

**MEMORANDUM**

Agenda Item No. 5(F)

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

**DATE:** October 4, 2011

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

**SUBJECT:** Resolution approving Significant  
Modification to Building Better  
Communities General Obligation  
Bond Program Project No. 298 –  
“Fairchild Tropical Botanic Garden,”  
identified in Appendix A to  
Resolution No. R-919-04, after a  
public hearing

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The accompanying resolution was prepared by the Department of Cultural Affairs and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.



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R. A. Cuevas, Jr.  
County Attorney

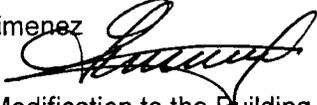
RAC/cp

# Memorandum



**Date:** October 4, 2011

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Significant Modification to the Building Better Communities General Obligation Bond (BBC-GOB) Program Project 298 - Fairchild Tropical Botanic Gardens to Include New Addresses and Folio Numbers in the Project Location

## Recommendation

It is recommended that the Board of County Commissioners (Board) approve the significant modification to Building Better Communities General Obligation Bond ("BBC GOB") Program Project No. 298 – "Improvements to Fairchild Tropical Botanic Garden" listed in Appendix A to Resolution No. R-919-04 to modify the project location to add a new street addresses and their corresponding folio numbers as follows: Folio numbers 03-5106-000-0020 and 03-5106-006-0120 (9610 Old Cutler Road) and Folio numbers 03-5106-000-0040 and 03-5106-000-0070 (no property addresses listed for these parcels). BBC GOB Project No. 298- "Improvements to Fairchild Tropical Botanic Garden" is intended to provide capital improvements over the entire Fairchild Tropical Botanic Garden, including properties and parcels of land owned by the County and operated and improved by Fairchild Tropical Botanic Garden, Inc. ("FTBG") but not currently listed in the street address for this project. A summary of the changes to Project 298 are reflected in the table below:

| Item                            | Original BBC Project   | Modified BBC Project   |
|---------------------------------|--|--|
| Project Number and Project Name | <b>298 - Improvements to the Fairchild Tropical Botanic Garden</b>   | No change.   |
| Project Description             | GOB funds would compliment other funding to provide capital improvements to include; education and community facilities; visitor services; garden infrastructure; garden exhibit and landscape; and research facilities. | No change  |
| Street Address                  | 10901 Old Cutler Road  | 10901 Old Cutler Road and 9610 Old Cutler Road (Folio numbers 03-5106-000-0020 and 03-5106-006-0120) and Folio numbers 03-5106-000-0040 and 03-5106-000-0070 (no property addresses listed for these parcels). |
| Allocation                      | \$15,000,000   | No change.   |

## Scope

Fairchild Tropical Botanic Garden is located on Old Cutler Road in Coral Gables in County Commission District 7. The Garden's service area is countywide. FTBG occupies 83 acres of land on various parcels or folio numbers and all but one (1) parcel is owned by the County and leased to FTBG. The majority of the new capital work funded by the BBC-GOB occurs on one parcel at 10901 Old Cutler Road (folio # 03-5106-000-0041), which is the only parcel owned by

FTBG and this specific address was included in the original project description approved by the voters in 2004 and included in Resolution No. R-919-04. One of the new capital projects, the Welcome Center and Gallery is planned to occupy the County-owned parcel at 9610 Old Cutler Road (folio # 03-5106-000-0020). Furthermore, capital improvements to the Garden's irrigation system take place across all parcels, both FTBG and County-owned. There is no change to the scope or budget with this modification.

**Fiscal Impact/Funding Source**

Funding is provided by the BBC-GOB Project No. 298 - "Improvements to Fairchild Tropical Botanic Garden." There is no fiscal impact to the BBC-GOB Program as there is no change to the existing BBC-GOB Program allocations.

**Track Record/Monitor**

The entity responsible for implementing this project is FTBG. FTBG has a track record of following Department grant requirements and contractual conditions. Michael Spring, Director of the Miami-Dade County Department of Cultural Affairs is responsible for managing the BBC GOB grant agreement to FTBG. The responsible entity for monitoring the status of the project and BBC GOB funds is the Office of Capital Improvements (OCI), George Navarrete, Director.

**Delegation of Authority**

There is no additional delegation of authority related to this item.

**Background**

On November 2, 2004, voters overwhelmingly approved eight referendum questions to fund more than 300 capital improvement projects throughout Miami-Dade County over an approximate 18 to 20 year period, comprising the BBC-GOB Program. BBC GOB Project No. 298 - "Improvements to Fairchild Tropical Botanic Garden" was one of the projects approved as a part of the BBC-GOB Program (Appendix A to Resolution No. R-919-04) with an allocation of \$15 million.

