

# MEMORANDUM

Agenda Item No. 8(M)(1)

---

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** November 5, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution waiving  
Administrative Rules for  
Economic Development Fund  
Project 124 of Building Better  
Communities General Obligation  
Bond Program and approving  
allocation of \$5,000,000.00 from  
Project 124 to Parkside at  
Palmetto Bay fund certain  
economic development projects

---

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.



---

R. A. Cuevas, Jr.  
County Attorney

RAC/lmp

**Date:** November 5, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Allocation of Economic Development Fund Project 124 to Shores of Palmetto Bay, LLC., Parkside at Palmetto Bay Project

---

## Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution allocating \$5,000,000.00 of funding from the Building Better Communities General Obligation Bond (BBC GOB) Program, Economic Development Fund Project 124 to the Parkside at Palmetto Bay project (Project). The resolution directs the Mayor or the Mayor's designee to begin negotiating the terms of a grant agreement that will be presented to the Board for approval at a future date.

## Scope

This project is located in the Village of Palmetto Bay in District 8 (Commissioner Lynda Bell). While the economic impact of this Project may primarily benefit District, additional benefits are expected countywide.

## Fiscal Impact/Funding Source

There will be no fiscal impact to the County with the approval of this item which simply sets a potential allocation for the recommended project and establishes the directive to begin negotiations for a grant agreement that must come back to the Board for final approval.

## Track Record/Monitor

Deputy Director of Regulatory and Economic Resources Josh Gelfman will monitor the creation and retention of new jobs, average salaries, private investment and any other performance measures as agreed in the respective grant agreements, which would be approved by the Board.

## Background

In November 2004, Miami-Dade County voters approved the issuance of \$352.182 million in general obligation bonds to, among other things, construct and improve bridges, public infrastructure, and neighborhood improvements as part of the BBC GOB Program. A total of \$75 million was allocated towards the Economic Development Fund (EDF) Project 124. The Administrative Rules for the BBC GOB Program that govern Economic Development Fund were adopted by the Board under Resolution No. R-668-10 on June 15, 2010.

Funding from grant awards under EDF Project 124 must be used for public infrastructure improvements to spur economic development and attract new businesses to the community in order to create jobs. Public infrastructure includes road improvements, water and sewer networks, public parking structures, public facilities and other improvements subject to certain limitations and evaluated on a case-by-case basis. Ineligible uses of the grant awards from EDF Project 124 include, but are not limited to, working capital, furniture and fixtures, business equipment, and non-capital related expenses.

In addition to stimulating private investment and job growth, one of the primary objectives of EDF Project 124 is the strengthening the economy's capacity for innovation and commercialization of scientific advancements and expanding leadership in local industry clusters such as: Aviation and

Aerospace; Financial and Professional Services; Homeland Security and Defense; Information Technology; Life Sciences; and International Trade and Global Commerce. These objectives align with the Beacon Council's One Community One Goal Initiative. The Administrative Rules also recognized that industry clusters were growing or had the potential to emerge in certain strategic areas of the County: namely, the Civic Center/Medical District; Homestead Air Reserve Base; Opa-Locka Executive Airport; Port of Miami; and Kendall Tamiami Executive Airport.

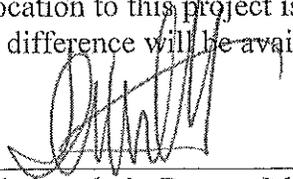
Staff conducted evaluations of submitted projects taking into consideration the requirements and objectives of the Administrative Rules, the language in the BBC GOB bond question approved by the voters in 2004, and the information proposed by the applicant on the BBC GOB application.

The grant awards are disbursed as reimbursements of eligible expenditures paid by the grantees and approved by the Mayor or the Mayor's designee in accordance with established administrative rules and the IRS rules governing the tax-exempt status of the General Obligation Bond Program. The disbursement of grant funds are also contingent upon the developer meeting performance measures relating to job creation, private investment, average salaries and others specified in the respective grant agreements. In the event that IRS rules require grant funds to be disbursed before performance milestones can be met, a claw back provision will be included in the grant agreement that allows the County to recover part or all of the grant funds disbursed when performance milestones are not achieved.

