

**RESOLUTION No. 17-137**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A SERVICE ORDER BETWEEN THE CITY OF DORAL AND THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A., PURSUANT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT, TO ASSIST IN THE DESIGNATION OF A BROWNFIELD AREA WITHIN THE CITY BOUNDARIES, ANALYZE SPECIFIC LEGAL CRITERIA TO QUALIFY DORAL LEGACY PARK SITE FOR THE HEALTH CARE PROVIDER BONUS INCENTIVE UNDER THE VOLUNTARY CLEANUP TAX CREDIT PROGRAM, AND ASSIST THE CITY IN PREPARING A BROWNFIELD AREA-WIDE PLANNING GRANT APPLICATION FOR SUBMITTAL TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, IN AN AMOUNT NOT TO EXCEED \$42,500.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SERVICE ORDER AND EXPEND FUNDS IN FURTHERANCE HEREOF; PROVIDING FOR IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Florida's Brownfield Redevelopment Act provides the public and private sectors with a series of regulatory and financial benefits to facilitate the environmental clean-up and reuse of properties with environmental conditions (the "Brownfield Program"); and

**WHEREAS**, on November 2, 2016, the City of Doral (the "City") enter into a Professional Services Agreement with The Goldstein Environmental Law Firm, P.A. ("Goldstein") to provide professional brownfield redevelopment services and assist with the development of the City's Brownfield Program (the "Agreement"); and

**WHEREAS**, Goldstein and City staff have successfully designated several brownfield areas in the City, and prepared corresponding Brownfield Site Rehabilitation Agreements with Miami-Dade County Department of Regulatory and Economic

Resources to qualify for regulatory and financial incentives provided by the state brownfield statutes; and

**WHEREAS**, Goldstein and City staff successfully secured more than \$600,000.00 in Voluntary Cleanup Tax Credits from the Florida Department Environmental Regulations for Doral Legacy Park and NW 62 Street Passive Park Green Reuse Brownfield Area under the original PSA for the environmental cleanup of the park; and

**WHEREAS**, staff desires to have Goldstein further assist the City in designating a brownfield area within the city boundaries, analyzing specific legal criteria to qualify Doral Legacy Park site for the health care provider bonus incentive under the voluntary cleanup tax credit program, and assisting the City in preparing a brownfield area-wide planning grant application for submittal to the United States Environmental Protection Agency (the “Additional Services”); and

**WHEREAS**, the administration has recommended that the City Council approve a service order with Goldstein for the provision of the Additional Services in an amount not to exceed \$42,500.00 (the “Service Order”). Funding will be from Account # 001.4000.515.500310.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

**Section 2. Approval.** Consistent with the terms of the Agreement, the Service Order by and between the City and Goldstein for the Additional Services in an amount not

to exceed \$42,500.00, attached hereto as Exhibit "A", which is incorporated herein and made a part hereof by this reference, is hereby approved.

**Section 3. Authorization.** The City Manager is authorized to finalize and execute the Service Order, subject to approval as to form and legal sufficiency by the City Attorney, and to expend budgeted funds, in furtherance hereof.

**Section 4. Implementation.** The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of this Resolution.

**Section 5. Effective Date.** This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Councilmember Rodriguez who moved its adoption. The motion was seconded by Councilmember Mariaca and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Claudia Mariaca	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED this 9 day of August, 2017.

  
\_\_\_\_\_  
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
CONNIE DIAZ, CMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

  
\_\_\_\_\_  
WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.  
CITY ATTORNEY

# EXHIBIT “A”

THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.  
*Brownfields, Transactions, Due Diligence, Development, Permitting, Cleanups & Compliance*

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July 6, 2017

**Via Email Only**

Mr. Edward A. Rojas, City Manager  
City of Doral  
8401 NW 53rd Terrace, 3rd Floor  
Doral, FL 33166

**Re: Supplemental Environmental Legal and Consulting Services**

Dear Mr. Rojas:

Pursuant to your request, The Goldstein Environmental Law Firm, P.A. (the “Firm”), is pleased to provide the City of Doral (the “Client”) with this proposal for supplemental environmental legal and consulting services in connection with anticipated rehabilitation and redevelopment activities within the Doral municipal boundaries intended to result in environmental restoration, natural resources preservation, economic revitalization, private capital investment, job creation, public health protection, climate stewardship, and accessing of federal and state tax incentives. Should the Firm’s proposal be acceptable to the Client and you elect to execute the acknowledgment below, it will also serve as the Firm’s engagement letter and its terms will govern the services that we render to the Client and the Client’s corresponding financial obligations to the Firm.

