHARTER OF MIAMI-DADE COUNTY, IN ORDER TO AMEND SECTION 2.3(C), OF THE CHARTER OF THE CITY OF MIAMI GARDENS; REQUESTING THAT THE SUPERVISOR OF ELECTIONS SUBMIT THE BALLOT QUESTION TO THE VOTERS AT THE AUGUST 24, 2010 GENERAL ELECTION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

The City Council has adopted an Ordinance to amend Section 2.3(c) of the Charter of the City of Miami Gardens to replace any reference of "N.W. 20<sup>th</sup> Avenue" to "N.W. 27<sup>th</sup> Avenue" as the eastern boundary line for Residential Area One. This Resolution directs that the Supervisor of Elections submit the question on the ballot at the general election to be held on August 24, 2010.

**Proposed Action**

It is recommended that the City Council approve the attached Resolution.

**Attachment:**

**ITEM J-8) CONSENT AGENDA  
RESOLUTION  
Charter Amendment Ballot Question:  
Section 2.3(C)**

RESOLUTION No. 2010-

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, INVOKING THE PROVISIONS OF SECTION 6.03 OF THE CHARTER OF MIAMI-DADE COUNTY, IN ORDER TO AMEND SECTION 2.3(C), OF THE CHARTER; REQUESTING THAT THE SUPERVISOR OF ELECTIONS SUBMIT THE BALLOT QUESTION TO THE VOTERS AT THE AUGUST 24, 2010 GENERAL ELECTION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has approved an Ordinance to amend Section 2.3(C) of the Charter to delete the reference to "N.W. 20th Avenue" from the Eastern boundary description for Residential Area One, and

WHEREAS, it is appropriate to have the Supervisor of Elections submit the ballot question at the next general election to be held on August 24, 2010,

NOW THEREFORE, BE IT RESOLVED 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 Resolution.

Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens hereby invokes the provisions of Section 6.03 of the Miami-Dade County Charter, and invokes the provisions of Section 6.03 of the Miami Dade County Charter and authorizes an amendment to Section 2.3(C) of the Charter of the City of Miami Gardens. The City Council further requests that the Supervisor of Elections submit the ballot question at the next general election to be held on August 24, 2010.



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## City of Miami Gardens Agenda Cover Memo

<b>Council Meeting Date:</b>	May 12, 2010		<b>Item Type:</b>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>	
				X			
<b>Fiscal Impact:</b>	Yes	No	<b>Ordinance Reading:</b>	<b>1st Reading</b>		<b>2nd Reading</b>	
		X		<b>Public Hearing:</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b>	<b>Yes</b>		<b>No</b>	
						X	
<b>Contract/P.O. Required:</b>	Yes	No	<b>RFP/RFQ/Bid #:</b>				
		X					
<b>Sponsor Name</b>	Councilwoman Sharon Pritchett		<b>Department:</b>	Mayor/Council			

### Short Title:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CONFIRMING COUNCILWOMAN SHARON PRITCHETT'S RE-APPOINTMENT OF PATRICIA WRIGHT TO THE COMMISSION FOR WOMEN FOR A TWO YEAR TERM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.**

### Staff Summary:

*In accordance with the establishment of the Commission For Women Committee, Councilwoman Sharon Pritchett, hereby submits re-appointment of Patricia Wright for membership. This term will expire May 12, 2012.*

### Recommendation:

*That the City Council approves Councilwoman Pritchett's to the Commission For Women Committee for a two year term ending May 12, 2012*

### Attachment:

**ITEM J-9) CONSENT AGENDA  
RESOLUTION  
Councilwoman Pritchett's appointment to the  
Commission for Women**

Resolution No.

RESOLUTION No. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CONFIRMING COUNCILWOMAN SHARON PRITCHETT'S RE-APPOINTMENT OF PATRICIA WRIGHT TO THE COMMISSION FOR WOMEN FOR A TWO-YEAR TERM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has established a Commission on Women ("Commission") to serve in an advisory capacity by making studies, reports and recommendations to the City Council and to the City Manager, in respect to all matters pertaining to the status of all women in Miami Gardens, and

WHEREAS, the Mayor and each member of the City Council is to appoint two members to the Commission for two (2) and three (3) year terms respectively, and

WHEREAS, Councilwoman Sharon Pritchett has re-appointed, Patricia Wright to the Commission for a term of two (2) years, ending May 12, 2012, and

WHEREAS, it is appropriate for the City Council to ratify Councilwoman Pritchett's appointment,

NOW THEREFORE, BE IT RESOLVED 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 Resolution.

Section 2. APPOINTMENT: The City Council of the City of Miami Gardens hereby ratifies Councilwoman Sharon Pritchett's re-appointment of Patricia Wright to the Commission for a term of two (2) years.

Resolution No.

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON May 12, 2010.

\_\_\_\_\_  
SHIRLEY GIBSON, MAYOR

ATTEST:

\_\_\_\_\_  
RONETTA TAYLOR, MMC, CITY CLERK

REVIEWED BY: SONJA K. DICKENS, ESQ.  
City Attorney

SPONSORED BY: Councilwoman Sharon Pritchett

MOVED BY:  
SECONDED BY:

**VOTE:**

Mayor Shirley Gibson	___(Yes)	___(No)
Vice Mayor Aaron Campbell Jr.	___(Yes)	___(No)
Councilman Melvin L. Bratton	___(Yes)	___(No)
Councilman Oliver Gilbert, III	___(Yes)	___(No)
Councilwoman Barbara Watson	___(Yes)	___(No)
Councilwoman Sharon Pritchett	___(Yes)	___(No)
Councilman André Williams	___(Yes)	___(No)



## City of Miami Gardens Agenda Cover Memo

<b>Council Meeting Date:</b>	May 12, 2010		<b>Item Type:</b>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>	
				X			
<b>Fiscal Impact:</b>	Yes	No	<b>Ordinance Reading:</b>	<b>1st Reading</b>		<b>2nd Reading</b>	
		X		<b>Public Hearing:</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b>	<b>Yes</b>		<b>No</b>	
						X	
<b>Contract/P.O. Required:</b>	Yes	No	<b>RFP/RFQ/Bid #:</b>				
		X					
<b>Sponsor Name</b>	Councilman André Williams		<b>Department:</b>	Mayor/Council			

### Short Title:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CONFIRMING COUNCILMAN ANDRE WILLIAMS' RE-APPOINTMENT OF ROSETTA NELSON TO THE COMMISSION FOR WOMEN FOR A TWO YEAR TERM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.**

### Staff Summary:

*In accordance with the establishment of the Commission For Women Committee, Councilman André Williams, hereby submits re-appointment of Rosetta Nelson for membership. This term will expire May 12, 2012.*

### Recommendation:

*That the City Council approves Councilman Williams' to the Commission For Women Committee for a two year term ending May 12, 2012*

### Attachment:

**ITEM J-10) CONSENT AGENDA  
RESOLUTION  
Councilman William's appointment to the  
Commission for Women**

Resolution No.

RESOLUTION No. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CONFIRMING COUNCILMAN ANDRE WILLIAMS' RE-APPOINTMENT OF ROSETTA NELSON TO THE COMMISSION FOR WOMEN FOR A TWO-YEAR TERM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has established a Commission on Women ("Commission") to serve in an advisory capacity by making studies, reports and recommendations to the City Council and to the City Manager, in respect to all matters pertaining to the status of all women in Miami Gardens, and

WHEREAS, the Mayor and each member of the City Council is to appoint two members to the Commission for two (2) and three (3) year terms respectively, and

WHEREAS, Councilman Andre Williams has re-appointed, Rosetta Nelson to the Commission for a term of two (2) years, ending May 12, 2012, and

WHEREAS, it is appropriate for the City Council to ratify Councilman Williams' appointment,

NOW THEREFORE, BE IT RESOLVED 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 Resolution.

Section 2. APPOINTMENT: The City Council of the City of Miami Gardens hereby ratifies Councilman Andre Williams' re-appointment of Rosetta Nelson to the Commission for a term of two (2) years.

Resolution No.

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON May 12, 2010.

\_\_\_\_\_  
SHIRLEY GIBSON, MAYOR

ATTEST:

\_\_\_\_\_  
RONETTA TAYLOR, MMC, CITY CLERK

REVIEWED BY: SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: Councilman Andre Williams

MOVED BY:  
SECONDED BY:

**VOTE:**

Mayor Shirley Gibson	___(Yes)	___(No)
Vice Mayor Aaron Campbell Jr.	___(Yes)	___(No)
Councilman Melvin L. Bratton	___(Yes)	___(No)
Councilman Oliver Gilbert, III	___(Yes)	___(No)
Councilwoman Barbara Watson	___(Yes)	___(No)
Councilwoman Sharon Pritchett	___(Yes)	___(No)
Councilman André Williams	___(Yes)	___(No)



**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b>	<b>May 12, 2010</b>		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b> <b>X</b>	<b>Ordinance</b>	<b>Other</b>	
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1st Reading</b>		<b>2nd Reading</b>	
		<b>X</b>		<b>Public Hearing:</b> <i>(Enter X in box)</i>	Yes	No	Yes
<b>Funding Source:</b>	<b>N/A</b>		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>	
						<b>X</b>	
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>	<b>N/A</b>			
		<b>X</b>					
<b>Sponsor Name</b>	<b>Danny Crew, City Manager</b>		<b>Department:</b>	<b>Community Development</b>			

**Short Title:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING THE 2010-13 LOCAL HOUSING ASSISTANCE PLAN; AUTHORIZING THE CITY MANAGER TO SUBMIT THE PLAN TO THE FLORIDA HOUSING FINANCE CORPORATION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE**

**Staff Summary:**

**Background**

On April 11, 2007, the City Council adopted the City of Miami Gardens (2007-2010) Local Housing Assistance Plan (LHAP) for the State Housing Initiatives Partnership (SHIP) Program. The plan governs the use of the State funds through various initiatives targeted at generating and preserving affordable housing. Upon becoming a US HUD entitlement community 2007, the City became eligible to receive SHIP funds, and received its first SHIP funding allocation for the FY 2007-08. Adoption of the LHAP was a requirement for receiving SHIP funding.

**Current Situation**

On June 4, 2009, the Governor signed Senate Bill 360 into law, which made significant changes to the Statue (420.907) that governs the SHIP Program; including green/innovative design, special housing needs, manufactured homes, and preservation of assisted units. These changes must be incorporated into the City's LHAP.

Furthermore, the City's original LHAP was for the years 2007 to 2010. Therefore it is necessary for the City to adopt a LHAP for the years 2010 through 2013.

**ITEM J-11) CONSENT AGENDA  
RESOLUTION  
2010-2013 Local Housing Assistance Plan**

A resolution is needed in order to adopt the 2010-2013 Local Housing Assistance Plan and submit the LHAP to the Florida Housing Finance Corporation.

## **Proposed Action:**

Staff recommends the approval of the proposed resolution adopting the 2010-2013 Local Housing Assistance Plan, and authorizing the City Manager to submit the LHAP to the Florida Housing Finance Corporation.

## **Attachments:**

- 2010-2013 Local Housing Assistance Plan

RESOLUTION No. 2010-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING THE 2010-13 LOCAL HOUSING ASSISTANCE PLAN; AUTHORIZING THE CITY MANAGER TO SUBMIT THE PLAN TO THE FLORIDA HOUSING FINANCE CORPORATION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 11, 2007, the City of Miami Gardens adopted its first Local Housing Assistance Plan (“LHAP”) for the State Housing Initiatives Partnership (“SHIP”) Program, and

WHEREAS, the Plan governs the use of State funds through various initiatives targeted at generating and preserving affordable housing, and

WHEREAS, upon becoming a United States HUD Entitlement Community in 2007, the City became eligible to receive SHIP funds, and

WHEREAS, in order to receive SHIP funds, the City is required to adopt a LHAP, and

WHEREAS, in 2009, state law was changed to provide for green/innovative design, special housing needs, manufactured homes and preservation of assisted units for those eligible for SHIP funding, and

WHEREAS, the City’s original LHAP was for 2007-2010 and it is necessary for the City of adopt a LHAP for 2010-2013,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

1           Section 1.   ADOPTION OF REPRESENTATIONS: The foregoing Whereas  
2 paragraphs are hereby ratified and confirmed as being true, and the same are hereby  
3 made a specific part of this Resolution.

4           Section 2.   AUTHORIZATION: The City Council of the City of Miami Gardens  
5 hereby authorizes the adoption of the 2010-13 Local Housing Assistance Plan. The  
6 City Council further authorizes the City Manager to submit the plan to the Florida  
7 Housing Finance Corporation.

8           Section 3.   EFFECTIVE DATE: This Resolution shall take effect immediately  
9 upon its final passage.

10 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS  
11 AT ITS REGULAR MEETING HELD ON MAY 12, 2010.

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SHIRLEY GIBSON, MAYOR

ATTEST:

\_\_\_\_\_  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, CITY ATTORNEY

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY:\_\_\_\_\_

1 **VOTE:** \_\_\_\_\_

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4 Mayor Shirley Gibson

\_\_\_(Yes) \_\_\_(No)

5 Vice Mayor Aaron Campbell, Jr.

\_\_\_(Yes) \_\_\_(No)

6 Councilman Melvin L. Bratton

\_\_\_(Yes) \_\_\_(No)

7 Councilman Oliver Gilbert, III

\_\_\_(Yes) \_\_\_(No)

8 Councilwoman Barbara Watson

\_\_\_(Yes) \_\_\_(No)

9 Councilwoman Sharon Pritchett

\_\_\_(Yes) \_\_\_(No)

10 Councilman André Williams

\_\_\_(Yes) \_\_\_(No)

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**CITY OF MIAMI GARDENS  
SHIP LOCAL HOUSING ASSISTANCE PLAN  
(LHAP)**

**FISCAL YEARS COVERED**

**20072010/200811, 200811/200912, Amending 200912/201013**

**Section I.**

**PROGRAM DESCRIPTION**

I. PROGRAM DESCRIPTION Chapter 67-37.005 F.A.C. and Section 420.9072, F.S.

A. Name of the participating local government and Interlocal if Applicable: Section 420.9072(5),F.S.

The City of Miami Gardens

Interlocal: Yes \_\_\_ No

Name of participating local government(s) in the Interlocal Agreement;

Not Applicable

A copy of the Interlocal Agreement is attached as **Exhibit H.** (N/A)

B. Purpose of the Program: Section 420.9072, F.S. and Chapter 67-37.005(3), F.A.C. Creation of the Plan is for the purpose of meeting the housing needs of the extremely low, very low, low and moderate income households, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing.

C. Fiscal years covered by the Plan: Chapter 67-37.002, F.A.C.

- ~~2007/2008~~2010/2011
- ~~2008/2009~~2011/2012
- ~~2009/2010~~2012/2013

D. Governance: Chapter 67-37.005(3) and (5)(i)F.A.C. and Section 420.9071(14)F.S.420.907-9079 Cities and Counties must be in compliance with these statutes and rules. The SHIP Program is established in accordance with Section 420.907-9079, Florida Statutes and Chapter 67-37.007 Florida Administrative Code. The SHIP Program does further the housing element of the City of Miami Gardens' Comprehensive Plan.