The Shores at Palmetto Bay, LLC plans on developing a 109,000 SF mixed-use facility that includes an education/employment center, rental housing, office space, and neighborhood retail and food and beverage establishments. Commercial development within the project will create 188 full-time jobs at full occupancy with an average annual salary of nearly \$40,000. Two major tenants have expressed interest in locating in the proposed development. Parkside at Palmetto Bay is considered the first major development in the commercial center of Village of Palmetto Bay (Village) and the cornerstone of the development of a downtown center. The Village considers this project an important catalyst for the development of immediately surrounding properties. The proposed development is also located within the boundaries of the County's Enterprise Zone.

The developer seeks assistance from BBC GOB Fund Project 124 for public infrastructure that includes utilities, public surface parking and public structured parking that will serve Parkside at Palmetto Bay and patrons of other surrounding businesses now and in the future. The Administrative Rules adopted on June 15, 2010 by the Board under Resolution No. R-668-10 set a \$10,000,000 minimum grant level for projects seeking funding from Project 124. It is recommended that the Board waive this minimum requirement to allow for the allocation of \$5,000,000 for this Project.

Prior to entering into a grant agreement, a final determination as to the Project's qualification to receive the funds will be made. The grant agreement will be presented to the Board for approval at a future date. If an agreement for this project cannot be finalized, the funding may be reallocated by the Board. If the allocation to this project is greater than the amount of eligible public infrastructure expenditures needed, the difference will be available for reallocation by the Board.

  
\_\_\_\_\_  
Jack Osterholt, Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** November 5, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 8(M)(1)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(M) (1)  
11-5-14

RESOLUTION NO. \_\_\_\_\_

RESOLUTION WAIVING ADMINISTRATIVE RULES FOR ECONOMIC DEVELOPMENT FUND PROJECT 124 OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM AND APPROVING ALLOCATION OF \$5,000,000.00 FROM PROJECT 124 TO PARKSIDE AT PALMETTO BAY TO FUND CERTAIN ECONOMIC DEVELOPMENT PROJECTS

**WHEREAS**, Appendix A to Resolution No. R-914-04 (the “Public Infrastructure Resolution”), lists projects eligible for funding from the Building Better Communities General Obligation Bond Program (the “BBC Program”) by project number, municipal project location, BCC district, project description, street address, and project funding allocation; and

**WHEREAS**, one of the projects listed in Appendix A to the Public Infrastructure Resolution and approved by the voters for funding is Project No. 124 – Economic Development Fund (“Project 124”) with a project description that states “Provide infrastructure improvements to spur economic development and attract new businesses to the community and to create jobs”; and

**WHEREAS**, the goal of Project 124 is to encourage private sector development that will create jobs and cause economic development which will have a long term benefit to the community; and

**WHEREAS**, this Board wishes to approve an allocation of \$5,000,000.00 from Project 124 to Parkside at Palmetto Bay as recommended by the Mayor upon certain employment and salary benchmarks being met at different intervals, among other requirements, as described in the County Mayor’s Memorandum which accompanies this Resolution (“Mayor’s Memorandum”); and

**WHEREAS**, the individual Grant Agreement between the County and Parkside Palmetto Bay which incorporates such conditions shall be submitted to the Board for approval in the future; and

**WHEREAS**, this Board wishes to waive the requirement that Project 124 allocations be made to projects with a minimum value of \$10,000,000.00 set forth in the administrative rules of the Building Better Communities General Obligation Bond Program ("Administrative Rules"),

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

**Section 1.** The foregoing recitals and the Mayor's Memorandum are approved and incorporated in this Resolution.

**Section 2.** The requirement in the Administrative Rules that each Project 124 allocation be a minimum of \$10,000,000.00 is waived and the allocation of \$5,000,000.00 from Project 124 to Parkside Palmetto Bay is approved.

The foregoing resolution was 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:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of November, 2014. 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.



Gerald T. Heffernan

**Economic Development Fund**  
**Building Better Communities**  
**General Obligation Bond Program**

**EDF General Project Overview**

Parkside at Palmetto Bay  
Project Title

Shores at Palmetto Bay, LLC  
Name of Business

June 17, 2013  
Date Submitted

After review of this *Project Overview* the Office of Economic Development and International Trade may request additional information including a business plan containing a market assessment, financial proformas, and development site plans. The submission of this project overview does not guarantee funding.

