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OFFICE OF THE MAYOR
MIAMI-DADE COUNTY, FLORIDA

Agenda Item No. 2(A)(1)
February 1, 2022

VETO AND VETO MESSAGE

To: Honorable Chairman Jose "Pepe" Diaz and
Members of the Board of County Commissioners
Miami-Dade County, Florida

From: Daniella Levine Cava, Mayor 
Miami-Dade County, Florida

Pursuant to the authority vested in me under the provisions of Section 2.02.D of the Miami-Dade County Home Rule Charter, I hereby veto Resolution No. R-61-22, which was adopted at the January 19, 2022, Board of County Commissioners meeting:

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL STEPS NECESSARY, PURSUANT TO SECTION 125.045, FLORIDA STATUTES, TO EFFECTUATE AN ECONOMIC DEVELOPMENT CONVEYANCE OR LEASE TO HOMESTEAD TOWN CENTER, LLC, INCLUDING CONDUCTING DUE DILIGENCE REGARDING ITS PLAN FOR THE DEVELOPMENT ON ALL OR A PORTION OF TWO COUNTY-OWNED PROPERTIES GENERALLY LOCATED SOUTH OF SW 280 STREET, WEST OF SW 127 AVENUE, NORTH OF BISCAYNE DRIVE, AND EAST OF NEVADA AVENUE AND SW 128 PATH ADJACENT TO THE HOMESTEAD AIR RESERVE BASE ("SUBJECT PROPERTIES") OF: (1) A LARGE-SCALE CONTAINER PARK TO SERVE AS A COMMERCE AND ENTERTAINMENT HUB, AND (2) UNDER CERTAIN CIRCUMSTANCES, A TEMPORARY SMALL-SCALE CONTAINER OR EVENT-SPACE PARK; ESTABLISHING COUNTY POLICY THAT THE SUBJECT PROPERTIES SHALL BE USED ONLY FOR ENTERTAINMENT, COMMERCIAL, LIGHT INDUSTRIAL USES, INCLUDING AS AN ELECTRIC CHARGING SITE AND TERMINAL FOR ELECTRIC BUSES, AND SHALL NOT BE USED BY THE COUNTY AS A BUS MAINTENANCE AND REPAIR DEPOT; FURTHER DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AN AGREEMENT, TO PROVIDE STATUS REPORT WITHIN 45 DAYS AND TO PLACE A RESOLUTION SEEKING BOARD APPROVAL OF SAME WITHIN 180 DAYS; AUTHORIZING DISTRICT COMMISSIONER TO PARTICIPATE IN ANY AND ALL NEGOTIATIONS PERTAINING TO THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTIES.

VETO MESSAGE

On January 19, 2022, the Board of County Commissioners (Board) adopted Resolution No. R-61-22, effectuating an economic development conveyance or lease to Homestead Town Center, LLC for a "large scale container park" and further establishing as County Policy that the subject properties can be used only for entertainment, commercial, light industrial uses, including as an electric bus charging site and explicitly prohibiting a bus maintenance and repair facility.

I am vetoing this legislation for several reasons. First, the express prohibition against using the land within our portfolio for the efficient and economically prudent delivery of mass transit is not in the best interest of Miami-Dade County. This legislation requires a significant additional and avoidable expenditure of People's Transportation Plan Funds that the County needs to fully deliver on the Strategic Miami Area Rapid Transit (SMART) Plan. Further, the economic development conveyance of 46.6 acres of public land should be structured to produce the greatest number of good-paying jobs and the largest investment of private capital. The best return on public assets would be gained through a competitive, transparent process rather than a no-bid conveyance.

As a former South Dade Commissioner and current South Dade resident, I personally understand and support economic development in the region. South Dade is our County's fastest growing region and deserves world-class economic development and entertainment. I also understand South Dade's need for better transit options and traffic relief and the importance of completing the South Corridor as part of the broader SMART plan that would connect our county.

