

To: The Honorable Mayor and City Council

From: Maxine Calloway,  Esq., Director of Community Planning & Development

Date: April 10, 2012

RE: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A THIRD AMENDMENT TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS 2005 DISASTER RECOVERY INITIATIVE CDBG GRANT AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND MIAMI-DADE COUNTY TO PROVIDE FOR AN EXTENSION OF THE CONTRACT PERIOD AND FOR THE RECEIPT AND EXPENDITURE OF GRANT FUNDS IN AN AMOUNT NOT TO EXCEED THREE MILLION SEVEN HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$3,712,500.00) FOR HOUSING REHABILITATION PROJECTS; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES

RECOMMENDATION

Staff recommends the approval of this request to execute the third and fourth Amendments to the State of Florida Dept of Community Affairs 2005 Disaster Recovery Initiative (DRI) CDBG grant agreement between the City of North Miami and Miami-Dade County. The approval of this request allows the City to extend the contract time with Miami Dade County and to expend the balance of grant funds not to exceed five million, eight hundred and two thousand, seven hundred and sixty-four dollars and no cents (\$5,802,500.00) for "Round One" and "Round Two" and to complete all projects by June 30, 2012.

BACKGROUND

The City of North Miami was initially awarded One Million Five Hundred Ninety Thousand Dollars (\$1,590,000.00) under the State of Florida Department of Community Affairs 2005 Disaster Recovery CDBG Grant to assist low and moderate income families with housing rehabilitation. Subsequent to the initial award, the City entered into amendments with the County to accept additional allocations of Three Hundred and Seventy-Five Thousand Dollars and No Cents (\$375,000.00) and One Hundred and Twenty-Five Thousand Two Hundred

and Sixty-Four Dollars and No Cents (\$125,264.00). This "Round One" of the DRI funding was a total of Two Million and Ninety Thousand and Two Hundred and Sixty Four Dollars and No cents (\$2,090,264.00).

The City encumbered all the funding and expended more than ninety-five (95%) of the funds allocated in the DRI - Round One funding. The County in recognition of the City's expeditious expenditure of the funds, desires to amend the agreement to disburse the remaining grant funding not to exceed the total of the "Round One" Disaster Recovery Grant funding - Two Million and Ninety Thousand and Two Hundred and Sixty Four Dollars and No cents (\$2,090,264.00).

Subsequent to the initial award, the City entered into amendments with the County for "Round Two" of this Disaster Recovery CDBG Grant to accept additional allocations of Three Million Dollars and No Cents (\$3,000,000.00) and an additional allocation of Seven Hundred Twelve Thousand Dollars and No Cents (\$712,000.00). The County, in recognition of the City's expeditious expenditure of the funds, desires to amend the Agreement to disburse additional grant funding in an amount not to exceed Three Million Seven and Twelve Thousand Five Hundred Dollars and No Cents (\$3,712,500.00).

The City encumbered all the funding and expended more than ninety-five (95%) of the funds allocated in the DRI - Round Two funding. The County in recognition of the City's expeditious expenditure of the funds, desires to amend the agreement to disburse the remaining grant funding not to exceed the total of the "Round Two" Disaster Recovery Grant funding - Three Million Seven and Twelve Thousand Five Hundred Dollars and No Cents (\$3,712,500.00).

The City is required to utilize these funds to repair homes damaged as a result of 2005 hurricanes. To receive reimbursements of the additional grant funds the City must execute an Amended Agreement with the County which extends the completion date to June 30, 2012.

The Mayor and City Council will authorize the execution of this amendment to the agreement, in substantially the same form, as attached as "Exhibit A" and "Exhibit B" and the receipt and expenditure of funds for the purpose of housing rehabilitation. It is recommended that the City Manager be authorized to enter into and execute an amended agreement with the County to extend the time limit to June 30, 2012 for the 2005 Disaster Recovery CDBG funds not to exceed a total of Five Million Eight Hundred and Two Thousand Five Hundred (5,802,500.00) Dollars between the City of North Miami, Florida and Miami-Dade County for both Rounds One and Two.

