

Facilities Planning and Construction
Suzanne A. Marshall, Chief Facilities Officer (Construction)

**SUBJECT: REIMBURSEMENT TO THE CITY OF MIAMI FOR MAINTENANCE COSTS
AT SIX CITY PARKS**

Introduction

Since July 1987, the Board has utilized six City of Miami (City) parks for the daily recreational activities of adjacent schools under a license agreement with the City. These sites are Gibson Park/Douglass Elementary, Ambrister Park/Carver Elementary and Carver Middle, Lemon City Park/Toussaint L'Overture Elementary, Range Park/Edison Park Elementary, Shenandoah Park/Shenandoah Middle and West End Park/Fairlawn Elementary. The Board has exclusive use of these sites during school hours.

In September 1994, the District entered into a new License Agreement for use of these City parks. The terms of the agreement provide for the City to maintain the park sites and for the Board to reimburse the City for 60% of its costs; these include equipment and tools, tree trimming, trash disposal, mowing and edging, field maintenance, utilities and overhead for administrative and field personnel.

Additional Information

Since June 2001, District and City staff have been in discussion concerning this agreement, specifically as it compares to similar agreements with other municipalities for recreational use of their park improvements, and the District's estimate of actual park usage. Research by District staff has verified that five of the six schools in question now use a significantly reduced portion of the total parks' acreage from what was originally reflected in the agreement. In addition, the percentage of total use, as determined by comparing school hours of operation with the time that each park is open to the public, is also considerably less than the 60% being billed to the District (see attachment).

Although, as noted above, the need to modify the agreement to reflect a rental amount intended to off-set actual expenditures generated by District use was broached by District staff in early June 2001, and discussed at subsequent meetings, City staff is opposed to amending lease terms prior to September 30, 2002, when the current term will expire. In order to preserve the District's use of the park sites while staff continues to pursue this matter with the City to resolve these differences, District staff is recommending approval to reimburse the City for outstanding invoices.

District staff initially withheld quarterly payments to the City, in expectation of modifying the agreement retroactive to the beginning of the then current term (October 1, 2000 - September 30, 2001). However, due to the protracted nature of the ensuing negotiations,

it is staff's recommendation that payment for the period of April 2001 through June 2001, in an amount of \$94,470, and July 2001 through September 2001, in an amount of \$93,094, be authorized. Staff will continue to pursue this issue with the City in an attempt to reduce the rent paid by the Board at the six park locations to a rate intended solely to off-set actual expenditures generated by the District's use of the premises, by March 31, 2002. Failing which, staff will bring this issue to the Board for further direction. It should also be noted that the Office of the Superintendent will be issuing a letter to the Miami City Manager requesting favorable consideration of the District's request to reduce its costs under the subject agreement.

Funds for this expenditure were included in the approved 2001-02 District Lease Budget.

RECOMMENDED: That The School Board of Miami-Dade County, Florida:

1. authorize payment to the City of Miami for maintenance and utility costs for District use of six City of Miami park sites in the amount of \$94,470 for the period of April 1, 2001 through June 30, 2001, and \$93,094 for the period of July 1, 2001 through September 30, 2001; and
2. direct staff to continue to pursue a modification to the License Agreement to reduce rent to an amount intended solely to off-set actual expenditures generated by the District's use of the premises. Failing successful negotiation of such an agreement by March 31, 2002, staff will bring this issue to the Board for further direction.

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COMPARISON ON LEASE RATES FOR PARK SPACE AND PROPOSED ADJUSTMENTS

PARK	LESSOR	ACREAGE UNDER LEASE	ANNUAL LEASE RATE (app.)	ACTUAL ACREAGE USED (app.)	PROPOSED ADJUSTED RATE (app.)
Athalie Range Park	City of Miami 9am to 9pm	9.55	\$81,350	6.1	\$30,668(1)
Gibson Park	City of Miami 7am to 10pm	6.74	\$57,900	.56	\$16,068(1)
Armbrister Park	City of Miami 7am to 10pm	4.47	\$62,650	4.47	\$24,480(2)
Lemon City Park	City of Miami Sunrise-Sunset	2.57	\$31,200	.52	\$12,276(1)
Shenandoah Park	City of Miami 7:30am to 10pm	9.56	\$88,400	7.6	\$30,500(3)
West End Park	City of Miami 7am to 10pm	6.34	\$56,300	3.01	\$16,688(1)
Cagni Park	City of North Miami	8.2	\$34,560	8.2	
South Miami Park	City of South Miami	8.71	\$15,900	8.71	

(1) M, T, Th, F 8:30am to 3pm and Wed 8:30am to 2pm
 (2) 8:30am to 4pm
 (3) 8am to 2:45pm