At the time I was elected Mayor, I learned that this entire property was in the process of being transferred from the County's Internal Services Department to the Department of Transportation and Public Works (DTPW) pursuant to a memorandum of understanding between the two departments executed on February 17, 2021. While this internal transfer can be accomplished without Board action, Commissioner Kionne McGhee raised concerns about the planned use of the site and expressed an interest in establishing an "entertainment district" in the area. In an effort to support the Commissioner, I instructed DTPW to reconfigure the site plan and compress the planned Electric Bus Depot to accommodate new commercial and entertainment uses while also providing the County with the space needed to charge, operate, and maintain electric buses for routes in South Miami-Dade. After extensive analysis, DTPW went to great lengths to reconfigure the footprint of the facility to 20 acres, leaving the remainder for other uses. DTPW also prepared conceptual drawings for the Commissioner demonstrating a mixed-use development plan for the parcel including 20 acres for the bus facility. The capital investment required to design a bus facility on a site significantly smaller than 20 acres would unnecessarily double the cost of this project, which has already been budgeted at \$56 million. Please see attached memo from Director Eulois Cleckley dated January 25, 2022.

Despite my best efforts to propose a solution that would balance both the County's critical transportation priorities and the economic development opportunities in South Dade, it became

clear leading up to the January 19 Board meeting that Commissioner McGhee would not support joint use of the space in any form. This impasse has already delayed our progress on this critical project for our bus system by almost a year. DTPW has worked hard to identify alternative sites that would provide the specifications needed to effectively support its current and future needs, including the South Dade Transitway. Unfortunately, any alternative site will further delay this project and dramatically escalate the expenses to our Transit operations. Such avoidable setbacks at this time—just after the South Corridor has broken ground and we are expecting delivery of an entirely new fleet of electric buses—undermine the progress we have made to finally bring more transit options to South Dade residents.

After the passage of this Resolution, I continued a dialogue with Commissioner McGhee to bring us to a mutually beneficial solution that addresses the best interests of the community. I reiterated my full support for new ideas to promote economic development and entertainment in South Dade. Unfortunately, our discussions have not led us to consensus. While additional time was afforded for negotiation, the Resolution still specifically prohibits the administration from moving forward on a bus maintenance facility and prevents our ability to develop the full scope needed for the project. This ties our hands until negotiations are complete and will cause additional expense, inefficiencies, and delays in meeting the transit needs of our South Dade residents and the development of a comprehensive transportation plan. I still believe there is an opportunity to collaborate with the Board on a vision for this property. However, the Resolution adopted by the Board compromises our mission to effectively deliver County services and execute a strong economic development strategy.

I remain open and committed to collaborating with the Board on maximizing the benefit to the public on this site. Based on the Board's preference, I stand ready to continue our negotiations on the remaining parcel not needed for transit, or to initiate competitive procurements on an expedited basis so we can achieve both our transportation and our economic development objectives quickly and transparently.

CLOSING

I believe there remains great opportunity to accomplish our mutual objectives, but unfortunately as this resolution stands and the time allotted after Board adoption, I must veto R-61-22 with the expectation that we can continue to discuss a better path forward for the residents of Miami-Dade County and bring a new item forward soon.

Memorandum



Date: January 25, 2022

To: Honorable Daniella Levine Cava, Mayor

From: Eulois Cleckley
Director, Department of Transportation and Public Works

Subject: South Dade Electric Bus Maintenance Facility Project

EXECUTIVE SUMMARY

This memo serves as a report on the need for a full-scale electric bus maintenance facility at the Homestead Air Force Base site, bounded by SW 280 Street, SW 127th Avenue and Biscayne Drive.

