

# MEMORANDUM

Agenda Item No. 8(F)(1)

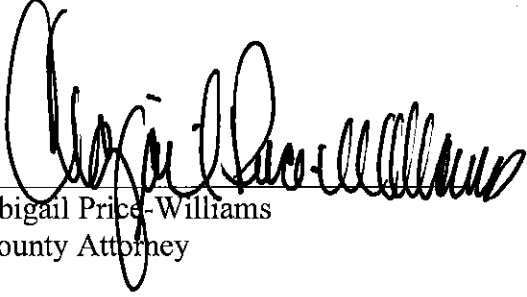
**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** January 22, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution approving the Brownfield Site Rehabilitation Agreement between Miami-Dade County and the State of Florida Department of Environmental Protection on County-owned property located at the SW corner of NW 183 Street and NW 37 Avenue, Miami Gardens, Florida (Folio No. 34-2108-007-0011); authorizing the County Mayor to execute the Brownfield Site Rehabilitation Agreement, to take all actions necessary to effectuate the agreement, and to exercise all rights contained therein

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

  
Abigail Price-Williams  
County Attorney


APW/smm

# Memorandum



**Date:** January 22, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution Approving the Brownfield Site Rehabilitation Agreement Between Miami-Dade County and the State of Florida Department of Environmental Protection on County-owned Property Located at the Southwest Corner of NW 183 Street and NW 37 Avenue, Miami Gardens, Florida  
Folio No.: 34-2108-007-0011

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) approve this resolution authorizing execution of a Brownfield Site Rehabilitation Agreement (Agreement) between Miami-Dade County (County) and the State of Florida Department of Environmental Protection (FDEP) for 4.99 acres of County-owned property located at the Southwest Corner of NW 183 Street and NW 37 Avenue, Miami Gardens, Florida (Property). The Internal Services Department prepared the Agreement on behalf of the Department of Solid Waste Management. More specifically, the resolution does the following:

- Authorizes the County Mayor or County Mayor's designee to execute the Agreement (Attachment 1 to the resolution) with the FDEP in order for the County to be eligible for the reimbursement of remediation costs in the form of Voluntary Cleanup Tax Credits (Tax Credits).

## **Scope**

The property is located in Commission District 1, which is represented by Commissioner Barbara J. Jordan. Written notice of this Agreement was provided to the District Commissioner.

## **Fiscal Impact/Funding Source**

Under the Brownfield Program, the County is eligible for reimbursement up to 75 percent of eligible site rehabilitation costs in the form of Tax Credits. At the discretion of the County, the Tax Credits can be sold or transferred to a developer as an incentive to develop a property. The Tax Credits can then be applied against Florida Corporate income tax. An additional 25 percent of Tax Credits may be available for affordable housing or health care facility developments, and sales tax on building materials is refundable for affordable housing projects.

The current estimate for the clean-up of the site ranges between \$1.9 million to \$4.7 million, depending on the final intended use of the Property. The project will be funded through the Utility Service Fee.

## **Track Record/County Monitor**

Elva Marin of the Internal Services Department will monitor the Agreement. Achaya Kelapanda with Solid Waste Management will oversee the remediation of the contamination on the Property.

## **Delegation of Authority**

Authorizes the County Mayor or County Mayor's designee to execute the Agreement and exercise any and all rights conferred herein.

## **Background**

In 1989, the Property was donated to the County with the restriction that it be used for community purposes. In 1992, the deed restriction was removed by the prior owner and the Property was leased to an organization with the intent to build a facility for substance abuse prevention. During the design phase

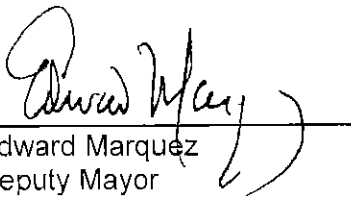
Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners  
Page 2

of the facility, it was discovered that the Property was environmentally contaminated and could not be developed until it was cleaned up. Due to a lack of funding for the remediation of the Property, the lease was terminated and the Property was returned to the County.

On July 13, 1999, the Board approved Resolution No. R-767-99 and Ordinance Number 99-85, designating Brownfield areas as all unincorporated areas of Miami-Dade County which are located inside the Urban Development Boundary, within Enterprise Communities, Empowerment Zones, Developable Areas, Targeted Urban Areas, and areas eligible for Community Development Block Grants. On November 15, 2005, the Board approved Resolution No. R-1305-05, giving the City of Miami Gardens jurisdiction over Brownfield areas, within the City limits, which had previously been in unincorporated Miami-Dade County.

On behalf of the County, Solid Waste Management is coordinating the Brownfield application process with the FDEP, which oversees the Brownfield Program. Since portions of the Property are located outside of the boundaries of the Carol City Brownfield Area (BFA), the FDEP requires that the City of Miami Gardens approve by resolution the expansion of the BFA, to include the entire Property. In October 2018, the Internal Services Department filed a zoning hearing application with the City of Miami Gardens to expand the boundaries of the BFA, which was approved by its City Council through Resolution No. R-2018-210-3624 on December 12, 2018.

FDEP is requiring that the County enter into the Agreement, which grants them the right to monitor the remediation. Solid Waste Management has agreed to take the lead in overseeing the cleanup of the Property. The Internal Services Department will continue to be the custodian of the Property, and will work closely with Solid Waste Management throughout the remediation process.



Edward Marquez  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** January 22, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 8(F)(1)

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(F)(1)  
1-22-20

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING THE BROWNFIELD SITE REHABILITATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ON COUNTY-OWNED PROPERTY LOCATED AT THE SW CORNER OF NW 183 STREET AND NW 37 AVENUE, MIAMI GARDENS, FLORIDA (FOLIO NO. 34-2108-007-0011); AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE BROWNFIELD SITE REHABILITATION AGREEMENT, TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE AGREEMENT, AND TO EXERCISE ALL RIGHTS CONTAINED THEREIN

**WHEREAS**, the 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:

**Section 1.** The foregoing recitals are incorporated into this resolution and are approved.

**Section 2.** This Board approves the Brownfield Site Rehabilitation Agreement ("Agreement") between Miami-Dade County and the Florida Department of Environmental Protection, in substantially the form attached to this resolution as "Attachment 1"; and authorizes the County Mayor or the County Mayor's designee to execute the Agreement for and on behalf of Miami-Dade County, to take all actions necessary to effectuate the Agreement, including establishing the required advisory committee, and to exercise all rights contained therein.

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:

- |                                |                      |
|--------------------------------|----------------------|
| Audrey M. Edmonson, Chairwoman |                      |
| Rebeca Sosa, Vice Chairwoman   |                      |
| Esteban L. Bovo, Jr.           | Daniella Levine Cava |
| Jose "Pepe" Diaz               | Sally A. Heyman      |
| Eileen Higgins                 | Barbara J. Jordan    |
| Joe A. Martinez                | Jean Monestime       |
| Dennis C. Moss                 | Sen. Javier D. Souto |
| Xavier L. Suarez               |                      |

The Chairperson thereupon declared this resolution duly passed and adopted this 22<sup>nd</sup> day of January, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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.

CJW

Christopher J. Wahl

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: **Miami-Dade County**

**Internal Services Department (ISD) Lot  
SW Corner of NW 183rd Street and NW 37th Avenue  
Carol City Brownfield Area  
Brownfield Area Identification Number: BF139902000  
Brownfield Site Identification Number: BF139902001  
FDEP Identification Number(s): COM\_377804  
OGC Tracking Number: 19-1513**

BROWNFIELD SITE REHABILITATION AGREEMENT PURSUANT TO §376.80(5),  
Florida Statutes (F.S.)

WHEREAS, the Brownfields Redevelopment Act was enacted to reduce public health and environmental hazards on existing commercial and industrial sites by offering incentives to encourage responsible persons to voluntarily develop and implement cleanup plans; and

WHEREAS, the Department of Environmental Protection ("Department") is the administrative agency of the State of Florida having the power and duty to protect Florida's environment and to administer and enforce the provisions of Chapters 403 and 376, F.S., and the rules promulgated thereunder, Chapters 62-777 and 62-780, Florida Administrative Code (F.A.C.), as amended; and

WHEREAS, the Department has jurisdiction over the matters addressed in this Brownfield Site Rehabilitation Agreement ("BSRA"); and

WHEREAS, the Department has the authority, pursuant to §376.81, F.S., to establish by rule, criteria for determining the rehabilitation program tasks that comprise a site rehabilitation program and the level at which a rehabilitation program task and a site rehabilitation program may be deemed complete;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, it is agreed as follows:

This BSRA is entered into between the Department and Miami-Dade County Internal Services Department (ISD), hereinafter the Person Responsible For Brownfield Site Rehabilitation ("PRFBSR") (collectively referred to as the "parties"), for the rehabilitation of a brownfield site within a designated brownfield area pursuant to §376.80(5), F.S. The Department and the PRFBSR agree to the following:

1. DEPARTMENT OF ENVIRONMENTAL PROTECTION

For FDEP use: 9/28/2018 Revised Model BSRA – Please modify accordingly.

The Department is the agency of the State of Florida with authority and power to enforce the provisions of Chapters 376 and 403, F.S.

2. PERSON RESPONSIBLE FOR BROWNFIELD SITE REHABILITATION

Miami-Dade County Internal Services Department (ISD) is the PRFBSR as defined in §376.79(15), F.S., for the real property described in the map and legal description in **Attachment A** (the "Brownfield Site"), incorporated herein, that has been designated by Miami-Dade County through Resolution No. R-767-99, July 13, 1999, transferred by Miami-Dade County to the City of Miami Gardens through R-1305-05, November 15, 2005, and expanded by the **City of Miami Gardens** in Resolution Number **2018-210-3624, December 12, 2018** as a brownfield area as defined in §376.79(5), F.S. **Attachment A** is a composite exhibit that includes: (a) the legal description and map of the Brownfield Site; and (b) the **City of Miami Gardens** resolution(s) with all attachments including the map of the designated brownfield area. The brownfield site consists of 4.99 acres.

3. PRFBSR'S DUTIES

The PRFBSR agrees:

- (a) to conduct "site rehabilitation" of any "contaminated site(s)" as defined in §376.79, F.S., whose source originates on the real property described in **Attachment A as the Brownfield site**. If such contaminated site(s) extend(s) beyond the boundary of the Brownfield site, then PRFBSR agrees to conduct site rehabilitation to address the entire contaminated site;
- (b) to conduct site rehabilitation and submit technical reports and rehabilitation plans in a timely manner according to the attached brownfield site rehabilitation schedule agreed upon by the parties (see **Attachment B**), and incorporated herein;
- (c) to conduct site rehabilitation activities under the observation of professional engineers or professional geologists, as applicable, who are registered in accordance with the requirements of Chapters 471 or 492, F.S., respectively. Submittals provided by the PRFBSR must be signed and sealed by a professional engineer registered under Chapter 471, F.S., or by a professional geologist registered under Chapter 492, F.S., as applicable, certifying that the submittal and associated work comply with the laws and rules of the Department and those governing the profession. Upon completion of the approved remedial action, a professional engineer registered under Chapter 471, F.S., or a professional geologist registered under Chapter 492, F.S., as applicable, must certify that the corrective action



- was, to the best of his or her knowledge, completed in substantial conformance with the plans and specifications approved by the Department;
- (d) to conduct site rehabilitation in accordance with Chapter 62-160, F.A.C., as the same may be amended from time to time;
  - (e) to obtain any local, state or federal approvals or permits required for the site rehabilitation work and to conduct the necessary site rehabilitation consistent with local, state, and federal laws, rules and ordinances. All site rehabilitation shall be consistent with the cleanup criteria in §376.81, F.S., the requirements of Chapters 62-780, F.A.C., Contaminated Site Cleanup Criteria, and 62-777, F.A.C., Contaminant Cleanup Target Levels;
  - (f) to allow access by the Department during the entire site rehabilitation process, as evidenced by the attached documentation (see **Attachment C**) incorporated herein, establishing that such site access has been secured by agreement with the **real property owner**. Upon the transfer of any real property interest in any portion of the Brownfield Site before site rehabilitation is complete, the PRFBSR shall notify the Department within 15 days from the date that such an interest is effective. With notice the PRFBSR shall provide a copy of an access agreement in substantially the same form as that in **Attachment C** with any successor in interest to the **real property owner** of the Brownfield Site or with any party with a real property interest in the Brownfield Site after the effective date of this agreement, granting such access to the Department; and
  - (g) to consider appropriate pollution prevention measures and to implement those that the PRFBSR determines are reasonable and cost-effective, taking into account the ultimate use or uses of the real property described in **Attachment A**. Local pollution prevention programs as well as state pollution prevention programs are available to assist in determining pollution reduction measures. The Department recommends that the PRFBSR contact the Department's Waste Reduction and Registration Program at (850) 245-8864 or Hazardous Waste Program and Permitting at (850) 245- 8713 and visit the following websites at <https://floridadep.gov/waste/waste-reduction> and <https://floridadep.gov/waste/permitting-compliance-assistance/content/hazardous-waste-management-main-page> for recommendations on waste minimization and waste management and for assistance with pollution prevention measures. Such measures may include improved inventory or production controls and procedures for preventing loss, spills, and leaks of hazardous waste and materials, and include the goals for the reduction of releases of toxic materials.

#### 4. CERTIFICATION

The PRFBSR certifies that it has consulted with the local government with jurisdiction over the brownfield area about the proposed redevelopment of the brownfield site, that the local government is in agreement with or approves the proposed redevelopment, and that the proposed redevelopment complies with applicable laws and requirements for such redevelopment. Documentation that supports this certification is provided as **Attachment D**, incorporated herein.

5. SITE CONTRACTOR

The PRFBSR must ensure that the contractor who is performing the majority of the site rehabilitation program tasks pursuant to this BSRA or supervising the performance of such tasks by licensed subcontractors in accordance with the provisions of § 489.113(9), F.S., has provided certification to the Department that the contractor meets the requirements listed below. If the identity of the contractor is known at the time of the execution of this BSRA, a Brownfields Redevelopment Program Contractor Certification Form (CCF) shall be submitted as **Attachment E** to this BSRA, and incorporated herein. If the contractor has not yet been determined, the PRFBSR shall ensure that the CCF is submitted to the District Brownfield Coordinator and approved by the Department before the contractor begins performing any site rehabilitation tasks at the site.