E. Local Housing Partnership Section 420.9072(1)(a), F.S. The City of Miami Gardens' SHIP Program is building partnerships with lenders, builders and developers, real estate professionals, advocates for low-income persons and community groups. Such partnerships include community action agencies and housing counseling agencies.

F. Leveraging: Chapter 67-37.007(1)(b)(c), F.A.C. and Subsection 420.9075(1)(a) and (1)(b3), and (1)(c), F.S. As a participating jurisdiction, the City of Miami Gardens receives CDBG funds from the U. S. Department of Housing and Urban Development. The City intends to use these funds to leverage SHIP funds thereby reducing the cost of housing.

In addition, the City plans to use SHIP funds for developers to use as local match

to leverage additional CDBG or Local Housing Credits from Florida Housing Finance Corporation and participants may be eligible for County Wide and State Down Payment Assistance.

**G. Public Input:** *Chapter 67-37.005(3), F.A.C.*

Public input for the LHAP was solicited through face-to-face meetings with housing providers, social service providers, local lenders and neighborhood associations through Public hearings conducted. Two public hearings were held to gather public comment regarding housing needs.

The priorities derived from the public hearings were used to form the basis of the strategies for the plan. The hearings were noticed in a newspaper of general circulation that services ethnic and diverse neighborhoods within the City.

**H. Advertising and Outreach** *Chapter 67-37.005(6)(a), F.A.C.*

The county or eligible municipality or its administrative representative shall advertise the notice of funding availability in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required.

**I. Discrimination** *Section 420.9075(3)(c), F.S.*

The City of Miami Gardens does not discriminate on the basis of race, creed, religion, color, age, sex, marital status, familial status, national origin, or handicap in the award application process for eligible housing.

**J. Support Services and Counseling** *Chapter 67-37.005(5)(g), F.A.C.*

Support services are available from various sources. Available support services may include but are not limited to:

- Homeownership Counseling (Pre and Post)
- Legal Services

**K. Purchase Price Limits:** *Section 420.9075(4)(c), F.S. and Chapter 67-37.007(6) F.A.C.*

The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs. The sales price of new and existing units,

which can be lower but may not exceed 90% of the median area purchase price established by the U.S. Treasury Department or as described above.

The methodology used by City of Miami Gardens is:

Bond Study Numbers provided by Florida Housing Finance Corporation

Independent Study (copy attached)

U.S. Treasury Department

The purchase price limit for:

New and Existing Homes: **\$429,619.00**

**L. Income Limits, Rent Limits and Affordability:**

*Chapter 67-37.005(5)(e), F.A.C. and Section 420.9071(2), F.S.*

- The City of Miami Gardens will use Income Limits updated annually from the U.S. Department of Housing and Urban Development and distributed by Florida Housing Finance Corporation. The City will define and use the methodology of determining “Annual Income” as defined in 24 CFR Part 5 of the Federal Regulations.
- The City will apply the maximum rent levels as published by the Florida Housing Finance Corporation annually and will ensure that any housing provided through this initiative is affordable.
- Affordable in this category is defined as monthly rents or mortgage payments including taxes and insurance that do not exceed 30 percent (30%) of the maximum monthly income allowed for the applicant’s income category as indicated in Sections 420.9071 (19), (20) and (28), F.S. However, the City will not limit an individual household’s ability to devote more than 30% of its income for housing, if the first mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30% benchmark. In relation to rental housing, the City will ensure that rents do not exceed the rental limits adjusted for bedroom size.

**M. Welfare Transition Program** *Chapter 67-37.005(6)(b)(7)F.A.C.*

Should an eligible sponsor be used, the City will develop a qualification system and selection criteria for Award applications for eligible sponsors, which includes a description that demonstrates how eligible sponsors that employed personnel from the Welfare Transition and Workforce Development Initiatives programs will be given preference in the selection process.

**N. Monitoring and First Right of Refusal:** *Section 420.9075(3)(e)and (4) (f), F.S.*

In the case of rental housing, the staff or entity that has administrative authority for implementing the local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity provides the same monitoring and determination, a municipality, county or local housing financing authority may rely on such

monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of \$3,000 or less shall not be subject to these annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored for at least annually for 15 years or the term of assistance which ever is longer unless as specified above.

Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

**O. Administrative Budget:** *Chapter 67-37.005(6)(f)3, F.A.C..*

A detailed listing including line-item budget of proposed Administrative Expenditures is attached as **Exhibit A**. These are presented on an annual basis for each State fiscal year submitted.

The City of Miami Gardens finds that the moneys deposited in the local housing assistance trust fund shall be used to administer and implement the local housing assistance plan. The cost of administering the plan may not exceed 5 percent of the local housing distribution moneys and program income deposited into the trust fund except a county or an eligible municipality may not exceed the 5 percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan. The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5% of program income deposited into the trust fund, except that small counties, as defined in s. 120.52(17), and eligible municipalities receiving a local housing distribution of up to \$350,000 may use up to 10 percent of program income for administrative costs.

The City of Miami Gardens has adopted the above findings in the attached resolution, **Exhibit E**.

**P. Program Administration**

Administration of the activities being carried out under this Local Housing Assistance Plan will be carried out by the City of Miami Gardens Department of Community Development exclusively.

**Q. Essential Service Personnel** *Section 420.9075(3)(a), F.S.*

Defined as any person in need of affordable housing, who is a permanent employee of a company or organization located within the City of Miami Gardens and whose service is considered essential. Examples of this include teachers, community college and university employees, police and fire personnel, emergency service providers and health care providers.

**R. Affordable Housing:**

Housing which is offered for sale or has an existing property value below the City's State Housing Initiative Program (SHIP) maximum purchase price or value limits. The housing must be occupied by persons or families whose income does not exceed 120% of the area median income adjusted per household size.

**Section II.**

**HOUSING STRATEGIES**

**II. LHAP HOUSING STRATEGIES:** *Chapter 67-37.005(5), F.A.C.*

**1. Name of the Strategy: Housing Rehabilitation Program**

**Summary of the Strategy:**

The Housing Rehabilitation Program will provide rehabilitation assistance to extremely low, very low, low and moderate income residents who live in single-family owner-occupied properties located within the corporate limits of the City of Miami Gardens. The City will provide deferred payment loan assistance to ~~an~~ eligible homeowners ~~for to complete needed~~ repairs deemed necessary to meet the decent, safe and sanitary standard conditions.

Green/Innovative Design Section 420.9075(3)(d), F.S. The City of Miami Gardens will carry out rehabilitation activities that will conserve energy and water, including but not limited to the replacement of central air conditioning systems with updated energy efficient models, installing programmable thermostats, installing water conserving water closets, installing insulation and envelope sealing.

The City's Housing Rehabilitation Standards also include hardening of the home to prevent any damages from future weather related forces.

Special Housing Needs: Section 420.9075(1)(a), F.S. The City of Miami Gardens has identified that there are many elderly and disabled residents that are in need of accommodations beyond the regular rehabilitation improvements. This includes such items as grab bars, ramps, usable kitchens and bathrooms, accessible doors and switches, etc. The Department makes a concerted effort to identify these needs at the time of the initial inspection.

**1.1. Fiscal Years Covered:**

The strategy identifies in this section will cover the following fiscal years:

~~2007/2008, 2008/2009, 2009/2010~~ 2010/2011, 2011/2012, 2012/2013.

**1.2. Income Categories to be served:**

- Extremely Low Income (up to 30% of the MSAMI)
- Very Low Income (up to 50% of the MSAMI)
- Low Income (up to 80% of the MSAMI)
- Moderate Income (up to 120% of the MSAMI)

### 1.3. Maximum award is noted on the Housing Delivery Goals Charts:

Residents meeting the selection criteria will be awarded assistance of up to a maximum of \$35,000.

### 1.4. Terms, Recapture and Default:

Financial assistance under the SHIP Emergency Rehabilitation Program will be provided to eligible homeowners in the form of a zero percent (0%), five (5) year deferred payment loan. There are no monthly payment requirements associated with this loan. There is no amortization on this loan. As long as the recipient continues to own the assisted property and live in the property as their principal residence during the term of the mortgage, then the loan will not have to be repaid. Repayment of the full principal balance of the loan is required if the property receiving the financial assistance is rented, leased or sold during the life of the loan. If sold after the five (5) year term, no repayment is required. If sold after the five (5) year term, no repayment is required. Otherwise the principal balance will be forgiven at maturity. Homeowners that qualify and receive assistance must execute a Mortgage and Note that will be recorded in the public records of Miami-Dade County for compliance with the recapture provisions for the program.

Default of the loan occurs if the Mortgagor no longer resides in the home as the principal residence, or if any part of the Property or any interest in it is sold, transferred, gifted or otherwise conveyed, whether by voluntary act, involuntary, by operation of law or otherwise, or if the Mortgagor is divested of title by judicial sale, levy or other proceeding, or if foreclosure action is instituted against the property, or if the Property is leased or rented.

In the event of death of all eligible homeowner(s), the heirs to the property can assume the obligation based on the original terms and conditions provided to the homeowner as long as the heirs qualify based on income and household size, remain owner occupants of the property and do not sell or rent the property for the remaining term of the Mortgage and Note. An heir or prospective purchaser who does not qualify based on the provisions of this strategy will be required to repay the full loan amount as provided by the City of Miami Gardens.

A subordination of this deferred payment mortgage will only be approved under the guidelines of the City's Subordination Policy. All repayments from this program shall be considered Program Income.

### 1.5. Recipient Selection Criteria:

All recipients of assistance must meet the eligibility requirements as outlined below. -Eligible housing includes single family homes, town houses, twin homes

and condominiums only. Manufactured housing and mobile homes are not eligible for assistance under this program.

Applications will be processed on a first-ready first-served basis from all applicants meeting the selection criteria, subject to funding availability and in such a manner as to comply with the statutory requirements.

Other selection criteria will include the following:

- The property shall consist of an owner-occupied residential unit.
- Preference will be given to eligible handicapped/disabled and elderly (62 years or older) households and homeowners.
- The property must be located in the corporate city limits of the City of Miami Gardens.
- The market value of the home, as indicated by the Miami-Dade Property Appraiser, may not exceed the maximum sales price allowed under the SHIP Program.
- The property must require needed repairs to meet the decent, safe and sanitary standard conditions.
- The applicant may not be delinquent on property taxes or any debt owed to the City of Miami Gardens or Miami-Dade County.

## **1.6. Sponsor Selection Criteria:**

The City of Miami Gardens intends to administer this program. However, if the need for a sponsor should arise, the City of Miami Gardens will use a Request for Proposals process in accordance with Chapter 67-37.005(6) b (7) of the Florida Administrative Code to select an eligible sponsor. Eligible persons, sponsors or other recipients of assistance under this program will be required to contractually commit and comply with all SHIP Program requirements.

## **2. Name of the Strategy: Emergency Rehabilitation Program**

### **Summary of the Strategy:**

The Emergency Rehabilitation Program will provide emergency repair assistance to extremely low, very low, low and moderate income owner occupied single-

family homes located within the corporate limits of the City of Miami Gardens. The City will provide deferred payment loan assistance to eligible homeowners to carry out limited repairs such as roofing, electrical and plumbing to immediately rectify life hazardous and potentially dangerous conditions that threaten the safety and health of the occupants of the home.

## **2.1. Fiscal Years Covered:**

The strategy identified in this section will cover the following fiscal years:

2010/2011, 2011/2012, 2012/2013.

~~2007/2008, 2008/2009, 2009/2010~~

## **2.2. Income Categories to be served:**

- Extremely Low Income (up to 30% of the MSAMI)
- Very Low Income (up to 50% of the MSAMI)
- Low Income (up to 80% of the MSAMI)

## **2.3. Maximum award is noted on the Housing Delivery Goals Charts:**

The maximum award under this strategy will be \$15,000.

## **2.4. Terms, Recapture and Default:**

Financial assistance under the SHIP Emergency Rehabilitation Program will be provided to eligible homeowners in the form of a zero percent (0%), five (5) year deferred payment loan. There are no monthly payment requirements associated with this loan. There is no amortization on this loan. As long as the recipient continues to own the assisted property and live in the property as their principal residence during the term of the mortgage, then the loan will not have to be repaid. Repayment of the full principal balance of the loan is required if the property receiving the financial assistance is rented, leased or sold during the life of the loan. If sold after the five (5) year term, no repayment is required. Otherwise the principal balance will be forgiven at maturity. —Homeowners that qualify and receive assistance must execute a Mortgage and Note that will be recorded in the public records of Miami-Dade County for compliance with the recapture provisions for the program.

Default of the loan occurs if the Mortgagor no longer resides in the home as the principal residence, or if any part of the Property or any interest in it is sold, transferred, gifted or otherwise conveyed, whether by voluntary act, involuntary, by operation of law or otherwise, or if the Mortgagor is divested of title by judicial sale, levy or other proceeding, or if foreclosure action is instituted against the property, or if the Property is leased or rented.

In the event of death of all eligible homeowner(s), the heirs to the property can assume the obligation based on the original terms and conditions provided to the homeowner as long as the heirs qualify based on income and household size, remain owner occupants of the property and do not sell or rent the property for the remaining term of the Mortgage and Note. An heir or prospective purchaser who does not qualify based on the provisions of this strategy will be required to repay the full loan amount as provided by the City of Miami Gardens.

A subordination of this deferred payment mortgage will only be approved under the guidelines of the City's Subordination Policy. All repayments from this program shall be considered Program Income.

## **2.5. Recipient Selection Criteria:**

All recipients of assistance must meet the eligibility requirements as outlined below.

Eligible housing includes single family homes, town houses, twin homes and condominiums only. Manufactured housing and mobile homes are not eligible for assistance under this program.

Applications will be processed on a first-ready first-served basis from all applicants meeting the selection criteria, subject to funding availability and in such a manner as to comply with the statutory requirements.

Other selection criteria will include the following:

- The property shall consist of an owner-occupied residential unit.
- Preference will be given to eligible handicapped/disabled and elderly (62 years or older) households and homeowners.
- The property must be located in the corporate city limits of the City of Miami Gardens.
- The market value of the home, as indicated by the Miami-Dade Property Appraiser, may not exceed the maximum sales price allowed under the SHIP Program.
- The property must have condition that proves to be of a hazardous nature or potentially dangerous condition and that requires needed repairs such as roofing, electrical and plumbing to meet the decent, safe and sanitary standard.
- The applicant may not be delinquent on property taxes or on any debt owed to the City of Miami Gardens and Miami-Dade County.

