

MEMORANDUM

Agenda Item No. 5(A)

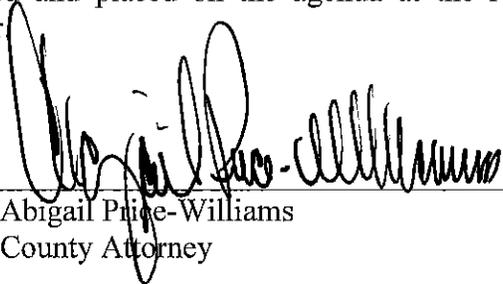
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 2, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution approving significant modification to Building Better Communities General Obligation Bond Program Project No. 332 – “Hialeah High School Performing Arts Center” to reduce allocation by \$2,340,486.00 and Project No. 332.1 – “Cultural Heritage, Education and Performing Arts Park” to change the project name and to increase allocation by \$1,585,000.00 and addition of new Project No. 355 – “John F. Kennedy Library” to be funded with \$755,486.00 of surplus funds from Project No. 332, all as identified in Appendix A to Resolution No. R-919-04, after a public hearing; waiving provisions of Implementing Order 3-47 regarding adding new projects to Bond Program using surplus funds

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Esteban L. Bovo, Jr.



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 2, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(A)

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 ____, 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(A)
2-2-16

RESOLUTION NO. _____

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 332 – “HIALEAH HIGH SCHOOL PERFORMING ARTS CENTER” TO REDUCE ALLOCATION BY \$2,340,486.00 FOR A TOTAL FUNDING ALLOCATION OF \$5,531,800.00 AND PROJECT NO. 332.1 – “CULTURAL HERITAGE, EDUCATION AND PERFORMING ARTS PARK” TO CHANGE THE PROJECT NAME TO “GARDEN OF THE ARTS” AND TO INCREASE ALLOCATION BY \$1,585,000.00 FOR A TOTAL FUNDING ALLOCATION OF \$2,785,000.00 AND ADDITION OF NEW PROJECT NO. 355 – “JOHN F. KENNEDY LIBRARY” TO BE FUNDED WITH \$755,486.00 OF SURPLUS FUNDS FROM PROJECT NO. 332, ALL AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-919-04, AFTER A PUBLIC HEARING; WAIVING PROVISIONS OF IMPLEMENTING ORDER 3-47 REGARDING ADDING NEW PROJECTS TO BOND PROGRAM USING SURPLUS FUNDS

WHEREAS, pursuant to Resolution No. R-919-04 (the “Cultural Facilities Resolution”), the voters of Miami-Dade County approved the issuance of general obligation bonds in a principal amount not to exceed \$552,692,000.00 to construct and improve libraries, cultural facilities, and Head Start learning centers for pre-school children to offer multicultural educational opportunities and activities; and

WHEREAS, Appendix A to the Cultural Facilities Resolution lists projects eligible for funding from the Building Better Communities General Obligation Bond Program (“Bond Program”) by project number, municipal project location, Commission district, project name, project description, street address and allocation; and

WHEREAS, one of the projects listed in Appendix A to the Cultural Facilities Resolution is Bond Program Project No. 332- “Hialeah High School Performing Arts Center” (“Project No. 332”) with an original allocation of \$10,000,000.00 and a project description that

provides “GOB funds complement other funding to complete this performing arts complex by: acquiring equipment; developing support spaces for rehearsal, scene shop and technical theater training; and acquiring property and providing funds for the design and construction of structures to provide critically needed parking and related improvements to serve patrons and users of both the Hialeah High School Performing Arts Center and the cultural and community facilities at the Milander Park complex;” and

WHEREAS, in November of 2012, this Board approved Resolution No. R-994-12, which resolution approved a significant modification to Project No. 332 to reduce the original allocation of \$10,000,000.00 to \$8,800,000.00 in order to fund a new Project No. 332.1 titled “Cultural Heritage, Education and Performing Arts Park” (“Project No. 332.1”); and

WHEREAS, Project No. 332.1 has a project description that provides “Acquire and construct the Cultural Heritage, Education and Performing Arts Park, to include a Bay of Pigs Memorial and an amphitheater in order to offer multicultural educational and performing arts opportunities and activities to children and adults in our community;” and

WHEREAS, in accordance with the requirements of the Bond Program’s Administrative Rules, which require an environmental survey of any land to be acquired with Bond Program funds and that such survey demonstrate that the property is suitable for its intended general use and for the specific project, the City of Hialeah completed an environmental Phase I site assessment on February 14, 2014; and

WHEREAS, the environmental Phase I site assessment revealed that high voltage power lines were located along the land, that power lines are a major source of electromagnetic radiation that produces extremely low frequency waves (“ELFs”), that ELFs have been receiving increasing attention as potential health hazards, that studies show that ELFs cause health

problems such as impairing human functions by slowing heart rates and altering brain waves, and that the human immune, circulation and psychological systems can be impacted by increased stress from electromagnetic radiation; and