The PRFBSR must submit to the Department documentation as **Attachment F**, incorporated herein, which shows a National Environmental Laboratory Accreditation Program ("NELAP")-recognized authority has accredited the laboratory(s) that will perform the analyses required by this agreement.

Any contractor that performs site rehabilitation tasks at a contaminated site originating on the real property as described in **Attachment A** shall provide documentation in accordance with the provisions of the paragraph above and with **Attachments E and F**, if applicable, showing that any contractor that performs site rehabilitation tasks:

- (a) meets all certification and license requirements imposed by law; and
- (b) performs, or has laboratory analyses performed, pursuant to NELAP certification requirements and performs, or has field sampling work performed, in accordance with the Standard Operating Procedures provided in Chapter 62-160, F.A.C., as amended, if applicable to performance of site rehabilitation tasks.

6. CONTINUOUS COMPLIANCE

During the entire site rehabilitation process, the PRFBSR agrees to ensure that the contractor continues to comply with the requirements of **Paragraph 5** of this BSRA pursuant to the requirements of §376.80(6), F.S.

7. VOLUNTARY CLEANUP TAX CREDIT PROGRAM

Not all activities that are approved or performed in association with a BSRA are eligible for the state's Voluntary Cleanup Tax Credit (VCTC). In accordance with Section 376.30781, F.S., only costs incurred and paid by the applicant that are either integral, necessary and required for site rehabilitation or for solid waste removal, are eligible for the VCTC. Contamination assessment or remediation paid for by the State of Florida for a discharge that is eligible for a state-funded cleanup under the Drycleaning Solvent Cleanup Program (DSCP) or one of the Petroleum Restoration Program's (PRP) eligibility programs, may not be used to calculate a tax credit. Likewise, expenses incurred that are statutorily-required to participate in the DSCP (i.e., deductibles) or one of the PRP eligibility programs (i.e., deductibles, review fees, limited contamination assessment reports, and co-payments), are not eligible for the state's VCTC. "Site rehabilitation" means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site. For sites subject to the Resource Conservation and Recovery Act, as amended, the term includes removal, decontamination, and corrective action of releases of hazardous substances. "Solid waste removal" means removal of solid waste from the land surface or excavation of solid waste from below the land surface and removal of the solid waste from the brownfield site. Nothing contained herein is intended to limit the VCTC otherwise available to the PRFBSR under applicable law. General information about the VCTC Program is available at <https://floridadep.gov/waste/waste-cleanup/content/voluntary-cleanup-tax-credit>

For specific questions regarding the VCTC Program, please contact the Department's Waste Cleanup Program at (850) 245-8958.

8. ADVISORY COMMITTEE

The PRFBSR shall establish an advisory committee pursuant to the requirements of §376.80(4), F.S., for the purpose of improving public participation and receiving public comments on rehabilitation and redevelopment of the brownfield area, future land use, local employment opportunities, community safety, and environmental justice. The advisory committee should include residents within or adjacent to the brownfield area, businesses operating within the brownfield area, and others deemed appropriate. However, if an appropriate local advisory committee already exists, this committee may be used for requesting public participation and for the purposes of complying with this paragraph.

The PRFBSR shall provide the advisory committee a copy of the final proposed draft BSRA, including attachments, and a copy of the executed BSRA. When the PRFBSR submits a site assessment report or the technical document containing the proposed course of action following site assessment to the Department or the local pollution control program for review, the PRFBSR shall hold a meeting or attend a regularly scheduled meeting to inform the advisory committee of the findings and recommendations in the site assessment report or the technical document containing the proposed course of action following site assessment.

The names, addresses, contact numbers, and applicable affiliation for each advisory committee member is included as **Attachment G**, incorporated herein.

9. INDEMNIFICATION

The PRFBSR shall save and hold harmless and indemnify the Department against any and all liability, claims, judgments or costs of whatsoever kind and nature for injury to, or death of any person or persons and for the loss or damage to any property resulting from the use, service, operation or performance of work under the terms of this BSRA and from the negligent acts or omissions of the PRFBSR or its employees, agents, contractors, subcontractors, or other representatives, to the extent allowed by law.

10. LIABILITY PROTECTION

The liability protection provided under §376.82, F.S., shall become effective upon execution of this BSRA and shall remain effective, provided the PRFBSR complies with the terms of this BSRA.

11. TERMINATION

If the PRFBSR fails to comply with this BSRA, the Department shall notify the PRFBSR and allow 90 days for the PRFBSR to return to compliance with the provision at issue or to negotiate a modification to the BSRA with the Department for good cause shown. If an imminent hazard exists, the 90-day grace period shall not apply. If the project is not returned to compliance with this BSRA and a modification cannot be negotiated, the Department shall terminate this BSRA.

The PRFBSR may terminate this BSRA at any time upon written notice to the Department.

Termination of this BSRA by either party will revoke the immunity provision of §376.82, F.S.

12. IMMINENT HAZARD

Nothing herein shall be construed to limit the authority of the Department to undertake any action in response to, or to recover the costs of responding to, conditions at or from the real property described in **Attachment A** that require the Department to take action to abate an imminent hazard to the public health, welfare or the environment.

13. RELEASE OF LIABILITY

Upon successful completion of this BSRA as evidenced by the issuance of a Site Rehabilitation Completion Order (SRCO) for each contaminated site originating from the real property described in **Attachment A**, the PRFBSR and his or her successors and assigns, shall be relieved from further liability for site rehabilitation as described in paragraph 3.a. of this BSRA to the Department and third parties and of liability in contribution to any other party who has or may incur cleanup liability for the contaminated site(s).

This release of liability is subject to the reopener provisions of §376.82(3), F.S.

14. GOVERNING LAW

This BSRA has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida and any applicable local regulations. Wherever possible, each provision of this BSRA shall be interpreted in such manner as to be effective and valid under applicable law. If any provision of this BSRA shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this BSRA. Any action hereon or in connection herewith shall be brought in **Miami-Dade County**, Florida.

15. SUBMITTALS

The PRFBSR shall submit one hard (paper) copy or one electronic (digital) copy of any certifications or documentation required in **Paragraph 5** ("Site Contractor") above, and all data, reports, responses, addenda, or modifications to reports and plans required by this BSRA to:

John C. Bryant  
Florida Department of Environmental Protection, Southeast District  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
Phone: (561) 681-663148  
Fax: (561) 681-6770  
Email: John.C.Bryant@floridadep.gov

The Department encourages the submittal of documents for review in an electronic format rather than the submittal of paper copies. All electronic copies of documents

shall be in the format listed in Attachment H, incorporated herein. Time frames for the Department's review of technical reports and plans and submittal of documents by the PRFBSR shall be governed by the attached schedule (see **Attachment B**), incorporated herein. After final Department approval of each report or plan, an electronic copy shall be submitted to the Department within 30 days. The electronic copy of the report shall be submitted in the format listed in **Attachment H**.

16. DOCUMENT REVIEW

During the site rehabilitation process, if the Department fails to complete the review of a technical document within the time frame specified in this BSRA, with the exceptions of "no further action proposals," "monitoring only proposals," and feasibility studies, which must be approved prior to implementation, the PRFBSR may proceed to the next site rehabilitation task. However, the PRFBSR does so at its own risk and may be required by the Department to complete additional work on a previous task.

17. ASSIGNMENT

The PRFBSR shall not assign any rights or responsibilities under this BSRA to any other party without the written consent of the Department and the local government with jurisdiction over the real property described in **Attachment A**. However, the Department shall not withhold its consent to such an assignment if: (a) the proposed assignee meets all of the eligibility criteria under §376.82, F.S.; (b) the proposed assignee has agreed, in writing, to assume all obligations of the PRFBSR under the terms of this BSRA; and (c) the assignment of PRFBSR obligations under any agreement with the local government with jurisdiction over the real property has been approved, in writing, by the local government.

18. WAIVER

By entering into this BSRA, the PRFBSR waives its right to challenge the contents of this BSRA in an administrative hearing afforded by §120.569 and §120.57, F.S., or an appeal afforded by the terms of §120.68, F.S. This BSRA does not deny the PRFBSR a right to challenge the Department's actions taken pursuant to this BSRA. No delay or failure to exercise any right, power or remedy accruing to either party upon breach or default by either party under this BSRA, shall impair any such right, power or remedy of either party; nor shall such delay or failure be construed as a waiver of any such breach or default, or any similar breach or default thereafter.

19. EFFECTIVE DATE AND ADMINISTRATIVE HEARING

This BSRA (Order) is final and effective on the date of execution unless a timely petition for an administrative hearing is filed under §§120.569 and 120.57, F.S., within 21 days after the date of receipt of notice of agency action. Upon the timely

filing of such petition, this BSRA will not be effective until further order of the Department. The liability protection for the PRFBSR pursuant to §376.82(2), F.S., becomes effective upon execution of the BSRA. The procedures for petitioning a hearing are set forth below.

Please be advised that mediation of this decision pursuant to §120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Hearing:

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request shall be filed with (received by) the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **21** days of receipt of this BSRA. Petitioner shall mail a copy of the request to the PRFBSR at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing:

A person whose substantial interests are affected by this BSRA may petition for an administrative proceeding (hearing) under §§120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within **21** days of receipt of this BSRA. Petitioner shall mail a copy of the petition to the PRFBSR at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right to request an administrative proceeding under Chapter 120, F.S.

Pursuant to §120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

1. The name, address, any e-mail address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the PRFBSR's name and address; the Department's Brownfield Area and Brownfield Site Identification Numbers; and the name and address of the Brownfield Site; the name and address of each agency affected;
2. A statement of when and how each petitioner received notice of the Department's action or proposed action;

3. An explanation of how each petitioner's substantial interests will be affected by the Department's action or proposed action;
4. A statement of the disputed issues of material fact, or a statement that there are no disputed facts;
5. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
6. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
7. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this BSRA. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

## 20. JUDICIAL REVIEW

Except for the PRFBSR, any party has the right to seek judicial review of this BSRA under §120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk of the Department in the Office of the General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice of appeal must be filed within **30** days after this BSRA is filed with the clerk of the Department (see below).

## 21. CONTACTS FOR GENERAL AND LEGAL QUESTIONS

Any questions about the content of this BSRA, the Department's review of the BSRA, or technical questions should be directed to the Department's District Brownfields Coordinator at:

**John C. Bryant**  
**Florida Department of Environmental Protection**



Miami-Dade County Internal Services Department (ISD)  
Brownfield Site Rehabilitation Agreement  
Brownfield Site ID # BF139902001

**3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
Phone: (561) 681-663148  
Fax: (561) 681-6770  
Email: [John.C.Bryant@floridadep.gov](mailto:John.C.Bryant@floridadep.gov)**

or to the PRFBSR's representative at:

**Elva R. Marin, ISD Real Estate Manager  
Miami-Dade County Internal Services Department (ISD)  
Stephen P. Clark Center  
111 NW 1st Street, Suite 2460  
Miami, FL 33128  
Phone: 305-375-5754 Office  
Fax: 305-375-1125 Fax  
Email: [R3049@miamidade.gov](mailto:R3049@miamidade.gov)**

Questions regarding legal issues should be referred to the Department's Brownfields Program Attorney in the Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

22. ENTIRETY OF AGREEMENT

This BSRA represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this BSRA shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this BSRA, unless otherwise provided herein.

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Miami-Dade County Internal Services Department (ISD)  
Brownfield Site Rehabilitation Agreement  
Brownfield Site ID # BF139902001

IN WITNESS WHEREOF, each of the parties has made and executed this Brownfield Site Rehabilitation Agreement on the date set forth for each signature of each representative below: Jason Androetta, Director Southeast District, State of Florida Department of Environmental Protection, and Miami-Dade County ISD, the Person Responsible for Brownfield Site Rehabilitation, signing by and through Tara Smith, duly authorized to execute same.

PERSON RESPONSIBLE FOR  
BROWNFIELD SITE REHABILITATION

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

By: \_\_\_\_\_  
(PRFBSR Authorized Signatory)

By: \_\_\_\_\_  
Director, Southeast District

Tara Smith, Miami-Dade County ISD Department Director  
(Print Signatory's Name & Title)

\_\_\_\_\_  
(Print Director's Name)

Date: \_\_\_\_\_

Date: \_\_\_\_\_

111 NW 1<sup>st</sup> Street, Suite 2460  
(Address)

Approved as to form and legality:

Miami, Florida 33128  
(City, State, Zip Code)

\_\_\_\_\_  
FDEP Brownfields Program Attorney

\_\_\_\_\_  
(Telephone)

\_\_\_\_\_  
(Print FDEP Attorney's Name)

FILING AND ACKNOWLEDGMENT FILED, on this date,  
pursuant to §120.52 Florida Statutes, with the designated  
Department Clerk, receipt of which is hereby acknowledged.

\_\_\_\_\_  
Clerk (or Deputy Clerk)

Date: \_\_\_\_\_

cc: FDEP Brownfields Program Attorney  
Justin Cross, FDEP Government Analyst, Brownfields Program  
Megan R. Johnson, FDEP ESIII, Brownfields Program  
Kelly Crain, FDEP Brownfields Program Manager  
Kent Edwards, Brownfields Southeast District Coordinator, FDEP

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Miami-Dade County Internal Services Department (ISD)  
Brownfield Site Rehabilitation Agreement  
Brownfield Site ID # BF139902001

List of Attachments

- |              |  |
|--------------|--|
| Attachment A | Local Government Resolution for the Brownfield Area and Map and Legal Description of the Brownfield Site |
| Attachment B | Brownfield Site Rehabilitation Schedule  |
| Attachment C | Site Access Agreement  |
| Attachment D | Certification of Redevelopment Agreement   |
| Attachment E | Contractor Certification Form  |
| Attachment F | Quality Assurance Certificate  |
| Attachment G | Advisory Committee Members   |
| Attachment H | Format for Submittal of Technical Documents  |

**ATTACHMENT A - - LOCAL GOVERNMENT RESOLUTION FOR THE BROWNFIELD  
AREA AND MAP AND LEGAL DESCRIPTION OF THE BROWNFIELD SITE**

Florida Department of  
**Environmental Protection**

**Memorandum**

---

FROM: Brownfields Liason  
TO: File  
DATE: November 15, 2008  
SUBJECT: Transfer of Jurisdiction

The Carol City BFA brownfield area was created by Miami-Dade County Resolution No. 99-767 on July 13, 1999. Jurisdiction for the area was transferred to the City of Miami Gardens, upon incorporation of the City of Miami Gardens. Miami-Dade County Resolution No. R-149-08 adopted on July 11, 2008, removed the Carol City BFA brownfield area from the Miami-Dade County list of brownfield areas. A letter from Miami-Dade County to the City of Miami Gardens, documenting this information is included herein. The Carol City BFA brownfield area is now under the jurisdiction of the City of Miami Gardens.