BACKGROUND

The Department of Transportation and Public Works (DTPW) currently operates the 15th largest transit system (Metrobus, Metrorail and Metromover) in the country with approximately 99 bus routes averaging 115,000 weekday trips. DTPW operates bus service from three maintenance and operations facilities known as Central, Coral Way, and Northeast all, of which are operating at or beyond their design capacity. Of the existing bus routes which the county operates, approximately 35% of them service the areas south of the existing maintenance facilities.

The South Dade area is a fast-growing area in Miami-Dade County. Currently, about 20% of the total county population, or approximately more than 460,000 residents, live in South Miami-Dade County, according to the 2010 US Census. By 2040, this population is estimated to increase to more than 767,000, approximately 25% of the entire County's population. Therefore, in order to service this area and its future growth, a new location for a maintenance facility in the South Dade area is strategically important as it would result in decreased operational costs, labor requirements and excess mileage impacts from transiting to and from the existing garages, there is also an immediate need for DTPW to construct a new bus maintenance and operations facility in the southern area of the county. The new facility will allow for the relocation and housing of the vehicles slated for the South Dade Transit Way including the Bus Rapid Transit Service scheduled to begin service in 2023 and other routes currently serving in the vicinity of the busway.

WHY SITE 5? (Homestead Air Force Base site)

The County, pursuant to Resolution No. R-1041-19, on October 3, 2019, approved contracting with Proterra, Inc. for the purchase of up to 75, 40-foot, battery-electric buses, including the installation of charging systems at each of DTPW's maintenance facilities. An additional procurement for up to 100, 60-foot battery-electric articulated buses is currently under the Cone of Silence. These electric bus procurements align with the County's policy mandate to transition to a cleaner burning and lower emission heavy fleet to reduce greenhouse gas emissions.

DTPW's existing facilities (Central, Northeast, and Coral Way) are unable to meet the needs of the new bus fleet for the following reasons:

- All existing sites are currently operating over capacity as identified in DTPW's "Bus Yard Master Plan Study" completed in April 2020.
- No charging infrastructure is currently deployed at the existing sites. The proposed incoming chargers at these sites (25 each via a separate project) will not have spare capacity available to charge the South Dade fleet in addition to their assigned vehicles.
- An insufficient number of maintenance bays capable of serving 60-foot articulated buses exists in the DTPW system.
- The existing garage sites would have severe negative operational, cost, and battery range impacts due to insufficient proximity to the South Corridor including but not limited to:
 - Increased deadhead operating from existing garages
 - Decreased operational ranges due to increased battery depletion and wear during excess travel
 - Increased manhour requirements and mileage impacts transiting from the existing garages

The Homestead Airforce base site is the recommended site because it is a site that is already owned by the county, thereby eliminating the need to purchase land. This keeps the cost of the project down and also reduces the project schedule. The site is in close proximity to the busway. In addition, utilities such as water and sewer services are already available in the area. This reduces the cost of the project as it does not require the design and construction of these main utilities to be included in the project scope. The site is cleared and does not have occupied facilities that would require relocation before construction can begin. The site is large enough to easily develop a layout with the required programming and circulation needed to accommodate the bus fleet.

SOUTH BUS MAINTENANCE FACILITY FUNCTIONS

To maintain, energize, and operate this incoming fleet, DTPW requires a new maintenance facility that has the square footage to accommodate the 100 buses and all the functional requirements and characteristics to maintain and operate this fleet from this new location. Since the County does not currently have a maintenance facility for electric buses, the proposed site would need to include the standard space requirements that would be needed to accommodate the required equipment, furnishing and infrastructure for this new fleet. Stormwater management, site circulation, landscape and zoning setbacks are also included in calculating the required space needed to maintain and operate the new fleet. This facility will meet the highest level of design standards and include state-of-the art industrial equipment.

