OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: September 2, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Agenda Item No. 5(G)

Resolution No. R-884-08

Subject: Significant Modification of *Building Better Communities* Bond Program Project No. 142 – "Baywalk Bike Path"

Recommendation

It is recommended that the Board approve a significant modification to the Building Better Communities General Obligation Bond program (the "BBC Program") project description for Project No. 142 - "Baywalk Bike Path" after a public hearing pursuant to Resolution No. R-914-04 ("Authorizing Resolution"). The proposed significant modification will modify the description for Project No. 142 to "Parcel B Bike Path and Shoreline Stabilization." Since the original description for this project, as approved by voters, differs substantially from the project that has been determined necessary, Board approval is required.

Scope

The impact of this agenda item is limited to County Commission Districts 3 and 5.

Fiscal Impact/Funding Source

There is no fiscal impact to the BBC Program allocation due to this modification. The funding allocation for the modified Project No. 142 - "Parcel B Bike Path and Shoreline Stabilization" is the same $1 million allocated for the original Project No. 142 – "Baywalk Bike Path."

The total estimated cost of the revised Project No. 142 is $6.419 million, to be funded as follows: $1 million from the BBC Program; $1.4 million from the Capital Outlay Reserve (COR); a combined $2.178 million from Florida Inland Navigation District ("FIND") FY 2006-2007 and Waterways Assistance Program ("WAP") FY 2007-08 grant funds; $1.379 million of Series 1997C Subordinate Special Obligation Bonds payable from Convention Development Tax (CDT) revenues originally programmed for a pedestrian overpass connecting the American Airlines Arena site to adjacent commercial property; and $462,000 of CDT interest earnings.

Track Record/Monitor

BBC Program - Johnny Martinez, Director – Office of Capital Improvements (OCI)
Project Manager - Robert Stebbins, General Services Administration (GSA)

Background

The existing seawall for Parcel B, which consists of corrugated steel sheet pile with a concrete cap that serves as protection from storm surges and keeps navigable waters free from debris, has deteriorated due to tidal action and other environmental effects. The sheet piling has reduced cross sections due to corrosion, holes have formed allowing possible contaminated outflows and, consequently, the seawall's concrete cap is falling into Biscayne Bay. Based on these conditions, the construction of the proposed Parcel B bike path cannot proceed without first repairing and/or replacing sections of the seawall as required. Based on the current site conditions, the original $1 million allocation from the BBC Program for Project No. 142 – "Baywalk Bike Path" is inadequate to implement the project.

To supplement the funds, the County applied for and received combined Florida Inland Navigation District (FIND) FY 2006-2007 and Waterways Assistance Program (WAP) FY 2007-08 grant funds in the amount of $2.178 million. Resolution R-361-07 authorized acceptance and expenditure of the grant, and allocated matching funds in the amount of $2.4 million, including $1 million from the BBC Program, Project No. 142 - "Baywalk Bike Path."

Resolution, R-914-04 (Attachment 1) lists projects eligible for funding from the BBC Program by number, name and size. All additions, deletions and significant modifications to individual projects or to Appendix A require a majority vote of the Board after a public hearing.

The original description for Project No. 142 - "Baywalk Bike Path" as included in Resolution No. R-914-04 states,

> "Connect existing paths from Bayfront Park to Pace Park along Biscayne Bay. Includes underpasses at Port Blvd. and MacArthur Causeway, and walkway at Miami Women's Club."

Because the bike path cannot be implemented without first repairing the seawall, it is recommended that the project description be modified to allow for the design and construction of a seawall *and* pedestrian walkway/bike path at Parcel B. Upon approval of this item, the project description for Project No. 142 will be modified as follows:

> <u>"Parcel B Bike Path and Shoreline Stabilization"</u>
> The project includes necessary seawall repairs and replacements as required and the construction of a 16' wide pedestrian walkway/bike path along the east shoreline of Parcel B, a parcel of land located east of the American Airlines Arena.