Carlos Alvarez, Mayor

RECEIVED  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

2008 AUG -4 AM 10:47

Environmental Resources Management  
Pollution Control Division  
701 NW 1st Court • 4th Floor  
Miami, Florida 33136-3912  
T 305-372-6700 F 305-372-6729

miamidade.gov

July 28, 2008

DEPARTMENT OF  
BUREAU CHIEF'S OFFICE

Danny O. Crew, City Manager  
City of Miami Gardens  
1515 N.W. 167th Street, Suite 200  
Miami Gardens, Florida 33169

CERTIFIED MAIL NO. 70031680000088256637  
RETURN RECEIPT REQUESTED

Ron E. Williams, Village Manager  
Village of Palmetto Bay  
8950 SW 152nd Street  
Palmetto Bay, Florida 33157

CERTIFIED MAIL NO. 70031680000088256620  
RETURN RECEIPT REQUESTED

Steven J. Alexander, Town Manager  
Town of Cutler Bay  
10720 Caribbean Boulevard, Suite 105  
Cutler Bay, Florida 33189

CERTIFIED MAIL NO. 70031680000088256569  
RETURN RECEIPT REQUESTED

Dear Messrs. Crew, Williams and Alexander:

Pursuant to the Brownfields Redevelopment Act, Section 376.77-376.85, Florida Statutes (F.S.), local governments are encouraged to use the full range of economic and tax incentives available to facilitate and promote the rehabilitation of brownfield areas, to help eliminate public health and environmental hazards, and to promote the creation of jobs and economic development in run-down, blighted, and/or underutilized areas. To that end, on July 13, 1999, the Miami-Dade County Board of County Commissioners approved Resolution Number R-767-99 and Ordinance Number 99-85, designating as brownfield areas all unincorporated areas of Miami-Dade County which are located inside the Urban Development Boundary, within Enterprise Zones, Enterprise Communities, Empowerment Zones, Developable Areas, Targeted Urban Areas, and unincorporated areas eligible for Community Development Block Grants. The map of brownfield areas included in the 1999 resolution is attached herein as Exhibit A (see Figure 1 for a more legible copy of the brownfield area map). You will note that the historically designated brownfield areas Carol City Brownfield Area, Perrine Brownfield Area, and South Dade Brownfield Area fall within your municipal boundaries (Miami Gardens, Palmetto Bay, and Cutler Bay, respectively), as your municipalities were created subsequent to the designation of the brownfield areas in 1999.

Recent changes in the boundaries of the Enterprise Zones and Community Development Block Grant-eligible areas prompted Miami-Dade County to amend the map of brownfield areas to reflect these changes. Therefore, on February 5, 2008, the Board of County Commissioners approved Resolution Number R-149-08 and Ordinance Number 08-19, amending the Miami-Dade County Map of designated brownfield areas within certain unincorporated areas of Miami-Dade County. The enclosed Figure 2 (included as Exhibit A in Resolution Number R-149-08) depicts the new brownfield areas in unincorporated Miami-Dade County.

Miami-Dade County does not have the authority to designate new brownfield areas or modify or expand historically designated brownfield areas within municipally owned lands. As such, formerly designated brownfield areas within Miami Gardens, Palmetto Bay, and Cutler Bay will remain

22

Mr. Crew, Mr. Williams & Mr. Alexander  
July 28, 2008  
Page 2 of 2

brownfield areas unless the local government with jurisdiction takes action to remove, modify, or expand these areas.

If a local government wishes to designate a brownfield area for rehabilitation for the purposes of Sections 376.77-376.85, F.S., or modify/expand an existing brownfield area, it must notify the Florida Department of Environmental Protection (FDEP) of its decision to designate the area. The notification must include a resolution by the local government body. Additional information regarding the process to designate brownfield areas may be found on FDEP's website at: <http://www.dep.state.fl.us/waste/categories/brownfields/pages/processes.htm>.

If you have any questions concerning the above, please contact Sandra Rezola of the Miami-Dade Department of Environmental Resources Management at (305) 372-6700.

Sincerely,



Wilbur Mayorga, P.E., Chief  
Pollution Control Division

Enclosures (3)

pc: Kim Walker, Florida Brownfields Liaison, FDEP, 2600 Blair Stone Road, MS 4505,  
Tallahassee, Florida 32399  
Art Torvela, P.E., Brownfields Coordinator, Waste Cleanup-Up Section, FDEP, 400 North  
Congress Avenue, Suite 200, West Palm Beach, Florida 33401

EXHIBIT A

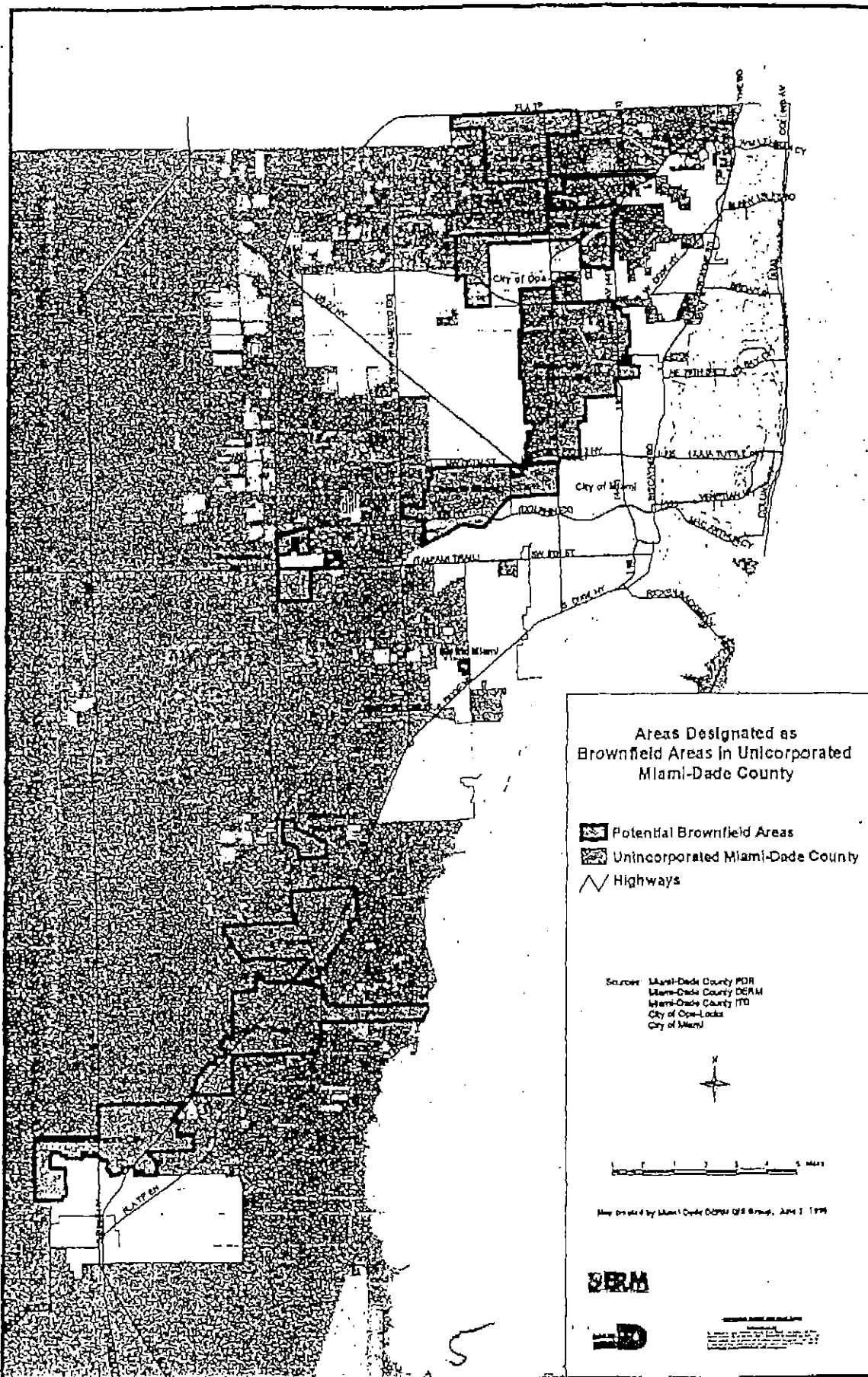




Figure 1

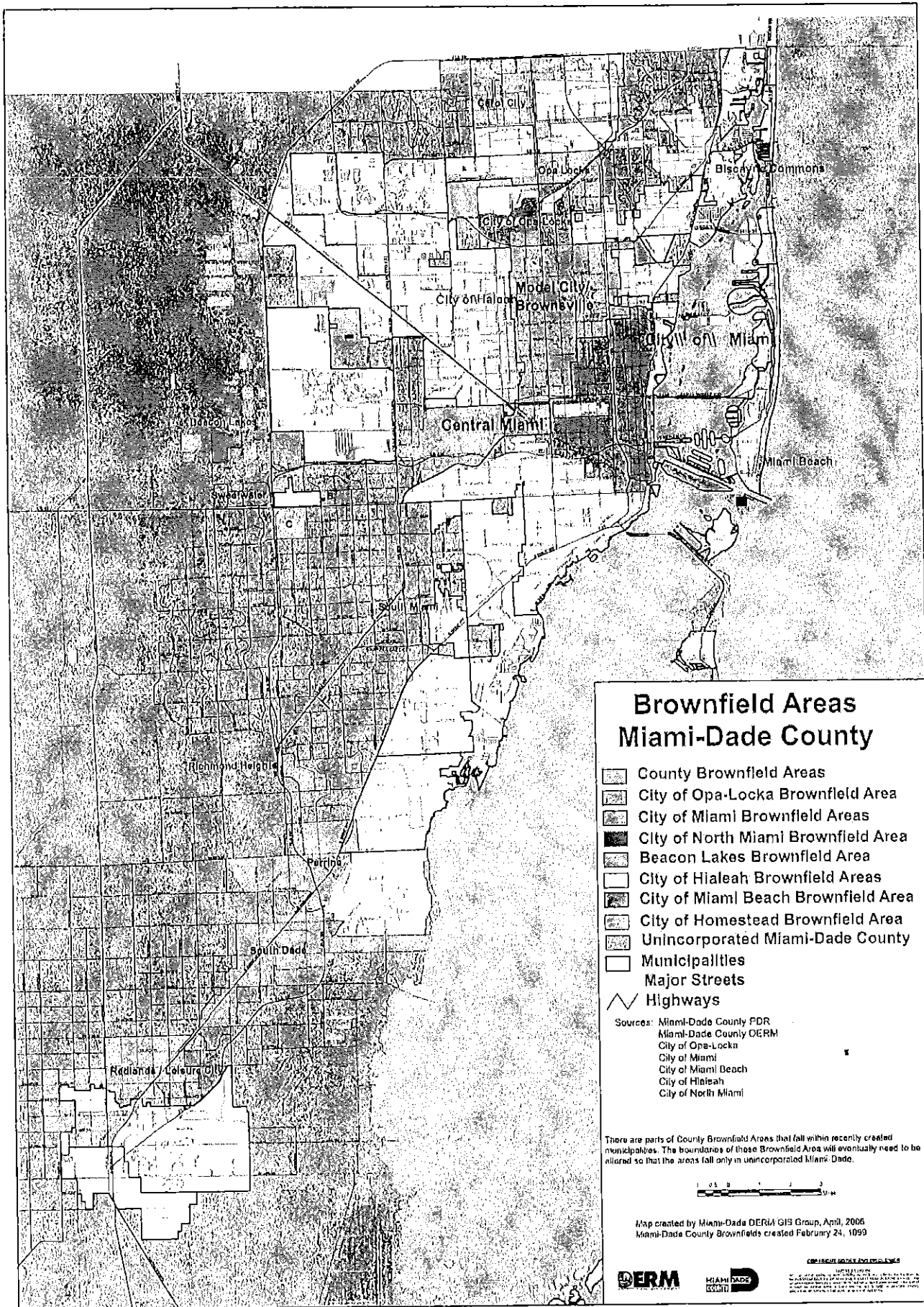
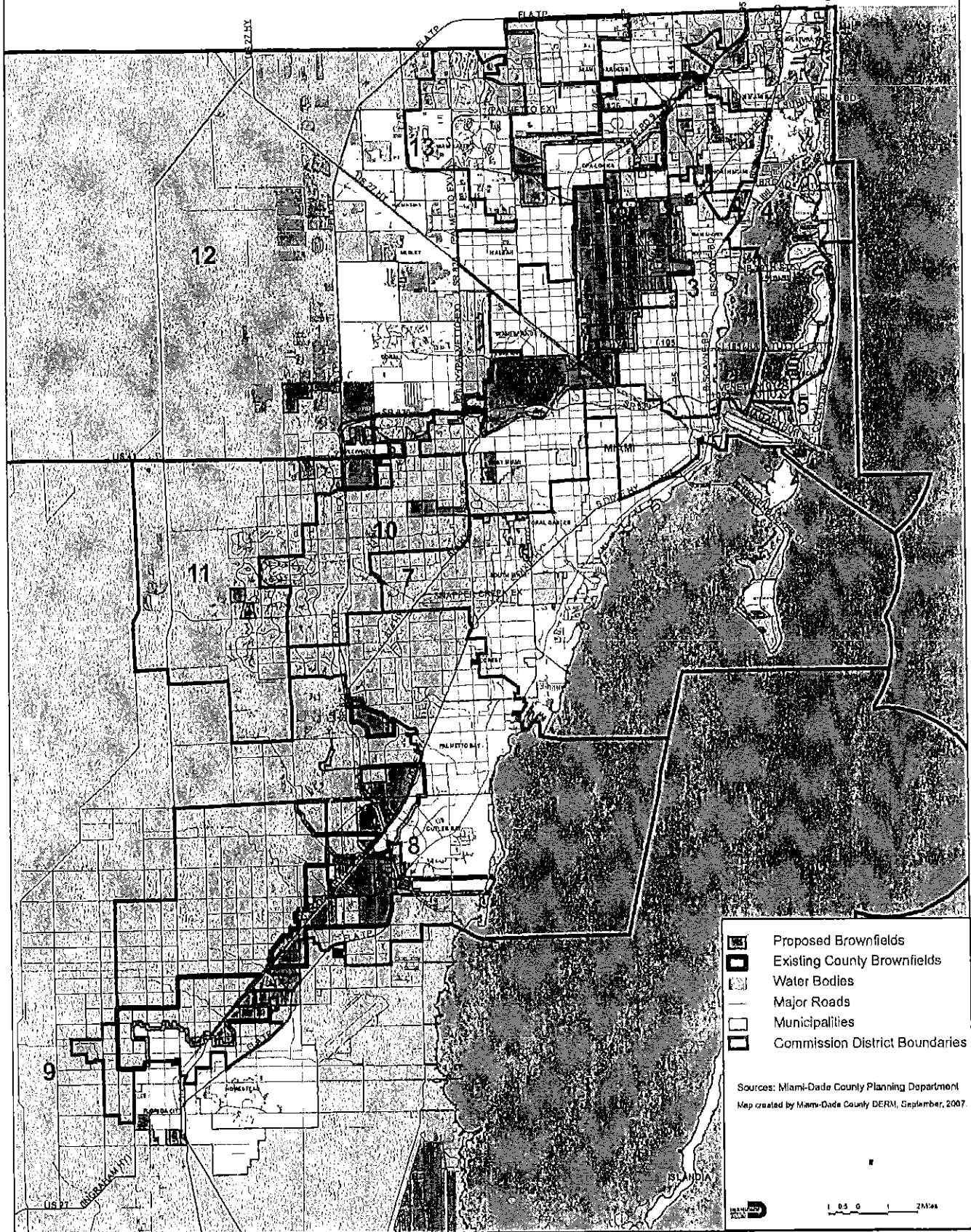


Figure 2

# Proposed and Existing Brownfield Areas (2007)



**Date:** February 5, 2008

**To:** Honorable Chairman Bruno A. Barreiro and Members,  
Board of County Commissioners

**From:** George M. Burgess  
County Manager

**Subject:** Resolution Amending the Miami-Dade County Map of Designated Brownfield Areas Within  
Certain Unincorporated Areas of Miami-Dade County

Agenda Item No. 8(D)(1)(A)

Resolution R-149-08

### Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution amending the map of designated brownfield areas within certain unincorporated areas of Miami-Dade County.

### Scope

This resolution will be applicable to designated brownfield areas countywide.

### Fiscal Impact/Funding Source

There will be no immediate fiscal impact due to the changes to designated brownfield areas. However, as properties in these areas are developed, new businesses will be created and will provide jobs and economic growth.

### Track Record/Monitor

N/A

### Background

On July 13, 1999, the Board of County Commissioners approved Resolution Number R-767-99 and Ordinance Number 99-85 designating as brownfield areas all unincorporated areas of Miami-Dade County which are located inside the Urban Development Boundary, within Enterprise Zones, Enterprise Communities, Empowerment Zones, Developable Areas, Targeted Urban Areas, and unincorporated areas eligible for Community Development Block Grants. Both the ordinance and resolution had a brownfield area map attached and incorporated by reference. Since that date there have been changes to boundaries on the Miami-Dade County brownfield area map.

On November 15, 2005, the Board of County Commissioners approved Resolution Number R-1305-05, amending the boundaries of Miami-Dade County's Enterprise Zone. Further, the incorporation of the municipalities of Cutler Bay, Palmetto Bay, and Miami Gardens, requires changing the boundaries on the existing brownfield area map because several of the previously designated brownfields are no longer located in unincorporated Miami-Dade County. Boundaries for areas eligible for Community Development Block Grants have also changed based upon new census data. The required changes are attached hereto as Exhibit A to the proposed resolution.

Section 376.80(1), Florida Statutes, requires a local government with jurisdiction over brownfield areas to notify the Florida Department of Environmental Protection of the local government's decision to designate a brownfield area for rehabilitation pursuant to Sections 376.77-376.85, Florida Statutes. The required notification shall include a resolution by the local government body, to which is attached a map to delineate which parcels are to be included in the brownfield area. Changes to Chapter 24 of the Code of Miami-Dade County, Florida, require an ordinance. Consistency with state law and incorporation of the changes into Chapter 24 of the Code of Miami-Dade County, Florida, require that both a resolution and ordinance be presented to the Board for approval and enactment.

  
Assistant County Manager

NOTICE OF PUBLIC HEARING ON RESOLUTION AND  
ORDINANCE AMENDING THE MIAMI-DADE COUNTY MAP OF  
DESIGNATED BROWNFIELD AREAS WITHIN CERTAIN  
UNINCORPORATED AREAS OF MIAMI-DADE COUNTY

BOARD OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA

THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY  
PROPOSES TO ADOPT THE FOLLOWING BY ORDINANCE AND RESOLUTION:  
AMENDING THE MIAMI-DADE COUNTY MAP OF DESIGNATED BROWNFIELD  
AREAS WITHIN CERTAIN UNINCORPORATED AREAS OF MIAMI-DADE COUNTY.

A Public Hearing on the resolution and ordinance will be held on the 11th day of  
December 2007 at 9:30 AM at the County Commission Chambers on the 2nd Floor of  
the Stephen P. Clark Center, 111 NW 1<sup>st</sup> Street in Miami, Miami-Dade County, Florida.

Plans and details concerning the work requested in the application may be reviewed by  
interested persons at the office of the Miami-Dade County Department of Environmental  
Resources Management, 7th Floor, 701 N.W. 1<sup>st</sup> Court, Miami, Florida 33136.

BOARD OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN, CLERK

BY: \_\_\_\_\_  
Kay Sullivan, Deputy Clerk

2

28

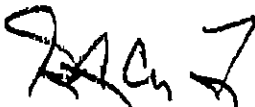


# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: February 5, 2008

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

SUBJECT: Agenda Item No. 8(D) (1) (A)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Agenda Item No. 8(D)(1)(A)

02-05-08

**RESOLUTION NO. R-149-08**

**RESOLUTION AMENDING THE MIAMI-DADE COUNTY  
MAP OF DESIGNATED BROWNFIELD AREAS WITHIN  
CERTAIN UNINCORPORATED AREAS OF MIAMI-DADE  
COUNTY**

**WHEREAS**, this Board desires to accomplish the purposes set forth in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, Section 376.80(1) of the Florida Statutes provides for local governments to designate, by resolution, brownfield areas for the purposes of rehabilitation and economic development as set forth in Sections 376.77-376.85, Florida Statutes; and

**WHEREAS**, Miami-Dade County shall notify in writing the Florida Department of Environmental Protection of Miami-Dade County's designation of the brownfield areas,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA** that this Board hereby amends the map of designated brownfield areas in Miami-Dade County, Florida, as same is set forth in attached Exhibit A, and said amended map is hereby adopted and incorporated herein by reference. Any changes, additions or deletions to said map shall be approved by the Board of County Commissioners by resolution and ordinance.

*Handwritten signature*

The foregoing resolution was offered by Commissioner Jose "Pepe" Diaz who moved its adoption. The motion was seconded by Commissioner Carlos A. Gimenez and upon being put to a vote, the vote was as follows:

	Bruno A. Barrelro, Chairman	absent	
	Barbara J. Jordan, Vice-Chairwoman	aye	
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	absent	Dennis C. Moss	absent
Dorrlin D. Rolle	aye	Natacha Seljas	aye
Katy Sorenson	absent	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of February, 2008. 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 Kay Sullivan  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

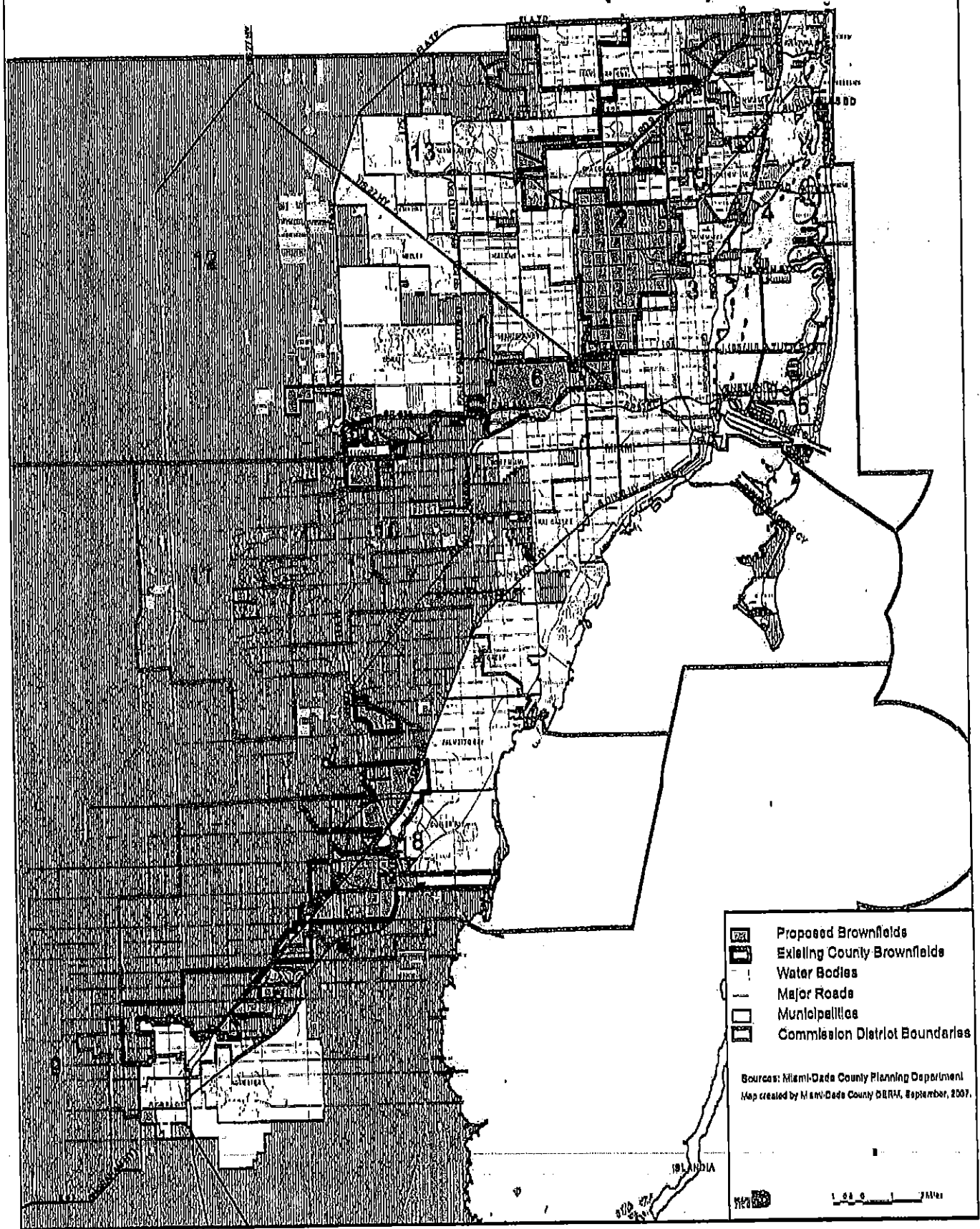
PST

Peter S. Tell

8



# Proposed and Existing Brownfield Areas (2007)



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# MEMORANDUM

Agenda Item No. 6(D)(1)(D)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: July 13, 1999

FROM:   
County Manager

SUBJECT: Resolution Designating Brownfield  
Areas Within the Unincorporated  
Portions of Miami-Dade County

## RECOMMENDATION

It is recommended that the Board adopt the attached resolution, which designates as brownfield areas all of the unincorporated areas of Miami-Dade County inside the Urban Development Boundary which are located within the Enterprise Zones, Enterprise Communities, Empowerment Zones, Developable Areas, Targeted Urban Areas, and/or are areas eligible for Community Development Block Grants, as shown in Exhibit A.

## BACKGROUND

On February 6, 1996, the Board of County Commissioners created the Brownfields Task Force authorizing them to review the potential for a brownfields program in Miami-Dade County. Over the past two and a half years, the Task Force has examined the economic and regulatory incentives needed to encourage the private sector to redevelop contaminated sites. As part of their duties, the Task Force also offered comments on the Brownfields Redevelopment Act for Florida during the legislative sessions of 1997 and 1998. The Task Force's final report, which was accepted by the Commission on March 18, 1999 (R-286-99), recommended that brownfield areas be designated by ordinance and resolution in order to expedite the redevelopment process. Designating the areas identified in Exhibit A completes the first step, as required by law, that allows redevelopers the opportunity to rehabilitate abandoned or underutilized properties in order to create economic growth in urban communities and to benefit from economic incentives provided by the state and local governments.

This item is being presented to the Board on the same agenda as the public hearing for the ordinance designating these same brownfield areas. The reason for both the resolution and ordinance is as follows: the Brownfield Redevelopment Act, through sec 376.80 (1) Florida Statutes, requires that "a local government with jurisdiction over the brownfield area must notify the department (Florida Department of Protection) of its decision to designate a brownfield area for rehabilitation for the purposes of ss. 376.77-.85. The notification must include a resolution, by the local government body..." The County Attorney's Office ruled that such a designation would have to be accomplished through an ordinance. However, it was confirmed through conversations with representatives from FDEP that an ordinance could not substitute for the resolution requirement dictated by state statute. Therefore, in order to meet the Task Force's objective and the state requirement, both an ordinance and resolution are necessary.