Attachments

- 1) "Exhibit A" - Amendment Four, Round One-DRI Contract Extension document from Miami-Dade County.
- 2) "Exhibit B" - Amendment Three, Round Two-DRI Contract Extension document from Miami-Dade County.
- 3) Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A THIRD AMENDMENT TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS 2005 DISASTER RECOVERY INITIATIVE CDBG GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF NORTH MIAMI TO PROVIDE FOR AN EXTENSION OF THE CONTRACT PERIOD AND FOR THE RECEIPT AND EXPENDITURE OF GRANT FUNDS IN AN AMOUNT NOT TO EXCEED THREE MILLION SEVEN HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$3,712,500.00) FOR HOUSING REHABILITATION PROJECTS; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, the City of North Miami (“City”) was initially awarded One Million Five Hundred Ninety Thousand Dollars and No Cents (\$1,590,000.00) under the State of Florida Department of Community Affairs 2005 Disaster Recovery Initiative CDBG Grant to assist low and moderate income families with housing rehabilitation; and

WHEREAS, subsequent to the initial award, the City entered into amendments with the County for “Round Two” of this Disaster Recovery Initiative CDBG Grant to accept additional allocations of Three Million Dollars and No Cents (\$3,000,000.00) and Seven Hundred and Twelve Thousand Five Hundred Dollars and No Cents (\$712,500.00) to assist low and moderate income families with housing rehabilitation; and

WHEREAS, the City has encumbered all the funding and expended more than ninety-five percent (95%) of the funds allocated; and

WHEREAS, the County in recognition of the City’s expeditious expenditure of the funds, desires to amend the agreement to disburse the remaining grant funding not to exceed the total amount of this “Round Two” Disaster Recovery Grant funding of Three Million Seven Hundred Twelve Thousand Five Hundred Dollars and No Cents (\$3,712,500.00); and

WHEREAS, the City is required to utilize these funds to repair homes damaged as a result of the 2005 hurricanes; and

WHEREAS, to receive reimbursements of the additional Grant funds the City must execute an amended Agreement with the County which extends the completion date to June 30, 2012; and

WHEREAS, the Mayor and City Council desire to authorize the execution of this amendment to the agreement for the extension of the contract period and the receipt and expenditure of funds for the purpose of housing rehabilitation.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COUNCIL FO THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Authority to City Manager. The City Manager is hereby authorized to execute an amendment to the State of Florida Department of Community Affairs 2005 Disaster Recovery Initiative CDBG Grant Agreement between Miami-Dade County and the City of North Miami to provide for an extension of the contract period and for the receipt and expenditure of grants funds in an amount not to exceed Three Million Seven Hundred Twelve Thousand Five Hundred Dollars and No Cents (\$3,712,500.00) for housing rehabilitation projects.

Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of April, 2012.

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Andre D. Pierre, Esq.	_____	(Yes)	_____	(No)
Vice Mayor Jean R. Marcellus	_____	(Yes)	_____	(No)
Councilperson Michael R. Blynn, Esq.	_____	(Yes)	_____	(No)
Councilperson Scott Galvin	_____	(Yes)	_____	(No)
Councilperson Marie Erlande Steril	_____	(Yes)	_____	(No)

**AMENDMENT THREE TO THE
FY 2005 COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY INITIATIVE # 08-DB-D3-11-23-01-A-01
GOVERNMENTAL CONTRACT BETWEEN
MIAMI-DADE COUNTY
AND
THE CITY OF NORTH MIAMI**

This amendment amends the FY 2005 CDBG Contract (the "Contract") entered into between Miami-Dade County, hereinafter referred to as the "County" and The City of North Miami hereinafter referred to as the "Awardee" executed on June 8, 2009, is amended as follows:

IV. The Awardee and the County Agree:

A. Effective Date

2. This Contract shall expire on June 30, 2012. Any costs incurred by the Awardee beyond this date will not be reimbursed by the County. The term of this agreement and the provisions herein may be extended by the County to cover any additional time period during which the Awardee remains in control of the CDBG funds or other assets, including Program Income to support CDBG eligible activities. Any extension made pursuant to this paragraph shall be accomplished by a writing by the County to the Awardee. Such notice shall automatically become a part of this contract.

Attachment "A" is replaced with the new Attachment "A" attached herewith.
Attachment "B" is replaced with the new Attachment "B" attached herewith.

The effective date of this amendment is December 31, 2011.

This Amendment is intended to extend the Contract, until June 30, 2012. The Parties ratify and adopt all the provisions, duties and obligations of the Contract as if fully set forth herein.

This Amendment and all its attachments are hereby made a part of the Contract. Except for the changes enumerated herein, this agreement shall remain unchanged.

IN WITNESS THEREOF the parties agree to the mutual covenants herein contained and have caused this three (03) page Amendment to the Contract to be executed on their behalf this day of _____, _____ 2012.