The following functions are programmed to serve the ultimate proposed fleet of 100 sixty-foot articulated battery electric buses at the South Bus Maintenance Facility:

• Bus Maintenance	40,200 SF
• Bus Operations & Administration*	20,800 SF
• Parts Storage	10,000 SF
• Body Repair & Paint	15,900 SF
• Service & Wash Lanes	20,800 SF
• Security / Vault Pull	5,600 SF

- Facilities & System Maintenance* 13,700 SF
- Shared Space 5,800 SF
- Employee/ Visitor parking* 137,120 SF
- 100 bus parking spaces within-space overhead pantograph battery electric bus charging (configured in a 1:2 charger-to-dispenser ratio) and associated electrical utility yard

(*Denotes function which can be on a second level if site requires)

The operations of the South Corridor Bus Rapid Transit (BRT) system will include traffic signal preemption. The preemption is intended to allow BRT buses to receive priority when traversing an intersection, thus shortening the commute times for BRT passengers. As part of the preemption system, gate arms are to be installed at 46 intersections. To keep the system operational, the Department is creating dedicated gate arm crews to service and repair the gates. The crews will need a maintenance facility where they can store parts and perform repairs. This site also includes space programmed to accommodate the storage for the gate arms. If this is not included at this proposed facility, crews will need to be staged out of the Department's Road Bridge and Canal Maintenance Division in Doral. This will increase travel time for crews responding to malfunctions and may negatively impact travel time for BRT buses.

Cumulatively these functions require overall 801,965 square feet (18.41 acres) of programmed site space. To minimize site size needs, functions capable of being located in elevated spaces were considered including operations, administration, and employee parking. The full programmed site is reflected in Appendix A.

PROJECT SCHEDULE

Based on the Homestead Air Force Base site being selected as the preferred site, the following project milestone schedule has been developed. The site is County-owned and has no significant level 1 environmental issues:

- February 2022 – Finalize Site Analysis
- March 2022 – Finalize Title VI and Hold Public Meeting
- April 2022 – Advertise Design-Build Contract Tier 1
- Spring 2023 – Award Design-Build Contract
- Summer 2025 – Construction of Facility Completed

CURRENT PROJECT IMPACT

Currently the project is delayed by twelve months. Since the Homestead Air Force Base site, as the recommended site, has not been selected to advance as the preferred site, the project team has not been allowed to proceed with the advertisement of the design build contract to construct the facility. Further delays on the site selection would require re-assessment of potential sites for the facility, which would add more time to the schedule and delay the completion of the facility further. Additional cost would be incurred to acquire parcels to store the new fleet while the facility is being built.

Once the South Corridor Project is completed, the BRT service would have to operate out of the Coral Way facility until the new facility is complete. This would require shifting buses to other existing facilities due to capacity constraints at Coral Way. Relocating buses from Coral Way to the other facilities will allow reconfiguration of bus facility layout to accommodate 44 electric buses at Coral

Way, enough to operate the South Corridor BRT. This would add an estimated annualized \$1.5 million cost associated with increased deadhead (empty buses with no passengers) miles. Another cost incurred would be the difference between deadheading the BRT buses from Coral Way to the beginning of the route, versus from the proposed site. This would add an estimated \$2.6 million annually. Bifurcating the maintenance of the buses from the storage at the proposed site would increase costs further. Assuming a yard capacity of 100 buses, it would cost an estimated annualized \$300,000 for the buses to deadhead between 280th St and 344th St when maintenance is required. This sets the total estimated annualized additional cost at \$4.4 million.