X

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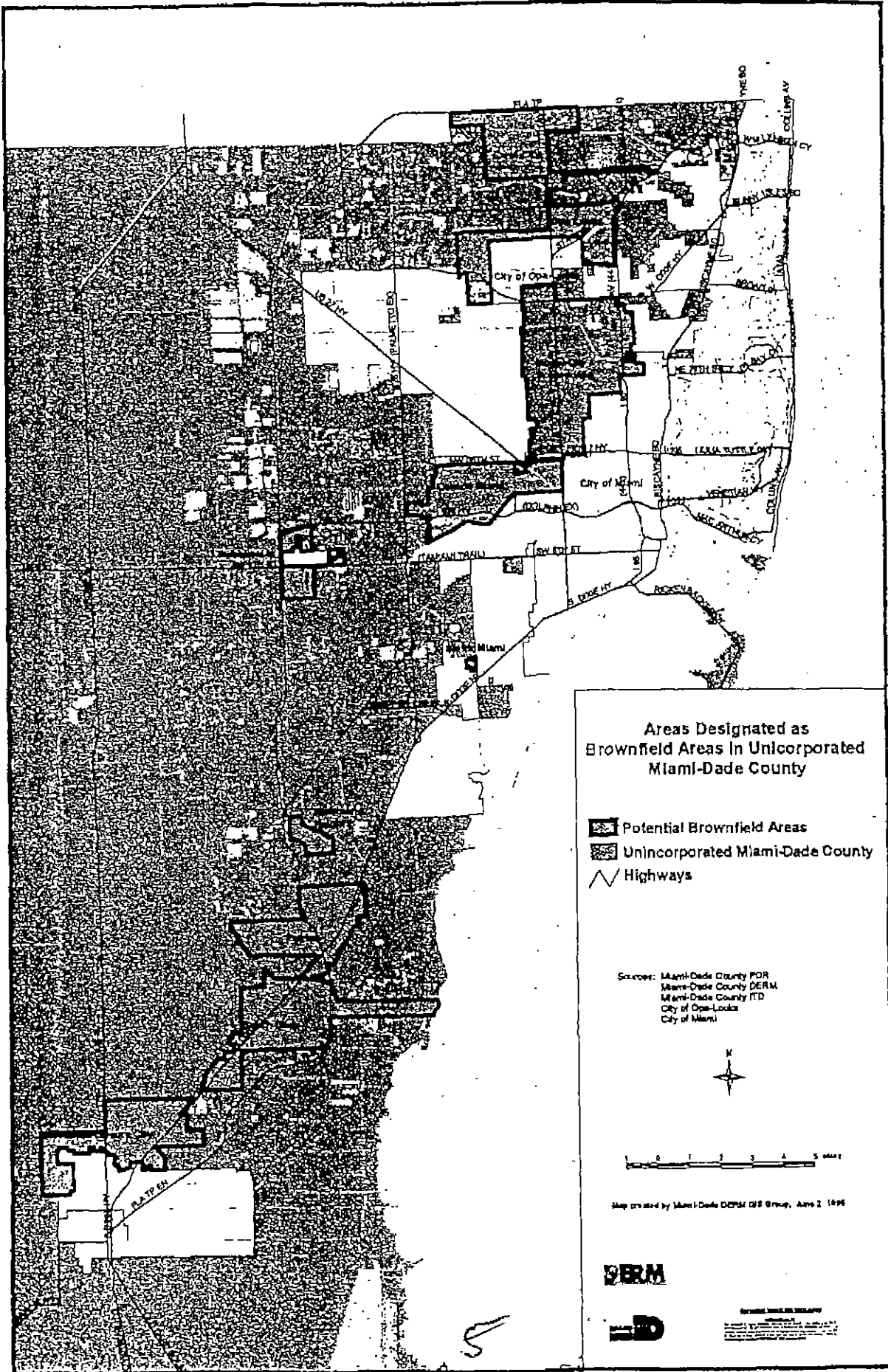
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. That this Board hereby designates as brownfield areas, those areas set forth on the map dated June 2, 1999 as set forth in Exhibit A attached hereto and incorporated herein by reference, which include all of the unincorporated areas of Miami-Dade County within the Urban Development Boundary of the Enterprise Zones, Enterprise Communities, Empowerment Zones, Developable Areas, Targeted Urban Areas, and areas eligible for Community Development Block Grants.

Section 2 The Director of the Department of Environmental Resources Management shall maintain the map of the aforesaid designated brownfield areas. The brownfield area map dated June 2, 1999, as may be amended from time to time, prepared by the Department of Environmental Resources Management is hereby adopted and incorporated herein by reference as attached Exhibit A. Any changes, additions or deletions to said map shall be approved by the Board of County Commissioners by resolution and ordinance.

The foregoing resolution was offered by Commissioner ~~Katy Sorenson~~, who moved its adoption. The motion was seconded by Commissioner ~~Dorcin D. Rolle~~, and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	aye	Bruno A. Barreiro	aye
Dr. Barbara M. Carey-Shuler	aye	Miguel Díaz de la Portilla	absent
Betty T. Ferguson	aye	Gwen Margolis	aye
Natacha Seijas Millán	absent	Jimmy L. Morales	aye
Dennis C. Moss	aye	Pedro Reboledo	absent
Dorcin D. Rolle	aye	Katy Sorenson	aye
Javier D. Souto	aye		



RESOLUTION NO. 2018-210-3624

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, EXPANDING THE BOUNDARIES OF THE CAROL CITY BROWNFIELD AREA MAP TO INCLUDE THE ISD PROPERTY IN ITS ENTIRETY, AS OUTLINED ON EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 15, 2005, the Miami-Dade County Board of County Commissioners approved Resolution Number R-1305-05 giving the City of Miami Gardens jurisdiction over Brownfield areas within the City, which were previously under unincorporated Miami Dade County, and

WHEREAS, this includes the current Carol City Brownfield Area as shown in Exhibit "A", and

WHEREAS, Section 376.80(1) of Florida Statutes requires the City of Miami Gardens to notify the Florida Department of Environmental Protection of any decision to designate an area as a Brownfield for rehabilitation purposes, and

WHEREAS, the required notification must include an adopted Resolution, and

WHEREAS, Miami-Dade County Internal Services Department (ISD) is requesting that the City of Miami Gardens expand its current Carol City Brownfield Area (BFA) map to include the entirety of an ISD-owned parcel located at the southwest corner of NW 183rd Street and NW 37th Avenue as shown on the attached Exhibit "B", and

WHEREAS, the parcel is vacant and bears the Folio Number 34-2108-007-0011, currently only the northern portion of the site is included within the Carol City BFA, and

WHEREAS, ISD is seeking to benefit from the Brownfield program incentives in order to redevelop this contaminated site into a viable use and to promote and market the future redevelopment of this underutilized parcel of land, and

WHEREAS, in order to take full advantage of the program benefits, ISD is requesting the City Council adopt a Resolution expanding the boundaries of the Carol City BFA to cover this parcel in its entirety, and

WHEREAS, there is no liability, risk or financial cost imposed upon the City of Miami Gardens in adopting the Resolution and approval will not have an adverse impact on the City's operations, and

WHEREAS, the City's only obligation is to provide a copy of the executed Resolution to the Florida Department of Environmental Protection and the Miami-Dade County Division of Environmental Resource Management within 30 days of adoption, and

WHEREAS, Staff recommends the City Council expand the boundaries of the Carol City Brownfield Area Map to include the ISD property in its entirety, as shown on Exhibit "B" attached hereto,

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 expands the boundaries of the Carol City Brownfield Area Map to include the ISD property in its entirety, as shown on Exhibit "B" attached hereto.

Section 3: INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby authorized to obtain two (2) fully executed copies of the Resolution with one to be delivered to the Florida Department of Environmental Protection, and one to the Miami-Dade County Division of Environmental Resource Management.

Section 4: 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 DECEMBER 12, 2018.

  
\_\_\_\_\_  
OLIVER GILBERT, III, MAYOR

ATTEST:

  
\_\_\_\_\_  
MARIO BATAILLE, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, CITY ATTORNEY  
SPONSORED BY: CAMERON BENSON, CITY MANAGER

Moved by: Mayor Gilbert  
Seconded by: Councilman Williams

VOTE: 6-0

Mayor Oliver Gilbert, III	<u>  X  </u> (Yes)	_____ (No)
Vice Mayor Rodney Harris	<u>  X  </u> (Yes)	_____ (No)
Councilwoman Katrina Wilson	<u>  X  </u> (Yes)	_____ (No)
Councilman Erhabor Ighodaro, Ph.D.	<u>  X  </u> (Yes)	_____ (No)
Councilwoman Lillie Q. Odom	_____ (Yes)	_____ (No) (absent)
Councilman Reggie Leon	<u>  X  </u> (Yes)	_____ (No)
Councilman David Williams Jr	<u>  X  </u> (Yes)	_____ (No)



## City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	December 12, 2018		Item Type: <i>(Enter X in box)</i>	Resolution X	Ordinance	Other
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>		1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading
		X	Public Hearing: <i>(Enter X in box)</i>		Yes X	No
Funding Source:			Advertising Requirement:		Yes X	No
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:		<i>(Enter #)</i>	
		X				
Strategic Plan Related:	Yes	No	Strategic Plan Priority Area:		Strategic Plan Obj./Strategy: N/A	
		X	Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/>			
Sponsor Name:	Cameron D. Benson City Manager		Department:		Planning and Zoning	

**Short Title:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, EXPANDING THE BOUNDARIES OF THE CAROL CITY BROWNFIELD AREA MAP TO INCLUDE THE ISD PROPERTY IN ITS ENTIRETY, AS OUTLINED ON EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

**Staff Summary:**

**Background**

On November 15, 2005, the Miami –Dade County Board of County Commissioners approved Resolution Number R-1305-05 giving the City of Miami Gardens jurisdiction over Brownfield areas within the City, which were previously under unincorporated Miami Dade County. This includes the current Carol City Brownfield Area as shown in Exhibit A.

ITEM K-20) CAROL CITY  
BROWNFIELD AREA

Section 376.80(1) of Florida Statutes requires the City of Miami Gardens to notify the Florida Department of Environmental Protection of any decision to designate an area as a Brownfield for rehabilitation purposes. The required notification must include an adopted Resolution.

**Current Situation**

Miami-Dade County Internal Services Department (ISD) is requesting that the City of Miami Gardens expand its current Carol City Brownfield Area (BFA) map to include the entirety of an ISD-owned parcel located at the southwest corner of NW 183rd Street and NW 37th Avenue as shown on the attached Exhibit B. The parcel is vacant and bears the Folio No. 34-2108-007-0011; currently only the northern portion of the site is included within the Carol City BFA.

ISD is seeking to benefit from the Brownfield program incentives in order to redevelop this contaminated site into a viable use and to promote and market the future redevelopment of this underutilized parcel of land. In order to take full advantage of the program benefits, ISD is requesting the City Council adopt a Resolution expanding the boundaries of the Carol City BFA so as to cover this parcel in its entirety.

There is no liability, risk or financial cost imposed upon the City of Miami Gardens in adopting the Resolution and approval will not have an adverse impact on the City's operations. The City's only obligation is to provide a copy of the executed Resolution to the Florida Department of Environmental Protection and the Miami-Dade County Division of Environmental Resource Management within 30 days of adoption.

**Proposed Action:**

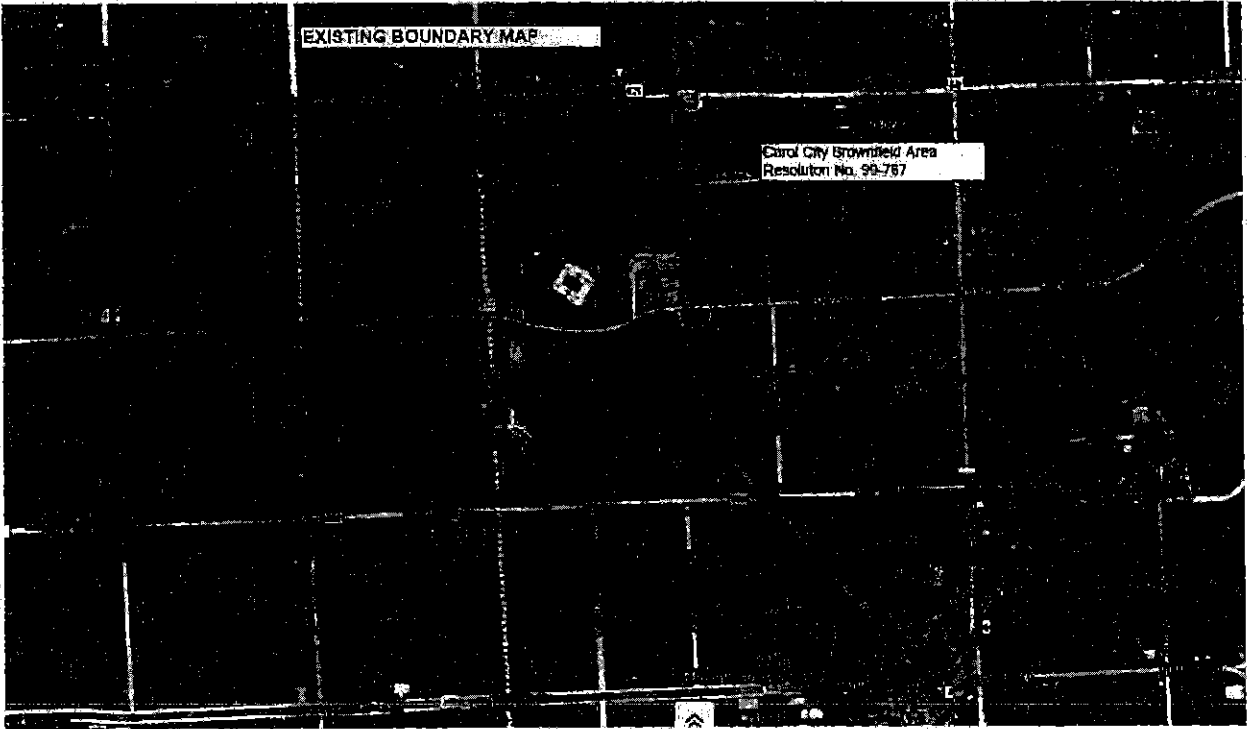
It is recommended the City Council adopt the Resolution expanding the boundaries of the Carol City Brownfield Area Map to include the ISD property in its entirety.