The connection of the existing paths from Margaret Pace Park to the northern terminus of Parcel B is currently being implemented by the City of Miami. The connection of the existing path north of Bayfront Park to the southern terminus of Parcel B, including the underpass at Port Blvd., will be implemented by Miami-Dade Public Works and will funded by the People's Transportation Plan (PTP). With the approval of the new description for Project No. 142, the entire length from Margaret Pace Park to Bayfront Park will be fully funded and will be completed in accordance with the intent of the original Project No. 142.

The project is needed to:

- Combine the other two segments of the walkway/bike path and provide the public with a pedestrian walkway/bike path as indicated in Appendix A of Authorizing Resolution, R-914-04;
- Protect the public from injury resulting from collapse of the seawall.
- Protect aquatic resources and water quality of Biscayne Bay which is being adversely impacted by erosion and impending collapse of the seawall;
- Provide public access to Biscayne Bay by providing a safe seawall environment to access the Bay;

- Protect the Bay from massive failure of the existing seawall that could occur during a major storm event.

The BBC Program's Citizens' Advisory Committee reviewed this item at their July 9, 2007 meeting. Since that time staff has been working to identify sufficient funding to implement the full scope of the revised projects.

Director
General Services Administration

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: September 2, 2008

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

SUBJECT: Agenda Item No. 5(G)

Please note any items checked.

_____ "4-Day Rule" ("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

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(G)
9-2-08

RESOLUTION NO. **R-884-08**

RESOLUTION APPROVING SIGNIFICANT MODIFICATION OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 142-"BAYWALK BIKE PATH" IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-914-04 AFTER A PUBLIC HEARING

WHEREAS, this Board desires to accomplish the purposes 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 of Building Better Communities Bond Program Project No. 142-"Baywalk Bike Path," identified in Appendix A to Resolution No. R-914-04 after a public hearing, all as more particularly described in the accompanying memorandum.

The foregoing resolution was offered by Commissioner **Audrey M. Edmonson**, who moved its adoption. The motion was seconded by Commissioner **Bruno A. Barreiro** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **aye**

Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of September, 2008. 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. GBK

Geri Bonzon-Keenan

MEMORANDUM

Amended
Special Item No. 3

TO: Honorable Chairperson Barbara Carey Shuler, Ed. D. and Members, Board of County Commissioners

DATE: July 20, 2004

FROM: George M. Burgess
County Manager

SUBJECT: Resolution Approving a Special Election for the *Building Better Communities* Bond Program – To Construct and Improve Bridges, Public Infrastructure and Neighborhood Improvements

R#914-04

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the placement of the *Building Better Communities* General Obligation Bond Program (Program) ballot question authorizing funding for projects to construct and improve bridges, public infrastructure and neighborhood improvements on the November 2, 2004, ballot. If approved by the Board and the voters, the referendum will allow the County to construct and improve bridges, bikeways, sidewalks and other neighborhood improvements including those providing Americans with Disabilities Act (ADA) accessibility, as well as provide for an Economic Development Fund (see Appendix A). This resolution will allow the County to issue General Obligation Bonds in an amount not to exceed $352.182 million over a multi-year period to fund improvements to the County's infrastructure and address a number of quality of life issues in our community. Legislation establishing the administration of the Economic Development Capital Improvement Fund, creating interlocal agreements with the municipalities and establishing a Program Advisory Committee will be forwarded to the Board upon approval of the program by the electorate. Individual debt issuances will also be subsequently forwarded for Board approval.

BACKGROUND

The recommended Program will provide the County with the capability of responding to the community's longstanding unfunded capital infrastructure needs in a comprehensive manner. The attached recommended list of projects provides a multi-faceted approach which addresses the need for facilities and infrastructure as well as economic development concerns. Since our Community Small Business Enterprise and Community Workforce regulations will apply to the *Building Better Communities* projects, it is anticipated that the Program will contribute to our economy by generating a large number of jobs as well as many new and meaningful business development and training opportunities in our local community.

