

Memorandum



Date: February 2, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Agenda Item No. 9(A)(8)

Subject: Resolution Awarding Safe Neighborhood Parks Funds to, and Ratifying of the Submission of a Grant Application by, Miami-Dade County Park and Recreation Department for Lakes by the Bay Park and Awarding \$346,100 of Discretionary Interest Earnings and Recaptured Funds to the Town of Miami Lakes Contingent upon Resolution of Certain Payment Disputes between the County and the Town

This item was amended at the January 11, 2010 Recreation, Culture and Tourism Committee meeting to delete the award of \$750,000 in Safe Neighborhood Parks (SNP) Discretionary Interest Earnings and Recaptured Funds to Miami Dade Park and Recreation Department (MDPR) for Lakes by the Bay Park for the Interpretive Trails, Phase 1 project. The item, as amended, was forwarded with a favorable recommendation to the Board of County Commissioners.

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution: (1) awarding \$750,000 in Safe Neighborhood Parks (SNP) Discretionary Interest Earnings and Recaptured Funds to Miami-Dade County Park and Recreation Department (MDPR) for Lakes by the Bay Park, for the Interpretive Trails, Phase 1 project (the "Project"); (2) ratifying MDPR's submission of a grant application for said funds; (3) awarding \$346,100 of Discretionary Interest Earnings to the Town of Miami Lakes for Royal Oaks Park, Miami Lakes Park, and Sevilla Estates Park, contingent upon resolution of certain Quality Neighborhoods Improvement Bond (QNIP) payment disputes between the County and the Town of Miami Lakes; and (4) authorizing the County Mayor or the Mayor's designee to negotiate and execute grant agreements with the subject entities, and to exercise any renewal, cancellation and termination provisions contained therein.

SCOPE

The scope of this agenda item impacts Commission Districts 8 and 13.

FISCAL IMPACT/FUNDING SOURCE

Funding is provided by the SNP Bond Program authorized under County Ordinance No. 96-115 as amended, including available interest earned. The Miami-Dade County Park and Recreation Department's operating annual budget and maintenance cost for the Lakes by the Bay Park is \$24,000 annually.

TRACK/RECORD MONITOR

The grantees will implement the projects and the County's Office of Capital Improvements (OCI), Johnny Martinez, P.E., Director, will monitor the projects.

DELEGATION OF AUTHORITY

There is no additional delegation of authority related to this item.

BACKGROUND

On July 16, 1996, the Board approved Ordinance No. 96-115 which authorized the issuance, subject to approval by special election, of \$200 million in general obligation bonds for park projects, established a Citizens' Oversight Committee (COC) and empowered it to administer the bond program, and recommend entities and projects eligible for bond funding to the Board.

On December 7, 2009, the Recreation, Culture & Tourism Committee forwarded to the BCC with a favorable recommendation a resolution approving conveyance of 49.3 acres of land at Lakes by the Bay Park to the Town of Cutler Bay, designating such land as local park, retaining as countywide park 55.24 acres of Lakes by the Bay Park; and approving the sub-grant by MDPR to the Town of Cutler Bay of all previously awarded SNP funds for Lakes by the Bay Park. Additionally, the Building Better Communities General Obligation Bond funds designated for Lakes by the Bay Park will be dedicated to the development of the local park. If approved by the Board, the above funding actions would result in no funding being available for countywide park development at Lakes by the Bay Park.

On December 16, 2009, MDPR attended the COC meeting and verbally requested \$750,000 in SNP Discretionary Interest Earnings and Recaptured Funds for the countywide portion of Lakes by the Bay Park. While the initial request was oral, MDPR subsequently completed a written grant application with all supporting documents. The Project will provide for clearing exotic vegetation, restoring walkways/nature trails and landscaping, constructing an interpretive gazebo/nature shelter and a turn-about, installing site furniture and wayfinding and interpretive signage. The COC waived the competitive requirements of its administrative rules including the matching funds requirement and voted to approve and recommend the allocation to MDPR. This recommendation was made in accordance with the SNP Ordinance and COC Resolution No. R-1-99 (Attachment 1).

