

11/16/11 To: Hector cc: City Council

CITY OF HALLANDALE BEACH, FLORIDA
MEMORANDUM

DATE: November 9, 2011

TO: Mark Antonio, City Manager

FROM: Hector D. Castro, P.E., Director, DPW, Utilities & Engineering

SUBJECT: City Marina Dock Project FIND Grant Expiration CAD #03-031

2011 NOV 17 AM 6:20

CITY OF HALLANDALE BEACH
DPW UTILITIES

In review of the status of the grants for the City Marina Dock project, staff realized that the \$420,495.00 grant from Florida Inland Navigation District (FIND) expired on September 30th, 2011. We have inquired with the Director of FIND for extensions or appeals to the expiration date. The expiration is based on a maximum of three years from the date of the initial grant award, which was October 1, 2008. This condition is set as law through the Florida legislature and is therefore not subject to further extensions. The FIND Director, David Roach, explained that we will have the opportunity to reapply for a grant in the next cycle, which opens in January and closes in April. This application could request the waiving of the pre-agreement condition of the grant, which would allow us to get reimbursed for costs prior to the agreement being executed. The FIND staff would support this application. Final approval is still based on the availability of funds. The award would be in October and the City would be eligible for reimbursement once the agreement is executed.

The original agreement had an expiration date of September 30, 2010. In August of 2010, staff requested an extension to September 30, 2011 which was granted. The project schedule was to complete the marina by April 2011. Construction is now scheduled to be completed in December 2011. The delay in the project was encountered due to the hope that staff could use an "environmentally green" material with a 50-100 year life cycle, thermoplastic lumber material, for the marina construction. This material did not obtain the promised certifications by an approved lab and ultimately did not meet the testing specifications as represented by the supplier and required for the project. The resulting change required a plan redesign and a corresponding schedule delay.

During this period staff was also working to secure an additional \$301,250 grant from the Broward Boating Improvement Program (BBIP), which we have received.

At this time the project has an available balance of \$771,190 and will require an additional funding of \$300,000 in order to be completed. Staff requests using \$300,000 from ACT #160-4110-541.66-29 that were allocated to Project #104102-A1A Pedestrian Improvements, since this project is not scheduled until FY 2013-14. This project has a balance of \$715,000. In the event of a new FIND grant award, the City will be able to return the funds to their original project prior to the project's commencement.

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In review of the attached email correspondence, staff has some trepidation about appealing too hard, or asking for special dispensation. After reading through the various statutes and codes referenced in Director David Roach's email concerning our grant (FIND BR-HB-08-84), we do not have much recourse.

Staff's review of the various laws and codes leaves little doubt. 374.976(2) F.S. clearly states that "...At a minimum, such rules shall prohibit the encumbrance of funds for a project beyond 3 years following approval of the project...". The only exception would be if we were recovering from under a declared emergency, as defined under Chapter 252.

There is an appeal process, however, David clearly states that he and his staff would necessarily have to recommend denial, based on the clear and concise non-compliance with law. To ask them to do otherwise would be asking them to compromise their integrity, which we do not want to do. It may not be in the City's best interest to appeal. Staff thinks the City stands a better chance of getting funded again for this project during the next funding cycle.

Presently, the FIND Staff are still on our side, and will support both a re-application for next year's funding cycle as well as offering special consideration to waive the "pre-agreement expense" provision of grant award, which would allow us to recoup funds expended between the expiration of the grant (September 30, 2011) and the award of a new grant (October 1, 2012). That is a very generous offer on the part of the District Staff. Staff would not want to jeopardize our good relationship with the District Staff by pushing too hard, or by taking a political route.

The City has a number of things going for us in reapplying for this grant:

- Our marina is the southern most public marina in Broward County. Helping us provide marine facilities to the public in an area devoid of public marinas is one of the main goals of the District.
- We are not asking for a lot of money, relative to the average annual assistance grant awards issued each year by FIND.
- Our project has been previously approved, so merit has already been shown and accepted by the Governing Board.
- The delays that caused the grant to expire were the result of the City attempting to be "green" and innovative in our approach to marina design. The use of the composite piling, if it had worked, would have been cutting edge technology for a public marine facility with the potential of more than doubling the expected useful life of the pilings. The fact that the company that provided this option mislead us and our designers, and was not able to secure certification for use of their pile design does not reflect negatively on the City. The time that expired attempting to obtain the certification, then redesigning the project is the primary reason the grant expired before we could use the majority of it (we will be charging some of our initial costs to the grant, perhaps upwards of \$20,000).
- Finally, it may be advisable to reduce our request during the next funding cycle by a small amount to reflect what the City actually needs. This would show FIND that we are being highly responsible and attempting to make the best use of their funds.

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Prepared By: _____
Richard Labinsky, P.E.

Reviewed:



Mark Antonio, City Manager

11/10/11
Date

Approved Denied Hold for Discussion

Comments:

Provide copy to

each City Commissioner

Attachment: Emails with FIND