BY: **CONTRACTOR:**
The City of North Miami

BY: **MIAMI-DADE COUNTY**

NAME: Stephen Johnson

NAME: Carlos A. Gimenez

TITLE: City Manager, City of North Miami

TITLE: County Mayor

DATE: _____

BY: _____

ATTEST

NAME _____

BY: _____

TITLE: _____

TITLE: Clerk, Board of County Commissioners

DATE _____

Witnesses:

BY: _____

(Signature)

Type or Print Name

Federal ID Number: 59-8000390

CORPORATE SEAL:

Resolutions #: R-1260-07 & R-1196-09

Contractor's Fiscal Year Ending Date: September 30

CONTRACT IS NOT VALID UNTIL SIGNED AND DATED BY BOTH PARTIES

Page 2 of 2

**City of North Miami
FY 2011
Scope of Services
July 1, 2008 – June 30, 2012**

- 1. Activity Title** **Housing Rehabilitation**
- 2. Activity Description:** **Replacing roof, windows, shutters, doors and interior work as needed.**
- 3. Approved by the BCC** **\$ 3,712,500**
- 4. Source** **CDBG DRI Round 2 FY 2005**
- 5. HUD information**
- 5a –HUD matrix code:** **14 A**
- 5b-Title:** **Housing Rehabilitation**
- 5c-eligibility** **570.202**
- 6. ACCOMPLISHMENTS**
- 6a-Number of Units** **107**
- 6b- Type:** **Single Family Residence Rehabilitation**
- 7. NATIONAL OBJECTIVE:** **570.208 (A)(1) Low/Mod Housing (LMH)**
- 8. Activity Address:** **Various addresses within City limits**
- 9. LOCATION:** **City of North Miami Entitlement**

AGENCY NAME: CITY OF NORTH MIAMI
 ACTIVITY: DRI ROUND 2
 FUNDING SOURCE: CDBG 2005
 AMOUNT: \$3,712,500
 TOTAL ACTIVITY COSTS: \$3,712,500
 TOTAL AVAILABLE FUNDING (ALL SOURCES):
 PROPOSED ACCOMPLISHMENT UNITS: 107
 TYPE: 107

Attachment 4-1

QUARTER	ACTION STEP CATEGORY	CUMULATIVE PERCENTAGE OF COMPLETION	CUMULATIVE QUARTERLY SERVICE UNITS APPROVED	CUMULATIVE PROJECTED PAYMENT LEVEL APPROVED	CUMULATIVE PERCENTAGE OF COMPLETION	CUMULATIVE SERVICE UNITS	CUMULATIVE REIMBURSEMENTS
1ST	Construction Phase Continue repairs(Roofs, Install Shutters) (Projected percentage of completion and specific achievements are identified in the construction schedule or gant chart) Construction Management and Monitoring submit weekly payroll & payment certificates (Labor Compliance) section 3 plans, compliance monthly reports monthly submittal of construction related payment requests/reimbursements requests require DHCD review and approval SUBMITTAL OF QUARTERLY PROGRESS REPORTS	30	0	\$746,500	30	0	
2ND	Construction Phase Continue repairs(Roofs, Install Shutters) (Projected percentage of completion and specific achievements are identified in the construction schedule or gant chart) Construction Management and Monitoring submit weekly payroll & payment certificates (Labor Compliance) section 3 plans, compliance monthly reports monthly submittal of construction related payment requests/reimbursements requests require DHCD review and approval SUBMITTAL OF QUARTERLY PROGRESS REPORTS	60	0	\$1,493,000	60	0	
3RD	Construction Phase Continue repairs(Roofs, Install Shutters) (Projected percentage of completion and specific achievements are identified in the construction schedule or gant chart) Construction Management and Monitoring submit weekly payroll & payment certificates (Labor Compliance) section 3 plans, compliance monthly reports monthly submittal of construction related payment requests/reimbursements requests require DHCD review and approval SUBMITTAL OF QUARTERLY PROGRESS REPORTS	90	0	\$2,239,500	90	0	
4TH	Construction Phase Complete repairs(Roofs, Install Shutters) (Projected percentage of completion and specific achievements are identified in the construction schedule or gant chart) Construction Management and Monitoring submit weekly payroll & payment certificates (Labor Compliance) section 3 plans, compliance monthly reports monthly submittal of construction related payment requests/reimbursements requests require DHCD review and approval SUBMITTAL OF QUARTERLY PROGRESS REPORTS	100	107	\$3,712,500	100	107	

City of North Miami
Disaster Recovery - Round 2 (CDBG 2005)
Budget
July 1, 2008 to June 30, 2012

Attachment B

Code	Description	R-1260-07	R-1196-09	Total
4010	Employee Regular	\$ 40,180.00		\$ 40,180.00
21110	Management Fee		\$ 300,000.00	\$ 300,000.00
21510	Temporary Help Out	\$ 31,020.00		\$ 31,020.00
61620	Prime Contractor	\$ 641,300.00	\$ 2,700,000.00	\$ 3,341,300.00
	Totals	\$ 712,500.00	\$ 3,000,000.00	\$ 3,712,500.00