

MEMORANDUM

Agenda Item No. 5(B)

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 deletion of
Building Better Communities
General Obligation Bond
Program Project No. 333 – “Carver
Theater”

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



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(Revised)

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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(B)

10-4-11

RESOLUTION NO. _____

RESOLUTION APPROVING DELETION OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 333 - "CARVER THEATRE", AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-919-04 AND APPROVING ADDITION OF NEW PROJECT NO. 333.1 - "NW 7TH AVENUE TRANSIT VILLAGE THEATER/CULTURAL CENTER" TO APPENDIX A TO RESOLUTION NO. R-919-04, AFTER PUBLIC HEARING; APPROVING DELETION OF PROJECT NO. 333 FROM AND ADDITION OF PROJECT NO. 333.1 TO APPENDIX A TO RESOLUTION NO. R-134-11; WAIVING REQUIREMENTS OF IMPLEMENTING ORDER 3-47 REGARDING ADDING NEW PROJECTS; APPROVING ACCELERATION OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUNDING FOR PROJECT NO. 333.1; DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO LIST PROJECT NO. 333.1 AS ELIGIBLE FOR FUNDING IN NEXT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION PROGRAM FINANCING AND TO FUND FROM SUCH PROCEEDS BALANCE OF TOTAL ALLOCATION; REQUIRING BOARD APPROVAL FOR ANY ADJUSTMENTS TO SUCH FUNDING, INCLUDING CASH FLOW REVISIONS; AND DIRECTING COUNTY MAYOR OR HIS DESIGNEE TO NEGOTIATE NECESSARY AGREEMENTS REGARDING PROJECT NO. 333.1 AND TO PRESENT SUCH AGREEMENTS TO THE BOARD FOR ITS CONSIDERATION

WHEREAS, Appendix A to Resolution No. 919-04 (the "Cultural Facilities Resolution"), lists projects eligible for funding from the Building Better Communities General Obligation Bond Program (the "BBC GOB Program") by project number, municipal project location, BCC district, project name, project description, street address, and project funding allocation; and

WHEREAS, one of the projects listed in Appendix A to the Cultural Facilities Resolution and approved by the voters for funding is Project No. 333 – "Carver Theatre"

WHEREAS, one of the projects listed in Appendix A to the Cultural Facilities Resolution and approved by the voters for funding is Project No. 333 – “Carver Theatre” (“Project No. 333”), a Countywide project located in the City of Miami with a Street Address listed as “6016-6042 N.W. 7th Avenue” with an allocation equal to \$5,000,000 and a project description that states: “Purchase and renovate the Carver Theatre”; and

WHEREAS, all additions, deletions and significant modifications to individual projects or to Appendix A to the Cultural Facilities Resolution require a majority vote of the Board after a public hearing; and

WHEREAS, in August 2010, the County issued Request for Qualifications No. 743 (“RFQ No. 743”) to solicit proposals from interested developers for the development, design, construction and operation of a multi-story, mixed-use project on a parcel of County-owned land located at the northern portion of the block bounded on the west side by N.W. 7th Avenue and on the north side by N.W. 62nd Street, which development would include a transit hub, affordable housing, retail, a local theater, and parking (the “Transit Village Development Project”); and

WHEREAS, the Carver Theatre, located across the street from the Transit Village Development Project, has hardly been used in the last ten years, is currently closed and requires major renovation; and

WHEREAS, the Carver Theater is in need of extensive rehabilitation to convert it to a viable cultural facility and the cost to acquire and renovate the Carver Theater is in excess of the BBC GOB Program funds allocated to the project; and

WHEREAS, rather than restoration of the Carver Theatre, which is old and outdated, it was contemplated the Transit Village Development Project would include a local “black box”

type theater to replace the Carver Theatre as well as a studio and gallery space for the visual arts so as to continue to give the community an outlet for local cultural events and serve as community meeting space (the “Transit Village Theater and Cultural Center”); and