A comprehensive report detailing our efforts to assemble a balanced *Building Better Communities* Program is presented under separate cover. The attached resolution and corresponding project recommendations further refine the proposed Program by incorporating the Board's input from the June 24, 2004 General Obligation Bond Workshop as well as subsequent individual follow-up meetings with Board members.

We have a unique opportunity to move forward with this Program at this time. Existing debt from the Decade of Progress Bond Program, the Criminal Justice Bond Program and the Safe Neighborhood Parks Bond Program is being retired allowing capacity for future bond issuances while maintaining a flat millage rate for debt service. Finally, placement of the ballot question on an already scheduled General Election allows us to avoid incurring the considerable costs that would be associated with a separate election.

Therefore, it is respectfully requested that the Board approve the attached resolution and allow the electorate to vote on critical capital improvement issues impacting the future of Miami-Dade County.

A. Brody

Assistant County Manager

Approved _____ Mayor
Veto _____
Override _____

Amended
Special Item No. 3
7-20-04

RESOLUTION NO. **914-04**

RESOLUTION PROVIDING FOR HOLDING OF GENERAL OBLIGATION BOND SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, ON NOVEMBER 2, 2004 WITH RESPECT TO AUTHORIZATION OF NOT EXCEEDING $352,182,000 GENERAL OBLIGATION BONDS OF SAID COUNTY TO CONSTRUCT AND IMPROVE BRIDGES, PUBLIC INFRASTRUCTURE, AND NEIGHBORHOOD IMPROVEMENTS

WHEREAS, the Board of County Commissioners of Miami-Dade County, Florida (the "Board") finds it necessary and appropriate and in the best interest of the County to hold a special election to authorize the issuance of General Obligation Bonds (the "Bonds") of Miami-Dade County in an amount not to exceed $352,182,000, as needed, in series from time to time, which Bonds will be secured by the full faith and credit of the County; and

WHEREAS, proceeds from such Bonds will be used for various, unfunded capital projects that have been identified and delineated in Appendix A, attached to this Resolution; and

WHEREAS, issuing such Bonds will stimulate the County economy and provide employment; and

WHEREAS, upon approval by the electors of the County to issue the Bonds, the Board will enact Bond ordinances authorizing the issuance of the Bonds so approved; and

WHEREAS, the Board intends, to the extent possible, that the debt service millage required to pay the debt service on the Bonds shall not exceed the current debt service millage in any year while the Bonds are outstanding and the total principal amount of the Bonds has been fixed with that intention in mind,

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

Section 1. The preamble to this Resolution and the County Manager's memorandum accompanying this Resolution are approved and incorporated by reference in this Resolution.

Section 2. A General Obligation Bond Special Election shall be held on Tuesday, November 2, 2004, for the purpose of submitting to the qualified electors of the County the questions stated in the Notice of General Obligation Bond Special Election set forth below in Section 3 of this Resolution.

Section 3. Notice of said General Obligation Bond Special Election shall be published in The Miami Herald, a newspaper of general circulation in Miami-Dade County, Florida, at least twice, once in the fifth week and once in the third week prior to the week in which the election is to be held, the date of first publication in said newspaper to be at least thirty days before said election, which notice shall be substantially in the following form:

NOTICE OF GENERAL OBLIGATION BOND SPECIAL ELECTION
BUILDING BETTER COMMUNITIES
To be Held On
TUESDAY, NOVEMBER 2, 2004
MIAMI-DADE COUNTY, FLORIDA

A General Obligation Bond Special Election will be held on Tuesday, November 2, 2004, for the purpose of submitting to the qualified electors of Miami-Dade County, Florida, the following question:

BUILDING BETTER COMMUNITIES
CONSTRUCT AND IMPROVE BRIDGES, PUBLIC INFRASTRUCTURE, AND NEIGHBORHOOD IMPROVEMENTS

To construct and improve walkways, bikeways, bridges and access to the Seaport, and other municipal and neighborhood infrastructure improvements to enhance quality of life, described in Resolution No. 914-04, adopted July 20, 2004, shall Miami-Dade County issue General Obligation Bonds to pay cost of such projects in a principal amount not exceeding $352,182,000, bearing interest not exceeding maximum legal rate, payable from ad valorem taxes?