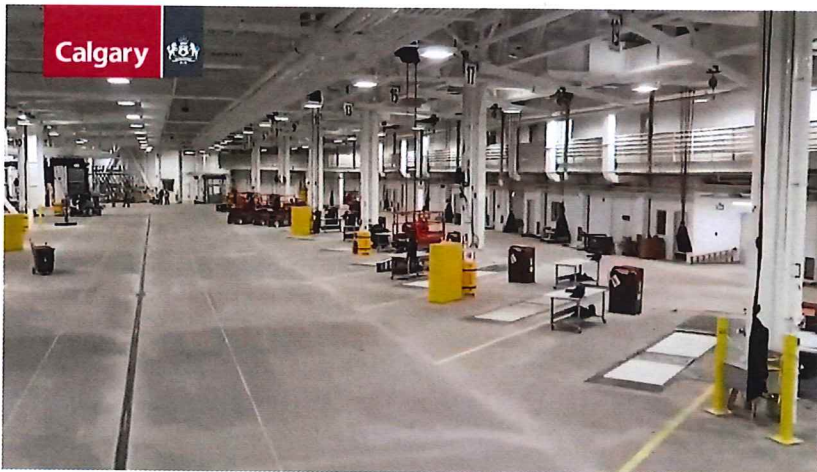
There are operational efficiencies to be gained at the proposed site to improve the amount of time a bus travels to begin its route, increasing the number of hours a bus generates revenue. Operational cost savings are associated with shorter deadheads with routes moved from Coral Way. This opportunity cost saving amounts to an estimated annualized \$1.8 million from moving routes 35, 500, 287 and 52.

UPDATES

Pursuant to conversations with Commissioner McGhee, the Administration has obtained additional professional technical advice verifying the acreage necessary to construct the functions of the desired bus facility. The industry standard calculates articulated buses (60-foot buses) as 150% of 40-foot buses, meaning 100 articulated buses equals a 150 40-foot bus equivalent project. Accordingly, based on the expert's advice, the facility requires a minimum of 15 acres. Therefore, our request of up to 20 acres would allow for any possible additional acres for pending infrastructure such as water and electric facilities and noise mitigation.

Attachments

1. Electric Bus Facility Examples



MEMORANDUM

Amended
Substitute
Agenda Item No. 11(A)(5)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 19, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to take all steps necessary, pursuant to section 125.045, Florida Statutes, to effectuate an Economic Development Conveyance or lease to Homestead Town Center, LLC, including conducting due diligence regarding its plan for the development on all or a portion of two County-owned properties generally located south of SW 280 Street, west of SW 127 Avenue, north of Biscayne Drive, and east of Nevada Avenue and SW 128 Path adjacent to the Homestead Air Reserve Base ("subject properties") of: (1) a large-scale container park to serve as a commerce and entertainment hub, and (2) under certain circumstances, a temporary small-scale container or event-space park; establishing County policy that the subject properties shall be used only for entertainment, commercial, light industrial uses, including as an electric charging site and terminal for electric buses, and shall not be used by the County as a bus maintenance and repair depot; further directing the County Mayor to negotiate an agreement, to provide status report within 45 days and to place a resolution seeking Board approval of same within 180 days; authorizing District Commissioner to participate in any and all negotiations pertaining to the use and development of the subject properties

Resolution No. R-61-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.


Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM (Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 19, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Substitute
Agenda Item No. 11(A)(5)

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 1/29/2022 /S.
Override _____

