




City of Pompano Beach
Office of Housing and Urban Improvement

Memorandum No. 10-127

MEMORANDUM

Date: June 18, 2010

To: Dennis W. Beach, City Manager

From: Miriam Carrillo, Interim Director of Office of Housing and Urban Improvement 

RE: **AGENDA ITEM: 2005 CDBG DRI Supplemental Agreement –
First Amendment (Time Extension) to the Agreement
Service Area 23 – Single Family Hardening/Mitigation in the amount of \$388,553.33**

The County has requested a time extension from the Florida Department of Community Affairs (DCA) for the 2005 CDBG DRI Supplemental Grant Contract #08-DB-D3-11-16-01-A06. If DCA approves the time extension request the County will in turn allow up to a 6-month extension (December 27, 2010) on the above referenced grant.

The OHUI is requesting for the City Commission's consideration of the City of Pompano Beach, approving and authorizing the proper city officials to execute the amendment to the agreement between Broward County and the City of Pompano Beach of the second round of allocation of Disaster Recovery Initiative funds in the amount of \$388,553.33 for Disaster Mitigation/Hardening Program.

The Disaster Recovery Program will help very low and low-income owner-occupied households in the City with disaster mitigation/hardening assistance to prepare their homes for future storms that may occur. These funds cover exterior hardening of the property to prevent any further damage. The program is limited to repair or replacement of roofs, windows, doors and the installation of shutters, only.

It is requested that this item be placed on the City Commission Agenda of June 22, 2010.

**Attachments: Resolution CAC #2010-1353
Amendment to the Agreement between Broward County & City of Pompano Beach**

RESOLUTION NO. 2010- _____

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH FOR FUNDING TO PROVIDE LOW INCOME OWNER-OCCUPIED HOUSEHOLDS WITH DISASTER MITIGATION ASSISTANCE; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That a First Amendment to Agreement between Broward County and the City of Pompano Beach, a copy of which Amendment is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

SECTION 2. That the proper City officials are hereby authorized to execute said Amendment between Broward County and the City of Pompano Beach.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2010.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

FIRST AMENDMENT TO
AGREEMENT

Between

BROWARD COUNTY

and

CITY OF POMPANO

for

SERVICE AREA 23 – MITIGATION & HARDENING REHAB

IN THE AMOUNT OF \$388,553.33

PROVIDING FOR FUNDING AND ADMINISTRATION OF
2005 COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY
INITIATIVE FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

FIRST AMENDMENT TO

AGREEMENT

Between

BROWARD COUNTY

and

CITY OF POMPANO

for

SERVICE AREA 23 – MITIGATION & HARDENING REHAB

IN THE AMOUNT OF \$388,553.33

PROVIDING FOR FUNDING AND ADMINISTRATION OF
2005 COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY
INITIATIVE FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

This is a First Amendment to Agreement between BROWARD COUNTY, a political subdivision of the State of Florida, its successors and assigns, hereinafter referred to as "COUNTY SUBGRANTEE," through its Board of County Commissioners,

AND

CITY OF POMPANO, a municipal corporation of the State of Florida, its successors in interest, hereinafter referred to as "MUNICIPAL SUBRECIPIENT."

WHEREAS, the Parties entered into an Agreement dated February 17, 2009, providing for funding and administration of Community Development Block Grant programs in the amount of Three Hundred Eighty-eight Thousand Five Hundred Fifty-three Dollars and 33/100 (\$388,553.33); and

WHEREAS, the Parties desire to enter into a this First Amendment to Agreement extending the term of the Agreement for six (6) months, subject to COUNTY being granted an extension to the term of that certain Grant Agreement it has with the State of Florida, Department of Community Affairs for Disaster Recovery Initiative funds; and

WHEREAS, Article 9, Term of Agreement, and Exhibit "B" shall be amended as provided for herein; and

WHEREAS, the Parties believe this First Amendment to Agreement is reasonable and necessary and in the best interest of the public; NOW, THEREFORE,

IN CONSIDERATION of the mutual covenants set forth herein, the Parties agree to amend the Agreement as follows:

1. The above recitals are true and correct and are incorporated herein as if set forth in full hereunder.
2. Pursuant to Paragraph 12.4 of the original Agreement, CITY has requested in writing, and COUNTY has agreed to a six (6) month extension in the term as more specifically described in Exhibit "B-1," attached hereto and made a part hereof.
3. Article 9, Term of Agreement, is hereby amended to read as follows:

This Agreement shall commence on June 27, 2008, and shall end on ~~June 27, 2010~~ December 27, 2010, unless terminated earlier or extended pursuant to the terms of the Agreement. The termination date provided above is subject to COUNTY being granted an extension to the term of that certain Grant Agreement it has with the State of Florida, Department of Community Affairs.