**I. Scope of Work**

It is our understanding that the Client would like to engage the Firm to provide the following services, which shall constitute the Firm’s Scope of Work (the “Scope of Work”) for purposes of this engagement:

**Task 1**

**Designation of NW 58<sup>th</sup> Street Corridor Green Reuse Area**

The City of Doral is interested in designating an irregular area of land in its redeveloping industrial corridor along and south of NW 58<sup>th</sup> Street (the “Targeted Redevelopment Corridor”) as a Green Reuse Area under Florida’s Brownfield Redevelopment Act for purposes of incentivizing environmental restoration and economic redevelopment by the private sector and the private sector

in partnership with the public sector. The Firm will assist effort by performing the following services:

- Review (i) relevant environmental documentation for the Targeted Redevelopment Corridor provided to the Firm by the Client and (ii) relevant records for the Targeted Redevelopment Corridor maintained in online regulatory databases by the Miami-Dade County Department of Regulatory and Economic Resources (“DRER”) and the Florida Department of Environmental Protection (“FDEP”).
- Prepare a request for designation of the Targeted Redevelopment Corridor as a Green Reuse Area pursuant to Florida’s Brownfields Redevelopment Act that meets the statutory requirements of §376.80, Florida Statutes.
- Brief City staff and elected officials on the Green Reuse Area designation request in advance of public hearings. Respond to requests for supplemental information, if any, from City staff and elected officials.
- Assist with drafting of staff report in support of the Green Reuse Area designation request for review and consideration by the City Council.
- Assist with drafting of resolution effectuating Green Reuse Area designation for consideration and use by the City attorney.
- Assist with drafting of Green Reuse Area designation notice of public hearing to be published by City as required by Florida Statutes.
- Assist with coordination and management of all public notification and outreach requirements associated with Green Reuse Area designation as required by statute.
- Appear at all community meetings and two public hearings in support of the Green Reuse Area designation.
- Ensure City’s timely transmittal of approved Green Reuse Area designation resolution to FDEP.

### **Task 2**

#### **Assistance with Qualifying Doral Legacy Park Site for Health Care Provider VCTC Bonus**

This task consists of analyzing the specific legal criteria associated with qualifying the Doral Legacy Park Site for an additional 25% Voluntary Cleanup Tax Credit based on providing health care providers and/or facilities at the subject property at the time that the City obtains regulatory closure from Miami-Dade County DRER. If qualified, the additional tax credit would be calculated as a percentage of the total amount of eligible costs incurred to obtain regulatory closure over the lifetime of the contamination investigation and remediation project. It is currently anticipated that such costs could range from \$1.5 million on the low end to \$1.75 million on the high end, which

would generate a tax credit of between \$375,000.00 and \$437,500.00 and a cash return to the City of between \$337,500.00 to \$393,800.00 if the credits are sold at 90 cents on the dollar, which is the current prevailing rate. Following the Firm's analysis of the applicable legal requirements, recommendations would be provided regarding the necessary legal and procedural steps to take to qualify for the health care related VCTC and maximize any such award to the City. Note, this task does not include preparation of the annual VCTC application for eligible costs incurred in 2017 or the VCTC bonus application that may be submitted after the City obtains regulatory closure.

### **Task 3**

#### **Assistance with Applying for Brownfields Area-Wide Planning Grant**

This task consists of helping the City prepare for submitting an application to the U.S. Environmental Protection Agency ("EPA") for a Brownfields Area-Wide Planning Grant ("AWPG"). As reflected by Exhibit A, EPA AWPGs provide assistance for community involvement and research into land reuse planning "to respond to local brownfield challenges, particularly where multiple brownfield sites are in close proximity, connected by infrastructure, and limit the economic, environmental, and social prosperity of their surroundings." Once awarded, these grant funds are used to conduct research into the existing conditions and community involvement activities that will lead to development of an area-wide plan, including an implementation strategy. In connection with City staff and any other consultants that the Firm may identify to assist with the grant application, the Firm will help identify an eligible project area and a catalyst, high priority site with the project area, prepare letters of commitment meeting the applicable minimum criteria, and assist with grant drafting, exhibit generation and consolidation, and submittal.