## **2.6. Sponsor Selection Criteria:**

The City of Miami Gardens intends to administer this program. However, if the need for a sponsor should arise, the City of Miami Gardens will use a Request for Proposals process in accordance with Chapter 67-37.005(6)(b)7 of the Florida Administrative Code to select an eligible sponsor. Eligible persons, sponsors or other recipients of assistance under this program will be required to contractually commit and comply with all SHIP Program requirements.

## **4. Name of the Strategy: Homeownership Assistance Program**

### **Summary of the Strategy:**

The City of Miami Gardens through the Homeownership Assistance Program will provide down payment and closing cost assistance to eligible persons and households who are first time homebuyers, defined as persons not owning a home within the last 3 years, to purchase a newly constructed or existing residential property within the City of Miami Gardens. The strategy will be available to assist extremely low, very low, low and moderate income residents to purchase a single family home, town home, twin home or condominium.

### **4.1. Fiscal Years Covered:**

The strategy identified in this section will cover the following fiscal years:

2010/2011, 2011/2012, 2012/2013.

~~2007/2008, 2008/2009, 2009/2010.~~

### **4.2. Income Categories to be served:**

- Extremely Low Income (up to 30% of the MSAMI)
- Very Low Income (up to 50% of the MSAMI)
- Low Income (up to 80% of the MSAMI)
- Moderate Income (up to 120% of the MSAMI)

### **4.3. Maximum award as noted on the Housing Delivery Goals Charts:**

Residents meeting the selection criteria will be awarded a maximum amount of \$20,000 to be used towards down payment and closing costs.

### **4.4. Terms, Recapture and Default:**

Financial assistance to be provided under the Homeownership Assistance Program will be provided to eligible homeowners in the form of a zero percent

interest, thirty (30) year loan. The amount of assistance will be determined by the lender qualifying the applicant.

The initial \$10,000.00 will be provided in form of a 30 year, 0% interest loan with the payment due at maturity. If the homeowner has continued living in the residence through maturity, the balance will be forgiven and the Note considered satisfied.

Any additional funding after the initial \$10,000.00 will be provided in form of a 30 year 0% repayable loan. There will be 360 equal monthly payments. Repayment of the full principal balance of the loan is required if the property receiving the financial assistance is rented, transferred or sold during the life of the loan.

Homeowners that qualify and receive assistance must execute a Mortgage and Note that will be recorded in the public records of Miami-Dade County for compliance with the recapture provisions for the program.

In the case of sale or transfer of the unit, the City will be repaid by the borrower as per the following schedule:

- i. 0 – 5 years – 100% of both the City’s loan balance and the pro-rata share of the net appreciation (gain) is due to the City.
- ii. 6 – 10 years – 100% of the loan balance and 50% of the pro-rata share of the net appreciation (gain) is due to the City.
- iii. 11 – 30 years – 100% of the loan balance is due to the City. The City will not share in the appreciation after the 10<sup>th</sup> year.  
~~0 to 3 years – 100% of the City’s assistance and the pro-rata share of the shared appreciation (gain).~~  
~~3 to 30 years – On the 3<sup>rd</sup> year, 100% of the City’s assistance and 85% of the City’s pro-rata share of the shared appreciation, and the borrower receives 15%. Thereafter, the borrower receives additional 5% of the City’s pro-rata share annually, reducing the City’s share by the same percentage~~

The above appreciation sharing proposal will terminate in foreclosure; however, the city will require lenders to provide us a right of first refusal to purchase the loan at a negotiated price.

In the event of death of all eligible homeowner(s), the heirs to the property can assume the obligation based on the original terms and conditions provided to the homeowner as long as the heirs qualify based on the original terms and conditions provided to the homeowner as long as the heirs qualify based on age, income and household size, remain owner occupants of the property and do not sell or rent the property for the remaining term of the mortgage and note. An heir or prospective

purchaser who does not qualify based on the provisions of this strategy will be required to repay the balance of the outstanding loan amount provided by the City of Miami Gardens.

A subordination of this deferred payment mortgage will only be approved under the guidelines of the City's Subordination Policy. All repayments from this program shall be considered Program Income.

#### **4.5. Recipient Selection Criteria:**

Applications will be processed from an established waiting list on a first-come, first- ready, first-serve basis from applicants meeting the selection criteria, subject to funding availability and in such a manner as to comply with the statutory requirements.

Other selection criteria will include the following:

- The property must be located in the corporate city limits of the City of Miami Gardens.
- The purchase price of the home may not exceed the maximum sales price allowed under the SHIP Program.
- The property must meet safe and sanitary standard conditions at closing or funds must be held in escrow to bring it to safe and sanitary standards after the closing.
- The applicant may not be delinquent on any debt owed to the City of Miami Gardens or Miami-Dade County.
- Applicants purchasing Manufactured or Mobile homes are not eligible for funding under this strategy.

#### **4.6. Sponsor Selection Criteria:**

The City of Miami Gardens intends to administer this program. However, if the need for a sponsor should arise, the City of Miami Gardens will use a Request for Proposals process in accordance with Chapter 67-37.005(6)b(7) Florida Administrative Code to select an eligible sponsor. Eligible persons, sponsors or other recipients of assistance under this program will be required to contractually commit and comply with all SHIP Program requirements.

### **5. Name of the Strategy: Florida Homebuyer Opportunity Program**

#### **Summary of the Strategy:**

This strategy is designed in response to the legislative proviso requiring SHIP local governments to expend 2009-2010 funds to ensure that residents of the state derive the maximum possible economic benefit from the federal first time homebuyer tax credit created through the American Recovery and Reinvestment Act of 2009 by providing subordinate down payment assistance loans to first time homebuyers for owner occupied primary residences that can be repaid by the income tax refund the homebuyer is entitled to under the First Time Homebuyer Credit. The state program shall be call the “Florida Homebuyer Opportunity Program.”

## **5.1. Fiscal Years Covered:**

The strategy identified in this section will cover 2009/2010 or until expiration of the Florida Homebuyer Opportunity Program Tax Credit.

## **5.2. Income Categories to be served:**

- Up to \$75,000 for single taxpayers
- Up to \$150,000 for joint filers

There is no requirement to reserve 30 percent of the funds for awards to very-low-income persons or 30 percent of funds for awards to low-income persons; and there is no requirement to expend 75% of funds for construction, rehabilitation or emergency repair.

## **5.3. Maximum Award:**

The principal balance of the loans provided shall not exceed 10% of the purchase price or \$8,000 whichever is less.

## **5.4. Terms, Recapture and Default:**

- The City of Miami Gardens will provide the award in form of a deferred payment loan, accruing interest at an annual rate of six percent (6%) from the closing date of the loan.
- The loan will be secured by a Subordinate Mortgage Lien recorded on the home being purchased.
- If repayment is made by the homebuyer within 18 months after the closing date of the loan, all interest charges will be waived and the City will satisfy the Mortgage Lien.
- If repayment is not received within the 18 months, the balance due will continue to accrue interest at an annual rate of six percent (6%).

- Beginning the 37<sup>th</sup> month, if payment has not been received, the homeowner will be required to begin making monthly payments towards the balance due.
- The payments will consists of principal and interest and will be based on a 60 month amortization schedule.
- If the homeowner ceases to own or occupy the home as their primary residence, the City will consider this a default of the contract terms and demand payment in full plus any outstanding interest due.
- All funds repaid to the City of Miami Gardens shall be considered “program income” as defined in s. 420.9071(24).

## **5.5. Recipient Selection Criteria:**

Recipients must meet the requirements of the following: The maximum income limit shall be the Adjusted Gross Income of \$75,000 for single taxpayer households or \$150,000 for joint filing taxpayer households which is equal to that permitted by the American Recovery and Reinvestments Act of 2009.

**Section III.**

**INCENTIVE STRATEGIES**

**III. LHAP INCENTIVE STRATEGIES** *Section 420.9071(16), F.S.*

**1. Expedited Permitting Process**

The processing of approvals for Development Orders or Permits as defined in s. 163.3164(7) and (8) for affordable housing projects are expedited to a greater degree than other projects.

Established Policy and Procedures:

The City of Miami Gardens has implemented a process that will eliminate any delay in the review of affordable housing development projects permit applications. These applications will be prioritized from other type of project applications in order to ensure expediting the projects.

**2. Development Impact Fee Waiver / Exemption**

The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

Established Policy and Procedures

Housing projects will receive a waiver or reduction of impact fees when developing affordable housing units. For the developer to secure the waiver or reduction of the impact fees, the Department of Community Development must be able to certify that the proposed housing project/unit(s) are affordable to either very-low, low and median income families and individuals. Such waivers or reductions must be approved by the City Council.

**3. Density Bonus**

The allowance of increase density levels for affordable housing.

Established Policy and Procedures

Affordable housing residential and planned development projects may receive a density bonus based on an analysis of affordability, site characteristics and proposed project specifics. This analysis will be conducted in coordination with the Department of Community Development and the Department of Planning and Zoning.

**4. Infrastructure Capacity**

The reservation of infrastructure capacity for housing for very-low-income persons and low-income persons.

## Established Policy and Procedures

The City of Miami Gardens has a Concurrency Management System that tracks potable water, sanitary sewer, solid waste, traffic, and park and drainage capacities. This System will ensure that there is always infrastructure capacity available for affordable housing projects.

### 5. Accessory Single Family Dwelling Units

The allowance of affordable accessory residential units in the residential zoning districts.

## Established Policy and Procedures

The construction of an accessory dwelling unit on a residentially zoned lot is permitted subject to the provisions established by the City of Miami Gardens Land Development Regulations. This makes available inexpensive dwelling units to meet the needs of elderly and single very-low and low income individuals.

### 6. Reduction of Parking and Setback Requirements

The reduction of parking and setback requirements for affordable housing.

## Established Policy and Procedures

Affordable housing projects are afforded an opportunity to receive a reduction in parking and setback requirements by the City of Miami Gardens. Requests for reduction of parking and setback requirements in relation to the development of affordable housing must be developed following the standards established in the Land Development Regulations.

### 7. Zero-Lot-Line and Street Requirement Allowance

The allowance of zero-lot-line configurations for affordable housing.

## Established Policy and Procedures

The City of Miami Gardens has in its Land Development Regulations a plan for zero-lot-line development and allowances toward street requirements for affordable housing projects. The proposed project applications are reviewed by the Department of Planning and Zoning. The Department of Community Development will be responsible for certifying the extent to which the project is affordable.

### 8. Ongoing Review Process

The establishment of a process by which local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

## Established Policy and Procedures

The City of Miami Gardens has adopted policies which state that any regulation being proposed that could potentially increase the estimated housing cost per unit, will be reviewed by the Department of Planning and Zoning and the Department of Code Enforcement. These groups will consider the effect of the proposed activity and its effects on the cost of housing prior to their recommendation to the City Council. City Council will consider the financial impact before making its decision on adopting the proposed regulation.

### **9. Surplus City Owned Land Inventory**

The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

## Established Policy and Procedure

The City of Miami Gardens Department of Community Development will maintain an inventory of all surplus City-owned land and foreclosed properties that could be used for affordable housing. The City will make this list available to all for-profit and not-for-profit affordable housing developers.

### **10. Affordable Housing Advisory Committee**

The City of Miami Gardens has established an Affordable Housing Advisory Committee to review its housing policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government. They will be asked to recommend specific initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The composition of this committee will be in accordance with the F.S. 420.9072 and appointed by the City's Council Members, the committee members and their terms will be adopted by way of Resolution.

If the City is unable to appoint a citizen actively engaged in these activities in connection with affordable housing either because of the presence of a conflict of interest by prospective appointees, or any other reasonable factor, the City will appoint a citizen engaged in the activity without regard to affordable housing, as allowed by statute.

## EXHIBITS:

- A. Administrative Budget for each fiscal year covered in the Plan. Exhibit A.**
- B. Timeline for Encumbrance and Expenditure:** *Chapter 67-37.005(6)(d) and (f) F.A.C.*  
A separate timeline for each fiscal year covered in this plan is attached as **Exhibit B.** Program funds will be encumbered by June 30<sup>th</sup>, one year following the end of the applicable state fiscal year. Program funds will be fully expended within 24 months of the end of the applicable State fiscal year.
- C. Housing Delivery Goals Chart (HDGC) For Each Fiscal Year Covered in the Plan:** *Chapter 67-37.005, F.A.C.*  
Completed HDGC for each fiscal year is attached as **Exhibit C.**
- D. Certification Page:** *Chapter 67-37.005(7), F.A.C.*  
Signed Certification is attached as **Exhibit D.**
- E. Adopting Resolution:** *Section 420.9072(2)(b)2, F.S.*  
Original signed, dated, witnessed or attested adopting resolution is attached as **Exhibit E.**
- F. Program Information Sheet:**  
Completed program information sheet is attached as **Exhibit F.**
- G. Ordinance:** *Section 420.9072(3)(a), F.S.* **Exhibit G.**
- H. Ordinance:** *Section 420.9076 F.S.* **Exhibit H.**
- I. Interlocal Agreement:** *Section 420.9072, F.S.* **N/A**



**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b>	May 12, 2010		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b> X	<b>Ordinance</b>	<b>Other</b>	
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		X		<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Yes</b>
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>	
						x	
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>	N/A			
		X					
<b>Sponsor Name</b>	Mayor Gibson		<b>Department:</b>	City Council			

**Short Title:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RENAMING THE MIAMI GARDENS COMMUNITY CENTER TO THE "MIAMI GARDENS RECREATIONAL COMPLEX"; AND NAMING THE RECREATIONAL BUILDING THE "BETTY T. FERGUSON COMMUNITY CENTER;" PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE

**Summary:**

Former Miami-Dade County Commissioner, Mrs. Betty T. Ferguson has been instrumental in ensuring that the Miami Gardens Community Center would be located within the City and that funding assistance from the County to the City for completion of the construction of the Center would be available. In addition she has demonstrated a tireless commitment to the Miami Gardens area, even before it was a City through a number efforts including but not limited to being instrumental in the creation of the Carol City Police Station #9, the Bunch Park Fire Station, the Honey Hill Fire Station, funding for the development of more than 12 Million Dollars for the Miami Gardens Community Center, 20 Million directed to District One for drainage and sidewalk, and the recreation center at Carol City Park.

City Council formally changed the name of the property located at 3000 NW 199 Street from Carol City Community Center to the Miami Gardens Community Center on March 18, 2008. In order to provide clear instruction to staff with respect to the naming of the park, it is recommended that City Council rename the entire facility the Miami Gardens Recreational Complex.

Mayor Shirley Gibson further recommends the recreational building within the Miami Gardens Recreational Complex (aka Miami Gardens Community Center) be named in honor of Mrs. Betty T.

**ITEM K-1) RESOLUTION  
Renaming the Miami Gardens Community Center**

Ferguson's for her tireless efforts in the community. This Resolution will not prohibit the City from naming other portions of the Complex, including the track and the amphitheatre in honor of other individuals or entities.

**Proposed Action:**

It is being recommended that the City Council approve the attached Resolution.

