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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Special Item No.1

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

DATE: August 23, 2012

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

SUBJECT: Resolution placing a referendum question on the general election ballot in Miami-Dade County for the purpose of submitting to the electors of Miami-Dade to approve the expansion of existing structures within the Tennis Center at Crandon Park

Resolution No. R-660-12

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

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

MEMORANDUM
(Revised)

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

DATE: August 23, 2012

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

SUBJECT: Special Item No.1

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 _____

Special Item No. 1
8-23-12

RESOLUTION NO. R-660-12

RESOLUTION PLACING A REFERENDUM QUESTION ON THE GENERAL ELECTION BALLOT IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY WHETHER THEY APPROVE, IN ACCORDANCE WITH ARTICLE 7 OF THE HOME RULE CHARTER, AND SUBJECT TO CERTAIN LIMITATIONS, THE ERECTION OF NEW PERMANENT STRUCTURES AND THE EXPANSION OF EXISTING STRUCTURES WITHIN THE TENNIS CENTER AT CRANDON PARK AND THE MODIFICATION AND EXTENSION OF AGREEMENTS WITH THE OPERATOR OF THE SONY OPEN TENNIS TOURNAMENT OR ITS SUCCESSORS

WHEREAS, International Players Championship operates the Sony Open Tennis Tournament ("the Sony") an annual tennis tournament ("the Tournament") within the Tennis Center at Crandon Park; and

WHEREAS, the Tournament is a premier sporting event and showcases our community throughout the world; and

WHEREAS, preserving and promoting this annual event is of utmost importance to Miami-Dade County, its residents, the community, South Florida and Crandon Park; and

WHEREAS, Article 7 of the Home Rule Charter restricts certain development within parks; and

WHEREAS, the Sony has advised the County of the need to construct new facilities and expand its existing facilities, not to exceed in size and in the approximate location described in Exhibit A, and modify its existing agreements with the County, with terms no less favorable to

the County than those contained in Exhibit B, in order to continue to provide for this community a world-class Tournament; and

WHEREAS, Sony has offered to construct such improvements funded solely by tennis center and Tournament revenues and private funds; and

WHEREAS, the Sony and the County wish to submit to the voters of the County a referendum question that would approve the foregoing for Article 7 purposes so that the County may undertake such other steps as may be required by law; and

WHEREAS, Article 7 of the Charter requires that such referendum be approved by an affirmative vote of two-thirds of the voters in a county-wide referendum,

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

Section 1. A county-wide special election is hereby called and shall be held in Miami-Dade County, Florida, in conjunction with a general election on Tuesday, November 6, 2012 for the purpose of submitting to the qualified electors of Miami-Dade County the referendum ballot question as set forth below.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The referendum question election shall be deemed approved upon an affirmative vote of two-thirds (2/3) of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at

which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

REFERENDUM REGARDING STRUCTURES AND MODIFICATION OF EXISTING AGREEMENTS FOR THE TENNIS CENTER AT CRANDON PARK

IN ACCORDANCE WITH ARTICLE 7 OF THE HOME RULE CHARTER, DO YOU APPROVE AS SET FORTH IN RESOLUTION R-[660-12]:

- ERECTION OF PERMANENT STRUCTURES AND EXPANSION OF EXISTING STRUCTURES AT CRANDON PARK TENNIS CENTER FOR PUBLIC PARK AND TENNIS TOURNAMENT USE, WHICH SHALL BE FUNDED SOLELY BY TENNIS CENTER AND TOURNAMENT REVENUES AND PRIVATE FUNDS; AND

- MODIFICATION AND EXTENSION OF AGREEMENTS WITH OPERATOR OF SONY OPEN TENNIS TOURNAMENT OR ITS SUCCESSORS?

YES ☐

NO ☐

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

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

Section 8. This election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, 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 election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

The Prime Sponsor of the foregoing resolution is Commissioner Xavier L. Suarez. It was offered by Commissioner **Xavier L. Suarez** who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

R. A. Cuevas, Jr.

Exhibit A

CRANDON PARK TENNIS CENTER

The Proposed Additional Permanent Structures

The Proposed Additional Permanent Structures are intended to allow the Tennis Center to achieve, among other goals, the following: (1) a competitive long term venue for the Tournament in order to retain this signature event, showcase the County, stimulate the local economy and enhance the reputation of Miami-Dade County as an international tourism destination; (2) reduce the expense and disruption of the annual staging, storing, erection and striking of many of the temporary features which will be replaced by the proposed permanent improvements, thereby opening up the Site for expanded recreational and landscaped uses and generating savings which can be used for the improvement of the park; and (3) create new and attractive recreational features and enhanced environmental stewardship which will increase the public's ability to use and enjoy the Site throughout the year outside of the Tournament Period.

The Proposed Additional Permanent Structures consist of the elements described below. It is anticipated that, if approved by the voters, in negotiating contract terms between the County and IPC, and in seeking development approval for the structures, the elements will be clarified, modified, supplemented, deleted or relocated within the Site and constructed in one or more phases. No structure of greater height, mass or square footage will be sought or permitted. The elements described in this Exhibit should be read in conjunction with the Project Site Plan attached hereto. The Project Site Plan is intended to indicate the general nature and relative locations of the various elements of the Project, and is subject to modification in the process of development approvals, and in the design development and construction drawing phase.

This narrative description is not intended to address the architectural style to be reflected in the elevations of the various structures. The choice of an architectural style for the exteriors of the improvements will be determined in accordance with the procedures to be negotiated in connection with a definitive agreement governing construction and development of the structures but will, at the least, require approval by the Miami-Dade County Commission.

A. Main Entrance. At the main entrance to the Site, a permanent entrance feature is proposed, including structures on either side of the walkway. On the north side of the main entrance a building of approximately 1600 square feet and a height not to exceed 18 feet is proposed. This structure would be provided with utility services. Interior functions of the north structure are proposed to include, among others, retail space, bag check, security offices and storage areas. On the south side of the main entrance a building of approximately 1600 square feet and a height not to exceed 18 feet is proposed. This south structure would be provided with utility services. Interior functions of the south structure may include, among others, retail space, bag check, security offices and storage areas. The structures may also contain box office services. During Tournament Periods, the two structures would be joined by temporary arches or canopies projecting above the permanent structures and over the walkway.

B. Stadium Court. The permanent height of the existing stadium will not be increased. The number of permanent spectator seats will not be increased. Several "Stadium Additions" are proposed as described below, none of which will exceed the height of the existing Stadium.

- West Wing. A two story addition is proposed to be constructed on the west elevation of the existing stadium. This structure would be provided with utility services. The first floor would enclose approximately 7,600 square feet, and the second floor would enclose approximately 7,600 square feet. Interior functions of the first floor of the West Wing would include, among others, catering and hospitality areas. Interior functions of the second floor of the West Wing may include, among others, a kitchen and members restaurant.

- Northwest Wing. This one story addition is proposed with a second level open deck, to be constructed on the northwest elevation of the existing stadium. This structure would be provided with utility services. The first floor would enclose approximately 3,400 square feet, and the second floor deck would consist of approximately 3,400 square feet. Interior functions of the first floor of the Northwest Wing may include, among others, pro shop and check-in; several offices; lounge, staff lockers and toilets. Functions of the second level deck of the Northwest Wing may include, among others, a seating and concessions area (with or without shading) and viewing areas for a video board/television screen.

- North Wing. This one story addition is proposed with a second level deck, to be constructed on the north elevation of the existing stadium. This structure would be provided with utility services. The first floor would enclose approximately 6,600 square feet, and the second floor deck would consist of approximately 6,600 square feet. Interior functions of the first floor of the North Wing may include, among others, a retail area. Functions of the second level deck of the North Wing may include, among others, a television broadcast structure of approximately 600 square feet and a terrace area with open or shaded seating.

- Northeast Wing. A one story addition with a second level open deck is proposed to be constructed on the northeast elevation of the existing stadium. The Northeast Wing would enclose approximately 3,200 square feet. This structure would be provided with utility services. Uses of the Northeast Wing may include, among others, a player area and offices, and a terrace area with open or shaded seating.

- East Wing. A three story addition is proposed to be constructed on the east elevation of the existing stadium. This structure would be provided with utility services. Each of the three floors would enclose

approximately 3,600 square feet. Interior functions of the first floor of the East Wing may include, among others, a player dining area and buffet. Interior functions of the second floor of the East Wing may include, among others, a kitchen and public sports bar. Interior functions of the third floor of the East Wing may include, among others, a player lounge.

- Southeast Wing. A one story addition with a second level open deck is proposed to be constructed on the southeast elevation of the existing stadium. This structure would be provided with utility services. Each of the two floors would contain approximately 3,200 square feet. Interior functions of the first floor of the Southeast Wing may include, among others, catering services. Uses of the second level deck of the Southeast Wing may include, among others, a terrace area with shaded or open seating.

- South Wing. A permanent canopy is proposed to be constructed on the south elevation of the existing stadium. The canopy would cover an area of approximately 3,200 square feet. This structure may be provided with utility services. Uses of the South Wing may include, among others, a player entrance canopy and player lounge area.

- Southwest Wing. A one story addition with an open deck on the second level is proposed to be constructed on the southwest elevation of the existing stadium. The first floor would enclose approximately 3,200 square feet. This structure would be provided with utility services. Uses of the first floor of the Southwest Wing may include, among others, a credential office and conference rooms. The second level deck will have concession and seating areas which may be open or shaded.

C. Grandstand Court. A new, permanent, exhibition match play court with spectator grandstands and ancillary structures and facilities is proposed for the northwest portion of the Site. The Grandstand Court would be equipped and lighted to Television Broadcast Standards during Tournament Periods. The spectator seating capacity of the Grandstand Court would not exceed 6,000 permanent seats. The height of the Grandstand Court would not exceed 35 feet, exclusive of lighting features. The Grandstand Court structure would be provided with utility services, and would include two stories of enclosed space of approximately 19,000 square feet in total. Interior functions of the first floor of the structure may include men's and women's locker rooms, food and beverage hospitality areas and concession stands, public restrooms for men and women, loading dock, storage areas, secured storage area, staff offices and work areas, staff restrooms, entrance area for officials and ball persons. Interior functions of the second floor of the structure may include retail area, television broadcast booth, radio broadcast booth, scoring and A/V booth and a hawk-eye booth.

D. Court 1. A new, permanent exhibition match play court with spectator grandstands and ancillary structures and facilities is proposed for the northeast of the existing

main stadium. Court 1 would be equipped and lighted to Television Broadcast Standards during Tournament Periods. The height of Court 1 would not exceed 30 feet, exclusive of lighting features. The spectator seating capacity of Court 1 would not exceed 4,000 permanent seats. The Court 1 structure would be provided with utility services, and would include two stories of enclosed space of approximately 14,500 square feet in total. Interior functions of the first floor of the structure may include players area waiting room, off court treatment room, restrooms, public restaurant, kitchen, concessions area, court maintenance room, function areas for volunteers including open areas, offices, meeting rooms, restrooms, concessions and clothing distribution and storage. Interior functions of the second floor of the structure may include television broadcast booth, radio broadcast booth, scoring and A/V booths and a hawk-eye booth.

E. Court 2. A new, permanent exhibition match play court with spectator grandstands and ancillary structures and facilities is proposed for the area northwest of the existing main stadium. Court 2 would be equipped and lighted to Television Broadcast Standards during Tournament Periods. The spectator seating capacity of Court 2 would not exceed 3,000 permanent seats. The height of Court 2 would not exceed 24 feet, exclusive of lighting features. The Court 2 structure would be provided with utility services, and would include two stories of enclosed space of approximately 17,000 square feet in total. Interior functions of the first floor of the structure may include players' area waiting room, off court treatment room, restrooms, concessions stand, retail area, food and beverage outlet, ball person areas and offices, staff restroom, public restrooms. Interior functions of the second floor of the structure may include television broadcast booth, radio broadcast booth, scoring and A/V booths and a hawk-eye booth.

F. Lake Cottage. A Lake Cottage is proposed for the area northwest of the Stadium Court located on piers in the existing lake. The Lake Cottage would be provided with utility service. Interior functions of the Lake Cottage may include, among others, a television broadcast studio and lounge. The Lake Cottage would contain approximately 5200 square feet of enclosed space on one or more levels. The height of the Lake Cottage would not exceed 24 feet above high tide mean sea level. The Lake Cottage may have decks, docks, ramps or piers and shall be connected to land for pedestrian access. Outside of the Tournament Period, the County may designate uses of the lake and Lake Cottage, including, for example, use by canoes and kayaks.

G. Center Plaza. The hard surfaced road way and pedestrian walkway shown on the Proposed Master Plan would provide ingress, egress, circulation, recreational, retail and hospitality uses. The roadway and pedestrian area may be modified or relocated over time as experience and prudent management of the Site dictate. The Center Plaza would include a signature feature, such as a fountain pool or other monumental structure.

H. Pavilions. Permanent, open pavilion structures, grouped about a hard-surfaced pedestrian court, are proposed to be constructed north of the Center Plaza. These structures may be temporarily enclosed with materials to form enclosed pavilions when needed by IPC for the Tournament for retail, hospitality or other Tournament relates purposes, including use as food court and would provide public park uses during the remainder of each year. The height of the permanent pavilion structures (exclusive of the Clock Tower) would not exceed 18 feet. The initial total footprint of the Pavilions would be approximately 9,600 square feet; however the County would have the authority to expand the structures if park usage justified such expansion.

The structures would have stubbed utilities services. During Tournament Periods, the utilities will be connected and the structures may be covered with temporary enclosures to form pavilions for hospitality, concessions, retail or other uses ancillary to the Tournament. The County may also authorize connection of utilities and installation of enclosures for other users outside of the Tournament Periods.

I. Clock Tower. Adjacent to the Pavilions a distinctive tower structure is proposed. The structure may be free standing or connected to one or more of the Pavilions. The upper portion of the tower structure would have a large clock as its signature feature. The first level of the Clock Tower structure would be enclosed and contain approximately 1,200 square feet of secured space, which may be used for storage or other ancillary purposes for the Tournament. The height of the Clock Tower structure would not exceed 35 feet.

J. Unenclosed Courts. The Site will contain eighteen (18) unenclosed, hard-surfaced courts, which may include a combination of newly constructed courts and refurbishing of existing courts. The approximate location of these courts is shown in the Master Site Plan. These courts may be fenced or screened, but will not be located within permanent enclosed structures. These courts will not have permanent spectator grandstand seating, but temporary seating may be erected from time to time. All of these courts will be equipped with lighting to a standard suitable for recreational play or better. Initially, no less than four (4) of these courts will be equipped with permanent lighting structures to Television Broadcast Standards; IPC may elect to equip additional courts to Television Broadcast Standards on a temporary or permanent basis.

K. Lawns and Open Areas. A large open lawn area is proposed, as shown on the Project Site Plan as three aligned fields with pedestrian walkways, located to the north of Court 2 and to the west of the Pavilions (the "Large Lawn."). During the Tournament Period, IPC may use the Large Lawn (and any other open areas shown on the Project Site Plan) to erect tents or other temporary structures for hospitality, retail or other Tournament related activities.

L. Video Board Plaza. Adjacent to the Northwest Wing, a sloped lawn or landscaped plaza is proposed as a distinctive feature of the Site. During the Tournament Play Period, the Video Board Plaza will enable spectators to view matches and tournament entertainment on the video board proposed for the Northwest Wing Addition.

M. Site Landscaping. Throughout the areas of the Site available to the general public it is proposed that additional landscaping and landscaping features will be provided.

N. Environmental Enhancements. In addition to the Site Landscaping described above, the vegetation throughout the Site will be rehabilitated, increased and restored to a condition more consonant with the local habitat. Plantings may include palms, mangroves and other species appropriate to Key Biscayne. This environmental enhancement will be a long term, phased and continuing process for which the expertise of local horticultural institutions, such as Fairchild Gardens, may be enlisted.

O. Other Amenities. The Project may include fountains, benches, tables, sculpture and other functional or decorative amenities suitable for recreational or aesthetic enjoyment of the park.

Exhibit B

Proposed Terms for the Extension and Modification of the Existing Agreement for Use of the Crandon Park Tennis Center for the Sony Open

The International Players Championship ("IPC") proposes to both extend and modify the existing agreements pursuant to which IPC utilizes the Tennis Center at Crandon Park for what is known as the Sony Open as set forth herein. These terms outline the changes that are proposed to the existing agreements for the Tournament. IPC understands and agrees that the County is in no way bound by the terms presented herein and is free to negotiate more favorable terms on any provision presented herein and such other modifications to the existing agreement favorable to the County. IPC further understands and agrees that an affirmative vote of the electorate pursuant to Article 7.02 of the Charter is a Charter approval preserving to the Board the ability to obtain more favorable terms for the development and operation of the Tennis Center. The County reserves the right to reject any agreement proposed by IPC. In addition, the County reserves the right to seek better terms for the County than those provided herein; however, the County may not accept terms more favorable to IPC than those provided herein with respect to each of the discrete subjects identified herein. The proposed substantive modifications to the existing agreement requested by IPC are summarized as follows:

- **Term.** IPC proposes that a new Operating Agreement replace the existing agreement, have an initial term of 30 years commencing on the date of completion of the Additional Permanent Structures, but in no event shall the initial term exceed 40 years from the date of execution of the Operating Agreement, and provide to IPC two extension options, each for ten years.

- **Additional Permanent Structures.** Exhibit A provides a list of the Additional Permanent Structures that IPC proposes would become part of the Tennis Center complex.

- **Financing Plan.** Any financing issued to fund the development of the Additional Permanent Structures shall be secured and/or repaid solely from Tennis Center and/or Tournament revenues, including, but not limited to, parking fees and a ticket surcharge, and shall not be secured and/or repaid from either a reduction in revenues currently due and owing to the County under the existing agreement nor from an additional contribution in County revenue other than as currently provided under the existing agreement or pledged to any County debt currently outstanding.

- **Capital Improvement and Repair Fund.** IPC proposes that an Operating Agreement provide that, a capital improvement and repair fund for the Tennis Center shall be established and funded from any excess Tennis Center and Tournament revenues not otherwise pledged and/or used for the repayment of any debt issued to fund the development of the Additional Permanent Structures.

- **IPC Office facilities.** IPC proposes that it be allowed to lease office space for year round use within the Stadium in accordance with applicable law. Such lease would be at market rates for a term of at least a year, and renewable for such term and at such conditions as determined by the County Commission at its sole and absolute discretion. The leased premises shall be used by IPC solely for the purpose of promoting the Sony Open and operating the Tennis Center in accordance with the Operating Agreement.

- **Development of the Additional Permanent Structures.** IPC proposes that it and the County enter into a separate agreement governing the process of developing the Additional Permanent Structures that would follow the form typically utilized in the development of public facilities that ensures local employment and economic opportunity for the County's diverse population.

- **Development Approvals.** IPC proposes that it would undertake to seek the receipt of all required development approvals to ensure that all the Additional Permanent Structures comply with all legal obligations.