**Attachments:**

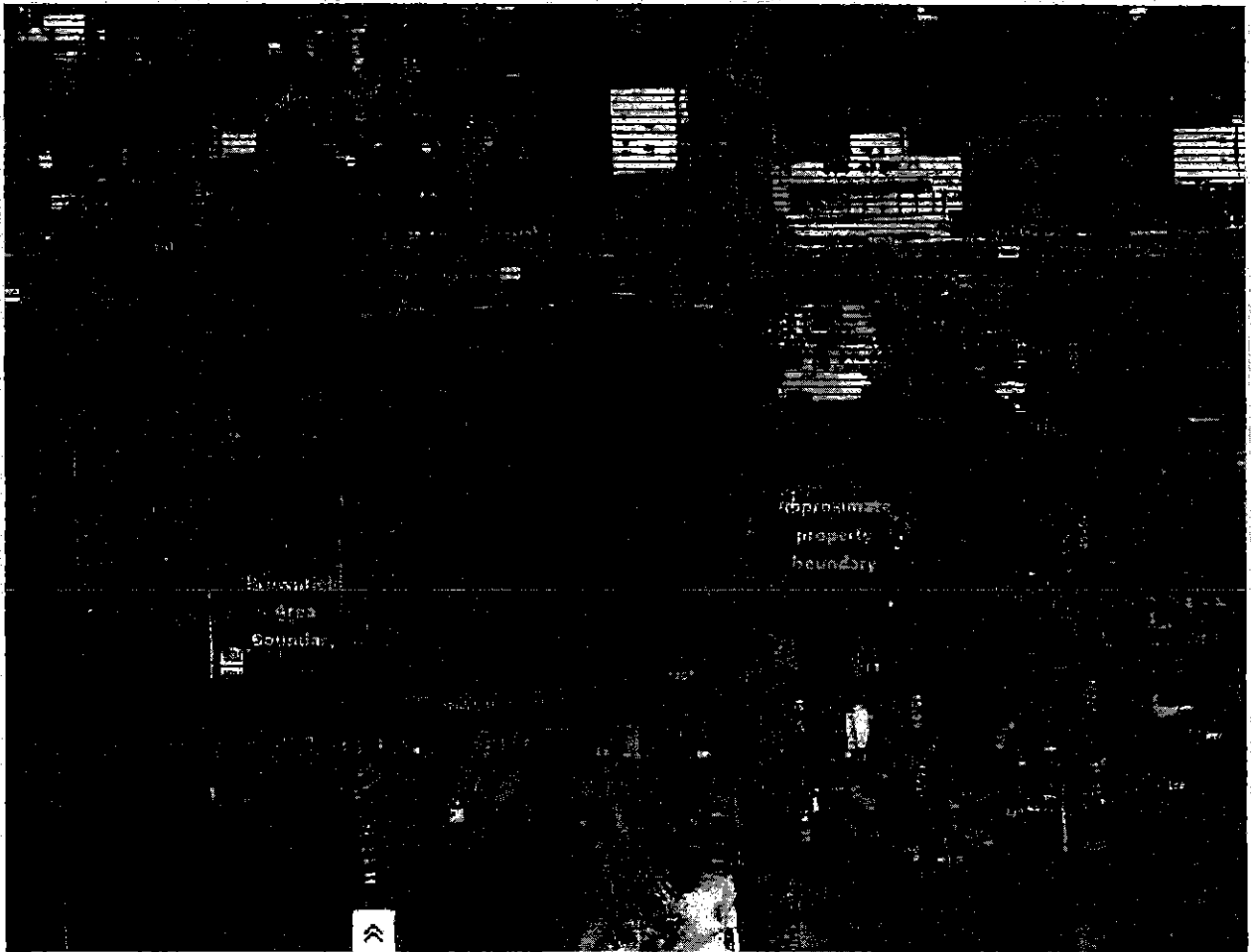
- EXHIBIT A - Carol City Brownfield Area Map
- EXHIBIT B – ISD Property Proposed Boundary Expansion



**EXHIBIT "A"**  
**Carol City Brownfield Area Map**



**EXHIBIT "B"**  
**ISD Property Proposed Boundary Expansion**



LEGAL DESCRIPTION

8 52 41 4.99AC

CAROL CITY

PB 57-20

E418.78FT OF TR 1

LOT SIZE 217364 SQ FT

OR 14377-353 1289 4

F/A/U 30-2108-007-0011



# OFFICE OF THE PROPERTY APPRAISER

## Detailed Report Summary Report

Generated On : 5/20/2019

Property Information	
Folio:	34-2108-007-0011
Property Address:	
Owner	MIAMI-DADE COUNTY GSA R/E MGMT
Owner	MIAMI-DADE COUNTY GSA R/E MGMT
Mailing Address	111 NW 1 ST STE 2460 MIAMI, FL 33128-1929
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	217,364 Sq.Ft
Year Built	0



Assessment Information			
Year	2018	2017	2016
Land Value	\$258,120	\$258,120	\$206,496
Building Value	\$0	\$0	\$0
XF Value	\$0	\$0	\$0
Market Value	\$258,120	\$258,120	\$206,496
Assessed Value	\$166,279	\$151,163	\$137,421

Benefits Information				
Benefit	Type	2018	2017	2016
Non-Homestead Cap	Assessment Reduction	\$91,841	\$106,957	\$69,075
County	Exemption	\$166,279	\$151,163	\$137,421

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Short Legal Description
8 52 41 4.99 AC
CAROL CITY
PB 57-20
E418.78FT OF TR 1
LOT SIZE 217364 SQ FT

Taxable Value Information			
	2018	2017	2016
<b>County</b>			
Exemption Value	\$166,279	\$151,163	\$137,421
Taxable Value	\$0	\$0	\$0
<b>School Board</b>			
Exemption Value	\$258,120	\$258,120	\$206,496
Taxable Value	\$0	\$0	\$0
<b>City</b>			
Exemption Value	\$166,279	\$151,163	\$137,421
Taxable Value	\$0	\$0	\$0
<b>Regional</b>			
Exemption Value	\$166,279	\$151,163	\$137,421
Taxable Value	\$0	\$0	\$0

Sales Information					
Previous Sale	Price	OR Book-Page	Qualification Description	Previous Owner 1	Previous Owner 2



# OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/20/2019

**Property Information**

Folio: 34-2108-007-0011

Property Address:

## Roll Year 2018 Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	R-1	0100	Square Ft.	217,364.00	\$258,120

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at <http://www.miamidade.gov/info/disclaimer.asp>

Version:



# OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/20/2019

## Property Information

Folio: 34-2108-007-0011

Property Address:

## Roll Year 2017 Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	R-1	0100	Square Ft.	217,364.00	\$258,120

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



# OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/20/2019

**Property Information**

Folio: 34-2108-007-0011

Property Address:

## Roll Year 2016 Land, Building and Extra-Feature Details

Land Information					
Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	R-1	0100	Square Ft.	217,364.00	\$206,496

Building Information						
Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value

Extra Features			
Description	Year Built	Units	Calc Value

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Version:



# OFFICE OF THE PROPERTY APPRAISER

Generated On : 5/20/2019

## Property Information

Folio: 34-2108-007-0011

Property Address:

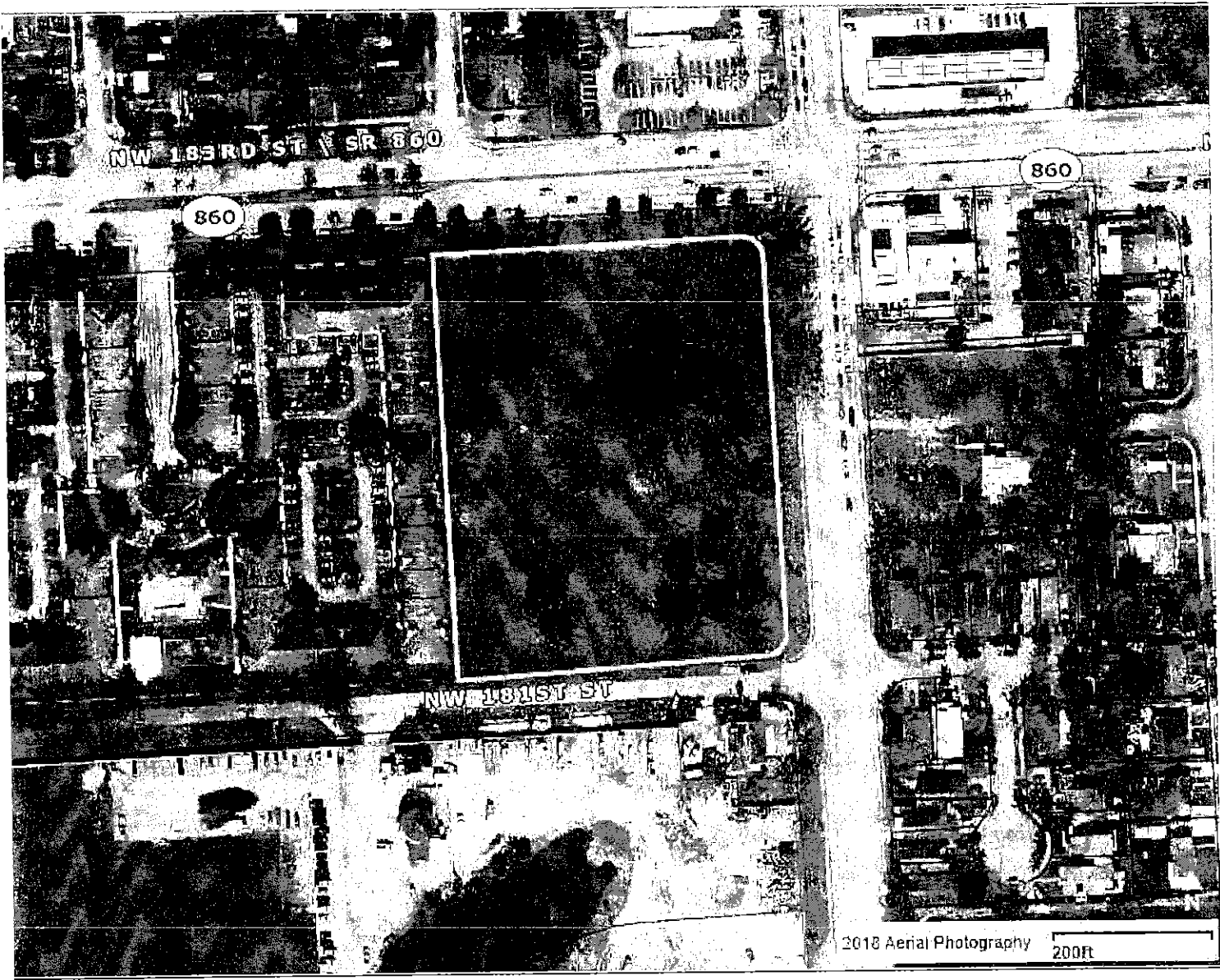
<b>Full Legal Description</b>
8 52 41 4.99 AC
CAROL CITY
PB 57-20
E418.78FT OF TR 1
LOT SIZE 217364 SQ FT
OR 14377-353 1289 4
F/A/U 30-2108-007-0011

<b>Sales Information</b>					
Previous Sale	Price	OR Book-Page	Qualification Description	Previous Owner 1	Previous Owner 2

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Version:





ATTACHMENT B - - BROWNFIELD SITE REHABILITATION SCHEDULE

**Attachment B**  
**Table I**  
**Brownfield Site Rehabilitation Schedule**

Type of Report or Activity	PRFBSR Action or Submittal Time Frames	Department Review or Comment Time frames
Notice of Interim Source Removal Action or Emergency Response Action situations.	Within 24 hours of initiation of the action.	No comment required.
Interim Source Removal Proposal	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (see Rule 62-780.525, F.A.C.)	Within 30 days of receipt.
Interim Source Removal Plan	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (62-780.525, F.A.C.)	Within 30 days of receipt.
Interim Source Removal Status Report	Within 60 days of completion of source removal activities and every 60 days thereafter or when the field activity is terminated, whichever occurs first.	No comment required.
Interim Source Removal Report	Within 60 days of completion of interim source removal activities.	Within 60 days of receipt.
Site Rehabilitation Plan (SRP) or Combined Document; (Optional submittal) (See Rule 62-780.450, F.A.C.)	Optional: SRP submitted within 270 days of executing BSRA. May include multiple tasks.	Within 60 days of receipt.
Site Assessment Report (SAR)	SAR submitted within 270 days of executing BSRA.	Within 60 days of receipt.
Risk Assessment Report (RAR)	Optional: (within 60 days of SAR approval.)	Within 90 days of receipt.
No Further Action (NFA) Proposal	When the site meets the criteria for NFA (See Rule 62-780.680, F.A.C.).	Within 60 days of receipt.
Well Survey and Sampling Results pursuant to paragraph 62-780.600(3)(h), F.A.C.	Within 60 days of discovery of contamination beyond the property boundaries	Within 60 days of receipt.
Natural Attenuation with Monitoring (NAM) Plan	When the site meets the criteria for Natural Attenuation with Monitoring (See Rule 62-780.690, F.A.C.).	Within 60 days of receipt.
Natural Attenuation with Monitoring (NAM) Report	Within 60 days of sample collection.	No comment required.
Remedial Action Plan (RAP)	Within 90 days of approval of a SRP, SAR or RAR.	Within 60 days of receipt.
As-Built Drawings	Within 120 days of initiating operation of the active remediation system.	No comment required.
Initiate Operation of Active Remedial Action	Within 120 days of RAP approval.	No comment required.
Proposals submitted pursuant to subsection 62-780.700(14), F.A.C.	Optional during active remediation	Within 60 days of receipt
Remedial Action Status Report (Monthly or quarterly status reports may be required for submittal - depending on site conditions and Advisory Committee.)	Within 60 days of the anniversary date of initiating operation of active remediation system.	No comment required.