The Firm's fixed fee for the above the Scope of Work is as follows:

- 30,000.00 for Task 1, paid as follows:
  - 50% upon engagement;
  - 50% upon approval by City Council of Brownfield Designation
- \$5,000.00 for Task 2, paid as follows:
  - 100% upon presentation of the VCTC Bonus Analysis and Recommendations Memorandum
- \$7,500.00 for Task 3, paid as follows:
  - 2/3 upon engagement;
  - 1/3 upon filing of the AWPG Grant Application with U.S. EPA

### **III. Costs**

Client agrees to be responsible for any and all costs incurred by the Firm on the Client's behalf, including but not limited to overnight mail, travel and lodging, delivery by courier, and third party copying; provided, however, that any of the foregoing costs that are reasonably expected to exceed

Mr Edward A. Rojas, City Manager  
July 6, 2017  
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\$50.00 shall not be incurred on the Client's behalf without first obtaining the Client's written consent. Notwithstanding the foregoing, the Client will not be charged for any routine copying performed at the Firm's offices, the placement of any long distance phone calls by the Firm, or any Firm transmittals via U.S. Mail or by facsimile.

#### **IV. Other Billing Terms**

Any payments that are made after their respective due dates shall accrue interest at 1.5% per month. The Firm reserves the right to suspend or terminate its performance under this engagement letter or any other Client related matter if any payment remains outstanding for more than 15 calendar days. The prevailing party in any litigation that may arise out of this engagement shall be entitled to attorney's fees. Venue shall be in any competent court of jurisdiction in Miami-Dade County, Florida.

#### **V. Commencement of Work**

In order to commence work on behalf of the Client, we ask that you sign the acknowledgement below. Thank you for the continuing opportunity to be of service.

Very truly yours,

**THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.**

  
Michael R. Goldstein  
/mrg

#### **Acknowledgment and Agreement**

I hereby acknowledge on behalf of the City of Doral that I have read, understand, and accept the terms of the Firm's engagement as defined in the Scope of Work. The Firm is authorized to commence work pursuant to this letter.

\_\_\_\_\_  
By: Edward A. Rojas

Title: City Manager

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

# Exhibit A

# Brownfields Area-Wide Planning Program

## Introduction

The Environmental Protection Agency (EPA) created the Brownfields Area-Wide Planning (BF AWP) Program to assist communities in responding to local brownfields challenges, particularly where multiple brownfield<sup>1</sup> sites are in close proximity, connected by infrastructure, and overall limit the economic, environmental and social prosperity of their surroundings. Through the BF AWP Program, EPA provides assistance to advance community brownfield revitalization efforts. The BF AWP program is part of the Partnership for Sustainable Communities collaboration among EPA and the Departments of Transportation (DOT) and Housing and Urban Development (HUD). ([www.sustainablecommunities.gov](http://www.sustainablecommunities.gov))

## Brownfields Area-Wide Planning Program Goals

EPA developed the BF AWP Program to enhance EPA's core brownfields assistance programs<sup>2</sup> by helping communities perform the research needed to develop an area-wide plan for brownfields assessment, cleanup, and reuse. The resulting area-wide plans provide direction for future brownfields cleanup, reuse and related improvements that are:

- Protective of public health and the environment;
- Economically viable; and
- Reflective of the community's vision for the area.

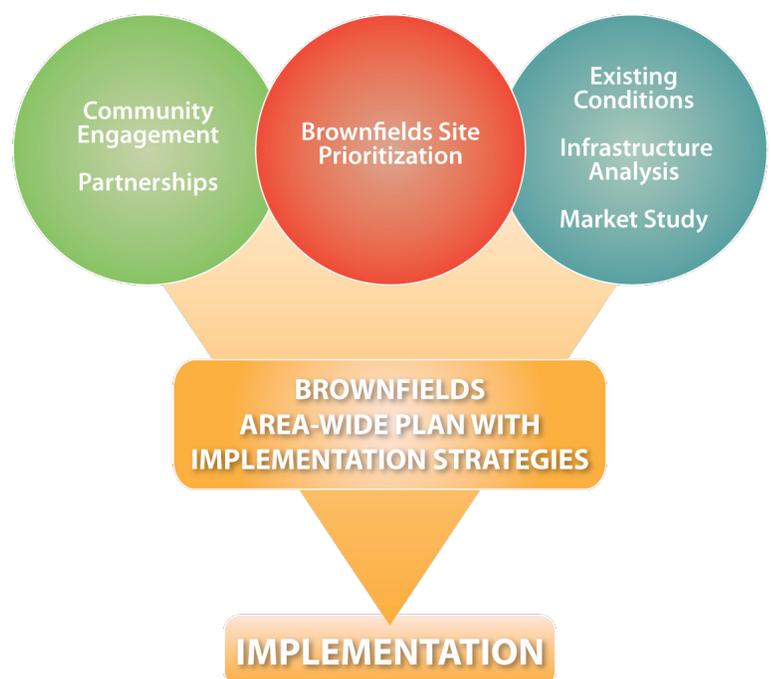
## Core Elements of Brownfields Area-Wide Planning