4. Exhibit "B" of the Agreement, as amended, is hereby deleted in its entirety and a new Exhibit "B-1," attached hereto is substituted therefore and all references in the Agreement to Exhibit "B" after the effective date of this First Amendment to Agreement shall refer to Exhibit "B-1."
5. Except as provided for herein this First Amendment to Agreement, the terms and conditions set forth in the original Agreement shall remain in force and effect.
6. This First Amendment to Agreement may be fully executed in multiple copies by all Parties, each of which, bearing original signatures, shall have the force and effect of an original document.

(The remainder of this page is intentionally left blank)

IN WITNESS WHEREOF, the Parties have made and executed this First Amendment to Agreement on the respective dates under each signature: BROWARD COUNTY through the BROWARD COUNTY ADMINISTRATOR, authorized to execute same by resolution of the Board of County Commissioners, and CITY OF POMPANO, signing by and through its _____, duly authorized to execute same.

COUNTY

WITNESSES:

BROWARD COUNTY, through its COUNTY ADMINISTRATOR

Signature

By: _____

Bertha Henry
County Administrator

Print Name

____ day of _____, 20__.

Signature

Approved as to form by
JEFFREY J. NEWTON, County Attorney
for Broward County, Florida
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

Print Name

Insurance requirements
Approved as to form by
County's Risk Management

By: _____

PATRICE M. EICHEN
Assistant County Attorney

By: _____

Dated: _____

FIRST AMENDMENT TO AGREEMENT BETWEEN BROWARD COUNTY AND CITY OF POMPANO BEACH FOR SERVICE AREA 23 – MITIGATION & HARDENING REHAB IN THE AMOUNT OF \$388,553.33 PROVIDING FOR FUNDING AND ADMINISTRATION OF 2005 COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY INITIATIVE FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

“CITY”:

Witnesses:

CITY OF POMPANO BEACH

By: _____
LAMAR FISHER, MAYOR

By: _____
DENNIS W. BEACH, CITY MANAGER

Attest:

MARY L. CHAMBERS, CITY CLERK

(SEAL)

Approved by:

GORDON B. LINN, CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, 2010 by **LAMAR FISHER** as Mayor, **DENNIS W. BEACH** as City Manager, and **MARY L. CHAMBERS** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY’S SEAL:

NOTARY PUBLIC, STATE OF FLORIDA

(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

**ATTACHMENT B-1 (SUPPLEMENTAL)
DEPARTMENT OF COMMUNITY AFFAIRS SMALL CITIES CDBG PROGRAM
PROJECT WORK PLAN – SINGLE FAMILY DISASTER MITIGATION/HARDENING**

RECIPIENT Broward County **DATE PREPARED** April 7, 2010
CONTRACT NO. 08-DB-D3-11-16-01-A06 **PROJECT BUDGET \$** 388,553.33
SERVICE AREA SA #23 **SUBRECIPIENT** City of Pompano Beach

Date Start (month & year)	Date End (month & year)	Describe Proposed Action to be Undertaken or Contract Special Condition Clearance Documentation to be submitted by "Date End"	# Units to be completed by "Date End"	Proposed \$\$ to be Requested by "Date End"	Proposed Administration \$\$ to be Requested by "Date End"
2/24/2010	3/2010	Public Notice of Funds Availability			
3/2010	4/2010	Provide Client / Participant Survey			
1/2010	3/2010	Income Certify Clients	15		
4/2010	7/2010	Pre-Bid / Pre Construction / Award	11		
4/2010	8/2010	Construction	26		
9/2010	11/2010	Continuing Construction / Completion	15	\$224,553.33	
10/2010	12/2010	Continuing Construction / Completion	11	\$164,000	
		Close-out	26	\$388,553.33	
		Total			

Note: More than one activity may be included per form. (Rev. Apr 2010)