Post Active Remediation Monitoring (PARM) Plan	When the site meets the criteria for NFA (see Rule 62-780.680) or Leveling-Off [see Rule 62-780.700(18)]	Within 60 days of receipt.
Post Active Remediation Monitoring (PARM) Report	Within 60 days of sample collection.	No comment required.
Leveling Off Determination	Within 60 days of sample collection.	Within 60 days of receipt.
Post Active Remediation Monitoring (PARM) Plan resampling proposal (Rule 62-780.750(4)(e), F.A.C.	Within 60 days of sample collection.	Within 60 days of receipt.
Site Rehabilitation Completion Report (SRCR)	Within 60 days of the final sampling event. If SRCR not approved then submit modifications, etc., within 60 days of Department's response.	Within 60 days of receipt. If the brownfield site meets the requirements of Chapter 62-780, F.A.C., for the issuance of an SRCO, then an SRCO will be issued.
Pilot Study Work Plan	When seeking approval before implementation of a Pilot Study pursuant to Rule 62-780.700(2), F.A.C.	Within 60 days of receipt.
Notices for Field Activities except for Start of Interim Source Removal or Emergency Response Action situations.	Within seven (7) days but not less than 24 hours prior notice to the Department to perform field activity.	No comment required.
Submittal to the Department of addenda, responses, or modification to plans or reports, pursuant to Chapter 62-780, F.A.C.	Within 60 days of receipt of the Department's response.	Within the same time frame for review of the original submittal.
Submittal of Form and Actual Notice required in subsection 62-780.220(2), F.A.C.	See text of rule for "Initial Notice of Contamination Beyond Property Boundaries" in subsection 62-780.220(2), F.A.C.	No comment required.
Submittal of Actual and Constructive Notice required in subsection 62-780.220(3), F.A.C.	See text of rule for "Subsequent Notice of Contamination Beyond Source Property Boundaries for Establishment of a Temporary Point of Compliance (TPOC)" in subsection 62-780.220(3), F.A.C.	No comment required.
Submittal of Notice required in subsection 62-780.220(7), F.A.C.	See text of rule for requirement that PRFBSR provide notice of Department's intent to approve site closure using institutional controls, institutional and engineering controls, or alternative cleanup target levels.	No comment required.

ATTACHMENT C - - SITE ACCESS AGREEMENT

**SITE ACCESS AGREEMENT  
PERMISSION TO ENTER PROPERTY  
BROWNFIELDS REDEVELOPMENT PROGRAM**

1. Miami-Dade County ISD, the real property owner ("undersigned" or "owner"), hereby grants permission to the State of Florida, Department of Environmental Protection ("Department") and its agents and subcontractors to enter the undersigned's property ("the property") located at Southwest Corner of NW 138<sup>th</sup> Street and NW 37<sup>th</sup> Avenue, Miami Gardens, Florida, folio: 34-2108-007-0011, as described in **Attachment A** attached to the Brownfield Site Rehabilitation Agreement ("BSRA") for the brownfield site assigned the Brownfield Site Identification Number BF139902001, beginning on the date of execution of the BSRA and ending on such date as deemed appropriate by the Department or the successful completion of the BSRA, whichever occurs first.
2. This permission is contemplated to be used for the following activities that may be performed by the Department, its agents, representatives or subcontractors:
  - a. Having access to areas where contamination may exist.
  - b. Investigation of soil and groundwater including, but not limited to, the installation of groundwater monitoring wells, the use of geophysical equipment, the use of an auger for collection of soil and sediment samples, the logging of existing wells, videotaping, preparation of site sketches, taking photographs, any testing or sampling of groundwater, soil, surface water, sediments, air, and other materials deemed appropriate by the Department and the like.
  - c. Removal, treatment and/or disposal of contaminated soil and water, which may include the installation of recovery wells or other treatment systems.
3. Upon completion of the investigation, the Department will restore the property as near as practicable to its condition immediately prior to the commencement of such activities.
4. The granting of this permission by the undersigned is not intended, nor should it be construed, as an admission of liability on the part of the undersigned or the undersigned's successors and assigns for any contamination discovered on the property.
5. The Department, its agents, representatives or subcontractors may enter the property during normal business hours and may also make special arrangements to enter the property at other times after agreement from the undersigned.
6. The Department acknowledges and accepts any responsibility it may have under applicable law (Section 768.28, Florida Statutes) for damages caused by the acts of its employees acting within the scope of their employment while on the property.
7. In exercising its access privileges, the Department will take reasonable steps not to interfere with the Owner's operations, or the remediation and redevelopment activities pursuant to the BSRA.

\_\_\_\_\_  
Signature of Real Property Owner

\_\_\_\_\_  
Signature of Witness

Print Name: Tara Smith

Print Name: \_\_\_\_\_

Title, if applicable Miami-Dade County ISD Department Director

\_\_\_\_\_  
Date

Site Access Agreement  
Brownfield Site ID #: BF139902001  
Date:  
Page 2 of 2

Accepted by the Department by the following authorized agent:

\_\_\_\_\_  
Signature of Department representative

\_\_\_\_\_  
Signature of Witness

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

\_\_\_\_\_  
Title of Department representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

ATTACHMENT D - - CERTIFICATION OF REDEVELOPMENT AGREEMENT





Internal Services  
Director's Office  
111 NW 1st Street • Suite 2130  
Miami, Florida 33128  
T 305-375-5893 F 305-372-6084

March 13, 2018

miamidade.gov

Sonja K. Dickens, City Attorney  
City of Miami Gardens  
18605 NW 27th Avenue  
Miami Gardens, FL 33056

Re: Carol City Brownfield Area

Dear Ms. Dickens:

Miami-Dade County Internal Services Department (ISD) is sending this letter to request that the City of Miami Gardens expand the Carol City Brownfield Area (BFA) to include the entire portion of a lot that is under the jurisdiction of ISD. The property is located at the southwest corner of Miami Gardens Drive and NW 37<sup>th</sup> Avenue, Folio number 34-2108-007-0011 (property appraiser information attached). As you know, the Carol City BFA (BF139902000) was created by Miami-Dade County in 1999. Jurisdiction of the area was transferred to the City of Miami Gardens when it was incorporated. Therefore, the Carol City BFA is under the City's jurisdiction. Currently, only the northern portion of the subject property is located within the Carol City BFA.

An assessment was recently conducted under an Environmental Protection Agency (EPA) assessment grant, which was awarded to the Treasure Coast Regional Planning Council (TCRPC), to compile information regarding the current status of the contamination on this property. The results of the assessment were utilized to develop an Analysis of Brownfield Cleanup Alternatives (ABCA). The ABCA provides an evaluation of four different cleanup alternatives based on the site characteristics and assessment data, effectiveness, implementability, and cost, as well as climate change considerations. The ABCA will be advertised and published as part of the EPA grant requirements.

ISD is seeking to benefit from the brownfield program incentives, which will further the County's efforts to redevelop this contaminated site into a viable use. The exact land use has not yet been determined, but this information will be provided to the City once the best suited land use is determined. The County intends on entering into a Brownfield Site Rehabilitation Agreement (BSRA) which will require that an advisory board be established. The County would seek the City's leadership in assembling the appropriate community members to establish this advisory board, and would be pleased to assist with this endeavor.

Should you have any questions or require additional information, please contact me or Veronica Brown, Acting Division Director for the Internal Services Department Real Estate Development Division, at 305-375-4323.

Sincerely,

Tara C. Smith  
Director

c: Alina Hudak, Deputy Mayor/Director, DSWM  
Abigail Price-Williams, County Attorney  
Theresa Therilus, Assistant Director, ISD  
Grecia Posada-Enriquez, Engineer 3, DSWM

RESOLUTION NO. 2018-210-3624

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, EXPANDING THE BOUNDARIES OF THE CAROL CITY BROWNFIELD AREA MAP TO INCLUDE THE ISD PROPERTY IN ITS ENTIRETY, AS OUTLINED ON EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 15, 2005, the Miami-Dade County Board of County Commissioners approved Resolution Number R-1305-05 giving the City of Miami Gardens jurisdiction over Brownfield areas within the City, which were previously under unincorporated Miami Dade County, and

WHEREAS, this includes the current Carol City Brownfield Area as shown in Exhibit "A", and

WHEREAS, Section 376.80(1) of Florida Statutes requires the City of Miami Gardens to notify the Florida Department of Environmental Protection of any decision to designate an area as a Brownfield for rehabilitation purposes, and

WHEREAS, the required notification must include an adopted Resolution, and

WHEREAS, Miami-Dade County Internal Services Department (ISD) is requesting that the City of Miami Gardens expand its current Carol City Brownfield Area (BFA) map to include the entirety of an ISD-owned parcel located at the southwest corner of NW 183rd Street and NW 37th Avenue as shown on the attached Exhibit "B", and

WHEREAS, the parcel is vacant and bears the Folio Number 34-2108-007-0011, currently only the northern portion of the site is included within the Carol City BFA, and

WHEREAS, ISD is seeking to benefit from the Brownfield program incentives in order to redevelop this contaminated site into a viable use and to promote and market the future redevelopment of this underutilized parcel of land, and

WHEREAS, in order to take full advantage of the program benefits, ISD is requesting the City Council adopt a Resolution expanding the boundaries of the Carol City BFA to cover this parcel in its entirety, and

WHEREAS, there is no liability, risk or financial cost imposed upon the City of Miami Gardens in adopting the Resolution and approval will not have an adverse impact on the City's operations, and

WHEREAS, the City's only obligation is to provide a copy of the executed Resolution to the Florida Department of Environmental Protection and the Miami-Dade County Division of Environmental Resource Management within 30 days of adoption, and

WHEREAS, Staff recommends the City Council expand the boundaries of the Carol City Brownfield Area Map to include the ISD property in its entirety, as shown on Exhibit "B" attached hereto,

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

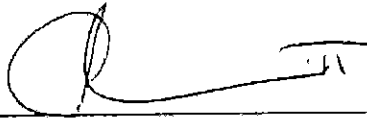
Section 1: ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2: AUTHORIZATION: The City Council of the City of Miami Gardens hereby expands the boundaries of the Carol City Brownfield Area Map to include the ISD property in its entirety, as shown on Exhibit "B" attached hereto.

Section 3: INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby authorized to obtain two (2) fully executed copies of the Resolution with one to be delivered to the Florida Department of Environmental Protection, and one to the Miami-Dade County Division of Environmental Resource Management.

Section 4: 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 DECEMBER 12, 2018.

  
\_\_\_\_\_  
OLIVER GILBERT, III, MAYOR

ATTEST:

  
\_\_\_\_\_  
MARIO BATAILLE, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, CITY ATTORNEY  
SPONSORED BY: CAMERON BENSON, CITY MANAGER

Moved by: Mayor Gilbert  
Seconded by: Councilman Williams

VOTE: 6-0

Mayor Oliver Gilbert, III	<u>X</u> (Yes)	____ (No)
Vice Mayor Rodney Harris	<u>X</u> (Yes)	____ (No)
Councilwoman Katrina Wilson	<u>X</u> (Yes)	____ (No)
Councilman Erhabor Ighodaro, Ph.D.	<u>X</u> (Yes)	____ (No)
Councilwoman Lillie Q. Odom	____ (Yes)	____ (No) (absent)
Councilman Reggie Leon	<u>X</u> (Yes)	____ (No)
Councilman David Williams Jr	<u>X</u> (Yes)	____ (No)



## City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	December 12, 2018		Item Type: <i>(Enter X in box)</i>	Resolution <input checked="" type="checkbox"/>	Ordinance	Other	
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1 <sup>st</sup> Reading		2 <sup>nd</sup> Reading	
		X		Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
				X			
Funding Source:			Advertising Requirement:	Yes		No	
				X			
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:	<i>(Enter #)</i>			
		X					
Strategic Plan Related:	Yes	No	Strategic Plan Priority Area:	Strategic Plan Obj./Strategy: N/A			
		X	Enhance Organizational <input type="checkbox"/>				
			Bus. & Economic Dev <input type="checkbox"/>				
			Public Safety <input type="checkbox"/>				
			Quality of Education <input type="checkbox"/>				
			Qual. of Life & City Image <input type="checkbox"/>				
			Communication <input type="checkbox"/>				
Sponsor Name:	Cameron D. Benson City Manager		Department:	Planning and Zoning			

**Short Title:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, EXPANDING THE BOUNDARIES OF THE CAROL CITY BROWNFIELD AREA MAP TO INCLUDE THE ISD PROPERTY IN ITS ENTIRETY, AS OUTLINED ON EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

**Staff Summary:**

**Background**

On November 15, 2005, the Miami-Dade County Board of County Commissioners approved Resolution Number R-1305-05 giving the City of Miami Gardens jurisdiction over Brownfield areas within the City, which were previously under unincorporated Miami Dade County. This includes the current Carol City Brownfield Area as shown in Exhibit A.

61

ITEM K-20) CAROL CITY  
BROWNFIELD AREA

Section 376.80(1) of Florida Statutes requires the City of Miami Gardens to notify the Florida Department of Environmental Protection of any decision to designate an area as a Brownfield for rehabilitation purposes. The required notification must include an adopted Resolution.

**Current Situation**

Miami-Dade County Internal Services Department (ISD) is requesting that the City of Miami Gardens expand its current Carol City Brownfield Area (BFA) map to include the entirety of an ISD-owned parcel located at the southwest corner of NW 183rd Street and NW 37th Avenue as shown on the attached Exhibit B. The parcel is vacant and bears the Folio No. 34-2108-007-0011; currently only the northern portion of the site is included within the Carol City BFA.

ISD is seeking to benefit from the Brownfield program incentives in order to redevelop this contaminated site into a viable use and to promote and market the future redevelopment of this underutilized parcel of land. In order to take full advantage of the program benefits, ISD is requesting the City Council adopt a Resolution expanding the boundaries of the Carol City BFA so as to cover this parcel in its entirety.

There is no liability, risk or financial cost imposed upon the City of Miami Gardens in adopting the Resolution and approval will not have an adverse impact on the City's operations. The City's only obligation is to provide a copy of the executed Resolution to the Florida Department of Environmental Protection and the Miami-Dade County Division of Environmental Resource Management within 30 days of adoption.