Amended
Substitute
Agenda Item No. 11(A)(5)
1-19-22

RESOLUTION NO. R-61-22

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL STEPS NECESSARY, PURSUANT TO SECTION 125.045, FLORIDA STATUTES, TO EFFECTUATE AN ECONOMIC DEVELOPMENT CONVEYANCE OR LEASE TO HOMESTEAD TOWN CENTER, LLC, INCLUDING CONDUCTING DUE DILIGENCE REGARDING ITS PLAN FOR THE DEVELOPMENT ON ALL OR A PORTION OF TWO COUNTY-OWNED PROPERTIES GENERALLY LOCATED SOUTH OF SW 280 STREET, WEST OF SW 127 AVENUE, NORTH OF BISCAYNE DRIVE, AND EAST OF NEVADA AVENUE AND SW 128 PATH ADJACENT TO THE HOMESTEAD AIR RESERVE BASE ("SUBJECT PROPERTIES") OF: (1) A LARGE-SCALE CONTAINER PARK TO SERVE AS A COMMERCE AND ENTERTAINMENT HUB, AND (2) UNDER CERTAIN CIRCUMSTANCES, A TEMPORARY SMALL-SCALE CONTAINER OR EVENT-SPACE PARK; ESTABLISHING COUNTY POLICY THAT THE SUBJECT PROPERTIES SHALL BE USED ONLY FOR ENTERTAINMENT, COMMERCIAL, LIGHT INDUSTRIAL USES, INCLUDING AS AN ELECTRIC CHARGING SITE AND TERMINAL FOR ELECTRIC BUSES, AND SHALL NOT BE USED BY THE COUNTY AS A BUS MAINTENANCE AND REPAIR DEPOT; FURTHER DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AN AGREEMENT, TO PROVIDE STATUS REPORT WITHIN 45 DAYS AND TO PLACE A RESOLUTION SEEKING BOARD APPROVAL OF SAME WITHIN 180 DAYS; AUTHORIZING DISTRICT COMMISSIONER TO PARTICIPATE IN ANY AND ALL NEGOTIATIONS PERTAINING TO THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTIES

WHEREAS, on July 13, 2004, Miami-Dade County approved Resolution No. R-909-04 which authorized the County to execute an Economic Development Conveyance Agreement ("EDC agreement") with the secretary of the Air Force on behalf of the United States of America ("Air Force") to accomplish the transfer of 601 acres of former Homestead Air Reserve Base

property (“EDC premises”) to the County at no cost, for the purpose of promoting economic development through job creation and new business development in the immediate area of the former Homestead Air Reserve Base; and

WHEREAS, as a result of the EDC agreement, the EDC premises were conveyed to the County by multiple deeds, which included various rights, obligations, and restrictions; and

WHEREAS, the County has leased or conveyed numerous properties for economic development purposes to various entities throughout the EDC premises since the initial conveyance from the Air Force; and

WHEREAS, the County holds two sizeable vacant parcels within the EDC premises totaling approximately 47 gross acres, which such parcels are identified as folio number 30-7902-000-0021 that includes approximately 16.9 acres, and folio number 30-7902-000-0040 that includes approximately 29.7 acres (the “subject properties”); and

WHEREAS, the subject properties are generally located south of SW 280 Street, west of SW 127 Avenue, north of Biscayne Drive, and East of Nevada Avenue and SW 128 Path adjacent to the Homestead Air Reserve Base; and

WHEREAS, the subject properties can be used to promote job creation and new business development in the area; and

WHEREAS, this Board desires to further job creation and new business development in the area by establishing County policy that the subject properties shall only be used for entertainment, commercial and light industrial uses, including as a charging site for electric buses, and as a bus terminal for as many electric buses as are needed, and shall not be used by the County as a transit bus maintenance and repair depot; and

WHEREAS, this Board seeks to create and stimulate economic development opportunities and business development on the subject properties, while also providing opportunities to encourage small business growth, including engagement and participation by not-for-profit entities; and

WHEREAS, increasing opportunities for employment and other economic development will benefit the residents of District 9 and Miami-Dade County; and

WHEREAS, the County desires to develop the subject properties as a large-scale container park, providing cost effective, flexible, and ecologically sensitive tenant space through the repurposing of shipping containers into business uses such as retail shops, entertainment, eating establishments, and community spaces; and

WHEREAS, container parks provide unique opportunities for small or start-up businesses, and can also include opportunities for not-for-profit entities, due to the low cost, customizable and flexible size, and variable configuration of such containers; and

WHEREAS, container parks have been developed throughout the United States, including, but not limited to, California, New York, Nevada, and Oklahoma, as well as in Florida such as in the City of Hollywood and in the City of Miami in Wynwood; and

WHEREAS, the Downtown Container Park in Las Vegas, which includes independent shops, local restaurants, outdoor entertainment, and interactive play areas for children, is an example of the successful economic opportunities that can be created by large-scale open air container parks; and