WHEREAS, nevertheless, the environmental Phase I site assessment report concluded that no recognized environmental conditions existed on the land, and the City of Hialeah maintains that the presence of the high voltage power lines will not adversely impact the development or use of the park; and

WHEREAS, since the creation of Project No. 332.1 two years ago, the City of Hialeah, in developing the scope of work for the park project and in planning the development of the park, determined that the \$1,200,000.00 allocated to Project No. 332.1 was insufficient to fully fund all of the improvements to be located at the Cultural Heritage, Education and Performing Arts Park; and

WHEREAS, the City of Hialeah has requested that the project name for Project No. 332.1 be renamed "Garden of the Arts" (hereinafter deemed to be Project No. 332.1) in order to reflect the actual name of the facility, and that an additional \$1,585,000.00 of Bond Program funds be allocated to Project No. 332.1, and has identified, and requested, surplus funds available from Project No. 332; and

WHEREAS, indeed, in July of 2014, this Board approved Resolution No. R-578-14, which resolution acknowledged that the City of Hialeah had completed Project No. 332 for less than the allocation and declared that \$3,268,200.00 of the Project No. 332 allocation were surplus funds (as such term is defined in Implementing Order 3-47 ("IO 3-47")); and

WHEREAS, Resolution No. R-578-14 allocated \$927,714.00 of surplus funds from Project No. 332 to Bond Program Project No. 302 - "Hialeah – Reconstruct Milander Auditorium" ("Project No. 302") as the allocation for Project No. 302 was insufficient to complete the scope of the work, and therefore \$2,340,486.00 of surplus funds from Project No. 332 remain unallocated; and

WHEREAS, Project No. 332.1 has a budget shortfall (as such term is defined in IO 3-47) of \$1,585,000.00, and the City of Hialeah requires the additional funds in order to complete landscaping and to install concrete walls and permanent, capital art installations in the Garden of the Arts; and

WHEREAS, it would be in the best interest of the County to allocate \$1,585,000.00 of the surplus funds from Project No. 332 to Project No. 332.1 and to the City of Hialeah to be used to complete the Garden of the Arts; and

WHEREAS, further, the City of Hialeah desires to use the balance of the surplus funds from Project No. 332 in the amount of \$755,486.00 to create a new Bond Program Project No. 355 to be titled "John F. Kennedy Library", a municipal project location of "Hialeah", to be located in Commission District 13, a street address of "190 W. 49th Street, Hialeah, Fl. 33012", and a project description that provides: "Funds will be used for capital costs to improve the John F. Kennedy Library"; and

WHEREAS, this Board wishes to approve a significant modification of Project No. 332 in Appendix A to the Cultural Facilities Resolution to reduce the allocation by \$2,340,486.00 from \$7,872,286.00 to \$5,531,800.00; and

WHEREAS, this Board further desires to allocate \$1,585,000.00 of the surplus funds to Project No. 332.1 for a total project allocation of \$2,785,000.00, to rename Project No. 332.1 “Garden of the Arts”, and to create a new Project No. 355 – “John F. Kennedy Library” to be funded with the balance of the surplus funds in the amount of \$755,486.00; and

WHEREAS, IO 3-47 sets forth a process for the allocation of surplus funds to existing and new Bond Program projects and this Board desires to waive the provisions of IO 3-47 as it pertains to the addition of new projects to be funded to the Bond Program using surplus funds; and

WHEREAS, this item was presented to the Bond Program Citizens’ Advisory Committee (“CAC”) on November 6, 2015 and received a favorable recommendation,

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

Section 1. All of the foregoing recital clauses are incorporated herein by reference and adopted by this Board.

Section 2. This Board, after a public hearing, hereby approves a significant modification of Bond Program Project No. 332 – “Hialeah High School Performing Arts Center” in Appendix A to the Cultural Facilities Resolution in order to reduce its allocation by \$2,340,486.00 from \$7,872,286.00 to \$5,531,800.00.

Section 3. This Board, after a public hearing, hereby approves a significant modification of Bond Program Project No. 332.1 – “Cultural Heritage, Education and Performing Arts Park” in Appendix A to the Cultural Facilities Resolution in order to change the project name to “Garden of the Arts” and to increase its allocation by \$1,585,000.00 from \$1,200,000.00 to \$2,785,000.00.

Section 4. This Board waives the provisions of IO 3-47 as it related to adding new projects to the Bond Program using surplus funds and, after a public hearing, approves the addition of new Project No. 355 - "John F. Kennedy Library", a municipal project location of "Hialeah", to be located in Commission District 13, a street address of "190 W. 49th Street, Hialeah, Fl. 33012", an allocation of \$755,486.00, and a project description that provides: "Funds will be used for capital costs to improve the John F. Kennedy Library."

The Prime Sponsor of the foregoing resolution is Vice Chairman Esteban L. Bovo, Jr. 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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

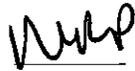
The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of February, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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.



Monica Rizo Perez