**Proposed Action:**

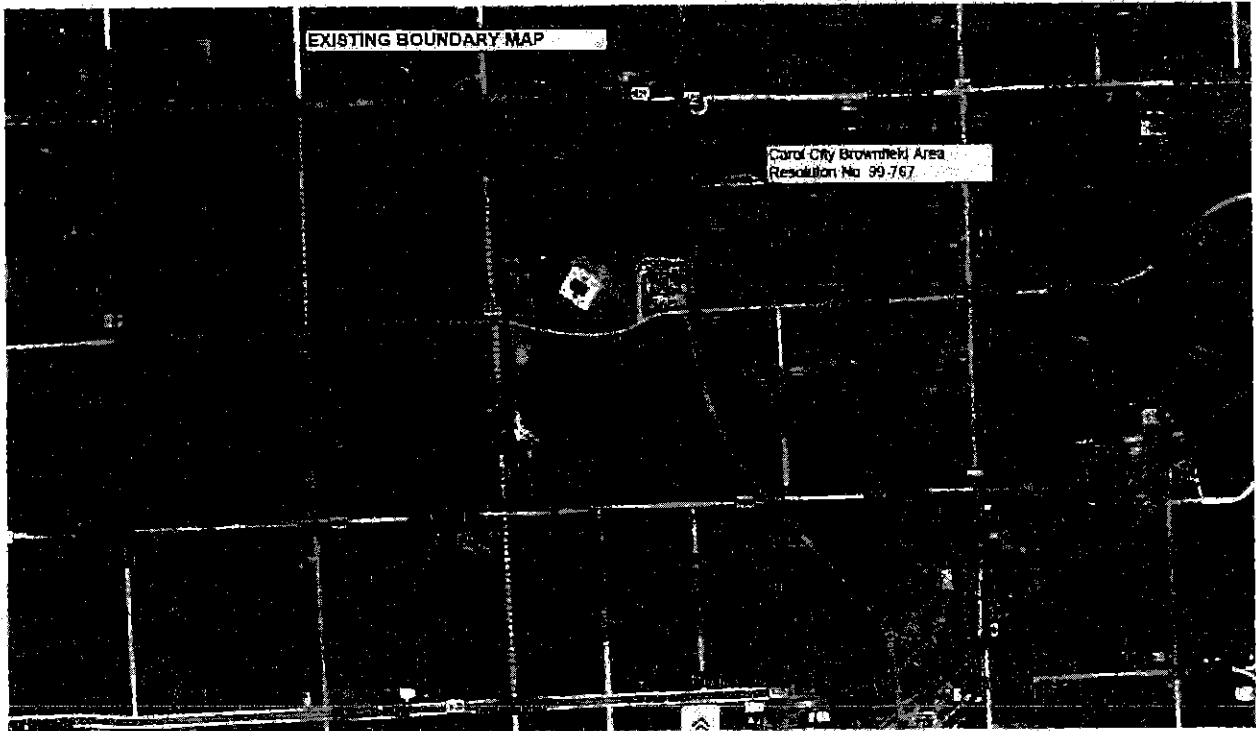
It is recommended the City Council adopt the Resolution expanding the boundaries of the Carol City Brownfield Area Map to include the ISD property in its entirety.

**Attachments:**

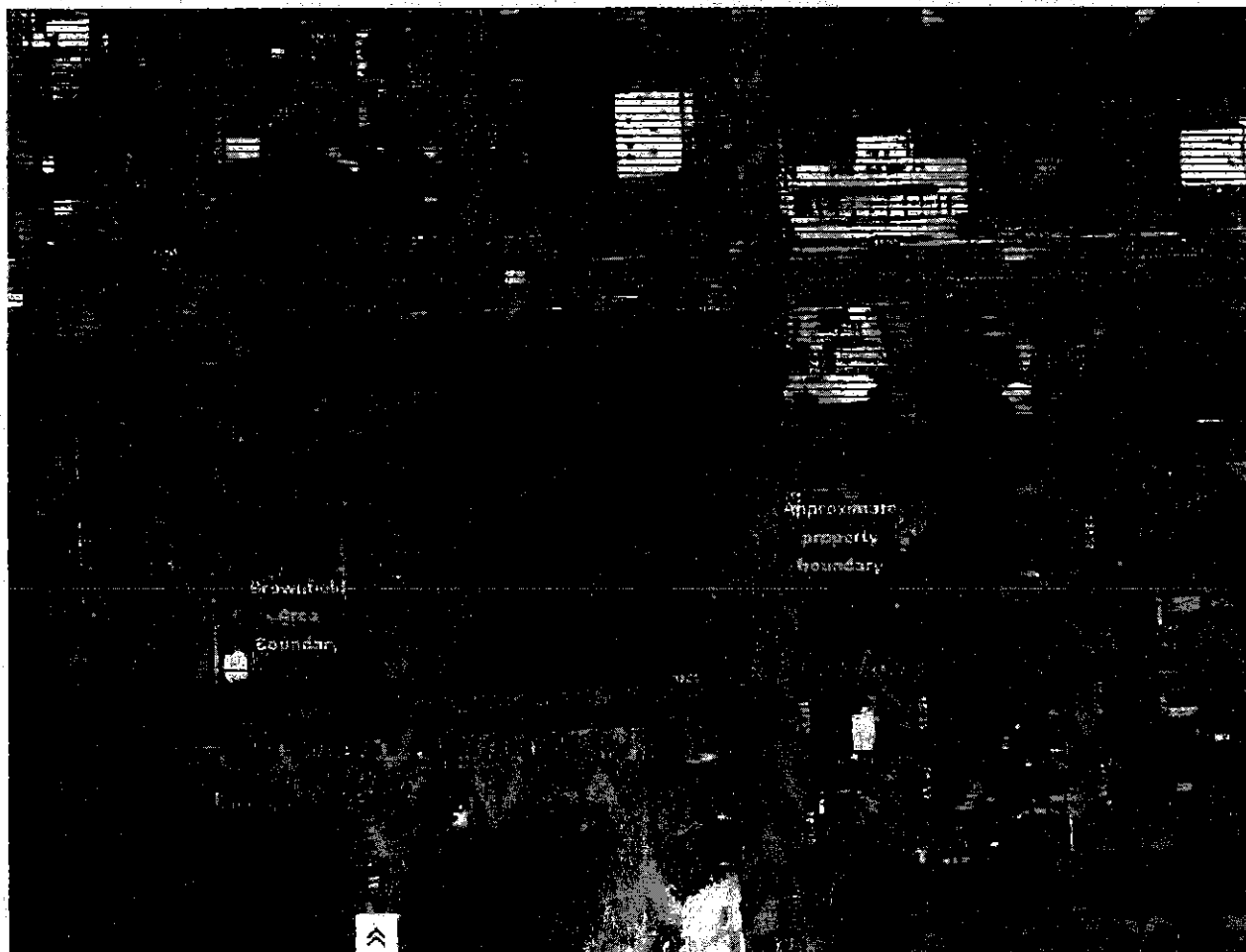
- EXHIBIT A - Carol City Brownfield Area Map
- EXHIBIT B – ISD Property Proposed Boundary Expansion

*62*

**EXHIBIT "A"**  
**Carol City Brownfield Area Map**



**EXHIBIT "B"**  
**ISD Property Proposed Boundary Expansion**



GH



ATTACHMENT E - - CONTRACTOR CERTIFICATION FORM



ENGINEERING  
ENVIRONMENTAL  
ECOLOGICAL

**CONTRACTOR CERTIFICATION FORM**  
**Brownfields Redevelopment Program**

Contractor Name E Sciences, Incorporated Date: \_\_\_\_\_

Contractor Address: 224 SE 9<sup>th</sup> Street, Fort Lauderdale, Florida 33316

Contact Name: Maria Paituvi

Phone No.: 954-484-8500 Fax No.: 954-484-5146

Brownfield Site ID #: BF139902001

<b>Contractor Certifies by Checking All Appropriate Boxes:</b>	<b>Yes</b>	<b>No</b>
1. It meets all certification and license requirements imposed by law.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. It performs or contracts laboratory analysis pursuant to National Environmental Laboratory Accreditation Program certification requirements and performs or contracts field-sampling work in accordance with the Standard Operating Procedures for Field Activities pursuant to Chapter 62-160, Florida Administrative Code.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. It complies with all applicable OSHA regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Has the capacity to perform the majority of the site rehabilitation program tasks pursuant to a brownfield site rehabilitation agreement or supervise the performance of such tasks by licensed subcontractors in accordance with Section 489.113(9), Florida Statutes (F.S.).	<input checked="" type="checkbox"/>	<input type="checkbox"/>

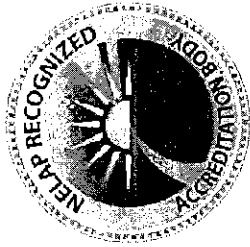
The person named below by signing as an "Officer of the Company" hereby certifies to the Florida Department of Environmental Protection (FDEP) that the Contractor named above meets the requirements for contractors participating in the Brownfields Redevelopment Program [Section 376.80(6), F.S.]:

\_\_\_\_\_  
Signature of Officer of the Company and Date Signed      Nadia G. Locke, P.E.  
Print Name of Officer of the Company

\_\_\_\_\_  
Associate  
Title of Officer of the Company

Contractors must immediately notify the FDEP (Brownfields District Coordinator, delegated local program) of any change in the above criteria. The FDEP may order a suspension or cessation of work for failure of a contractor to maintain their required certification.

ATTACHMENT F - - QUALITY ASSURANCE CERTIFICATE



State of Florida  
Department of Health, Bureau of Public Health Laboratories  
This is to certify that

E86240

PACE ANALYTICAL SERVICES, LLC-POMPANO FL  
3610 PARK CENTRAL N.  
POMPANO BEACH, FL 33064

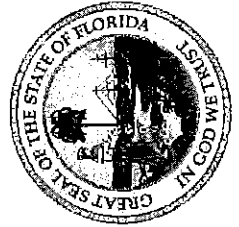
has complied with Florida Administrative Code 64E-1,  
for the examination of environmental samples in the following categories

DRINKING WATER - MICROBIOLOGY, DRINKING WATER - PRIMARY INORGANIC CONTAMINANTS, DRINKING WATER - SECONDARY INORGANIC  
CONTAMINANTS, NON-POTABLE WATER - GENERAL CHEMISTRY, NON-POTABLE WATER - MICROBIOLOGY, SOLID AND CHEMICAL MATERIALS -  
MICROBIOLOGY

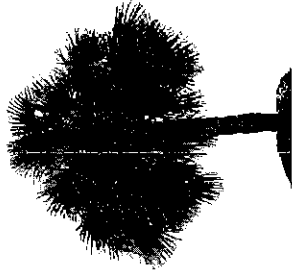
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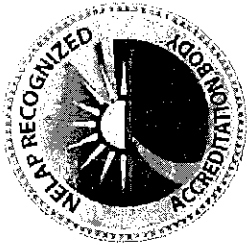
Continued certification is contingent upon successful on-going compliance with the NELAC Standards and FAC Rule 64E-1 regulations. Specific methods and analytes certified are cited on the Laboratory Scope of Accreditation for this laboratory and are on file at the Bureau of Public Health Laboratories, P. O. Box 210, Jacksonville, Florida 32231. Clients and customers are urged to verify with this agency the laboratory's certification status in Florida for particular methods and analytes.

Date Issued: July 01, 2019      Expiration Date: June 30, 2020



Patty A. Lewandowski, MBA, MT(ASCP)  
Chief Bureau of Public Health Laboratories  
DH Form 1697, 7/04  
NON-TRANSFERABLE E86240-53-07/01/2019  
Supersedes all previously issued certificates





State of Florida  
Department of Health, Bureau of Public Health Laboratories  
This is to certify that

E83079

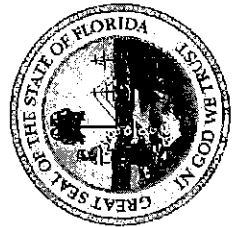
PACE ANALYTICAL SERVICES, LLC - ORMOND BEACH FL  
8 EAST TOWER CIRCLE  
ORMOND BEACH, FL 32174


has complied with Florida Administrative Code 64E-1,  
for the examination of environmental samples in the following categories

DRINKING WATER - GROUP I UNREGULATED CONTAMINANTS, DRINKING WATER - GROUP II UNREGULATED CONTAMINANTS, DRINKING WATER - OTHER REGULATED CONTAMINANTS, DRINKING WATER - GROUP III UNREGULATED CONTAMINANTS, DRINKING WATER - MICROBIOLOGY, DRINKING WATER - PRIMARY INORGANIC CONTAMINANTS, DRINKING WATER - SECONDARY INORGANIC CONTAMINANTS, DRINKING WATER - RADIOCHEMISTRY, DRINKING WATER - SYNTHETIC ORGANIC CONTAMINANTS, NON-POTABLE WATER - EXTRACTABLE ORGANICS, NON-POTABLE WATER - GENERAL CHEMISTRY, NON-POTABLE WATER - METALS, NON-POTABLE WATER - MICROBIOLOGY, NON-POTABLE WATER - PESTICIDES-HERBICIDES-PCB'S, NON-POTABLE WATER - VOLATILE ORGANICS, SOLID AND CHEMICAL MATERIALS - EXTRACTABLE ORGANICS, SOLID AND CHEMICAL MATERIALS - GENERAL CHEMISTRY, SOLID AND CHEMICAL MATERIALS - METALS, SOLID AND CHEMICAL MATERIALS - MICROBIOLOGY, SOLID AND CHEMICAL MATERIALS - PESTICIDES-HERBICIDES-PCB'S, SOLID AND CHEMICAL MATERIALS - VOLATILE ORGANICS, BIOLOGICAL TISSUE - METALS

Continued certification is contingent upon successful on-going compliance with the NELAC Standards and FAC Rule 64E-1 regulations. Specific methods and analytes certified are cited on the Laboratory Scope of Accreditation for this laboratory and are on file at the Bureau of Public Health Laboratories, P. O. Box 210, Jacksonville, Florida 32231. Clients and customers are urged to verify with this agency the laboratory's certification status in Florida for particular methods and analytes.

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Chief Bureau of Public Health Laboratories  
DH Form 1697, 7/04  
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**ATTACHMENT G -- ADVISORY COMMITTEE MEMBERS**

## ATTACHMENT H - - FORMAT FOR SUBMITTAL OF TECHNICAL DOCUMENTS

1. One hard copy or one electronic copy of each report or proposal and final reports shall be submitted to the Department or to the delegated local program.
2. Where an electronic format exists of the records it shall be used to transmit the data, file, report, document, map, plans, picture, record, or any other object that may be available in an electronic format. Electronic records shall be kept in industry standard non-proprietary formats: TIFF, GIF, JPEG, PDF, or in Microsoft Word, Microsoft Excel, and Microsoft Access not older than one (1) release behind the current.
3. Data requested shall be transmitted using available media such as E-mail, Compact Disc (CD), or File Transfer via an FTP site. Additional formats may be considered at the time of the request.
4. After final approval of each report, an electronic copy and one hard copy shall be submitted within 30 days.
5. The media shall include a file directory and specify the "naming convention".
  - (a) Final reports (any text files) must be in one of the approved formats.
  - (b) Site maps and surveys shall be in TIFF, JPEG or ".pdf" format.
  - (c) Site-specific GIS data tables shall be in Excel or text (tab delimited) format.
  - (d) The cover of the media shall include the Site Name, Designated Brownfield Area, Date and Type of Report(s).  
The left inside cover of the media should list all the files located on the media.