Core elements of the BF AWP Program include:

- Collecting information and identifying community priorities related to brownfields cleanup and near- and long-term revitalization;
- Evaluating existing environmental conditions, local market potential, and needed infrastructure improvements;
- Developing strategies for brownfields site cleanup and reuse; and
- Identifying resources or leveraging opportunities to help implement the plans, including specific strategies for public and private sector investments and improvements necessary to help with cleanup and area revitalization.

### EPA's Brownfields Area-Wide Planning Program

Initiated in 2010, the BF AWP Program provides grant funding and technical assistance to brownfields communities selected via a national grant competition. These communities are using EPA resources to research area-wide planning approaches that will help them achieve brownfields cleanup and reuse in the future. The BF AWP grant recipients represent a cross section of community leaders on brownfield issues, include public and non-profit organizations, and are distributed across the country. Find more information at [www.epa.gov/brownfields/areawide\\_grants.htm](http://www.epa.gov/brownfields/areawide_grants.htm). EPA expects to award additional BF AWP grants as funding is available.



1 A brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. See [www.epa.gov/brownfields/basic\\_info.htm](http://www.epa.gov/brownfields/basic_info.htm)

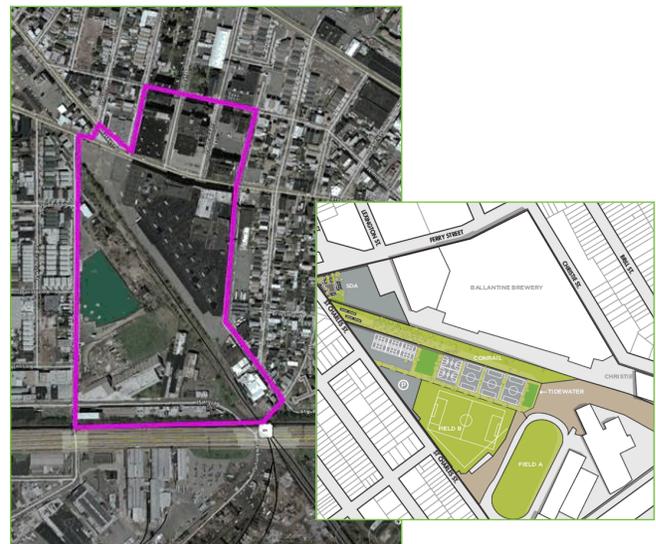
2 Please visit [www.epa.gov/brownfields/grant\\_info/index.htm](http://www.epa.gov/brownfields/grant_info/index.htm)

## Types of Brownfields Area-Wide Planning Research Activities

- **Project Area Definition** – BF AWP areas are typically established within a local commercial corridor, neighborhood, city block, downtown district, or other geographically-defined area that has a single large or multiple brownfield sites.
- **Community Engagement** – Meaningful and continuous community engagement is fundamental to BF AWP. Stakeholders include residents, businesses, government, community-based organizations, nonprofits, and any potential future partners. Engagement can be facilitated through advisory committees, public meetings, design charrettes, round table sessions, and other means to gather community priorities for area cleanup and reuse.
- **Partnerships** – BF AWP should reflect diverse perspectives on community priorities and shared responsibility for implementation across multiple entities. Partnerships typically include government agencies, institutional or community-based organizations, local or regional funding providers and the private sector. Long-term collaboration amongst partners helps ensure the interests voiced in the community engagement process are applied throughout the life of the project and facilitates implementation of the area-wide plan.
- **Brownfields Site Prioritization** – Prioritization allows for strategic use of limited resources. It can be customized to meet the unique needs and goals of the community identified through the community engagement process. Criteria may include proximity to sensitive populations, property size, human or environmental health threats, likelihood of reuse, availability of other resources, or potential to catalyze additional improvements within the project area.
- **Existing Conditions** – Establishing the local physical, social, economic, and environmental context on which to base the plan allows stakeholders to: identify priorities, partnerships, and general needs for the area; informs a detailed opportunities and constraints analysis;