**Attachment:**

RESOLUTION No. 2010-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RENAMING THE MIAMI GARDENS COMMUNITY CENTER TO THE "MIAMI GARDENS RECREATIONAL COMPLEX"; AND NAMING THE RECREATIONAL BUILDING THE "BETTY T. FERGUSON COMMUNITY CENTER;" PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Betty T. Ferguson was born on January 28, 1945 in Miami, Florida,

and

WHEREAS, she is the widow of the late U.S. District Court Judge Wilkie D. Ferguson, Jr. and the mother of two children, a daughter, Tawnicia Rowan, and a son, Wilkie Ferguson, III, and

WHEREAS, Mrs. Ferguson attended Miami-Dade County Public Schools, earning a Bachelor of Science Degree from Florida A & M University, a Master's Degree in Speech Pathology and Audiology from Ohio State University and was awarded an Honorary Doctorate of Humane Letters in 1996 by Florida Memorial College, and

WHEREAS, Mrs. Ferguson started her teaching career as a professor at Howard University in 1967, later taught at Florida Memorial College and Miami-Dade Community College, and

WHEREAS, Mrs. Ferguson was first elected to office in 1993 and was re-elected twice without opposition, having served as the District One Commissioner for eleven (11) years. On March 16, 2004 she announced her decision not to seek a fourth term, and

WHEREAS, Mrs. Ferguson initiated many positive changes in District One, including Carol City Police Station #9, the Bunch Park Fire Station, the Honey Hill Fire

1 Station, funding for the development of more than 12 Million Dollars for the Miami  
2 Gardens Community Center, 20 Million directed to District One for drainage and  
3 sidewalk improvements and safe routes to school, a recreation center at Carol City  
4 Park, Metrobus circulation service, One Million Dollars Life Support Initiative to provide  
5 grants to needy qualified municipal retail water and sewer customers, the creation of the  
6 new City of Miami Gardens, and Sewer Infrastructure Improvements to a two-mile  
7 stretch of Miami Gardens Drive, and

8 WHEREAS, Mrs. Ferguson was the lead plaintiff in the lawsuit that created  
9 district elections of County Commissioners in Miami-Dade County, and

10 WHEREAS, Mrs. Ferguson has been honored numerous times for her  
11 leadership, courage, service and dedication to the community, and

12 WHEREAS, Mrs. Ferguson has received, among others, the following awards:  
13 “Woman of Impact” 1995 from the Community Coalition for Women’s History, Inc.,  
14 “Sister of the Year” 1995 from the Concerned African Women, Inc., and Distinguished  
15 Educator from the Miami Alumnae Chapter of Delta Sigma, and

16 WHEREAS, former Miami-Dade County Commissioner, Betty T. Ferguson, was  
17 instrumental in ensuring that the Miami Gardens Community Center would be located  
18 within the City and that funding assistance from the County to the City for completion of  
19 the construction of the Center would be available, and

20 WHEREAS On March 18, 2008 the City Council renamed the property located at  
21 3000 NW 199 Street, the Miami Gardens Community Center, and

1           WHEREAS it is the intent of this resolution to change the name of the entire  
2 property located at 3000 NW 199 Street from the Miami Gardens Community Center to  
3 the Miami Gardens Recreational Complex, and

4           WHEREAS, in light of Ms. Ferguson’s tireless commitment to Miami-Dade  
5 County, but in particular to Miami Gardens, the City Council would like to honor her by  
6 naming the building within the Miami Gardens Recreational Complex in her honor, and

7           WHEREAS the building shall be known as the Betty T. Ferguson Community  
8 Center, and

9           WHEREAS, this resolution will not preclude the City from naming other portions  
10 of the Miami Gardens Recreational Complex, including the amphitheater and the track  
11 in honor of other individuals of entities,

12           NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
13 OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

14           Section 1.   ADOPTION OF REPRESENTATIONS: The foregoing Whereas  
15 paragraphs are hereby ratified and confirmed as being true, and the same are hereby  
16 made a specific part of this Resolution.

17           Section 2.   AUTHORIZATION: The City Council of the City of Miami Gardens  
18 hereby authorizes the renaming of the Miami Gardens Community Center to the “Miami  
19 Gardens Recreational Complex” and naming the recreational building the “Betty T.  
20 Ferguson Community Center.”

21           Section 3.   EFFECTIVE DATE: This Resolution shall take effect immediately  
22 upon its final passage.

23 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS  
24 AT ITS REGULAR MEETING HELD ON May 12, 2010.

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SHIRLEY GIBSON, MAYOR

ATTEST:

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RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: MAYOR SHIRLEY GIBSON

MOVED BY: \_\_\_\_\_

**VOTE:** \_\_\_\_\_

Mayor Shirley Gibson	___(Yes)	___(No)
Vice Mayor Aaron Campbell, Jr.	___(Yes)	___(No)
Councilman Melvin L. Bratton	___(Yes)	___(No)
Councilman Oliver Gilbert, III	___(Yes)	___(No)
Councilwoman Barbara Watson	___(Yes)	___(No)
Councilwoman Sharon Pritchett	___(Yes)	___(No)
Councilman André Williams	___(Yes)	___(No)



**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b>	May 12, 2010		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b> x	<b>Ordinance</b>	<b>Other</b>	
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		x		<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b> x	<b>Yes</b>
<b>Funding Source:</b>	n/a		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b> x	
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>	n/a			
		x					
<b>Sponsor Name</b>	Councilman André Williams		<b>Department:</b>	Mayor and Council			

**Short Title:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING RESOLUTION NO. 2010-80-1262 WHICH AUTHORIZED THE CITY MANAGER TO UNDERTAKE A FORMAL PROCESS FOR THE SOLICITATION OF PROPOSALS RELATING TO THE CITY OF MIAMI GARDENS TOWN CENTER DEVELOPMENT, TO BROADEN THE TYPES OF PROPOSALS THAT MAY BE ACCEPTED; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

On April 28, 2010, the City Council approved Resolution No. 2010-80-1262, which authorized the City Manager to undertake a formal process for solicitations with respect to development of the Town Center Project. The prior Resolution adopted by the City Council requires that the solicitations be broad enough to include proposals that are inclusive of the City Hall site (old Wachovia site), and will require that all proposals have either the ability to gain ownership or have current ownership of other parcels within the designated Town Center, not currently owned by the City.

Councilman Williams believes that the aforementioned language, favors the current owner of the property located at the corner of Northwest 27th Avenue and Northwest 183rd Street, as well as MGTC,

**ITEM K-2) RESOLUTION  
Amending Resolution No. 2010-80-1262**

LLC, which previously submitted an unsolicited proposal to the City Council, and he has expressed in prior City Council meetings, a level of discomfort with focusing the City's efforts on one group or one property. Councilman Williams would like to amend the language to make it broad enough include proposals that are inclusive of the City Hall site (old Wachovia site), and possibly the surrounding properties; and recommends that all principal respondents be required to demonstrate not only their experience developing mixed use urban projects, but that they also have the financial ability and resources necessary in order to finance any new development. He also recommends that the solicitation provide for the following:

1. That the City will select a qualified developer/builder that will be invited to enter into a public/private partnership for the development of property within the Town Hall center area including the proposed City Hall Site;
2. That the developer/builder be required to demonstrate financial capabilities and resources as well as identify capital sources and lender relationships. Developer will be required to finance the development of any mixed use or commercial developments; and
3. That the City reserve the right to modify or cancel the solicitation process at any time prior to entering into a contract with a developer/builder,

Additionally, in an effort to broaden the pool of potential proposals, Councilman Williams recommends that the limitations outlined in Resolution No. 2010-80-1262 which require that the bids be limited to the Wachovia site, be omitted and instead, that proposers be permitted to include any property owned by the City in the Town Center area.

## Proposed Action:

Councilman Williams is recommending that the City Council amend Resolution No. 2010-80-1262 as stated herein.

## Attachment:

Resolution No. 2010-80-1262

RESOLUTION No. 2010-

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING RESOLUTION NO. 2010-80-1262 WHICH AUTHORIZED THE CITY MANAGER TO UNDERTAKE A FORMAL PROCESS FOR THE SOLICITATION OF PROPOSALS RELATING TO THE CITY OF MIAMI GARDENS TOWN CENTER DEVELOPMENT, TO BROADEN THE TYPES OF PROPOSALS THAT MAY BE ACCEPTED; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 28, 2010, the City Council adopted Resolution No. 2010-80-1262, which authorized the City Manager to take any and all steps necessary to undertake a formal process for the solicitation of proposals relating to the City of Miami Gardens Town Center Development, and

WHEREAS, the prior Resolution adopted by the City Council requires the following:

“The solicitation should be broad enough to include proposals that are inclusive of the City Hall site (old Wachovia site), and will require that all proposals have either the ability of gain ownership or have current ownership of other parcels within the designated Town Center, not currently owned by the center.”

WHEREAS, Councilman Williams, believes that the aforementioned language favors the current owner of the property located at the corner of Northwest 27th Avenue and Northwest 183rd Street, as well as MGTC, LLC, which previously submitted an unsolicited proposal to the City Council, and

WHEREAS, Councilman Williams has previously expressed in prior meetings relating to the development of the City Hall Project, a discomfort with focusing the City’s efforts with one group, and he believes that the City’s

1 solicitations should be broad enough to encourage other bidders who do not own  
2 any property in the Town Center to bid on the Project, and

3 WHEREAS, Councilman Williams would like to amend the language to make it  
4 broad enough include proposals that are inclusive of the City Hall site (old Wachovia  
5 site), and possibly the surrounding properties; and recommends that all principal  
6 respondents be required to demonstrate not only their experience developing mixed use  
7 urban projects, but that they also have the financial ability and resources necessary in  
8 order to finance any new development, and

9 WHEREAS, Councilman Williams also recommends that the solicitation provide  
10 for the following:

- 11
- 12 1. That the City will select a qualified developer/builder that will be invited to  
13 enter into a public/ private partnership for the development of property within  
14 the Town Hall center area including the proposed City Hall Site;
  - 15
  - 16 2. That the developer/builder be required to demonstrate financial capabilities  
17 and resources as well as identify capital sources and lender relationships.  
18 Developer will be required to finance the development of any mixed use or  
19 commercial developments; and
  - 20
  - 21 3. That the City reserve the right to modify or cancel the solicitation process at  
22 any time prior to entering into a contract with a developer/builder,
  - 23

24 WHEREAS, Councilman Williams further recommends that the limitations  
25 outlined in Resolution No. 2010-80-1262 which require that the bids be limited to  
26 the Wachovia site be omitted, and instead that proposals be permitted to include  
27 any property owned by the City in the Town Center area, and

28 WHEREAS, Councilman Williams suggests that the requirement that the  
29 proposers bring other property not owned by the City, be eliminated to permit for  
30 a broader range of possible responses,

1           NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
2 OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

3           Section 1.   ADOPTION OF REPRESENTATIONS: The foregoing Whereas  
4 paragraphs are hereby ratified and confirmed as being true, and the same are hereby  
5 made a specific part of this Resolution.

6           Section 2.   AUTHORIZATION: The City Council of the City of Miami Gardens  
7 hereby authorizes an amendment to Resolution No. 2010-80-1262 which authorized the  
8 City Manager to undertake a formal process for the solicitation of proposals relating to  
9 the City of Miami Gardens Town Center Development, to broaden the types of proposal  
10 that may be accepted.

11  
12           Section 3.   EFFECTIVE DATE: This Resolution shall take effect immediately  
13 upon its final passage.

14 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS  
15 AT ITS REGULAR MEETING HELD ON MAY 12, 2010.

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ATTEST:

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RONETTA TAYLOR, MMC, CITY CLERK

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PREPARED BY: SONJA K. DICKENS, CITY ATTORNEY

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SHIRLEY GIBSON, MAYOR



RESOLUTION No. 2010-80-1262

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL STEPS NECESSARY TO UNDERTAKE A FORMAL PROCESS FOR THE SOLICITATION OF PROPOSALS RELATING TO THE CITY OF MIAMI GARDENS TOWN CENTER DEVELOPMENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council previously authorized the City Manager and City Attorney to negotiate a Developer's Agreement with Miami Gardens Town Center ("MGTC") for the development of City Hall based upon a term sheet that was provided to City Council, and

WHEREAS, in the course of the City's attempts to negotiate the Developer's Agreement, certain obstacles have surfaced relating to the proposal, and

WHEREAS, there have been a number of different proposals entertained and discussed by the parties, and

WHEREAS, the best route for the City to take would be to undertake a formal solicitation process for the receipt of proposals from various firms/developers, inclusive of MGTC Group should it choose to respond, with respect to developing the Town Center Project, and

WHEREAS, the solicitation should be broad enough to include proposals that are inclusive of the City Hall site (old Wachovia site), and would require that all proposers have either the ability to gain ownership or have current ownership of other parcels within the designated Town Center not currently owned by the City,

NOW THEREFORE, BE IT RESOLVED 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 Resolution.

Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens hereby authorizes the City Manager to take any and all steps necessary to issue a solicitation for Proposals relating to the City of Miami Gardens' Town Center Development.

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON APRIL 28, 2010.

Signed Shirley Gibson  
SHIRLEY GIBSON, MAYOR

ATTEST:

State of Florida  
County of Miami-Dade

Signed Ronetta Taylor  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DANNY CREW, CITY MANAGER

**CERTIFICATION**

I, the undersigned, duly appointed City Clerk of the City of Miami Gardens, Florida, hereby certify that the attached is a true and correct copy of RES. 2010-80-1262 as shown in the records of the city on file in the office of the city clerk.

Witness, my hand and the corporate seal of the city of Miami Gardens, Florida, this 7<sup>TH</sup> day of MAY 2010.

M. Buttrill  
DEPUTY City Clerk  
City of Miami Gardens, Florida

MOVED BY: Vice Mayor Campbell  
SECOND BY: Councilman Bratton

**VOTE: 7-0**

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



**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b>	<b>May 12, 2010</b>		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b> <b>X</b>	<b>Ordinance</b>	<b>Other</b>
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1st Reading</b>		<b>2nd Reading</b>
		<b>X</b>		<b>Public Hearing:</b> <i>(Enter X in box)</i>	Yes	No
<b>Funding Source:</b>	Neighborhood Stabilization Program (NSP)		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>
				<b>X</b>		
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>	<b>N/A</b>		
		<b>X</b>				
<b>Sponsor Name</b>	<b>Danny Crew, City Manager</b>		<b>Department:</b>	<b>Community Development</b>		

**Short Title:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING THE CITY’S NEIGHBORHOOD STABILIZATION PROGRAM (“NSP”) TO DE-OBLIGATE THE SUM OF ONE MILLION, SEVEN HUNDRED SIXTEEN THOUSAND, FIVE HUNDRED TWENTY-NINE DOLLARS AND 70/100 CENTS (\$1,716,529.70) THAT WAS PREVIOUSLY AWARDED TO DIAMOND POINT AT MIAMI GARDENS, LLC; TRANSFERRING THE SUM OF ONE MILLION DOLLARS (\$1,000,000.00) TO BE DIVIDED IN EQUAL PARTS OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FROM ACTIVITY #5 SUBSIDY ASSISTANCE FOR BUYERS OF PURCHASED PROPERTIES, TO ACTIVITY #3 PURCHASE OF FORECLOSED PROPERTIES FOR RESALE AND FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) TO ACTIVITY #4 REHABILITATION OF UNITS FOR RESALE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.**

**Staff Summary:**

**Background**

In response to the national foreclosure crisis, the U.S. Department of Housing and Urban Development (HUD) provided Neighborhood Stabilization funds to assist local governments to acquire abandoned and foreclosed upon properties for demolition, rehabilitation, and sale in areas of greatest need. The purpose of the Neighborhood Stabilization Program (NSP) is to revitalize and stabilize these impacted communities. The City of Miami Gardens received \$6,866,119.02.