In addition, at the December 16th SNP COC meeting, the COC awarded the Town of Miami Lakes \$346,100 of Discretionary Interest Earnings for Royal Oaks Park (\$200,000), Miami Lakes Park (\$46,100), and Sevilla Estates Park (\$100,000) with the condition that Royal Oaks Park, Miami Lakes Park, and Sevilla Estates Park be completed by December 2, 2010. However, at the December 1, 2009 Board of County Commissioners meeting, staff was directed to hold any funds re-allocated to the Town in abeyance until such time as resolution of payment disputes between the County and the Town relating to QNIP funds were resolved. Staff will continue to work with the Town to resolve any outstanding issues.

The attached resolution awards \$750,000 in SNP Discretionary Interest Earnings and Recaptured Funds to MDPR for the countywide portion of Lakes by the Bay Park, for the Interpretive Trails, Phase 1 project and \$346,100 to the Town of Miami Lakes for Royal Oaks Park, Miami Lakes Park, and Sevilla Estates Park contingent upon dispute resolution with the County and the Town of Miami Lakes completing such projects by December 2, 2010. The grant agreement with the Town of Miami Lakes will only be executed once Miami Lakes has resolved its outstanding QNIP payment issues with the County.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: February 2, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 9(A)(8)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No 9(A)(8)

Veto _____

2-2-10

Override _____

RESOLUTION NO. _____

RESOLUTION AWARDING \$346,100.00 OF SAFE NEIGHBORHOOD PARKS DISCRETIONARY INTEREST EARNINGS TO TOWN OF MIAMI LAKES CONTINGENT UPON RESOLUTION OF CERTAIN PAYMENT DISPUTES BETWEEN COUNTY AND TOWN OF MIAMI LAKES; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AND EXECUTE RELATED GRANT AGREEMENT, AND TO EXERCISE ANY RENEWAL, CANCELLATION OR TERMINATION PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board [[:

~~Section 1. Awards \$750,000 of SNP discretionary interest earnings and recaptured funds to the Miami Dade County Park and Recreation Department for the Lakes by the Bay Park Interpretive Trails, Phase 1 project and authorizes the County Mayor or the Mayor's designee to expedite execution of the related grant agreement, following approval by the County Attorney's Office, and to exercise any renewals, cancellations and termination provisions of such agreement.~~

Section 2. A]]¹ >>a<<wards \$346,100.00 of >>Safe Neighborhood Parks bonds<< discretionary interest earnings to the Town of Miami Lakes for Royal Oaks Park (\$200,000), Miami Lakes Park (\$46,100), and Sevilla Estates Park (\$100,000), contingent upon resolution of certain Quality Neighborhoods Improvement Bond payment disputes between the County and the Town of Miami Lakes, and once such payment dispute has been resolved to the satisfaction of the Board, authorizes the County Mayor or the Mayor's designee to negotiate

¹ Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

satisfaction of the Board, authorizes the County Mayor or the Mayor's designee to negotiate and execute the related grant agreement with the Town of Miami Lakes, following approval by the County Attorney's Office, and to exercise any renewals, cancellations, and termination provisions of such agreement.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|---------------------------------|--------------------|
| Dennis C. Moss, Chairman | |
| Jose "Pepe" Diaz, Vice-Chairman | |
| Bruno A. Barreiro | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Barbara J. Jordan | Joe A. Martinez |
| Dorin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of February, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Monica Rizo

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MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR



Legislative Notes

Agenda Item: 9(A)8

File Number: 100125

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: January 26, 2010

Type of Item: Resolution

Commission Districts: 8 and 13

Summary

This resolution awards \$750,000 in Safe Neighborhood Parks (SNP) Funds, ratifies the submission of a grant application and awards \$346,100 of Discretionary Interest Earnings and Recaptured Funds to the Town of Miami Lakes (Town) contingent upon Resolution of Certain Payment Disputes between the County and the Town.