WHEREAS, a container park was likewise developed in Wynwood including individual outdoor food and beverage establishments, each operating from separate shipping containers, along with a courtyard that includes outdoor space in which the community can socialize and interact; and

WHEREAS, the creation of a business and entertainment container park in the Homestead area would enhance and expand economic activities, invigorate the area, create jobs, and assist in providing a stronger and more vibrant economy; and

WHEREAS, in October 2022, the City of Homestead will host the second race in the NASCAR Cup Series Playoffs at Homestead-Miami Speedway (the “NASCAR event”); and

WHEREAS, the NASCAR event will attract a large number of people to the Homestead area in the vicinity of the subject properties; and

WHEREAS, the creation of a temporary container or event-space park at the subject properties in time for the NASCAR event would provide a forum where people can enjoy entertainment, shopping, and dining in close proximity to the NASCAR races as well as attract tourists and locals alike to an area and entertainment venue they would then be likely to visit in the future; and

WHEREAS, therefore, a need exists, in addition to the construction of the large-scale container park, to complete a smaller-scale container or event-space park in time for the NASCAR event; and

WHEREAS, any temporary or event-space development on the subject properties can also potentially be thereafter converted to a more permanent development of the large-scale container park, if deemed to be in the best interest of the County; and

WHEREAS, it is in the best interests of Miami-Dade County to promote economic growth, to create new jobs and to strengthen the County's economy; and

WHEREAS, pursuant to section 125.045, Florida Statutes, the County may employ measures to attract business enterprises, including but not limited to conveyance or lease of real property directly to entities, and including other economic development incentives such as grants and loans, to attract such business enterprises; and

WHEREAS, section 125.045 provides an exception to competitive bidding requirements for non-competitive conveyances and leases to allow the expansion of existing businesses in the community or to attract new businesses and industries to the community for economic development purposes; and

WHEREAS, this Board desires to develop the subject properties as a large-scale container park by entering into a purchase and sale agreement or a lease agreement pursuant to section 125.045 with a private sector developer who has experience in creating container parks, in order to accomplish such economic development on the subject properties; and

WHEREAS, Homestead Town Center, LLC ("developer") has approached the County with its plan and desire to develop the subject properties as a large-scale container park; and

WHEREAS, the developer has represented that it will complete Phase 1 of the development, including food/beverage, entertainment, and cultural spaces by October 2022, in time for the NASCAR event; and

WHEREAS, the developer seeks to place a purchase money deposit down for a percentage of the purchase price, and to pay the balance over time based upon a percentage of annual net revenue until the purchase price is satisfied; and

WHEREAS, the County's reversionary interest in the event of noncompliance would be secured by an appropriate reverter clause to ensure compliance with the deed restrictions or a lease termination clause to ensure compliance with the terms of the lease agreement; and

WHEREAS, in light of (i) the pressing and time sensitive nature of having an agreement in place for the NASCAR event, and (ii) the developer's expressed interest and experience of its assembled team in developments of container parks, this Board desires to direct the County Mayor or County Mayor's designee to expeditiously conduct due diligence and to negotiate an agreement with the developer, with appropriate deed restrictions and a reverter clause or lease requirements and termination rights for the County, for the development of a large-scale permanent container park, and if necessary to achieve completion of an entertainment and event space to support and service the NASCAR event by the date of such event, a smaller-scale container or event-space park,

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board directs the County Mayor or County Mayor's designee to take all steps necessary, pursuant to section 125.045, Florida Statutes, to effectuate the economic development conveyance or lease, in accordance with the provisions herein, of the subject properties or portions thereof for the development of a large-scale permanent container park, and if necessary to achieve completion of an entertainment and event-space to support and service the NASCAR event by the date of such event, a smaller-scale container or event-space park. Such steps shall include:

- (i) consideration of whether to lease rather than convey the subject properties or portions thereof to the developer;
- (ii) performing due diligence for an economic development purchase and sale agreement or lease agreement, which at a minimum, shall require the developer to provide its relevant development experience, financial plan and capability to complete the project, proposed uses for the containers to be placed on the subject properties along with any ancillary, supporting uses, estimated number of jobs to be created, the anticipated timeline for construction and completion, and proposed incentives or opportunities for participation by small or start-up businesses and not-for-profit business entities;
- (iii) negotiating and finalizing an economic development conveyance or lease with the developer that shall include minimum job creation requirements, and timeframes and milestones upon which a reverter or lease termination clause, as applicable, can be based in the event of noncompliance and, in the case of a purchase and sale agreement, shall not include a mortgage. Further, in accordance with section 125.045, Florida Statutes, to facilitate the growth and creation of business enterprises at the subject properties, the agreement may include economic development incentives, and shall consider and include any appropriate reduction in price or rent, grants, loans, or other financial incentives which may be based upon, but are not limited to: (a) the opportunities provided to small or start-up businesses and not-for profit business entities for participation in the development and operations of the project; (b) the developer's proposed capital investment into

the subject properties; (c) any needed stabilization period and profit sharing; and
(d) the promotion of the creation of a new business enterprise in Miami-Dade County, when structuring the terms of the agreement and the purchase price or the rental payments, as applicable; and

- (iv) placing a resolution, including the proposed economic development purchase and sale agreement or lease agreement, directly on a full Board agenda for consideration by this Board without the necessity of committee review no later than 180 days from the effective date of this resolution. The resolution presented to this Board with the final, negotiated and proposed economic development purchase and sale agreement or lease agreement shall include and address all matters raised in the January 18, 2022 memorandum from Kristina Guillen to the County Mayor.

Section 3. This Board further directs the County Mayor or County Mayor's designee to provide a status report to this Board by placement on the first available agenda of the full Board without the necessity of committee review within 45 days of the effective date of this resolution in accordance with Ordinance No. 14-65. The status report shall, at a minimum: (i) describe the status of the negotiations and the due diligence conducted; (ii) identify any issues which have arisen or impediments to the proposed conveyance or lease; and (iii) in the event that completion of the negotiated economic development purchase and sale agreement or lease agreement is not anticipated within the timeframe set forth herein, provide an estimated timeframe for completion of the purchase and sale agreement or lease agreement, as applicable, including the basis for any such required extension. The County Mayor or County Mayor's designee is directed to take no

other actions that would encumber or impact the utilization of the subject properties other than as specified in this resolution, and shall not issue any permits, licenses, or other agreements related to the subject properties in the absence of Board direction.

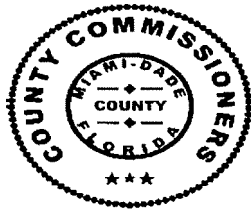
Section 4. This Board desires to establish County policy that the subject properties shall only be used for entertainment, commercial and light industrial uses, including as a charging site for electric buses, and as a bus terminal for as many electric buses as are needed, and shall not be used by the County as a transit bus maintenance and repair depot.

Section 5. This Board authorizes Commissioner Kionne L. McGhee, the Commissioner of the District in which the subject properties lie, to participate in any and all negotiations pertaining to the use and development of the subject properties.

The Prime Sponsor of the foregoing resolution is Commissioner Kionne L. McGhee. It was offered by Commissioner **Kionne L. McGhee**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman		
Oliver G. Gilbert, III, Vice-Chairman		
Sen. René García	nay	Keon Hardemon aye
Sally A. Heyman	aye	Danielle Cohen Higgins aye
Eileen Higgins	nay	Joe A. Martinez aye
Kionne L. McGhee	aye	Jean Monestime aye
Raquel A. Regalado	aye	Rebeca Sosa aye
Sen. Javier D. Souto	absent	

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of January, 2022. 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: Melissa Adames
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MRP

Debra Herman
Monica Rizo Perez