The vision for cleanup and redevelopment of brownfields is driven by local community priorities, market demand, and area-wide investments in New Bern, North Carolina



Ironbound Community Corporation, New Jersey brownfields planning area and site reuse concepts



Meaningful community engagement like this meeting in Huntington Park, California, allows the plan to reflect community priorities

and begins the process of identifying resources for implementation. For example, proposed projects requiring private market investment and development may benefit from economic research or market studies to identify what the local real estate market can support. Similarly, identifying the extent to which a project will require public subsidies is critical to determine project feasibility. Brownfields cleanup and reuse strategies need to be directly tied to the infrastructure that supports the sites, including roads, water, sewer, power, and telecommunications, if revitalization plans are to be realized. Examining the adequacy of infrastructure is important when developing strategies for leveraging the use of existing infrastructure— or identifying if upgrades are needed given the planned reuse.

- **Brownfields Reuse Planning for Catalyst Sites** – Through the process of identifying the community’s priorities and existing conditions of the project area, the BF AWP process helps uncover specific opportunities where communities can assess, clean up and reuse high-priority, or catalyst, brownfield sites. These sites may have the strongest potential for reuse due to community interest, environmental, health or economic concerns, and/or ability to spur additional revitalization within the project area. The brownfields area-wide plan should summarize the cleanup and reuse implementation strategies for these catalyst sites using information obtained through research into community engagement, prioritization, existing conditions, partnerships, and potential resources.
- **Implementation Strategy** – Identifying and evaluating potential technical or financial resources at the local, regional, state, tribal, and federal levels are critical steps for the realization of BF AWP goals. EPA encourages strong coordination with other federal, state, tribal, regional and local agencies to share relevant information and help leverage technical assistance and resource opportunities. Implementation strategies must also consider partnerships, market-based feasibility of redevelopment plans, and short- and long-term actions to achieve full-scale implementation.



Brownfields like this in Ranson, West Virginia, are part of the city’s BF AWP project area and targeted for cleanup and revitalization



Mobile community engagement in San Francisco tours the planning area for close inspection



Public and private partners in Kansas City, Missouri, look at a key brownfields site and work together to develop a strategy to implement the BF AWP vision

## Developing Action-Oriented Brownfields Area-Wide Planning with Short- and Long-Term Implementation Considerations

The BF AWP process is meant to help communities organize the short-and long-term actions that they need to take to achieve the cleanup and reuse goals for the project area. Often times, economic limitations (such as financial resources and market conditions) and local policy challenges can prevent a brownfields area-wide plan from being implemented immediately. However, the process should help a community recognize that taking initial or interim steps can keep momentum behind the project. For example, a community can work to integrate the plan across local government departments, into partnership priorities or into regional planning efforts. Additionally, pursuing interim cleanup and reuse at brownfields sites can also help demonstrate to the community that their priorities are being addressed, even before the full brownfields remedy and reuse are achieved.

### Conclusion

EPA's BF AWP program outlines an approach which enables communities to research and evaluate brownfields cleanup and reuse opportunities in light of priorities and existing plans; local market, infrastructure, and other conditions; and resource availability. This information enables communities to make more informed decisions about where to direct scarce resources and helps advance the implementation of locally-driven initiatives, such as housing, parks, environmental improvement, economic development, and ensuring environmental justice.

The BF AWP process is especially helpful to communities that have already been working within a specific area to develop partnerships, engage the community on priorities and build agreement around a shared revitalization vision.

As available, EPA provides assistance to brownfields communities for BF AWP in order to help identify specific cleanup and reuse opportunities for key brownfield sites that can serve as catalysts for revitalization of the surrounding area.

### Relationship of Brownfields Area-Wide Planning to Existing Community Planning Efforts

BF AWP does not replicate or replace traditional planning efforts such as city-wide comprehensive, regional land use, or neighborhood planning. Rather, the research and strategies developed through BF AWP can be used to inform these more traditional planning process so they are complementary and account for the unique nature of brownfield cleanup, reuse, and the social, environmental, and economic implications that differentiate them from unencumbered property. For example, some community planning efforts assume relative uniformity across properties within a particular area – that all properties are equally reusable, relatively unconstrained, and any development limitations are influenced only by local policy (such as zoning). These planning efforts do not always account for the impact that real or potential contamination associated with brownfields has on these assumptions.



Ohio River Corridor Brownfields Area-Wide Planning study area in Monaca, Pennsylvania