**ITEM L-1) RESOLUTION  
PUBLIC HEARING  
Amending the Neighborhood  
Stabilization Program**

On November 12, 2008 the City Council approved the City's NSP Plan, which outlined the activities that would be carried out by the City for this program. The following are the approved activities (and corresponding budget) reflected in the City's plan:

<u>Activity</u>	<u>Budget</u>
1. Purchase and rehab of foreclosed properties for housing of individuals earning up to 50% of AMI	\$1,716,529.70
2. Demolition of abandoned housing units	\$130,000.00
3. Purchase of foreclosed properties for resale	\$2,000,000.00
4. Rehab of units for resale	\$957,977.42
5. Subsidy assistance for buyers of purchased properties	\$1,375,000.00
6. Program Administration	\$686,611.90
Total NSP Funds Received	<b>\$6,866,119.02</b>

## Current Situation

### *De-obligation of Funds*

On May 27, 2009 the City Council adopted Resolution No. 2009-105-1050 awarding \$1,716,529.70 to Diamond Point at Miami Gardens, LLC (Diamond Point) to carry out Activity #1 (Purchase and rehab of foreclosed properties for housing of individuals earning up to 50% of AMI). Diamond Point's proposal included a full gut rehabilitation of the property located at 17300 NW 7<sup>th</sup> Avenue (the old Parkway Hospital Building) and converting it into an Assisted Living Facility for the very low income elderly population. The total cost of the project exceeded the \$1,716,529.70 that was awarded by the City, and Diamond Point had 120 calendar days from the date of the award to fill project funding gaps. Diamond Point was unable to secure the needed financing to fill the funding gaps, therefore the project is no longer practicable within the NSP program guidelines.

The NSP Program includes strict time constraints to obligate (18 months) and expend (36 months) NSP funds. Due to these time constraints, staff is asking the City Council to de-obligate the \$1,716,529.70 that was awarded to Diamond Point, in order to be able to use these funds to purchase and rehab abandoned and foreclosed properties that will be used to house individuals and families that are at or below 50% of AMI, or sold to households that are at or below 50% of AMI.

### *New Activity – Redevelopment of vacant lands*

The City's NSP Plan budgeted \$130,000 of NSP funds for demolition of abandoned housing units. The Department of Community Development has been working closely with the Building and Code Enforcement Department to identify properties that are blighted and pose a health and safety risk to the community. Staff proposes to acquire these properties through administrative foreclosure and use up to \$130,000 of NSP funds to demolish the blighted structures.

Additionally, the City, as required by HUD, intends to redevelop these vacant properties at a later date. The City can use NSP funds to redevelop a property that is vacant or has been demolished. In order for the City to be able to redevelop these vacant properties with NSP funds or NSP program income, the City must add an Activity to our NSP plan. The proposed activity is "Redevelopment of vacant lands" and will not include a budget at this time. Instead this activity will be funded at a later time by NSP program income that will be generated by the resale of acquired and rehabilitated properties.

**Please Note – raw land is not eligible for redevelopment under NSP. The property must have been previously developed and is currently vacant.**

## *Budget Adjustment*

The City's NSP Plan budgeted \$1,375,000 for subsidy assistance for buyers of purchased properties. The Department of Community Development is proposing to move \$1,000,000 from activity #5 (Subsidy assistance for buyer of purchased properties) into activities #3 (Purchase of foreclosed properties for resale) and #4 (Rehab of units for resale). The budget adjustments will be as follows:

<b><u>Activity</u></b>	<b><u>Reduction</u></b>	<b><u>Increase</u></b>
#3 – Purchase of foreclosed properties for resale		\$500,000
#4 – Rehab of units for resale		\$500,000
#5 – Subsidy assistance for buyers of purchased properties	\$1,000,000	
<b>Totals</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>

The NSP has a strict deadline of September 2, 2010 to obligate program funds. In an effort to comply with this requirement, CD staff is recommending that the \$1,000,000 for direct subsidy assistance be used instead to purchase and rehab foreclosed properties for resale, and that an indirect subsidy be offered to homebuyers in the form of a reduced price on the resale of the homes purchased with NSP funds. By doing this, the City will be able to purchase and rehab more abandoned and foreclosed properties and obligate the funds by the September 2, 2010 deadline.

A resolution is needed in order to de-obligate the \$1,716,529.70 that was awarded to Diamond Point at Miami Gardens, LLC, and to amend the NSP Plan to add the activity "Redevelopment of vacant lands" and reflect the \$1,000,000 budget adjustment.

### **Proposed Action:**

Staff recommends the approval of the proposed resolution de-obligating the award of \$1,716,529.70 to Diamond Point at Miami Gardens, LLC, and amending the City's NSP Plan to add the activity "Redevelopment of vacant lands" and reflect the \$1,000,000 budget adjustment, and authorizing the City Manager to submit the amendment to HUD.

### **Attachments:**

- Resolution No. 2009-105-1050 – Award of \$1,716,529.70 to Diamond Point at Miami Gardens, LLC

RESOLUTION No. 2010-

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING THE CITY'S NEIGHBORHOOD STABILIZATION PROGRAM ("NSP") TO DE-OBLIGATE THE SUM OF ONE MILLION, SEVEN HUNDRED SIXTEEN THOUSAND, FIVE HUNDRED TWENTY-NINE DOLLARS AND 70/100 CENTS (\$1,716,529.70) THAT WAS PREVIOUSLY AWARDED TO DIAMOND POINT AT MIAMI GARDENS, LLC; TRANSFERRING THE SUM OF ONE MILLION DOLLARS (\$1,000,000.00) TO BE DIVIDED IN EQUAL PARTS OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FROM ACTIVITY #5 SUBSIDY ASSISTANCE FOR BUYERS OF PURCHASED PROPERTIES, TO ACTIVITY #3 PURCHASE OF FORECLOSED PROPERTIES FOR RESALE AND FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) TO ACTIVITY #4 REHABILITATION OF UNITS FOR RESALE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Miami Gardens was awarded Six Million, Eight Hundred Sixty-Six Thousand, One Hundred Nineteen Dollars and 02/100 Cents (\$6,866,119.02) in accordance with the Neighborhood Stabilization Program ("NSP"), and

WHEREAS, on November 12, 2008, the City Council approved the City's NSP Plan which outlined the activities that would be carried out by the City for the Program, and

WHEREAS, included in the activities outlined by the City, was the sum of One Million, Seven Hundred Sixteen Thousand, Five Hundred Twenty Nine Dollars and 70/100 Cents (\$1,716,529.70) under Activity #1 to be used with the rehabilitation of foreclosed properties, and

WHEREAS, additionally, the City has allotted the sum of Two Million Dollars (\$2,000,000.00) for the purchase of foreclosed properties for resale, and

1           WHEREAS, on May 27, 2009, the City Council adopted Resolution No. 2009-  
2   105-1050 and awarded the sum of One Million, Seven Hundred Sixteen Thousand, Five  
3   Hundred Twenty Nine Dollars and 70/100 Cents (\$1,716,529.70) to Diamond Point in  
4   Miami Gardens, LLC (“Diamond Point”), to carry out Activity #1 (Purchase and  
5   Rehabilitation of Foreclosed Properties), and

6           WHEREAS, the total cost of the Project exceeded the amount awarded by the  
7   City Council to Diamond Point for this purpose, and

8           WHEREAS, Diamond Point was unable to secure the additional funding,  
9   therefore, the Project is no longer practical within the NSP guidelines, and

10          WHEREAS, City staff is recommending that the City Council de-obligate the One  
11   Million, Seven Hundred Sixteen Thousand, Five Hundred Twenty Nine Dollars and  
12   70/100 Cents (\$1,716,529.70) that was awarded to Diamond Point, and move One  
13   Million Dollars (\$1,000,000.00) from Activity #5 (Subsidy Assistance for Buyers of  
14   Purchased Properties) into Activity #3 (Purchase of Foreclosed Properties for Resale)  
15   and Activity #4 (Rehabilitation of Units for Resale),

16          WHEREAS, the NSP has a deadline of September 2, 2010 to obligate Program  
17   funds and City staff is recommending that the City Council de-obligate and transfer the  
18   funds as requested by this Resolution,

19          NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
20   OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

21          Section 1.   ADOPTION OF REPRESENTATIONS: The foregoing Whereas  
22   paragraphs are hereby ratified and confirmed as being true, and the same are hereby  
23   made a specific part of this Resolution.

1           Section 2.    AUTHORIZATION:  The City Council of the City of Miami Gardens  
2 hereby authorizes an amendment to the City’s Neighborhood Stabilization Program  
3 (“NSP”) to de-obligate the sum of One Million, Seven Hundred Sixteen Thousand, Five  
4 Hundred Twenty-Nine Dollars and 70/100 Cents (\$1,716,592.70) previously awarded to  
5 Diamond Point at Miami Gardens, LLC.  The City Council further authorizes the transfer  
6 of One Million Dollars (\$1,000,000.00) to be divided in equal parts of Five Hundred  
7 Thousand Dollars (\$500,000.00) from Activity #5 Subsidy Assistance for Buyers of  
8 Purchased Properties to Activity #3 Purchase of Foreclosed Properties for Resale, and  
9 Five Hundred Thousand Dollars (\$500,000.00) to Activity #4 Rehabilitation of Units for  
10 Resale.

11           Section 3.    EFFECTIVE DATE:  This Resolution shall take effect immediately  
12 upon its final passage.

13 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS  
14 AT ITS REGULAR MEETING HELD ON MAY 12, 2010.

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SHIRLEY GIBSON, MAYOR

ATTEST:

\_\_\_\_\_  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, CITY ATTORNEY

SPONSORED BY: DANNY CREW, CITY MANAGER

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MOVED BY: \_\_\_\_\_

**VOTE:** \_\_\_\_\_

Mayor Shirley Gibson	___(Yes)	___(No)
Vice Mayor Aaron Campbell, Jr.	___(Yes)	___(No)
Councilman Melvin L. Bratton	___(Yes)	___(No)
Councilman Oliver Gilbert, III	___(Yes)	___(No)
Councilwoman Barbara Watson	___(Yes)	___(No)
Councilwoman Sharon Pritchett	___(Yes)	___(No)
Councilman André Williams	___(Yes)	___(No)

Resolution No. 2009-105-1050

RESOLUTION No. 2009-105-1050

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS IN SUBSTANTIAL FORM WITH DIAMOND POINT AT MIAMI GARDENS, LLC, FOR AN AMOUNT NOT TO EXCEED ONE MILLION, SEVEN HUNDRED SIXTEEN THOUSAND, FIVE HUNDRED TWENTY-NINE DOLLARS AND 70/100 (\$1,716,529.70) AND ABSOLUTE DEMOLITION, INC., IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000.00) FOR REHABILITATION AND DEMOLITION SERVICES OF CERTAIN PROPERTY IN ACCORDANCE WITH THE CITY'S NEIGHBORHOOD STABILIZATION PLAN; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") has provided Neighborhood Stabilization funds to assist local governments with acquiring abandoned and foreclosed upon properties for demolition, rehabilitation and sale, and

WHEREAS, the City of Miami Gardens was awarded Six Million, Eight Hundred Sixty-Six Thousand, One Hundred Nineteen Dollars and 02/100 (\$6,866,119.02) through the Program, and

WHEREAS, City staff has prepared a Request for Proposal to obtain proposals from interested entities who could provide services on behalf of the City in accordance with the City's Neighborhood Stabilization Plan, and

WHEREAS, six proposals were received in response to the RFP, and a staff evaluation committee is recommending that the City Council award a Sub-Recipient Agreement to Diamond Point At Miami Gardens, LLC, for the purchase and rehabilitation of the property located at 17300 N.W. 7<sup>th</sup> Avenue, in the amount of One Million, Seven Hundred Sixteen Thousand, Five Hundred Twenty-Nine Dollars and

Resolution No. 2009-105-1050

70/100 (\$1,716,529.70), and that the City contract with Absolute Demolition, Inc., for demolition services in an amount not to exceed One Hundred Thirty Thousand Dollars (\$130,000.00),

NOW THEREFORE, BE IT RESOLVED 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 Resolution.

Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens hereby authorizes the City Manager to negotiate and execute Sub-Recipient Agreements in substantial form as those Agreements attached hereto with Diamond Point at Miami Gardens, LLC, and Absolute Demolition, Inc.

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON MAY 27, 2009.

ATTEST:

  
SHIRLEY GIBSON, MAYOR

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

Resolution No. 2009-105-1050

MOVED BY: Councilman Gilbert  
SECONDED BY: Councilman Bratton

**VOTE:** 6-1

Mayor Shirley Gibson	<u>  x  </u> (Yes)	<u>    </u> (No)
Vice Mayor Barbara Watson	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilman Melvin L. Bratton	<u>  x  </u> (Yes)	<u>    </u> (No)
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>    </u> (Yes)	<u>  x  </u> (No)
Councilman André Williams	<u>  x  </u> (Yes)	<u>    </u> (No)

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1515 NW 167 Street, Building 5 Suite 200  
Miami Gardens, Florida 33169

## City of Miami Gardens Agenda Cover Memo

<b>Council Meeting Date:</b>	<b>May 27, 2009</b>		<b>Item Type:</b>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b>
			(Enter X in box)	X		
<b>Fiscal Impact:</b> (Enter X in box)	Yes	No	<b>Ordinance Reading:</b> (Enter X in box)	<b>1st Reading</b>		<b>2nd Reading</b>
		X	<b>Public Hearing:</b> (Enter X in box)	Yes	No	Yes No
<b>Funding Source:</b>	<b>Community Development Block Grant - NSP</b>		<b>Advertising Requirement:</b> (Enter X in box)	<b>Yes</b>		<b>No</b>
						X
<b>Contract/P.O. Required:</b> (Enter X in box)	Yes	No	<b>RFP/RFQ/Bid #:</b>	RFP#09-0044		
	X					
<b>Sponsor Name</b>	<b>Danny O. Crew, City Manager</b>		<b>Department:</b>	<b>Community Development</b>		

### Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS IN SUBSTANTIAL FORM WITH DIAMOND POINT AT MIAMI GARDENS, LLC, FOR AN AMOUNT NOT TO EXCEED ONE MILLION, SEVEN HUNDRED SIXTEEN THOUSAND, FIVE HUNDRED TWENTY-NINE DOLLARS AND 70/100 (\$1,716,529.70) AND ABSOLUTE DEMOLITION, INC., IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000.00) FOR REHABILITATION AND DEMOLITION SERVICES OF CERTAIN PROPERTY IN ACCORDANCE WITH THE CITY'S NEIGHBORHOOD STABILIZATION PLAN; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

### Staff Summary:

#### Background

In response to the national foreclosure crisis, the U.S. Department of Housing and Urban Development (HUD) provided Neighborhood Stabilization funds to assist local governments to acquire abandoned and foreclosed upon property for demolition, rehabilitation, and sale in areas of greatest need to revitalize

**ITEM K-2) RESOLUTION**  
**Demolition & Rehab. Services in accordance with the Neighborhood Stabilization Plan**

and stabilize the impacted communities. The State of Florida received \$541 million of federal funds, of which the City of Miami gardens was awarded \$6,866,119.02.

Each community receiving an allocation of NSP Funds was required to submit a substantial amendment to its Annual Action Plan. Compliance with this requirement was obtained on November 12, 2008 when the City Council approved the City's NSP plan and substantial amendment document. The City's NSP plan outlined the activities to be carried out by the City within the designated time period established by U.S. HUD.

The approved activities (and corresponding budget) reflected in the City's plan are as follows

1. Purchase and rehab of foreclosed properties for housing of individuals earning up to 50% of AMI	\$1,716,529.70
2. Demolition of abandoned housing units	\$130,000.00
3. Purchase of foreclosed properties for resale	\$2,000,000.00
4. Rehab of units for resale	\$957,977.42
5. Subsidy assistance for buyers of purchased properties	\$1,375,000.00
6. Program Administration	\$686,611.90
<b>Total NSP Funds Allocated</b>	<b>\$6,866,119.02</b>

### Current Situation

During the public hearing process (public workshop), the City Council was presented with options for the methodology to carry out the proposed activities. One option was to have City staff carry out the basic program activities, utilizing industry professionals (realtors, general contractors, etc.) where appropriate. The second option was to engage an entity that would function as a sub-grantee to the City and who would carry out all of the NSP activities on the City's behalf.

A Request for Proposal was prepared by staff to obtain proposals from interested entities (non-profit and for profit) for the NSP, (RFP#09-0044) and advertised on February 22, 2009. A broadcast notice was sent to 1,228 vendors, including several that had previously contacted the City expressing an interest in providing NSP related services. The RFP provided for applicants to bid on one or more of the NSP

activities. Fifteen (15) companies attended a pre-proposal conference but only six (6) proposals were received. All proposals were publicly opened and read on March 27, 2009.

Proposals were received from the following entities:

- Absolute Demolition, Inc, Miami, Florida;
- All-Site Construction, Riviera Beach, Florida;
- Diamond Point @ Miami Gardens, LLC, Boca Raton, Florida;
- One Stop Solution Inc., Tamarac, Florida;
- Neighborhood Housing Services of South Florida, Miami, Florida;
- RERG Development, LLC, Miami, Florida.

A copy of the RFP document and submittals are available for your review at the desk of the assistant to the Mayor and Council.

A selection/evaluation committee consisting of Carmen Quinn, NSP Administrator; Benjamin Sens, NSP Coordinator; Elizabeth Valera, Loan Program Manager; and Deborah Scott, Community Development Specialist II; evaluated all of the proposals received. A committee meeting was held on April 21, 2009, to discuss the proposals, ranking sheets and to determine recommendations. The committee directed the Procurement Manager to send out reference checks and obtain clarifications on some of the items submitted.

Following the receipt of the items requested, the committee determined that based on the proposals, references and clarifications that only Diamond Point at Miami Gardens, LLC (Activity # 1- Purchase and rehab of foreclosed properties for rental to households earning up to 50% of AMI) and Absolute Demolition, Inc. (Activity # 2 – Demolition of abandoned housing units) are recommended for funding award.

Diamond Point at Miami Gardens, LLC's proposal is a full gut rehabilitation of the property located at 17300 N.W. 7<sup>th</sup> Avenue (the old Parkway Hospital Building) and converting it into an Assisted Living Facility. A facility of this type meets the criteria for Activity # 1 because it will serve as permanent housing for individuals earning less than 50% of area median income. Moreover, it will meet an underserved need which is the City's very low income elderly population. This property meets the criteria established by HUD under the NSP, as it is abandoned and in an eligible census tract. The committee is recommending a conditional commitment for Diamond Point at Miami Gardens, LLC based on their ability to fill project funding gaps within 120 calendar days from the date of award.

Absolute Demolition, Inc's proposal is to provide city-wide demolition services to eliminate abandoned properties identified by the Code Enforcement and deemed to be blighted. Part of the intent of the NSP is to eliminate such properties as they have a negative effect on property values. The City's NSP plan projected the demolition of approximately 25 blighted housing units.

1515 NW 167 Street, Building 5 Suite 200  
Miami Gardens, Florida 33169

It should be noted that the entire RFP process along with the evaluation committee's recommendations were presented to the City's Affordable Housing Advisory Committee at their public meeting on Tuesday May 19, 2009. Committee members were given a summary of proposals received and feedback from evaluation committee members was provided. The Affordable Housing Advisory Committee was also tasked to serve as an appeal body for this RFP in the event any of the applicants wished to appeal. No appeal requests were received in accordance with the RFP document.

The attached resolution seeks City Council approval authorizing the City Manager to negotiate and execute an agreement with the recommended firms. The agreement with Diamond Point at Miami Gardens LLC would be for an amount not to exceed \$1,716,529.70 and is conditioned upon this firm providing full project funding commitments within 120 calendar days from the date of award. The agreement with Absolute Demolition, Inc. would be for an amount not to exceed \$130,000, which is the total amount allocated to the demolition activity in the City's NSP plan.

**Proposed Action:**

Staff recommends approval of the attached resolution authorizing the City Manager the authority to negotiate and execute the agreements (in substantial form) with the two (2) recommended firms.

**Attachment:**

Attachment A: Executive Summary (with exhibits)-Diamond Point at Miami Gardens, LLC  
Attachment B: NSP Contract Shell



**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b>	<b>May 12, 2010</b>		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b> <b>X</b>	<b>Ordinance</b>	<b>Other</b>	
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1st Reading</b>		<b>2nd Reading</b>	
		<b>X</b>	<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b> <b>X</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
<b>Funding Source:</b>	Community Development Block Grant - Recovery (CDBG-R)		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b> <b>X</b>		<b>No</b>	
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>	<b>N/A</b>			
		<b>X</b>					
<b>Sponsor Name</b>	<b>Danny Crew, City Manager</b>		<b>Department:</b>	<b>Community Development</b>			

**Short Title:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING THE CITY'S CDBG-R SUBSTANTIAL AMENDMENT; AUTHORIZING THE CITY MANAGER TO SUBMIT THE AMENDMENT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.**

**Staff Summary:**

**Background**

On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act of 2009 (Recovery Act). Under the Recovery Act, \$1 billion in Community Development Block Grant (CDBG-R) funds was appropriated for local governments to carry out eligible activities on an expedited basis. The City of Miami Gardens was awarded \$371,207 in CDBG-R Funds.

The City Council approved a Substantial Amendment to the 2008-09 Annual Action Plan on May 27, 2009, which outlined the following projects and budget for the CDBG-R funds:

Housing Rehab (energy efficiency emphasis)	\$205,681
Infrastructure Improvements (existing projects)	\$128,405
Admin (10%)	<u>\$ 37,121</u>
<b>Total CDBG-R</b>	<b>\$371,207</b>

**ITEM L-2) RESOLUTION  
CONSENT AGENDA  
CDBG-R Substantial Amendment**

## Current Situation

Recently the City received its full award of \$989,200 in Energy Efficiency and Conservation Block Grant (EECBG) funds from the Department of Energy (DOE). One of the activities that will be carried out with these funds is a Home Energy Efficiency Retrofit Program. Due to this additional funding from DOE, the Department of Community Development proposes to move \$55,681.05 (or 15%) of CDBG-R funding from the Housing Rehab (energy efficiency emphasis) activity to a Public Services activity that will be awarded at a later date through a competitive procurement process.

The following is the proposed activities and budget for the CDBG-R funds:

Housing Rehab (energy efficiency emphasis)	\$ 150,000
Infrastructure Improvements (existing projects)	\$ 128,405
Public Services	\$ 55,681
Admin (10%)	<u>\$ 37,121</u>
<b>Total CDBG-R</b>	<b>\$371,207</b>

The Code of Federal Regulations that govern CDBG Funds allows for a maximum of 15% of the total award (\$371,207) to be made available for Public Services programs, in this instance, \$55,681. Public Services activities can include, but are not limited to: services for seniors and youth, services for homeless individuals or families, recreational and public safety programs, and job training and creation.

A resolution is needed in order to amend the CDBG-R Substantial Amendment to move \$55,681 out of Housing Rehab and into Public Services.

## **Proposed Action:**

Staff recommends the approval of the proposed resolution amending the CDBG-R Substantial Amendment and authorizing the City Manager to submit the amendment to HUD.

## **Attachments:**

- CDBG-R Substantial Amendment

RESOLUTION No. 2010-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING THE CITY'S CDBG-R SUBSTANTIAL AMENDMENT; AUTHORIZING THE CITY MANAGER TO SUBMIT THE AMENDMENT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 17, 2009, President Barack Obama signed the American Recovery and Reinvestment Act of 2009 ("Recovery Act"), and

WHEREAS, the City of Miami Gardens was awarded Three Hundred Seventy-One Thousand, Two Hundred Seven Dollars (\$371,207.00) in Community Development Block Grant ("CDBG-R") funds, and

WHEREAS, on May 27, 2009, the City Council approved a substantial amendment to the 2008-09 Annual Action Plan to provide for the additional sums, and

WHEREAS, the City recently received an award of Nine Hundred Eighty-Nine Thousand, Two Hundred Dollars (\$989,200.00) in Energy Efficiency and Conservation Block Grant ("EECBG") from the Department of Energy, and

WHEREAS, one of the activities to be carried out with the funds is a Home Energy Efficiency Retrofit Program, and

WHEREAS, due to the additional funding from the Department of Energy, Staff proposes to move Fifty-Five Thousand, Six Hundred and Eighty-One Dollars and 05/100 Cents (\$55,681.05), fifteen percent (15%) of the CDBG-R funding from the Housing Rehab activity to a public service entity to be awarded at a later date through a competitive procurement process, and



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MOVED BY: \_\_\_\_\_

**VOTE:** \_\_\_\_\_

Mayor Shirley Gibson	___(Yes)	___(No)
Vice Mayor Aaron Campbell, Jr.	___(Yes)	___(No)
Councilman Melvin L. Bratton	___(Yes)	___(No)
Councilman Oliver Gilbert, III	___(Yes)	___(No)
Councilwoman Barbara Watson	___(Yes)	___(No)
Councilwoman Sharon Pritchett	___(Yes)	___(No)
Councilman André Williams	___(Yes)	___(No)



**Community Development Block Grant Program  
(CDBG-R)**

Funding Under the American Recovery and Reinvestment Act of 2009  
(Notice FR-5309-N-01)

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**The Annual Action Plan Substantial Amendment  
FY 2008-09 Annual Action Plan**

**City of Miami Gardens**  
Department of Community Development  
1515 NW 167 Street, Bldg. 5, Suite 200  
Miami Gardens, Florida 33169

June 4, 2009

REVISED MAY 12, 2010

**THE CDBG-R SUBSTANTIAL AMENDMENT**

Jurisdiction(s): City of Miami Gardens	CDBG-R Contact Person: Daniel A. Rosemond
Jurisdiction Web Address: • <a href="http://www.miamigardens-fl.gov/cd">www.miamigardens-fl.gov/cd</a>	Address: 1515 NW 167 Street Bldg. 5, Suite 200 Miami Gardens, FL 33169
	Telephone: 305-622-8000 ext. 2380
	Fax: 305-622-8046
	Email: <a href="mailto:drosemond@miamigardens-fl.gov">drosemond@miamigardens-fl.gov</a>

**ENSURING RESPONSIBLE SPENDING OF RECOVERY ACT FUNDS**

Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the Nation’s infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the Department strongly suggests that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting projects for CDBG-R funding.

The City of Miami Gardens proposes this substantial amendment to its Program Year 2008 Annual Action plan to carry out activities in accordance with CDBG-R program requirements. CDBG-R funds will be utilized in two activities (housing rehabilitation & infrastructure improvements) that will promote energy efficiency and conservation and job creation. Both activities will expand on existing programs that are already in progress, but has limited fund available to complete the project.

Rehabilitation will be performed to existing single-family housing stock to benefit low income individuals and households. The housing rehab program has policies already in place with guidelines specific to contractor selections. By following the existing housing policies, the City will meet the HUD requirement of awarding contracts based on bids within 120 days from the date the funds are made available.

Infrastructure improvements will be done in an area previously identified as a one of the lowest income census tracts in the City. The City will use at least 50% of the funds for activities within this designated area that can be initiated not later than 120 days after the date of the enactment of this Recovery Act.

100% of funds for the two activities will be utilized for low income population. Also, ten percent (10%) of the CDBG-R funds will be utilized for administration of the program.

## ***A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES***

Grantees must provide information concerning CDBG-R assisted activities in an electronic spreadsheet provided by HUD. The information that must be reported in the spreadsheet includes activity name, activity description, CDBG-R dollar amount budgeted, eligibility category, national objective citation, additional Recovery Act funds for the activity received from other programs, and total activity budget. An electronic copy of the spreadsheet and the format is available on HUD's recovery website at <http://www.hud.gov/recovery>.

CDBG-R

ACTIVITY DATA SPREADSHEET

Jurisdiction/Grantee Name: City of Miami Gardens		CDBG-R Fomula Grant Amount: \$371,207				Date: May 12, 2010	
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget
Housing Rehabilitation	Rehabilitation of single family homes with emphasis on energy efficiency including but not limited to structural hardening, electrical upgrades, and plumbing repairs.	570.202	LMH	\$ 150,000	\$0		\$ 150,000
Infrastructure Improvements	Expansion of existing infrastructure activities including street improvements within areas of the City that have already been identified. These improvements will include but are not limited to street drains, sidewalk repair, and streetscape.	570.201(c)	LMA	\$128,405	\$0		128,405
Program Administration	Overall program management, coordination, monitoring and evaluation of activities	570.206	N/A	\$37,121	\$0		37,121
Public Services	Expansion of existing public services activities within the City, including but not limited to job training and creation.	570.201(e)	LMC	\$55,681	\$0		55,681
							0
							0
							0
							0
							0
							0
							0
							\$ 371,207

## ***B. CDBG-R INFORMATION BY ACTIVITY (COMPLETE FOR EACH ACTIVITY)***

(1) Activity Name:

**Activity # 01 -Housing Rehabilitation**

(2) Activity Narrative:

Rehabilitation of single family homes with emphasis on energy efficiency and conservation including but not limited to structural hardening, electrical upgrades, and plumbing repairs. Where appropriate, construction will be performed with an emphasis on energy efficiency and materials purchased for this activity will be energy rated or recycled. 100% of the grant funds will benefit low income individuals and households.