On February 15, 2007, FTBG executed the first BBC GOB grant agreement with the County and began to implement its new capital projects and improvements pursuant to the BBC GOB Program. This grant agreement authorized \$2.5 million of the total \$15 million allocation to be used at the property described by tax folio number 03-5106-000-0041 (10901 Old Cutler Road) for the undertaking of design efforts for the new capital education and administrative facility and for the physical implementation of already planned rehabilitation and restoration projects. Although some of the work completed to date occurred on the County-owned parcels, no work performed on these parcels has been reimbursed out of the first BBC GOB grant agreement. This work is proceeding smoothly and staff is working together with FTBG to draft the second BBC GOB grant agreement so that the progress of all the planned projects can continue to move forward. FTBG has already proceeded with the design of the new Welcome Center and Gallery building that will be located on a County-owned parcel (folio # 03-5106-000-0020)). The remaining \$12.5 million of BBC-GOB funds will complete three new capital projects as well as several capital improvements on both the additional County and the FTBG-owned parcel.

Since the specific street address and corresponding folio numbers upon which the new Welcome Center and Gallery are to be built are not referenced in the street address to BBC GOB Project No. 298 - "Improvements to the Fairchild Tropical Botanic Garden" contained in, it is necessary to modify the street address of Project No. 298 so that the remaining funds can cover the essential work planned for the additional folio numbers 03-5106-000-0020/03-5106-006-0120 (9610 Old Cutler Road) and 03-5106-000-0040/03-5106-000-0070 (no property

address attached). This work includes the planning and construction of the new Welcome Center and Gallery to be adjacent to FTBG's existing Visitors Center in order to allow this very public new building to be accessible immediately to all visitors upon entrance to the Garden and the capital improvements throughout various parcels of FTBG, such as new irrigation lines. This capital plan is in keeping with the original master plan for the Garden.

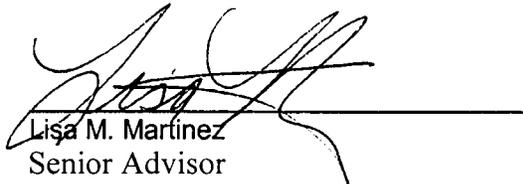
FTBG is a not-for profit entity and by authorization of Ordinance No. 06-88 is exempt from the County's procurement policies.. FTBG is, however, complying with the County's Art in Public Place Ordinance and staff is committed to working collaboratively with FTBG to be sure that all requirements are met.

**History of Fairchild Tropic Botanic Garden**

In 1938, Fairchild Tropical Botanic Garden opened its 83 acres to the public for the first time. Fairchild Tropical Botanic Garden gets its name from one of the most famous plant explorers in history, David Fairchild (1869-1954). Fairchild was known for traveling the world in search of useful plants, but he was also an educator and a renowned scientist. Dr. Fairchild retired to Miami in 1935 and joined a group of passionate plant collectors and growers, including retired accountant Col. Robert H. Montgomery, environmentalist Marjory Stoneman Douglas, County Commissioner Charles Crandon and landscape architect William Lyman Phillips. This core group worked tirelessly to bring the idea of a one-of-a-kind botanic garden to life.

FTBG's mission is to save tropical plant diversity by exploring, explaining and conserving the world of tropical plants. Fundamental to this task is inspiring a greater knowledge and love for plants and gardening so that all can enjoy the beauty and bounty of the tropical world.

This recommendation was presented to the BBC-GOB Citizens' Advisory Committee ("CAC") on August 18, 2011 and was forwarded to the Board of County Commissioners with a favorable recommendation.

  
Lisa M. Martinez  
Senior Advisor



**MEMORANDUM**  
(Revised)

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

**DATE:** October 4, 2011

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

**SUBJECT:** Agenda Item No. 5(F)

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 Manager'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. 5(F)  
10-4-11

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

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 298 - "FAIRCHILD TROPICAL BOTANIC GARDEN," IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-919-04, AFTER A PUBLIC HEARING

**WHEREAS**, this Board desires to accomplish the purpose outlined in the accompanying memorandum, a copy of which is incorporated herein by this reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board hereby approves the significant modification to Building Better Communities Bond Program Project No. 298 – “Fairchild Tropical Botanic Garden” identified in Appendix A to Resolution No. R-919-04 to change the street address to: “10901 Old Cutler Road and 9610 Old Cutler Road (Folio numbers 03-5106-000-0020 and 03-5106-006-0120) and Folio numbers 03-5106-000-0040 and 03-5106-000-0070 (no property addresses listed for these parcels),” after a public hearing.

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:

|                                     |                      |
|-------------------------------------|----------------------|
| Joe A. Martinez, Chairman           |                      |
| Audrey M. Edmonson, Vice Chairwoman |                      |
| Bruno A. Barreiro                   | Lynda Bell           |
| Esteban L. Bovo, Jr.                | Jose "Pepe" Diaz     |
| Sally A. Heyman                     | Barbara J. Jordan    |
| Jean Monestime                      | Dennis C. Moss       |
| Rebeca Sosa                         | Sen. Javier D. Souto |
| Xavier L. Suarez                    |                      |

6

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of October, 2011. 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.



Monica Rizo

