MEMORANDUM

Amended
Agenda Item No. 11(A)(14)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 10, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution waiving Administrative Order 8-4; relating to the Civic Center and Marine Re-development Project

R-1205-06

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro.

MAG:
Murray A. Greenberg
County Attorney

MAG/jls

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(Revised)

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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**

Amended

Approved _____ Mayor

Agenda Item No. 11(A)(14)

Veto _____

10-10-06

Override _____

RESOLUTION NO. R-1205-06

RESOLUTION WAIVING ADMINISTRATIVE ORDER 8-4; AUTHORIZING COUNTY MANAGER TO UNDERTAKE NEGOTIATIONS WITH ALLAPATTAH BUSINESS DEVELOPMENT AUTHORITY, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION AND MERRILL-STEVENS TRAINING INSTITUTE, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR THE CIVIC CENTER AND MARINE RE-DEVELOPMENT PROJECT, AND DIRECTING THE COUNTY MANAGER TO BRING BACK THE RESULTS OF SUCH NEGOTIATIONS TO THIS BOARD IN NINETY DAYS

WHEREAS, Miami-Dade County is fortunate to be experiencing one of the greatest periods of economic prosperity and development in its history. It is unfortunate, however, that this prosperity has not been shared by all equally. Given the skyrocketing costs of construction and the scarcity of developable land, it is important that efforts be made to actively seek opportunities to address the crisis in affordable housing and workforce housing aggressively, while minimizing the costs to tax payers; and

WHEREAS, the County has received a proposal from Allapattah Business Development Authority, Inc., (a Florida not-for-profit corporation) in conjunction with The Related Group of Florida, and Merrill-Stevens Training Institute, Inc. (a Florida not-for-profit corporation) in conjunction with Merrill-Stevens Dry Dock Co. applying for conveyance and lease of County-owned lands in and around the Civic Center for the Civic Center and Marine Redevelopment Project; and

WHEREAS, the County has identified County-owned properties around the Civic Center as unique opportunities for the creation of housing designed for the general workforce community; and

WHEREAS, this Board believes the County Manager should be authorized to undertake negotiations for such project and authorizes a waiver of Administrative Order No. 8-4 therefor; and

WHEREAS, such negotiations should be conducted within the following parameters:

1. any conveyance or lease of County-owned land for the project shall be accomplished strictly under the provisions of Section 125.38 of the Florida Statutes which authorizes the County to convey land to not-for-profit entities for public or community interest and welfare;

2. the project should include a new, multi-level parking facility with a minimum of 2000 parking spaces and the potential for street level retail, and any such parking facilities should be under the control of the County;

3. the project should include housing units to address the urgent needs of Miami-Dade County's work force with the deeds for such units to contain covenants and restrictions requiring both a minimum time period during which the use and sale of such units shall comply with specified eligibility requirements, as well as a formula which will allow a to-be-established County affordable housing fund to benefit from the resale of the units for a profit;

4. the project should include attainable home ownership units to be built and marketed primarily to working class, local residents. Such units must be owner-occupied for a period of time and multiple units will only be sold to a purchaser wishing to combine units for owner occupancy;

5. the priority for attainable homeownership should be given to persons who meet specific income criteria and work in the area, including but not limited to Court, State Attorney, Public Defender, hospital and health care personnel;

6. the project should provide that affordable rental units will only be rented to tenants who qualify under affordable housing guidelines if proper financing can be secured within 2 years of agreement from federal, state and local governments;

7. the project should include a minimum of 100 elderly rental units to be built in accordance with County Elderly Housing criteria;

8. the project should include a river view restaurant to be constructed for which a fee or share of the profits based on a to-be-agreed-upon formula will be paid to the County;

9. the project should make provision for a new home for the Miami River Commission to be incorporated in upstairs of the restaurant;

10. the project shall include a job training program that would provide opportunities for job training in the area of ship repair;

11. the project should include expansion and modernization of the Merrill-Stevens dry dock facilities both on the north and south sides of the Miami River, including new pedestrian walkways allowing the public to observe the vessel repair and restoration activities as well as a river walk and expanded service docks to accommodate vessels up to 250 feet long weighing up to 2500 tons;

12. the project should include a new pedestrian Riverwalk and Greenscape to be built along the south River bank immediately west of the Merrill-Stevens and north of the Haley Sofge Towers. The proposers will work closely with the management and tenants of Haley Sofge in developing this amenity;

13. the project should include a new Marine Patrol sub-station;

14. the project should include a marine vocational training center to be developed which will include a Miami River Maritime exhibit that may be established in with the cooperation of the Historical Museum of South Florida;

15. the project should include a new, multi story office building on the south side of the State Attorney's office building property to provide office space essential to the operation of the courts and related programs and agencies in the Civic Center Area;

16. the project should include development of Mi Casita, a support home for children suffering from terminal illness to be funded by the International Kids Fund of the Jackson Memorial Foundation;

17. a traffic study shall be completed at no cost to the County to determine the impact and best method for mitigating the impact this development will have on the area's traffic;

18. final approval by the Board should include a Letter of Intent that the developer must provide indicating that a school will be provided on a specifically identified site;

19. the project should provide for construction of a Charter school if the impact of the project's residential units require additional resources;

20. the appropriate proposer shall pay the County at least $1,000,000.00 for any conveyance of County-owned lands for the project. The negotiations shall address what, if any, additional cash and/or lease payments shall be made to the County as consideration for such conveyance and whether the County shall receive a possible equity participation either by holding a percentage of the ownership of the Project or by buying down the purchase price of residential units in order to reduce the purchase price to be paid by the purchasers thereof: additionally, consideration should be given to paying into the Housing Trust Fund;

21. any cash commitments and other cash contributions determined by the negotiations should be placed in a Housing Trust Fund to be used as ultimately determined by the Board;

22. the land value of $12,888,000 on the 2006 property tax roll will be the minimum expectation of value in the negotiations which can include an equity position in the project for the County;

23. the County Manager is hereby authorized to hire appraisers to provide appraisals of the Property;

24. participation in any negotiations should include the Corrections Department and their needs, as well as the State Attorney, Public Defender and the Courts administration;

25. negotiations should consider space for and working with the Miami Youth Service Corps with its actual role and function to be determined during negotiations;

26. the appropriate proposer shall provide for the clearing of all title and rights to the land at issue, which shall include addressing the long-term lease currently in place by the Miami Parking Authority on part of the land;

27. the appropriate proposer shall be responsible for remediation and

addressing all environmental issues that may exist related to the project;

28. the project shall include a payment of up to $250,000 for relocation costs of the Miami-Dade County General Services Administration (GSA) shop site;

29. project documents shall include a strict timeline and calendar, including milestones for completion of various elements of the project with reversion rights if the project is not completed and does not remain on schedule according to such timeline, calendar and milestones;

30. any development in the project shall require a payment and performance bond to help insure that the project is completed;

31. security provisions for the residents, school children, and visitors to the project should be strongly considered and clearly detailed.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby waives Administrative Order 8-4, authorizes the County Manager to undertake negotiations with the Allapattah Business Development Authority, Inc., a not-for-profit community development corporation and the Merrill-Stevens Training Institute, a not-for-profit corporation, for the development of the Civic Center and Marine Re-Development Project and directs the County Manager to bring back the results of such negotiations to this Board in ninety days.

The foregoing resolution was sponsored by Commissioner Bruno A. Barreiro and 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:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Audrey M. Edmonson
Sally A. Heyman
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Jose "Pepe" Diaz
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of October, 2006. 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:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein