

# MEMORANDUM

Agenda Item No. 11(A)(4)

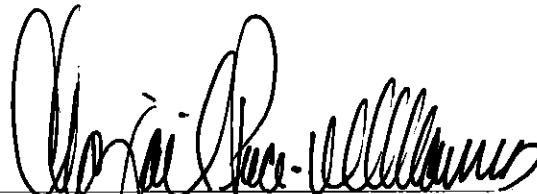
**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** July 23, 2019

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution amending Interlocal Agreement between Village of Palmetto Bay and Miami-Dade County relating to grant in the amount of \$7,500,000.00 from Building Better Communities General Obligation Bond Program Project 124 Economic Development Fund and authorizing County Mayor to execute and deliver the amendment on behalf of the County

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams  
County Attorney

APW/uw



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** July 23, 2019

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**SUBJECT:** Agenda Item No. 11(A)(4)

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
- Statement of social equity 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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_) 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. 11(A)(4)  
7-23-19

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

RESOLUTION AMENDING INTERLOCAL AGREEMENT BETWEEN VILLAGE OF PALMETTO BAY AND MIAMI-DADE COUNTY RELATING TO GRANT IN THE AMOUNT OF \$7,500,000.00 FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT 124 ECONOMIC DEVELOPMENT FUND AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND DELIVER THE AMENDMENT ON BEHALF OF THE COUNTY

**WHEREAS**, pursuant to Resolution No. R-739-16 adopted on July 19, 2016, this Board approved an Interlocal Agreement with the Village of Palmetto Bay ("Grantee") in the amount of \$7,500,000.00 ("Interlocal Agreement") from Project No. 124 – "Economic Development Fund" of the Building Better Communities General Obligation Bond Program ("Bond Program") for the partial funding of certain public infrastructure improvements related to the completion of the Downtown Palmetto Bay Development Project ("Project"); and

**WHEREAS**, pursuant to the Administrative Rules of the Bond Program, on September 27, 2018, the County administratively approved Grantee's request of a First Amendment to the Interlocal Agreement extending the expected completion date of the Project to June, 2021; and

**WHEREAS**, Grantee has requested that the Interlocal Agreement be further amended to reflect changes to the Project budget which reflects an increase in the amount that Grantee will spend on land acquisition; and

**WHEREAS**, the Administrative Rules of the Bond Program provide that only this Board may approve budget transfers from development cost to land acquisition; and

**WHEREAS**, this Board wishes to approve the requested amendment,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board approves the Second Amendment to Interlocal Agreement (“Amendment”) in substantially the form attached to this resolution as “Attachment 1”, including the Project budget attached thereto and authorizes the County Mayor or the County Mayor’s designee to execute and deliver the Amendment on behalf of the County.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It 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:

- |                                |                      |
|--------------------------------|----------------------|
| Audrey M. Edmonson, Chairwoman |                      |
| Rebeca Sosa, Vice Chairwoman   |                      |
| Esteban L. Bovo, Jr.           | Daniella Levine Cava |
| Jose “Pepe” Diaz               | Sally A. Heyman      |
| Eileen Higgins                 | Barbara J. Jordan    |
| Joe A. Martinez                | Jean Monestime       |
| Dennis C. Moss                 | Sen. Javier D. Souto |
| Xavier L. Suarez               |                      |

The Chairperson thereupon declared this resolution duly passed and adopted this 23<sup>rd</sup> day of July, 2019. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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.

JRA

Juliette R. Antoine

**SECOND AMENDMENT TO INTERLOCAL AGREEMENT  
BETWEEN  
VILLAGE OF PALMETTO BAY, FLORIDA  
AND  
MIAMI-DADE COUNTY, FLORIDA**

GOB Project Number 124  
Downtown Palmetto Bay Development Project

This Second Amendment (the "Amendment") to the Interlocal (hereinafter defined) by and between Miami-Dade County, a political subdivision of the State of Florida (the "County"), through its governing body, the Board of County Commissioners of Miami-Dade County, Florida (the "Board") and the Village of Palmetto Bay, Florida, a municipal corporation organized under the laws of the State of Florida, through its governing body, the Mayor and Council of the City Village of Palmetto Bay, Florida (the "Village") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

In consideration of the mutual promises and covenants contained herein and the mutual benefits to be derived from this Agreement, the parties hereto agree as follows:

Section 1. The Parties entered into an Interlocal Agreement ("Interlocal") approved by the Board of County Commissioners pursuant to Resolution No. R-739-16 on July 19, 2016 awarding \$7,500,000 to the Village for the partial funding of certain public infrastructure improvements related to the completion of the Downtown Palmetto Bay Development Project; and

Section 2. To the extent that the terms and provisions of the Interlocal are not expressly amended herein, such other terms and provisions shall be deemed in full force and effect, except that in the event of a conflict between the Interlocal and this Amendment, the provisions of this Amendment shall prevail. All capitalized terms contained in this Amendment which are not defined in this Amendment shall have the respective meanings ascribed to them in the Interlocal.

Section 3. Section 4 of the Interlocal is amended and restated to read as follows:

Funding Plan. The total cost of Phase I of the Project is approximately \$12,440,000.00. The Village will fund approximately \$4,940,000.00 (39.71%) of Project costs from its own funds and the County will fund \$7,500,000.00 (60.29%) from the Funding Allocation. The Funding Allocation shall only reimburse the Village for expenses set forth in the Revised Proposed Project Budget (Exhibit A) which include eligible soft costs up to 17% of the Funding Allocation and eligible capital costs of the Project. No portion of the Funding Allocation shall be used to reimburse the Village for working capital expenses i.e. security, traffic control. The Village shall demonstrate that its share of the Project costs is available before the County makes its initial disbursement to the Village from the Funding Allocation. Each invoice from the Village submitted to the County for reimbursement shall include evidence that the Village funded an amount of capital costs from Village funds equal to 39.71% of the invoice amount being submitted to the County for reimbursement and for which the Village is not seeking reimbursement from the County (e.g. on a \$1 million invoice, the County reimburses \$602,900 or 60.29% to the Village and the

Village invests \$397,100 or 39.71%). This evidence should demonstrate the actual expenditure of funds (i.e. cancelled checks or other forms of payment to the contractor performing construction work) prior to the release of concurrent grant funds.

Section 4. The Interlocal, as amended by this Amendment, constitute the sole and only agreement of the parties and correctly sets forth the rights, duties and obligations of each to the other as of its date. Any prior agreements, promises, negotiations or representation not expressly set forth in the Interlocal, as amended are of no force and effect.

IN WITNESS THEREOF, the parties through their duly authorized representatives hereby execute this AGREEMENT with an effective date of \_\_\_\_\_, 2019.

Village of Palmetto Bay, Florida,  
a municipal Corporation of the State of Florida

By: \_\_\_\_\_  
Village Manager Date

Attest: \_\_\_\_\_  
Village Clerk Date

MIAMI-DADE COUNTY, FLORIDA

By: \_\_\_\_\_  
County Mayor

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

Stephen P. Clark Center  
111 NW 1 Street  
Miami, Florida 33128

HARVEY RUVIN, CLERK  
Attest:

By: \_\_\_\_\_  
Deputy Clerk Date

Approved by County Attorney as  
to form and legal sufficiency. \_\_\_\_\_



**EXHIBIT A**

Village of Palmetto Bay  
Economic Development Fund

REVISED PROPOSED PROJECT BUDGET  
PHASE I – DOWNTOWN STREETScape

Project Description: Reconstruction of 2,300 linear feet on Franjo Road from SW 184<sup>th</sup> Street to Northbound.

<b>FUNDING SOURCES – PHASE I</b>	
General Obligation Grant	\$7,500,000
Village of Palmetto Bay	\$4,940,000
<b>TOTAL FUNDING SOURCES</b>	<b>\$12,440,000</b>

<b>PROJECT EXPENDITURES – PHASE I</b>		
<b>Line Item</b>	<b>Description</b>	<b>Cost</b>
Land Acquisition	Acquisition to create new street grid and expanded ROW	\$1,689,157
Transit Stops	Bus shelters with solar panel roofs, bus storage for local commuter bus, integration with MDTA bus system, signage	\$149,332
Hardscape	Widened sidewalks, dedicated bike lanes, brick pavers, crosswalks, lighting, furnishings, bollards & public art	\$801,447
Landscaping	Removal, relocation, new landscaping and irrigation according to design and Village guidelines using cisterns, street lights with photovoltaic panels, water feature near park street and LED lighting features	\$783,332
Street Improvements	Reconfigured streets with landscaped center island, on-street parking, pay stations, raised crosswalks, street signage & wayfair signs	\$2,169,982.80
Traffic Circle	New traffic circle to create a focal point at the intersection of SW 181 St. and Franjo Rd. with contrasting pavers, water feature and landscaping	\$300,000
Drainage	Drainage for streets, sidewalks & swales via collector drains to cisterns to capture rainwater and water runoff for landscaping irrigation system	\$1,353,613
Infrastructure Improvements	Watermain extension, specific sewer lateral upgrades, undergrounding utilities on Franjo Rd.	\$1,073,236
Site Preparation	Design, mobilization, survey, MOT, embankment, clearing and grubbing and regular excavation, type-B stabilized subgrade, limerock base – 8", sidewalk & curb & paver preparation,	\$4,119,900.20
<b>TOTAL</b>		<b>\$12,440,000</b>