_____FOR BONDS

_____AGAINST BONDS

The polls at said election will be open from 7:00 o'clock A.M. until 7:00 P.M. of the same day. All qualified electors of the County shall be entitled to vote at said special election.

Said General Obligation Bond Special Election will be held at the established polling places in the several precincts, respectively, in the County as established for County-wide general elections.

Miami-Dade County shall be authorized to issue the bonds covered by the question hereinabove set forth if such issuance as to such question shall have been approved by vote of a majority of the qualified electors of Miami-Dade County voting thereon.

By order of the Board of County Commissioners of Miami-Dade County, Florida.

_____
Clerk of the Board of County Commissioners of
Miami-Dade County, Florida

Section 4. Touch Screen Voting Machines shall be used at such special election, and the ballot question shall appear in substantially the form set forth in the Notice of General Obligation Bond Special Election in Section 3 of this Resolution.

Section 5. The question shall appear on the touch screens ballot as a separate question. Those qualified electors desiring to approve the issuance of bonds shall be instructed to vote "FOR BONDS". Those qualified electors desiring to disapprove the issuance of bonds shall be instructed to vote "AGAINST BONDS".

Section 6. Absentee paper ballots may be used by qualified electors of the County for voting on the question at said election. The form of such absentee ballot shall be in accordance with the requirements prescribed by the general election laws, and shall have printed thereon the question hereinabove set forth, with proper place for voting either "FOR BONDS" or "AGAINST BONDS" following the statement of the question aforesaid.

Section 7. A sample ballot showing the manner in which the question aforesaid shall appear on the touch screen ballot at this special election shall be published and provided in accordance with the applicable provisions of the general election laws.

Section 8. This special election on the question aforesaid shall be held and conducted in accordance with the applicable provisions of the general laws relating to special elections and the provisions of the Miami-Dade County Home Rule Charter. The County Manager, the Finance Director, the Supervisor of Elections and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this Resolution. This special election shall be a nonpartisan election. Inspectors and clerks to serve as election officials in connection with this special election shall be appointed in accordance with the provisions of the general election laws.

Section 9. This special election shall be canvassed by the County Canvassing Board as provided under the election laws of this State, in accordance with the provisions of Section 2.07 of the Home Rule Charter.

Section 10. All proceeds of the sale of the Bonds shall be delivered to the Finance Director of the County who shall deposit those proceeds in appropriate construction fund trust accounts, not to be commingled with other funds of the County, to be disbursed solely for the purposes set forth in this Resolution. The County, itself or through independent auditors, shall have the right at all times to audit the books and records of all beneficiaries who receive proceeds from the sale of the Bonds.

Some projects listed in Appendix A of this Resolution may be the subject of contractual agreements between the County and the external agencies receiving the Bond proceeds to pay the cost of such projects. Such agreements shall provide the terms and conditions for the County to release Bond proceeds to the agency and such other requirements as the County shall deem appropriate. In the event that an agency fails, without adequate reason, to commence acquisition, planning, design or construction of a project within six (6) months of the receipt of County approval to proceed with such project, the County shall have the option of reallocating the Bond proceeds earmarked for such project to any other projects listed in Appendix A falling within the same ballot category.

All additions, deletions and significant modifications to individual projects or to Appendix A shall require a majority vote of the Board after public hearing.

Section 11. Bond proceeds in an amount not to exceed 3% of the principal amount of the Bonds shall be used to pay administrative expenses associated with managing the Bond program. The Finance Director will deposit these funds in a separate Bond Administrative Expense Fund.

Section 12. The Bonds are part of an overall Bond Program pursuant to which the County is proposing to issue up to $2,925,750,000 in General Obligation Bonds ("Bond Program")

upon voter approval. The intent of the County is to include a combined municipal and UMSA component ("Municipal Component") in the Bond Program totaling 10% of the Bond proceeds, net of issuance costs. The formula used for distribution of proceeds is based on a weighted formula 75% on population and 25% on contribution to the tax roll (based on June 1, 2004 figures) as compared to the total population and property tax roll figures for the entire County. The data for this distribution was based upon most recent Census figures as provided by the Miami-Dade County Planning Department and tax roll figures as provided by the Miami-Dade County Property Appraiser. Should a municipality incorporate after passage of this Bond program, it may petition the Board for a portion of any unallocated Bond proceeds that had been apportioned to local projects in the UMSA area then contained in such municipality. Not all of the individual components of the Bond Program will include a Municipal Component but in the aggregate, the overall Bond Program will include a Municipal Component that equals 10% of the Bond Program.

It is the intent of the County that the balance of the bond proceeds from the Bond Program net of cost of issuance (90%) shall be used for projects of countywide and/or regional significance.

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:

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of July, 2004. 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.

Gerald T. Heffernan

C:\WP\RESO\A283.DOC

2004 BUILDING BETTER COMMUNITIES BOND PROGRAM
RECOMMENDED LIST OF PROJECTS

APPENDIX A

PROJECT NUMBER	MUNICIPAL PROJECT LOCATION	BCC DISTRICT	PROJECT NAME	PROJECT DESCRIPTION	STREET ADDRESS	ALLOCATION (000's)
318	CW	CW	**Martin Luther King - Business Center**	Provide infrastructure improvements to spur economic development and attract new businesses to the community in order to create jobs.	TBD	**$5,000**
140	UMSA	Various - 1 & 4	**New Bike Trail on Snake Creek Bridge over Interstate I-95**	Construct a pedestrian bridge over Interstate I-95, SFRC and Snake Creek Canal.	I-95 at Snake Creek Canals	**$1,000**
141	UMSA	Various - 10 & 11	**Bike Path Improvements on Snapper Creek Trail**	Miscellaneous surface and intersection improvements to Snapper Creek Trail from Tamiami park to Kendall-Indian Hammocks Park.	Along SW 117 Ave from SW 16 St to SW 107 Ave at SW 79 St	**$500**
142	Miami	Various - 3 & 5	**Baywalk Bike Path**	Connect existing paths from Bayfront Park to Pace Park along Biscayne Bay. Includes underpasses at Port Blvd and MacArthur Causeway, and walkway at Miami Women's Club.	Along Biscayne Bay	**$1,000**
143	South Miami	Various - 5 & 7	**Metrorail Bike Path**	Miscellaneous surface and intersection improvements to the Metrorail Path from SW 67 Ave to the Miami River.	Metrorail guideway	**$1,400**
144	South Miami	Various - 6 & 7	**Ludlam Bike Trail**	Right-of-way acquisition and development of paved path along former Florida East Coast Railroad.	FEC railroad from Dadeland North Station to NW 12 Street	**$1,735**
145	UMSA	Various - 8, 9, 11, 12	**Bike Path Improvements along South Florida Water Management District (SFWMD) Canals**	Miscellaneous surface improvements and bikeways along SFWMD canals.	Various	**$1,000**
146	Opa-locka	1	**Opa-locka - Curtis Drive Infrastructure Improvements**	Curtis Drive Phase II Infrastructure/Neighborhood improvement, design and construction of sewer, drainage, and sidewalks along Curtis Drive from Perviz Avenue to Sultan Avenue and along Perviz Avenue from Harem Avenue to NW 151 Street.	Various	**$950**
147	Indian Creek	4	**Indian Creek - Bridge**	GOB funds will compliment other funding to repair Indian Creek Bridge.	91 Street	**$115**