On January 11, 2010, this item was amended at the Recreation, Culture & Tourism Committee to include the following:

- ***Remove the \$750,000 award recommendation in SNP Discretionary Interest Earnings and Recaptures Funds to Miami-Dade County Park and Recreation Department for Countywide Portion of Lakes by the Bay Park;***
- ***Move forward with the \$346,100 Discretionary Interest Earnings and Recaptured Funds to the Town contingent upon Resolution of Certain Payment Disputes between the County and the Town;***
- ***Urge the SNP Citizens Oversight Committee (COC) to not disband and to re-evaluate the \$750,000 SNP Discretionary Interest Earnings and Recaptured Funds and reconsider the Lakes by the Bay Park (Countywide Portion) project and all other remaining project applications for recommendation of award; and***
- ***The above-mentioned SNP COC re-evaluation process is carried out with the appropriate public hearing notices.***

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Background and Relevant Legislation

The Board of County Commissioners approved Resolution 1376-09 which awarded \$6,201,008 in SNP Discretionary and Land Acquisition Funds to specific entities. Additionally, R-1376 approved the following:

- County staff recommendation to not include \$346,100 in SNP funds to the Town because the Town owes the County approximately \$600,000 in Quality Neighborhood Improvement Program (QNIP) debt service payments;
- \$346,100 to be used for other Safe Neighborhood Park Projects included in the SNP0809 RFP applications list reviewed by the SNP Citizens Oversight Committee (COC)ⁱ; and
- Support the Town of Miami Lakes application if they satisfy their financial QNIP debt service payments.

At the December 16, 2009 SNP COC meeting, the COC awarded the Town of Miami Lakes \$346,100 of Discretionary Interest Earnings for Royal Oaks (\$200,000), Miami Lakes Park (\$46,100) and Sevilla Estates Park (\$100,000). However, at the December 1, 2009 Board of County Commissioners Meeting, staff was directed to hold any funds re-allocated to the Town in abeyance until such time as a resolution of payment disputes between the County and the Town relating to QNIP funds were resolved.

The Safe Neighborhood Parks Citizen's Oversight Committee (SNPCOC) has awarded \$200 million from Bond proceeds, plus an additional \$11.4 million in Bond interest earnings and recaptured funds to more than 40 municipalities, not-for-profit agencies and Miami-Dade County (R-1-99).

On January 29, 2010, the SNPCOC will meet to consider the entities and corresponding projects that applied for funding under RFP SNP0809 as well as Gwen Cherry's NFL YET Center project and the Miami-Dade County Park and Recreation Department's Lakes by the Bay Park, countywide portion project, and will recommend the award of funds in the amount of \$1,250,000 among these entities.

Policy Change and Implication

Currently, the Town of Miami Lakes has not resolved its QNIP debt payment issue with Miami Dade County and therefore the County will continue to hold any re-allocated funds to the Town in abeyance until a resolution of payment disputes is resolved.

Prepared By: Mia B. Marin

ⁱ Projects included in the SNP0809 RFP applications list reviewed by the SNP Citizens Oversight Committee (COC). Furthermore, should the Town resolve its debt payment issue with Miami-Dade County a recommendation will be made to the SNP COC to support the Town's application for any remaining SNP funds.

Projects recommended for the \$346,100 are as follows:

Project #	Applicant	Park Name	Scope of Work	Amount Requested	November 10, 2009 RCTC Recommended amount
11	City of Miami	1814 Brickell Avenue Park	Land Acquisition 35,000 SF	\$500,000*	\$144,400
37	Miami-Dade County	A.D. Barnes Park	Park improvements, planning and design, project administration, concrete walkway along the perimeter of the park, lights to existing walkway	\$201,700	\$201,700