WHEREAS, RFQ No. 743 identified BBC GOB Program bond proceeds in an amount equal to \$5 million as a funding source for the new proposed Transit Village Theater and Cultural Center, conditioned upon approval of this Resolution deleting the Project No. 333 and reallocating those funds to the new Project No. 333.1; and

WHEREAS, as required by RFQ No. 743, the selected developer, Carlisle Development Group, LLC (the “Developer”), developed and proposed a management and operation plan for the new proposed Transit Village Theater and Cultural Center; and

WHEREAS, pursuant to the terms of the Lease Agreement by and between the County and Developer, the County’s award of funding from the BBC GOB Program to the Developer in an amount not less than \$5,000,000 is a condition precedent to the Developer’s obligation to construct the Transit Village Theater and Cultural Center; and

WHEREAS, this Board wishes to approve the deletion of Project No. 333 – “Carver Theatre” and the addition of a new Project No. 333.1 - “NW 7TH Avenue Transit Village Theater/Cultural Center” to Appendix A to Resolution Nos. R-919-04 and R-134-11 and the requested \$1.3 million acceleration of BBC GOB Program funding for the purpose of funding the design and a portion of the construction of the Transit Village Theater and Cultural Center; and

WHEREAS, the Board wishes to direct the County Mayor or the Mayor’s designee to negotiate the necessary agreements by and between the County and the Developer regarding the funding of Project No. 333.1, including any necessary amendments to the Lease and recordation

of a Restrictive Covenant, and to present such agreements to the Board for its consideration prior to disbursement of any BBC GOB Program funds,

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 hereby approves the deletion of Project No. 333 – “Carver Theatre,” identified in Appendix A to Resolution No. R-919-04, after a public hearing.

Section 3. This Board hereby approves the addition of Project No. 333.1 - “Transit Village Theater/Cultural Center” to Appendix A to Resolution No. R-919-04, after a public hearing, as a Countywide project with a Municipal Project Location of Miami, a Project Description that reads as follows: “Develop a theater and cultural center complex to include a ‘black box’ theater and associated parking,” an Allocation of \$5 million, and a Street Address of NW 7th Avenue and NW 62nd Street.

Section 4. This Board hereby approves the deletion of BBC GOB Program Project No. 333 and the addition of new BBC GOB Program Project No. 333.1 to Appendix A to Resolution No. R-134-11, the waiver of Implementing Order 3-47 regarding adding new projects to the BBC GOB Program, and the acceleration of \$1.3 million of BBC GOB Program funding for Project No. 333.1 to fund the design and engineering phase of such project, as well as a portion of the construction. The County Mayor or the County Mayor’s designee is hereby directed to list Project No. 333.1 as a project eligible for funding and to fund the remaining \$3.7 million of Project No. 333.1’s Total Allocation from the next BBC GOB Program financing. The County Mayor and the County Mayor’s designee is directed to not make any adjustments to

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Project No. 333.1's BBC GOB Program funding for any reason, including cash flow revisions authorized by Implementing Order No. 3-47, without this Board's prior approval.

Section 5. The County Mayor or the County Mayor's designee hereby directed to negotiate the necessary agreements by and between the County and the Developer regarding the funding of Project No. 333.1, including any necessary amendments to the Lease and recordation of a Restrictive Covenant, and to present such agreements to the Board for its consideration within ninety (90) days from the effective date of this resolution; provided, however, if the County Mayor or his designee is unable to successfully negotiate the terms of such agreements within the requisite time period, a report detailing the status of the project shall be presented to this Board instead. The disbursement of BBC GOB Program Project No. 333.1 is conditioned upon prior approval and execution of all such necessary agreements.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Audrey M. Edmonson. 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:

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	

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The Chairperson thereupon declared the resolution duly passed and adopted this 4th 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.

GBK

Geri Bonzon-Keenan