

Business Operations
J.E. Surash, P.E., Chief Business Officer

**SUBJECT: AUTHORIZATION TO EXECUTE AN AMENDMENT TO THE
JOINT USE AGREEMENT WITH TELEMUNDO NETWORK, INC.,
FOR USE OF A PARKING LOT LOCATED AT J.W. JOHNSON
ELEMENTARY SCHOOL**

COMMITTEE: FACILITIES MANAGEMENT

Since April 1995, J.W. Johnson Elementary School (School) and Telemundo Network, Inc. (Telemundo), have jointly utilized a 47,500 square foot parking lot located on the School site at 735 West 23rd Street (see location map). The Board had previously authorized the construction and joint use of this facility by Telemundo to supplement existing parking facilities at the Telemundo corporate headquarters located one block from the School. The parking lot, which consists of 161 parking spaces, was constructed by Telemundo, at its sole cost and expense. Telemundo has completed its initial five-year lease term and the second of five two-year renewal option periods. The current term of the joint use agreement (agreement) will expire on April 9, 2004.

At the January 8, 2004, meeting of the School Board Facilities Management Committee, questions were raised about potential future District use of this location for educational purposes, and the ability of the Board to terminate the agreement with Telemundo within a reasonable timeframe. As such, staff contacted Telemundo and has negotiated several proposed amendments to the agreement to address this issue. The proposed amendments will provide for the following:

- the three remaining two-year renewal option periods available to Telemundo under the current agreement will become null and void. Instead, Telemundo will have four additional one-year option periods, at the Board's sole option; and
- the cancellation provision will be modified to allow either party to cancel at any time, with 120 days prior written notice. Currently, 180 days prior written notice is required.

The School Board Facilities Management Committee also inquired about Telemundo's obligation under the agreement to promote its commitment to educational excellence through its continued involvement as a Dade Partner with J.W. Johnson and James H. Bright Elementary Schools. Staff contacted Telemundo's Senior Vice-President of Administration, Mr. Louis P. Mont, who has reaffirmed Telemundo's commitment to act as a Dade Partner with these schools in order to provide appropriate support programs.

In light of the forgoing, staff is recommending that the current agreement be amended as indicated, and that the agreement be extended for the one-year period commencing April 10, 2004, and ending April 9, 2005. The agreement specifies that the current

annual lease rate of \$25,729.20, which is \$13.32 per space monthly, shall be increased by 4% during each option term. As such, the current annual lease rate will be increased to \$26,758.37, which is \$13.85 per space monthly, for the period of April 10, 2004 through April 9, 2005. All other terms and conditions of the agreement will remain unchanged, including the following:

- the parking lot may be jointly used by District and Telemundo staff and visitors on a first-come, first-served basis;
- Telemundo is responsible for obtaining all licenses, permits, use approvals or other approvals required for the continued use of the lot;
- Telemundo shall procure and maintain general liability insurance coverage throughout the term of the agreement. Additionally, Telemundo shall indemnify the Board from and against any actions arising in connection with Telemundo's use and occupancy of the lot;
- at the termination or expiration of the agreement, the parking lot and all other permanent fixtures and improvements shall become the property of the District; and
- the School Board Administrator shall be the party designated by the Board to grant or deny all approvals required by this agreement, or to cancel this joint use agreement.

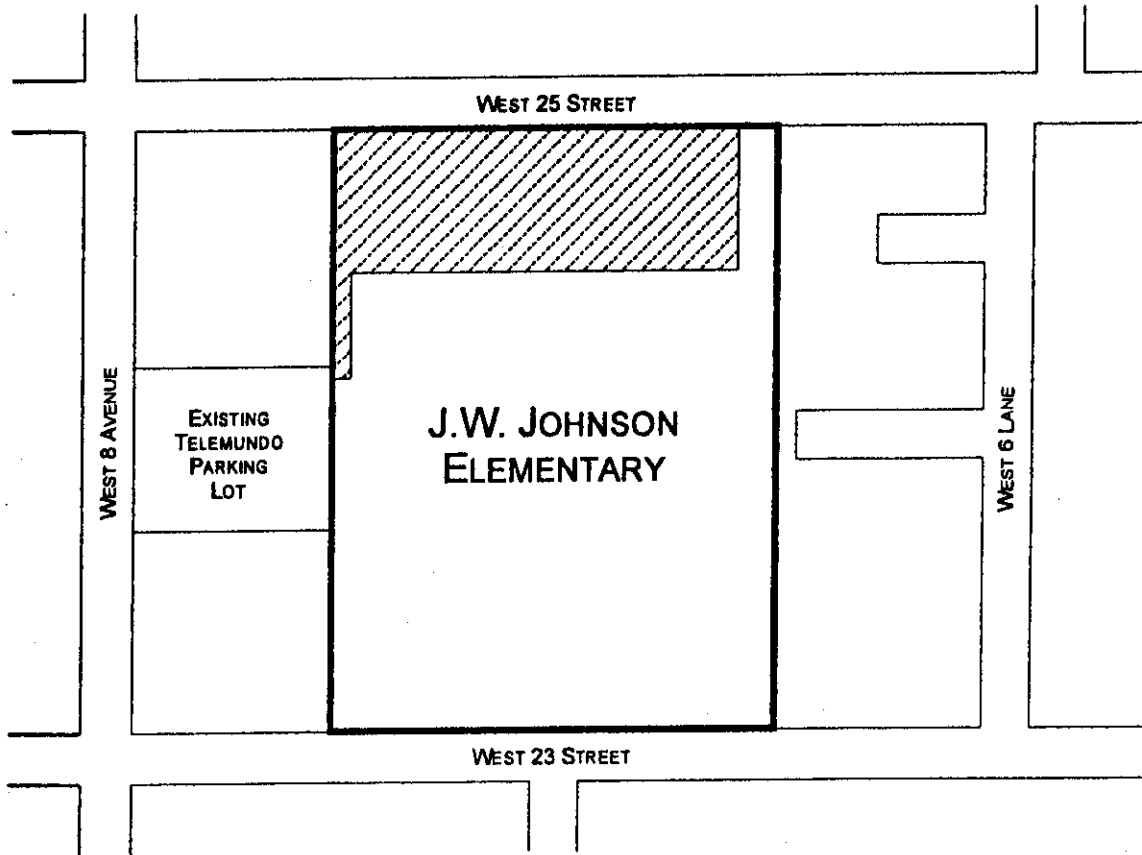
Staff contacted the principal of J.W. Johnson Elementary School, the ACCESS Center 1 Assistant Superintendent, and the Associate Superintendent of ACCESS Centers, who recommend that the District renew the agreement for the one-year period commencing April 10, 2004 and ending April 9, 2005. The proposed amendment to the agreement will be reviewed by the Office of Risk and Benefits Management and the School Board Attorney's Office prior to its execution.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent or his designee to execute an amendment to the joint use agreement with Telemundo Network, Inc., for use of a parking lot located at J.W. Johnson Elementary School, to provide four additional one-year renewal option periods and allow either party to cancel at any time with 120 days prior written notice, and authorize the renewal of the joint use agreement for the one-year period commencing April 10, 2004 and ending April 10, 2005, at an annual rental rate of \$26,758.37. All other terms and conditions of the joint use agreement will remain unchanged.

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LOCATION MAP



LEGEND

 161 SPACE BOARD-OWNED PARKING LOT LEASED TO TELEMUNDO