Jack Osterholt, Director  
Sustainability, Planning and Economic Enhancement  
STEPHEN P. CLARK CENTER, 111 N.W. 1<sup>st</sup> STREET, SUITE 2200  
MIAMI, FLORIDA 33128  
Telephone (305) 375-1254 Fax (305) 679-7895  
[www.miamidade.gov/oedit](http://www.miamidade.gov/oedit)



ECONOMIC DEVELOPMENT, GENERAL PROJECT OVERVIEW



**1. BUSINESS INFORMATION**

A. Name of Business Unit: Shores at Palmetto Bay, LLC

B. Mailing Address: 277 Galeon Court

*Street Address*

Coral Gables Florida 33143  
*City State Zip Code*

C. Primary Contact Person of Parent Company (if applicable):  
Barbara Gomez

D. Title: Economic Development Coordinator

Mailing Address: 277 Galeon Court

*Street Address*

Coral Gables Florida 33143  
*City State Zip Code*

Telephone: (305)490-7371 Fax: (786)762-2442

Email: BGomez@RedVgroup.com Website: www.goshores.com

E. Federal Employer Identification Number: 20-3722027

F. Unemployment Compensation Number: N/A

G. Florida Sales Tax Registration Number: N/A

H. What is the business's tax year? (ex: Jan 1 to Dec 31): Jan. 1 to Dec. 31

I. Is this business an active and duly registered for-profit Florida corporation?  
 Yes  No  If no, please explain: \_\_\_\_\_  
 Please see Tab 3 for Articles of Incorporation: \_\_\_\_\_

Indicate ownership status: (Note: Responding to this question is voluntary and not required. The County does not use this information as a factor in determining the award of County funds or contracts.) Check all that apply.

Minority Owned Business  Woman Owned Business  Privately Owned Business   
 Publicly Owned Business  None

Is this business an active and duly registered not-for-profit 501(C)(3) Florida corporation?

Yes  No

J. Will the business requesting grant funds own or lease the property where the project will be located?

Own  Lease  (Note: Provide a copy of the deed showing ownership or a copy of the lease.) Please see Tab 4 for proof of site control.

K. If the business will own the property, is or will the property be encumbered by any mortgage and if so provide the balance of the mortgage(s). \$3,816,395.90

**2. PROJECT OVERVIEW**

A. Which of the following best describes this business<sup>1</sup>:

- New business unit to Miami-Dade County creating jobs.
- Existing Miami-Dade County business creating/expanding jobs in Miami-Dade.  
 (If an expansion, how many jobs are currently in the expanding business unit?) \_\_\_\_\_
- Developer building new construction for business Shores at Palmetto Bay (name of the company) that will be creating 300 jobs. Please see page one on Tab 2.

<sup>1</sup> Must be a separate business unit or reporting unit of a business unit that is or will be registered with the State of Florida for unemployment compensation purposes.

ECONOMIC DEVELOPMENT, GENERAL PROJECT OVERVIEW



B. How many individuals are employed at all Florida locations? (FTE<sup>2</sup>)

Currently, Shores at Palmetto Bay, LLC, has no employees

C. Are any jobs being transferred from other Florida locations? \_\_\_\_\_

Yes  No  If yes, how many jobs and from where? \_\_\_\_\_

Why are these jobs being transferred? \_\_\_\_\_

D. Project Location Information:

(i) What is the project's proposed location address:

SW 97th Avenue & SW 179th Street

Street Address: Palmetto Bay Florida 33130  
City State Zip Code

(ii) What is the project's current location address (if different):

Street Address: \_\_\_\_\_  
City State Zip Code

(iii) Is the project location within a current or proposed Brownfield site / area?

Yes  No  If yes, attach a copy of the official document designating the Brownfield area.

(iv) Is the project location in an Enterprise Zone, Empowerment Zone or a Targeted Urban Area as defined in Section 30A-129(2) of the Miami-Dade County, FL Code of Ordinances?

Yes  No  If yes, which zone? The South Enterprise Zone, please see Tab 5.

E. Give a full description of this proposed project. (Not to exceed 500 words. Be specific.)

Please See Page 2 of Tab 2.

F. Explain how this proposed project will spur economic development, attract new businesses to Miami-Dade County and create jobs.

Please See Page 3 of Tab 2.

G. Provide a complete project line item budget, including estimated cost, sources and uses of funds, a detailed description of project elements, and the portion of the project proposing to utilize Economic Development Fund grants. (EDF grants can only be used for public infrastructure.) Please see Page 4 of Tab 1 and Tab 7.

H. What proportion of gross operating revenues from this project are anticipated to represent sales to customers located outside of Miami-Dade County? (If sales are not a reasonable measure, use another basis for measure and provide explanation below.)

0% Explain, if necessary: \_\_\_\_\_

<sup>2</sup> An FTE or "full-time equivalent" job implies at least 35 hours of paid work per week per employment position.

ECONOMIC DEVELOPMENT, GENERAL PROJECT OVERVIEW



**3. JOB AND WAGE OVERVIEW**

A. How many new FTE jobs are to be created as part of this project? What are the initial average wage and benefits? Please see page 5 of Tab 2.

| Occupation       | Avg. Wage | Avg Benefits | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
|------------------|-----------|--------------|------|------|------|------|------|------|
| Prof. Scientist  | \$        | \$           |      |      |      |      |      |      |
| Research Tech.   |           |              |      |      |      |      |      |      |
| Senior Mgmt      |           |              |      |      |      |      |      |      |
| Admin. Support   |           |              |      |      |      |      |      |      |
| Production Wrkrs |           |              |      |      |      |      |      |      |
| Other            |           |              |      |      |      |      |      |      |

Jobs created, continued

| Occupation       | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 |
|------------------|------|------|------|------|------|------|------|------|------|
| Prof. Scientist  |      |      |      |      |      |      |      |      |      |
| Research Tech.   |      |      |      |      |      |      |      |      |      |
| Senior Mgmt      |      |      |      |      |      |      |      |      |      |
| Admin. Support   |      |      |      |      |      |      |      |      |      |
| Production Wrkrs |      |      |      |      |      |      |      |      |      |
| Other            |      |      |      |      |      |      |      |      |      |

B. What employee benefits are included above? (e.g. health insurance; 401(k) contributions, vacation and sick leave, etc.) Please see Page 6 of Tab 2

C. If this is an existing business located in Miami-Dade, then how many jobs are expected to be retained as part of this project? (Jobs in jeopardy of leaving Miami-Dade should only be included here.) \_\_\_\_\_ (Note: EDF grants cannot be used solely for the purpose of retaining existing jobs.)

D. What is the business' principal industry classification code? (Use North American Industry Classification System - NAICS.): \_\_\_\_\_

If more than one NAICS code applies, then provide a breakdown of the project's primary business activities: Please see Page 6 of Tab 2.

| Business Unit Activities | NAICS Code | % of Project Revenues (total = 100%) | Annualized Wages Total (\$) |
|--------------------------|------------|--------------------------------------|-----------------------------|
| Education Center         | 611110     | 68 %                                 | \$ 5,000,000                |
| Retail/Office            | 722110     | 29 %                                 | \$ 2,100,000                |
| Rental Housing Mgmt      | 531320     | 3 %                                  | \$ 200,000                  |

**4. CAPITAL INVESTMENT OVERVIEW**

A. Describe the capital investment in real and personal property (Examples: construction of new facility; remodeling of facility; upgrading, replacing, or buying new equipment. Do not include the value of land purchased for construction of a new building but include architect, engineering and design costs): Please see Page 6 of Tab 2.

**ECONOMIC DEVELOPMENT, GENERAL PROJECT OVERVIEW**



**B. List the anticipated amount (thousands of dollars) and type of major capital investment to be made by the applicant in connection with this project: (Attach separate schedule if investment will be made over more than five years) Please See page 7 of Tab 2.**

|   | Year 2013           | Year 2014            | Year 2015         | Year ____ | Year ____ |
|---|---------------------|----------------------|-------------------|-----------|-----------|
| Land  | \$ 7,000,000        | \$                   | \$                | \$        | \$        |
| New Construction (excl. public infrastructure)              | \$                  | \$17,175,000         | \$                | \$        | \$        |
| Building Renovations  | \$                  | \$                   | \$                | \$        | \$        |
| Manufacturing Equipment                                     | \$                  | \$                   | \$                | \$        | \$        |
| R & D Equipment   | \$                  | \$                   | \$                | \$        | \$        |
| Other Equipment (computer equipment, office furniture, etc) | \$                  | \$ 1,000,000         | \$ 300,000        | \$        | \$        |
| <b>Total Capital Investment</b>                             | <b>\$ 7,000,000</b> | <b>\$ 18,175,000</b> | <b>\$ 300,000</b> | <b>\$</b> | <b>\$</b> |

- C. What is the estimated square footage of the new or expanded facility? 109,000 s.f.
- D. What is the deadline to make the location decision (date)? Sept 2013
- E. What is the anticipated date that construction will begin? Q4 2013
- F. What is the anticipated construction completion date? Q3 2014  
(If this project is being built in phases, then provide a commencement and completion date for each phase.)
- G. What is the anticipated date that operations will commence? August 2014
- H. Submit documentation demonstrating financial capacity and financial commitments using other non-County sources to complete the project. Please see Tab 8

**5. PUBLIC INFRASTRUCTURE NEEDS**

- A. Describe the type of public infrastructure investment needed. Please see page 7 of Tab 2.
- B. What is the total anticipated cost of public infrastructure needed for this project? \$17,718,000
- C. EDF grants will be disbursed only after the public infrastructure investments are complete and negotiated performance benchmarks are met. Describe the business's capacity to finance the public infrastructure costs. Please see Tab 8.

**6. ECONOMIC IMPACT AND CORPORATE RESPONSIBILITY**

- A. Provide a brief synopsis of any special economic impacts/benefits the project is expected to stimulate in the community, the County, and the rest of South Florida. Include the impacts on indicators such as unemployment rate, poverty rate, and per capita income, if these have been estimated. Please see Page 7 of Tab 2
- B. Will business operations being supported with an Economic Development Fund grant establish a plan for maximizing the employment of persons with family incomes less than 80% of the County's median household income, or persons living in Community Development Block Grant eligible Census areas? If yes, explain how that plan will be developed and implemented.
- C. Will the business operations be conducted in LEED certified (or equivalent energy efficiency rating system) buildings? If yes, at what level of certification LEED Silver  
 Yes  No

ECONOMIC DEVELOPMENT, GENERAL PROJECT OVERVIEW



D. List and explain any criminal or civil fines or penalties or ongoing investigations or debarments that have been performed/imposed upon the company, its executives, its principals or its affiliates and any bankruptcy proceedings (within the past 10 years) of the applicant or its parent company. Do not leave this question blank. If there are no issues to be identified, write "NONE." Failure to disclose this information may result in this application being denied. NONE

E. Is the company current with all its state, local and federal taxes? If no, please explain.

Yes  No

F. Provide any additional information you wish considered as part of this review of your request for incentives or items that may provide supplementary background information on your project or company.

7. SIGNATURES

Application Completed By:

Signature Wayne Rosen Manager wrosen55@gmail.com Email Address

Name Wayne Rosen

Title Manager

Company Shores at Palmetto Bay, LLC.

Address, if different than mailing address 277 Galeon Ct. Coral Gables, FL

Phone number (305) 796-9874

Fax Number (786) 762-2442

Email Address wrosen55@gmail.com

Date 06/17/2013

Name of contact person, if different than above Barbara Gomez

Phone Number (305) 490-7371

Address 301 Almeria Ave #360

Address Coral Gables, FL 33143

To the best of my knowledge, the information included in this application is accurate.

Signature (Authorized Company Officer) REQUIRED

Name Wayne Rosen

Title Manager

Company Shores at Palmetto Bay, LLC.

Address, if different than mailing address 277 Galeon Ct. Coral Gables, FL 33143

Phone number (305) 796-9874

Fax Number (786) 762-2442

Email Address wrosen55@gmail.com

Date 06/17/13