(3) Jobs Created: (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs)).

It is estimated that approximately 5 jobs will be created through this activity. These jobs will be primarily in the area of construction.

(4) Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

This activity will stimulate the local economy in several ways.

- Providing jobs for general contractors and subcontractors that are in our current pool of over sixty (60) contractors. Most of these entities are small business owners that have been hardest hit by the recession.
- The purchase of materials from local vendors and manufacturers that have a focus on providing energy efficient products to the public.
- Reduction in homeowner's energy usage through the installation of energy efficiency products and materials. Homeowners will also benefit economically through the reduction in energy bills and insurance premiums.

(5) Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

City of Miami Gardens  
Department of Community Development  
Daniel A. Rosemond, Assistant City Manager/Community Development Director  
1515 NW 167 Street  
Bldg. 5, Suite 200  
Miami Gardens, Florida 33169

(6) Activity Name:

**Activity # 02 –Infrastructure Improvements**

(7) Activity Narrative:

The infrastructure improvements proposed in this activity will expand an existing Bunche Park NRSA projects located in census tracts 00403-5, 00402-3 and 00402-4. Improvements will include street improvements within areas of the City that have already been identified. These improvements will include but are not limited to street drains, sidewalk repair, and streetscape. 100% of the grant amount will benefit low income individuals and households.

(8) Jobs Created: (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs)).

It is estimated that approximately 4 jobs will be created through this activity. These jobs will be primarily in the area of construction.

(9) Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

- All work performed in this activity will be consistent with smart growth practices of creating walkable neighborhoods.
- Trees will be planted that will require only limited irrigation while providing maximum shading benefit to the public access areas and surrounding buildings.
- Projects will be developed with an emphasis of conservation of natural resources.

(10) Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

City of Miami Gardens  
Department of Community Development  
Daniel A. Rosemond, Assistant City Manager/Community Development Director  
1515 NW 167 Street  
Bldg. 5, Suite 200  
Miami Gardens, Florida 33169

(11)Activity Name:

**Activity # 03 - Administration and Planning**

(12)Activity Narrative:

Overall program management, coordination, monitoring and evaluation of activities in accordance with all statutory and regulatory requirements of the CDBG-R program and funding under the American Recovery and Reinvestment Act of 2009

(13)Jobs Created: (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs).

Not applicable

(14)Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

Not applicable

(15)Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

City of Miami Gardens  
Department of Community Development  
Daniel A. Rosemond, Assistant City Manager/Community Development Director  
1515 NW 167 Street  
Bldg. 5, Suite 200  
Miami Gardens, Florida 33169

(16) Activity Name:

Activity #04 - Public Services

(17) Activity Narrative:

Expansion of the existing public services program being offered through the City. Particular emphasis will be placed on job training and job creation activities. These activities will assist the City of Miami Gardens in moving closer to achieving its goal of providing sustained services for the residents of Miami Gardens.

(18) Jobs Created: (Report the number of full- and part-time jobs estimated to be created and retained by the activity (including permanent, construction, and temporary jobs)).

It is estimated that approximately 5 jobs will be created through this activity. These jobs will be primarily in the area of construction.

(19) Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.)

This activity will stimulate the local economy in several ways.

- Providing jobs and job skills training (if needed) for unemployed residents of the City.
- Contractors that are located in the City will receive preference according to the City's purchasing code, further stimulating the local economy.

(20) Responsible Organization: (Contact information for the organization that will implement the CDBG-R activity, including its name, location, and administrator contact information)

City of Miami Gardens

Department of Community Development

Daniel A. Rosemond, Assistant City Manager/Community Development Director

1515 NW 167 Street

Bldg. 5, Suite 200

Miami Gardens, Florida 33169

## *C. PUBLIC COMMENT*

Provide a summary of public comments received to the proposed CDBG-R Substantial Amendment.

**Note:** A Proposed CDBG-R Substantial Amendment must be published via the usual methods and posted on the jurisdiction's website for no less than 7 calendar days for public comment.

### Response:

On May 3, 2009, the City of Miami Gardens placed a Notice of Substantial Amendment in The Miami Herald, a newspaper of general circulation informing the public of a twelve (12) day comment period for the Substantial Amendment, exceeding the seven day public comment period required in the HUD Notice for the comment period. Subsequently, on May 24, 2009, a notice was placed in The Miami Herald announcing a public hearing scheduled for May 27, 2009, at which time; citizens are given another opportunity to comment on the use of the CDBG-R funds. Additionally, the draft Substantial Amendment was posted on the City's website at [www.miamigardens-fl.gov/cd](http://www.miamigardens-fl.gov/cd).

No public comments were received relative to the CDBG-R Substantial Amendment at the Public Hearing or in writing.

### Public Comment on Amendment to the Substantial Amendment:

On May 2, 2010, the City of Miami Gardens placed a Notice of Substantial Amendment and Public Hearing in the Miami Herald, a newspaper of general circulation, informing the public of a seven (7) day comment period for the Substantial Amendment and announcing a public hearing scheduled for May 12, 2010. Additionally, the draft Substantial Amendment was posted on the City's website at [www.miamigardens-fl.gov/cd/index.html](http://www.miamigardens-fl.gov/cd/index.html).



**City of Miami Gardens  
Agenda Cover Memo**

<b>Council Meeting Date:</b>	<b>May 12, 2010</b>		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b> <b>X</b>	<b>Ordinance</b>	<b>Other</b>	
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1st Reading</b>		<b>2nd Reading</b>	
		<b>X</b>	<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b> <b>X</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
<b>Funding Source:</b>	Homeless Prevention and Rapid Re-housing Program (HPRP)		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b> <b>X</b>		<b>No</b>	
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>	<b>N/A</b>			
		<b>X</b>					
<b>Sponsor Name</b>	<b>Danny Crew, City Manager</b>		<b>Department:</b>	<b>Community Development</b>			

**Short Title:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING THE HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM SUBSTANTIAL AMENDMENT TO THE 2008-09 ANNUAL ACTION PLAN; AUTHORIZING THE CITY MANAGER TO SUBMIT THE AMENDMENT TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE**

**Staff Summary:**

**Background**

On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act of 2009 (Recovery Act). Congress has designated that \$1.5 billion of these funds be used for the Homelessness Prevention Fund, also referred to as the Homelessness Prevention and Rapid Re-Housing Program (HPRP), under Title XII of the Recovery Act. HPRP allows communities to provide financial assistance and services to either prevent individuals and families from becoming homeless or help those who are experiencing homelessness to be quickly re-housed and stabilized. The City of Miami Gardens was awarded \$567,612 in HPRP Funds.

The City Council approved a Substantial Amendment to the 2008-09 Annual Action Plan on May 13, 2009, which outlined the following activities and budget for HPRP funds:

**ITEM L-3) RESOLUTION  
PUBLIC HEARING  
Ameding the Homelessness Prevention and  
Rapid Re-Housing Program**

<b>HPRP Budget Summary</b>			
	<b>Homelessness Prevention</b>	<b>Rapid Re-housing</b>	<b>Total Amount Budgeted</b>
Financial Assistance	169,869	\$100,000	\$269,869
Housing Relocation and Stabilization Services	\$185,500	\$46,260	\$231,760
<b>Subtotal</b> (add previous two rows)	<b>\$355,369</b>	<b>\$146,260</b>	<b>\$501,629</b>
Data Collection and Evaluation			37,602
Administration (up to 5% of allocation)			28,381
<b>Total HPRP Amount Budgeted</b>			<b>\$567,612</b>

**Current Situation**

After an initial six (6) months of administering the HPRP, the City has determined that the greatest need in Miami Gardens is in the Homelessness Prevention category. Ninety-seven percent (30 clients) of residents assisted in the first six (6) months of the program have been under this category, and 3% (1 client) of the residents received assistance under the Rapid Re-housing category. Therefore, in an effort to categorize the funds so that the residents of Miami Gardens will receive the most benefit, and to ensure that funds are spent expeditiously, the Department of Community Development is proposing that the budget be amended as follows:

<b>HPRP Proposed Budget Summary</b>					
	<b>Homelessness Prevention</b>		<b>Rapid Re-housing</b>		<b>Total Amount Budgeted</b>
	<u>Original</u>	<u>Proposed</u>	<u>Original</u>	<u>Proposed</u>	
Financial Assistance	\$169,869	<b>\$268,769</b>	\$100,000	<b>\$1,100</b>	\$269,869
Housing Relocation and Stabilization Services	\$185,500	<b>\$230,628</b>	\$46,260	<b>\$1,132</b>	\$231,760
<b>Subtotal</b> (add previous two rows)	\$355,369	<b>\$499,397</b>	\$146,260	<b>\$2,232</b>	<b>\$501,629</b>
Data Collection and Evaluation					37,602
Administration (up to 5% of allocation)					28,381
<b>Total HPRP Amount Budgeted</b>					<b>\$567,612</b>

A resolution is needed in order to amend the budget for the Homeless Prevention and Rapid Re-housing Program and submit the amendment to US HUD.

**Proposed Action:**

Staff recommends the approval of the proposed resolution amending the Homeless Prevention and Rapid Rehousing Program Substantial Amendment to the 2008-09 Annual Action Plan, and authorizing the City Manager to submit the amendment to US HUD.

## Attachments:

- HPRP Substantial Amendment

RESOLUTION No. 2010-

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING THE HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM SUBSTANTIAL AMENDMENT TO THE 2008-09 ANNUAL ACTION PLAN; AUTHORIZING THE CITY MANAGER TO SUBMIT THE AMENDMENT TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 17, 2009, President Barack Obama signed the American Recovery and Reinvestment Act of 2009 (“Recovery Act”), and

WHEREAS, Congress has designated that \$1.5 Billion Dollars of these funds be used for the Homeless Prevention and Rapid Re-Housing Program (“HPRP”), and

WHEREAS, HPRP allows communities to provide financial assistance and services to either prevent individuals and families from becoming homeless or help those who are experiencing homelessness to quickly be re-housed and stabilized, and

WHEREAS, the City of Miami Gardens was awarded Five Hundred Sixty-Seven Thousand, Six Hundred Twelve Dollars (\$567,612.00) in HPRP funds, and

WHEREAS, on May 13, 2009, the City Council approved a Substantial Amendment to the 2008-09 Annual Action Plan outlining certain activities for the HPRP funds, and

WHEREAS, staff has determined that the greatest need in Miami Gardens is the homelessness prevention category, and

WHEREAS, ninety-seven percent (97%) of residents assisted in the first six (6) months of the Program have been under this category, and

1 WHEREAS, City staff is recommending that the City Council authorize an  
2 amendment to the Homelessness Prevention and Rapid Re-Housing Program  
3 Substantial Amendment in order to provide for more funding in the homeless prevention  
4 category as outlined in the Staff Report attached hereto as Exhibit "A,"

5 NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
6 OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

7 Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas  
8 paragraphs are hereby ratified and confirmed as being true, and the same are hereby  
9 made a specific part of this Resolution.

10 Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens  
11 hereby authorizes an amendment to the Homelessness Prevention and Rapid Re-  
12 Housing Program Substantial Amendment to the 2008-09 Annual Action Plan. The City  
13 Council further authorizes the City Manager to submit the Amendment to the U.S.  
14 Department of Housing and Urban Development.

15 Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately  
16 upon its final passage.

17 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS  
18 AT ITS REGULAR MEETING HELD ON MAY 12, 2010.

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SHIRLEY GIBSON, MAYOR

ATTEST:

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RONETTA TAYLOR, MMC, CITY CLERK

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PREPARED BY: SONJA K. DICKENS, CITY ATTORNEY

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: \_\_\_\_\_

**VOTE:** \_\_\_\_\_

Mayor Shirley Gibson	___(Yes)	___(No)
Vice Mayor Aaron Campbell, Jr.	___(Yes)	___(No)
Councilman Melvin L. Bratton	___(Yes)	___(No)
Councilman Oliver Gilbert, III	___(Yes)	___(No)
Councilwoman Barbara Watson	___(Yes)	___(No)
Councilwoman Sharon Pritchett	___(Yes)	___(No)
Councilman André Williams	___(Yes)	___(No)



# **Homeless Prevention and Rapid Re-Housing Program**

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**The Annual Action Plan Substantial Amendment**

**City of Miami Gardens**  
Department of Community Development  
1515 NW 167 Street, Bldg. 5, Suite 200  
Miami Gardens, Florida 33169

**REVISED**  
**May 12, 2010**

## Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

### Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

Grantees eligible to receive funds under the Homelessness Prevention and Rapid Re-Housing Program (HPRP) are required to complete a substantial amendment to their Consolidated Plan 2008 Action Plan. This form sets forth the required format for this substantial amendment. A completed form is due to HUD within 60 days of the publication of the HUD HPRP notice.

To aid grantees in meeting this submission deadline, the HPRP Notice reduces the requirement for a 30-day public comment period to no less than 12 calendar days for this substantial amendment. With this exception, HPRP grantees are required to follow their Consolidated Plan's citizen participation process, including consultation with the Continuum of Care (CoC) in the appropriate jurisdiction(s). Grantees are also required to coordinate HPRP activities with the CoC's strategies for homeless prevention and ending homelessness. To maximize transparency, HUD strongly recommends that each grantee post its substantial amendment materials on the grantee's official website as the materials are developed.

A complete submission contains the following three documents:

- 1) A signed and dated SF-424,
- 2) A completed form HUD-40119 (this form), and
- 3) Signed and dated General Consolidated Plan and HPRP certifications.

For additional information regarding the HPRP program, visit the HUD Homelessness Resource Exchange ([www.hudhre.info](http://www.hudhre.info)). This site will be regularly updated to include HPRP resources developed by HUD and its technical assistance providers.

