

ORDINANCE NO. 2014-001-312

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2009-06-178 OF THE CITY COUNCIL THAT AUTHORIZED THE BORROWING OF SEVEN MILLION, THREE HUNDRED THOUSAND DOLLARS (\$7,300,000), AND THAT AUTHORIZED THE ISSUANCE OF CITY OF MIAMI GARDENS, FLORIDA TAXABLE LAND ACQUISITION REVENUE BONDS NOT TO EXCEED SEVEN MILLION, THREE HUNDRED THOUSAND DOLLARS (\$7,300,000); AUTHORIZING AN EXTENSION OF THE MATURITY DATE OF SAID BONDS; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 2009-06-178, enacted by the City Council on January 28, 2009, as supplemented by Resolution No. 2009-25-970 adopted by the City Council on January 28, 2009, as amended by Resolution No. 2011-121-1514, adopted by the City Council on July 13, 2011 (collectively, the "Original Ordinance"), the City of Miami Gardens, Florida (the "City") has issued its Taxable Land Acquisition Revenue Bonds, Series 2009 in the original aggregate principal amount of Seven Million Three Hundred Thousand Dollars (\$7,300,000) for the purpose of financing the costs of purchasing land for economic development (the "Series 2009 Bonds"), which Series 2009 Bonds are payable from and secured by a pledge of a portion of the City's utilities service taxes, and

WHEREAS, the Series 2009 Bonds mature on February 1, 2014 and City desires to extend such maturity to August 1, 2014; and

WHEREAS, Wells Fargo Bank, N.A., as successor to Wachovia Bank, National Association, is the current holder and owner of the Series 2009 Bonds (the "Bondholder") has agreed to such extension;

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

SECTION 1. ADOPTION OF RECITATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. EXTENSION OF MATURITY DATE: The extension of the maturity date of the Series 2014 Bonds to August 1, 2014, is hereby authorized. The execution and delivery to the Bondholder of the Allonge to the Bond making and evidencing such extension, in substantially the form attached hereto, is hereby authorized. Except as set forth herein and in such Allonge, the provisions of the Original Ordinance and the Series 2009 Bonds shall remain

in force and effect and shall continue until the maturity date of the Series 2009 Bonds as so extended.

SECTION 2. AUTHORITY OF OFFICERS: The Mayor, the City Manager, the City Attorney and the City Clerk are and each of them is hereby authorized and directed to execute and deliver such Allonge, and to do and cause to be done any and all acts and things necessary or proper for effectuating the amendment made by this Ordinance.

SECTION 3. SEVERABILITY: In case any one or more of the provisions of this Ordinance, the Series 2009 Bonds or the Allonge shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance, the Series 2009 Bonds or the Allonge, but this Ordinance, the Series 2009 Bonds and the Allonge shall be construed and enforced as if such illegal or invalid provision had not been contained therein. The Series 2009 Bonds and the Allonge are issued and this Ordinance is enacted with the intent that the laws of the State shall govern their construction.

SECTION 4. OPEN MEETING FINDINGS: It is hereby found and determined that all official acts of the City Council concerning and relating to the enactment and adoption of this Ordinance and all prior ordinances and resolutions affecting the City Council's ability to issue the Series 2009 Bonds were taken in an open meeting of the City Council and that all deliberations of the City Council or any of its committees that resulted in such official acts were in meetings open to the public, in compliance with all legal requirements, including Section 286.011, Florida Statutes.

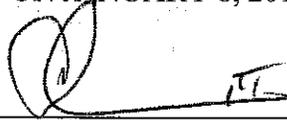
SECTION 5. REPEALING CLAUSE: All ordinances and resolutions and parts thereof in conflict herewith, to the extent of such conflicts, are hereby superseded and repealed.

SECTION 6. EFFECTIVE DATE: This Ordinance shall take effect immediately upon its final passage.

PASSED ON FIRST READING THE 11th DAY OF December, 2013.

PASSED ON SECOND READING THE 8th DAY OF January, 2014.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON JANUARY 8, 2014.



OLIVER GILBERT III, MAYOR

ATTEST:



FOR RONETTA TAYLOR, MMC, City Clerk

Prepared by: Akerman LLP, Bank Counsel
Reviewed by Sonja Dickens, City Attorney

SPONSORED BY: Cameron Benson, City Manager

MOVED BY: Councilman Ighodaro
SECOND BY: Vice Mayor Lisa Davis

VOTE: 7-0

Mayor Oliver G. Gilbert, III	<u>X</u> (Yes)	___(No)
Vice Mayor Lisa C. Davis	<u>X</u> (Yes)	___(No)
Councilman Rodney Harris	<u>X</u> (Yes)	___(No)
Councilman Erhabor Ighodaro, Ph.D.	<u>X</u> (Yes)	___(No)
Councilwoman Lillie Q. Odom	<u>X</u> (Yes)	___(No)
Councilwoman Felicia Robinson	<u>X</u> (Yes)	___(No)
Councilman David Williams, Jr.	<u>X</u> (Yes)	___(No)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	January 8, 2014		Item Type:	Ordinance	Other
			<i>(Enter X in box)</i>	X	
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading	2nd Reading
	X				x
			Public Hearing: <i>(Enter X in box)</i>	Yes	No
					x
Funding Source:	<i>(Enter Fund & Dept)</i> General Fund		Advertising Requirement: <i>(Enter X in box)</i>	Yes	No
				X	
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:	N/A	
		X			
Strategic Plan Related <i>(Enter X in box)</i>		No	Strategic Plan Priority Area:	Strategic Plan Objective/Strategy: <i>(list the specific objective/strategy this item will address)</i>	
		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 Benson, City Manager		Department:	City Manager	

Short Title:

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Staff Summary:

**ITEM I-1) ORDINANCE
SECOND READING/PUBLIC HEARING
Amending Ordinance 2009-06-178**

In 2009, under Ordinance Number 2009-06-178 Council approved the borrowing of \$7.3 million for the acquisition of economic development property located at NW 7 avenue extension and NW 7 Ave (Warren Henry property). The bond is to be matured on February 1, 2014 with a balloon payment of \$6,311,999 in principal. Also, in 2009, under Ordinance Number 2009-19-191 Council approved the borrowing of \$8.8 million for the acquisition of development property located at NW 27 Avenue and south of 191 Street (Cornerstone Property). This bond is to be matured on August 1, 2014 with a balloon payment of \$7,469,840.75. Staff is proposing to combine the two balloon payments as one issuance for refinancing an additional five years, seeking an amortization schedule between 10-15 years. Combining as one issuance will also save closing and bond counsel costs which can amount to over \$15,000.

The \$8.8 million bond issuance was with Bank of America and it has a pre-penalty clause should the City is to pre-pay it by February 1, 2014. The pre-payment penalty calculated by the bank on November 13, 2013 is \$120,011. Staff then approached Wells Fargo which holds the \$7.3 million note and Wells Fargo is willing to extend the balloon payment to August 1, 2014 with the same interest rate on the note of 4.8%

The bond counsel cost proposed by the bank is \$800.00 for this extension which will be paid from the City's General Fund.

Proposed Action:

That Council approves the ordinance on its second reading.

Attachment: