

MEMORANDUM

Amended
Agenda Item No. 11(A)(1)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 15, 2014

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

SUBJECT: Resolution directing the County Mayor to negotiate with Cuban Exile History Museum, Inc. regarding possible development of a Cuban Exile History Museum on Parcel B of FEC Property in consultation with the operator of the American Airlines Arena, subject to subsequent Board consideration and approval
Resolution No. R-687-14

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Esteban L. Bovo, Jr. and Co-Sponsors Commissioner Jose "Pepe" Diaz, and Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM
(Revised)

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and Members, Board of County Commissioners

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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 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

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Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 11(A)(1)
7-15-14

RESOLUTION NO. R-687-14

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO NEGOTIATE WITH CUBAN EXILE HISTORY MUSEUM, INC. REGARDING POSSIBLE DEVELOPMENT OF A CUBAN EXILE HISTORY MUSEUM ON PARCEL B OF FEC PROPERTY IN CONSULTATION WITH THE OPERATOR OF THE AMERICAN AIRLINES ARENA, SUBJECT TO SUBSEQUENT BOARD CONSIDERATION AND APPROVAL

WHEREAS, the County purchased the FEC Property from the City of Miami in 1998 to develop—among other things—the American Airlines Arena, additional parking, and other retail and specialty entertainment; and

WHEREAS, the County then entered into a series of agreements with the operator of the American Airlines Arena (Basketball Properties Ltd.) and Miami Heat Limited Partnership that granted them the rights to develop the FEC Property; and

WHEREAS, there is an undeveloped, 2.76 acre portion of the FEC Property between Biscayne Bay and the American Airlines Arena that is commonly referred to as “Parcel B;” and

WHEREAS, pursuant to Resolution Nos. R-1118-03 and R-1446-03, the Board authorized amendments to the County's agreements with Basketball Properties Ltd. and Miami Heat Limited Partnership to—among other things—return the right to develop Parcel B to the County; and

WHEREAS, those Resolutions also stated that the County would utilize Parcel B for public open space purposes until it could be developed; and

WHEREAS, Parcel B currently remains undeveloped; and

WHEREAS, in 2007, this Board previously directed the County Manager to prepare a conceptual study analyzing the development of a Bay of Pigs Museum and Library at Parcel B based upon a preliminary design prepared by Chisholm Architects; and

WHEREAS, after the conceptual study was published, the proponents of the Bay of Pigs Museum and Library broadened the scope of their proposal and now sought to develop a Cuban Exile History Museum; and

WHEREAS, pursuant to Resolution R-922-13, this Board directed the Mayor to update the conceptual study to analyze the possible development of a Cuban Exile History Museum on Parcel B; and

WHEREAS, the proposed Cuban Exile History Museum would be a three-story building (approximately 65 to 75 feet in height) and include: (1) a ground-level public plaza area with restaurant, visitor's center, gift shop, and restroom area, (2) a second floor dedicated to exhibition space, and (3) a third floor that would include a 300-seat theater, research library, and staff support area; and

WHEREAS, the Mayor's updated conceptual study concluded that the Cuban Exile History Museum, as currently envisioned, could be built on Parcel B under existing zoning provided attainment of appropriate variances and/or waivers from the City of Miami, approval by the Biscayne Bay Shoreline Development Review Committee, and other City and County approvals; and

WHEREAS, the development of the Cuban Exile History Museum on Parcel B would honor the immeasurable contributions that Cuban exiles have brought to this community; and

WHEREAS, because Parcel B is directly adjacent to the American Airlines Arena, any development of Parcel B may materially impact its operations,

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 directs the County Mayor or the Mayor's designee to negotiate with Cuban Exile History Museum, Inc. for the possible development of a Cuban Exile History Museum with no support from County funds at any time on Parcel B of the FEC Property in consultation with Basketball Properties Ltd. and in accordance with any agreements between the County and Basketball Properties, Ltd. The Mayor or the Mayor's designee is further directed to present all necessary agreements to the Board for its consideration and approval within one-hundred-and-eighty (180) days from the effective date of this resolution; provided, however, if the County Mayor or the Mayor's designee is unable to successfully negotiate the terms of such agreement within the requisite time period, a report detailing the status of the negotiations shall be presented to this Board instead.

The Prime Sponsor of the foregoing resolution is Commissioner Esteban L. Bovo Jr. and the Co-Sponsors are Commissioner Jose "Pepe" Diaz, and Commissioner Juan C. Zapata. It was offered by Commissioner **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of July, 2014. 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: ***Christopher Agrippa***
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency

MBV

Michael B. Valdes