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The information collection requirements contained in this application have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

*Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.*

Public reporting burden for this collection of information is estimated to be 16 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is required to obtain benefits. To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the substantial amendment to the Consolidated Plan 2008 Action Plan does not request the submission of such information.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

## Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

### A. General Information

<b>Grantee Name</b>	City of Miami Gardens
<b>Name of Entity or Department Administering Funds</b>	Department of Community Development
<b>HPRP Contact Person</b> (person to answer questions about this amendment and HPRP)	Daniel A. Rosemond
<b>Title</b>	Assistant City Manager, Director, Department of Community Development
<b>Address Line 1</b>	1515 NW 167 Street
<b>Address Line 2</b>	Bldg. 5, Suite 200
<b>City, State, Zip Code</b>	Miami Gardens, Florida 33169
<b>Telephone</b>	305-622-8000
<b>Fax</b>	305-622-8046
<b>Email Address</b>	drosemond@miamigardens-fl.gov
<b>Authorized Official</b> (if different from Contact Person)	Danny O. Crew
<b>Title</b>	City Manager
<b>Address Line 1</b>	1515 NW 167 Street
<b>Address Line 2</b>	Bldg. 5, Suite 200
<b>City, State, Zip Code</b>	Miami Gardens, Florida 33169
<b>Telephone</b>	305-622-8000
<b>Fax</b>	305-622-8041
<b>Email Address</b>	crewd@miamigardens-fl.gov
<b>Web Address where this Form is Posted</b>	www.miamigardens-fl.gov/cd

<b>Amount Grantee is Eligible to Receive*</b>	<b>\$567,612</b>
<b>Amount Grantee is Requesting</b>	<b>\$567,612</b>

\*Amounts are available at <http://www.hud.gov/recovery/homelesspreventrecov.xls>

## Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

### **B. Citizen Participation and Public Comment**

1. Briefly describe how the grantee followed its citizen participation plan regarding this proposed substantial amendment (limit 250 words).

Response:

**As required by the Department of Housing and Urban Development (HUD) Rules and Regulations, the City of Miami Gardens complies with regulation 24 CFR 91.105, Citizen Participation Plan for local governments. The City has adopted a citizen participation plan that sets forth the City's policies and procedures for citizen participation.**

**The City will advertise proposed allocations and the availability of Federal funds in newspaper of local circulation and on the City's website. Notices will also be circulated to schools, places of worship, and public facilities throughout the community to encourage participation by low and moderate-income persons, particularly those living in slum and blighted areas of the City, as defined by HUD, and in areas where CDBG funds are proposed to be used. In addition, the City has taken the necessary steps to encourage the participation of all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities. The City offers translation services for any public meeting or public hearing, if the request for such services is requested four days in advance of the meeting. In addition, all meetings have been conducted in areas that are accessible to persons with disabilities.**

**The City, on an annual basis, will make available to citizens, public agencies, and other interested parties, information that includes: the amount of assistance the City expects to receive, including specific grant funds; available unspent prior year funds; and related program income. The City will also disclose the range of activities that may be undertaken, including the estimated amount that will benefit persons of low and moderate income.**

2. Provide the appropriate response regarding this substantial amendment by checking one of the following options:
  - Grantee did not receive public comments.
  - Grantee received and accepted all public comments.
  - Grantee received public comments and did not accept one or more of the comments.
3. Provide a summary of the public comments regarding this substantial amendment. Include a summary of any comments or views not accepted and the reasons for non-acceptance.

## Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

Response:

On April 16, 2009, the City published the notice of substantial amendment in the Miami Herald newspaper. The notice indicated that written comments would be received until April 27, 2009 and a public hearing was scheduled for May 13, 2009. No written comments were received regarding the HPRP proposed activities.

During the public hearing, several comments were made. Some comments were not relevant to HPRP. Below is a summary of comments received during the public hearing.

**Public Comment:** Regarding abandoned homes in the city, an arrangement should be made with the owners (banks) of those properties to allow the city to rent the houses utilizing HUD funds. **City Response:** *We have another program that deals with abandoned homes. The HPRP funds are not appropriate for this purpose.*

**Public Comment:** Will the community be notified about the program? **City Response:** *The program will be advertised in the newspaper and it will also be posted on the City's website.*

The City Council also made comments on proposed HPRP activities. The comments included questions on the statistics of homeless persons in the city, whether the program would provide services for victims of domestic violence and persons aging out of the foster care program. Staff responded to that the program is intended for persons at risk of homelessness as well as those that maybe homeless. It was also stated that the city proposed program would provide services to persons exiting the foster care programs and victims of domestic violence.

### C. Distribution and Administration of Funds

Reminder: The HPRP grant will be made by means of a grant agreement executed by HUD and the grantee. The three-year deadline to expend funds begins when HUD signs the grant agreement. Grantees should ensure that sufficient planning is in place to begin to expend funds shortly after grant agreement.

1. Check the process(es) that the grantee plans to use to select subgrantees. Note that a subgrantee is defined as the organization to which the grantee provides HPRP funds.

Competitive Process

Formula Allocation

## Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

Other (Specify: \_\_\_\_\_)

2. Briefly describe the process(es) indicated in question 1 above (limit 250 words).

Response:

**The City of Miami Gardens Department of Community Development released a Request For Proposals (RFP) on June 5, 2009. The solicitation invited experienced organizations and community agencies to submit proposals for activities to be funded under the HPRP program. The RFP document was made available for download on the City's website at [www.miamigardens-fl.gov/cd](http://www.miamigardens-fl.gov/cd). On June 19, 2009, a pre-bid meeting was held with prospective proposers. Proposals must be submitted by the July 10, 2009 submission deadline. City staff will review proposals and make funding recommendations by July 24, 2009. Recommended agencies will receive written notification. Notice of proposed funding will be published in the Miami Herald newspaper on August 2, 2009 and on the City's website. Any agency wishing to appeal the funding recommendations can do so during the period of August 3 – 5, 2009. Funding recommendations will be presented to the City Council on September 9, 2009 for final approval. As per the Notice, Sub-recipient agreement(s) will be executed with selected agency(ies) by September 30, 2009.**

3. Briefly describe the process the grantee plans to use, once HUD signs the grant agreement, to allocate funds available to subgrantees by September 30, 2009, as required by the HPRP Notice (limit 250 words).

Response:

**Immediately upon City Council approval, sub-recipient agreement(s) will be developed. The agreement(s) will include a detail work plan and obligations as set forth by HUD regulations in the HPRP Notice. City staff will work collaboratively with the agencies(ies) in developing the program policies and procedures, programmatic design, outreach plans, referral processes, appropriate intake process and forms. Consistent with HPRP requirements, City staff will provide assistance as it relates to HMIS training and implementation, program timelines and performance benchmarks. A comprehensive public outreach campaign will be carried out to make citizens aware of the program. The agency(ies) will be ready to start providing assistance on October 1, 2009 in accordance with the terms of the sub-recipient agreement(s).**

4. Describe the grantee's plan for ensuring the effective and timely use of HPRP grant funds on eligible activities, as outlined in the HPRP Notice. Include a description of how the grantee plans to oversee and monitor the administration and use of its own HPRP funds, as well as those used by its subgrantees (limit 500 words).

## Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

Response:

To ensure the use of HPRP funds in an effective and timely manner the City will follow its monitoring procedures accordingly, as outlined in the 2006-2011 Consolidated Plan. Quarterly on-site monitoring visits will be conducted for each sub-grantee during the program year. As needed, new sub-grantees may be visited more frequently to answer questions and check on program progress. A monitoring schedule will be prepared and the sub-grantee visits will be prioritized by determining if an organization is considered high risk.

A monitor will contact the agency to explain the purpose of monitoring and schedules a date and time for the on-site visit. Once this is completed, a confirmation letter will be sent prior to the scheduled visit to confirm all aspects of the monitoring and to explain what can be expected. In preparation for the monitoring visit, the monitor will review all written data on file for the sub-recipient, such as application for HPRP funding, written agreement and amendments, monthly reporting requirements, documentation of previous monitoring, and copies of audits.

During the actual visit, a thorough review of the sub-recipient's files ensures they comply with all regulations governing their administrative, financial and programmatic operations and that they are achieving their performance objectives within schedule and budget. A clear written record of the on-site visit is kept by using one or more of the City's monitoring checklists. The assigned monitor will fill out the form during the visit.

At the end of the visit, the monitor concludes the visit by reviewing the tentative conclusions from the monitoring. At this point, there will be a clear understanding between the monitor and sub-recipient of the areas of disagreement and agreement regarding the monitoring results. Once the on-site visit is completed, the monitor prepares a formal written letter describing the results of the visit, providing recognition of the sub-recipient's strengths and weaknesses. A copy of this letter should be kept on file with the sub-recipient's grant agreement and monthly reports.

If the sub-recipient is experiencing problems or is failing to comply with regulations, these issues will be specifically outlined in the monitoring follow-up letter, along with recommendations or requirements to address and rectify the problems. If a concern or finding is issued for noncompliance with Federal rules and regulations, a monitoring follow-up letter will provide recommendations on how the situation can be remedied, but no additional action is required. When a finding is issued, the monitoring follow-up letter will identify a deadline for

## Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

when the specific issues must be corrected. The monitor will then follow-up with the organization to make sure that corrective actions have been made.

For situations in which the recommended corrections have not been made, the organization will be placed on a probationary period, which must be approved by the Community Development Director, until the issues have been rectified and the sub-recipient is once again in compliance with Federal regulations and the grant agreement. If after these steps the agency has not resolved compliance issues, the HPRP funds will be recaptured and reallocated to other agencies for use in appropriate services.

### D. Collaboration

1. Briefly describe how the grantee plans to collaborate with the local agencies that can serve similar target populations, which received funds under the American Recovery and Reinvestment Act of 2009 from other Federal agencies, including the U.S. Departments of Education, Health and Human Services, Homeland Security, and Labor (limit 250 words).

Response:

**Collaboration between all city departments applying for funding under the Recovery Act have been established by the City to coordinate maximum benefit to similar target populations. Other departments applying for funds under the Recovery Act include but are not limited to the police department (Dept. of Justice), Parks and Recreation (Dept. of Health and Human Services), Public Works (Florida Dept. of Transportation & Miami-Dade County). Additionally, the department of community development will be submitting application for funding from the Dept. of Energy (Energy Efficiency & Conservation Block Grant). City staff will work with these departments and sub-grantees to identify other programs funded through the Recovery Act that would benefit the target population. Services including Temporary Assistance for Needy Families (TANF), childcare and employment services through South Florida Workforce, domestic violence services, and other types of public assistance will be coordinated through sub-grantees and city departments as appropriate.**

**The City will also reach out to other local agencies, faith-based organizations and not-for-profit entities in an effort to eliminate duplication of services and coordinate all benefits that may be available to the target population. Initial contact has already been made with the Miami-Dade Homeless Trust, Switchboard of Miami, and other local not-for-profit agencies to assess services offered to individuals that are homeless or at risk of becoming homeless. This coordination will continue throughout the program through meetings and written communication as well as telephone contacts. As additional information**

## Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

becomes available from federal agencies regarding Recovery Act funds that would benefit HPRP participants, the city will work aggressively to connect participants with the services available. This collaboration will continue throughout all stages of the program including planning, implementation and delivery of services to clients.

2. Briefly describe how the grantee plans to collaborate with appropriate Continuum(s) of Care and mainstream resources regarding HPRP activities (limit 250 words).

Response:

**The City of Miami Gardens in partnership with Miami-Dade County Homeless Trust operates under the Miami-Dade County Community Homeless Plan. The Miami-Dade County Homeless Trust serves as the lead agency implementing a countywide strategy to serve homeless individuals and families throughout the community. The Homeless Trust pools the Entitlement Jurisdiction funds for all of Miami-Dade County to fund a wide variety of Homeless Assistance programs. The City of Miami Gardens along with the cities of Miami, Miami Beach, Hialeah, and North Miami has joined in partnership with the Miami-Dade County Homeless trust to provide countywide Homeless Assistance Services.**

**The Homeless Trust pools the Entitlement Jurisdiction funds for all of Miami-Dade County to provide a wide variety of Homeless Assistance Programs. These funds will go directly to Miami Dade County for regional distribution. The City of Miami Gardens has mirrored the priorities of the Homeless Trust as our regional service provider.**

3. Briefly describe how HPRP grant funds for financial assistance and housing relocation/stabilization services will be used in a manner that is consistent with the grantee's Consolidated Plan (limit 250 words).

Response:

**The consolidated plan states that the determination of homeless needs is based on countywide homeless census reports done twice yearly by the Miami-Dade Homeless Trust**

**Individuals and families who are at risk of homelessness are served through a countywide Homeless Helpline, which provides case management, rental, mortgage and utility assistance to those at risk of homelessness. This category includes people who are facing evictions, living doubled up, or are un/underemployed. The City of Miami Gardens will accept referrals from the**

## Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

Homeless Helpline for its financial assistance and housing relocation/stabilization services.

### E. Estimated Budget Summary

HUD requires the grantee to complete the following table so that participants in the citizen participation process may see the grantee’s preliminary estimated amounts for various HPRP activities. Enter the estimated budget amounts for each activity in the appropriate column and row. The grantee will be required to report actual amounts in subsequent reporting.

**After an initial six (6) months of administering the HPRP, the City has determined that the greatest need in Miami Gardens is in the Homelessness Prevention category. Ninety-six percent (96%) of residents assisted in the first six (6) months of the program have been under this category, and 4% of the residents received assistance under the Rapid Re-housing category. Therefore, in an effort to categorize the funds so that the residents of Miami Gardens will receive the most benefit, and to ensure that funds are spent expeditiously, the budget is being amended as follows:**

<b>HPRP Estimated Budget Summary</b>					
	<b>Homelessness Prevention</b>		<b>Rapid Re-housing</b>		<b>Total Amount Budgeted</b>
	Original	<u>Proposed</u>	Original	<u>Proposed</u>	
Financial Assistance <sup>1</sup>	\$169,869	<u>\$268,769</u>	\$100,000	<u>\$1,100</u>	\$269,869
Housing Relocation and Stabilization Services <sup>2</sup>	\$185,500	<u>\$230,628</u>	\$46,260	<u>\$1,132</u>	\$231,760
<b>Subtotal</b> (add previous two rows)	<b>\$355,369</b>	<b><u>\$499,397</u></b>	<b>\$146,260</b>	<b><u>\$2,232</u></b>	<b>\$501,629</b>
Data Collection and Evaluation <sup>3</sup>					37,602
Administration (up to 5% of allocation)					28,381
<b>Total HPRP Amount Budgeted<sup>4</sup></b>					<b>\$567,612</b>

<sup>1</sup>Financial assistance includes the following activities as detailed in the HPRP Notice: short-term rental assistance, medium-term rental assistance, security deposits, utility deposits, utility payments, moving cost assistance, and motel or hotel vouchers.

## Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

<sup>2</sup>Housing relocation and stabilization services include the following activities as detailed in the HPRP Notice: case management, outreach, housing search and placement, legal services, mediation, and credit repair.

<sup>3</sup>Data collection and evaluation includes costs associated with operating HUD-approved homeless management information systems for purposes of collecting unduplicated counts of homeless persons and analyzing patterns of use of HPRP funds.

<sup>4</sup>This amount must match the amount entered in the cell on the table in Section A titled “Amount Grantee is Requesting.”

### **F. Authorized Signature**

By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete, and accurate to the best of my knowledge. I also provide the required assurances and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

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Signature/Authorized Official

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Date

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Title