

MEMORANDUM

November 19, 2010

**TO:** The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

**FROM:** Alberto M. Carvalho, Superintendent of Schools *AMC*

**SUBJECT:** **WITHDRAWAL OF ITEM F-5  
AUTHORIZATION FOR THE SUPERINTENDENT TO  
FINALIZE NEGOTIATIONS AND EXECUTE A  
MEMORANDUM OF UNDERSTANDING WITH THE CITY  
OF CORAL GABLES FOR USE OF PHILLIPS  
PARK, LOCATED AT 90 MENORES AVENUE,  
CORAL GABLES, BY CORAL GABLES K-8  
PREPARATORY ACADEMY, LOCATED AT 39 ZAMORA  
AVENUE, CORAL GABLES**

The attached Agenda item F-5 is being withdrawn from the November 24, 2010 Board Meeting in order to allow the City of Coral Gables additional time to review the proposed Memo of Understanding (MOU) document for the use of Phillips Park.

If you have any questions, please feel free to call Mr. Jaime G. Torrens, Chief Facilities Officer, Office of School Facilities, at 305 995-1401.

IC:mh  
M462

Attachment

cc: Superintendent's Cabinet  
School Board Attorney

Office of School Facilities  
Jaime G. Torrens, Chief Facilities Officer

**SUBJECT: AUTHORIZATION FOR THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF CORAL GABLES FOR USE OF PHILLIPS PARK, LOCATED AT 90 MENORES AVENUE, CORAL GABLES, BY CORAL GABLES K-8 PREPARATORY ACADEMY, LOCATED AT 39 ZAMORA AVENUE, CORAL GABLES**

**COMMITTEE: FACILITIES PLANNING AND CONSTRUCTION**

**LINK TO**

**STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY**

Background

Effective with the 2010-11 school year, the Coral Gables K-8 Preparatory Academy (School) was housed at the Merrick Educational Center Campus, located at 39 Zamora Avenue, Coral Gables. The School is adjacent to Phillips Park (Park), a 3.2-acre Park site owned by the City of Coral Gables (City), located at 90 Menores Avenue (see location map). In order to facilitate District use of the Park concurrent with the beginning of the school year, the City Commission, at its meeting of August 24, 2010, authorized School use of the Park under the auspices of the Educational Compact between the City and District. The City Parks and Recreation Department has also requested that a separate Memorandum of Understanding (Agreement) be entered into, to establish and clarify certain terms and conditions of use.

Proposed Memorandum of Understanding

Terms of the proposed Agreement are, substantially, as follow:

- an initial one-year term with four successive one-year option periods, at the mutual agreement of the Parties;
- the Agreement may be cancelled by either Party, if the other Party defaults and fails to cure. In addition, either Party may cancel this Agreement at any time, without penalty, with 90 days advance written notice. The City will use its best efforts to avoid any such cancellation during the school year;

**ITEM WITHDRAWN**

**(11/19/10)**

**F - 5**

- both Parties will be responsible for removal of trash and litter from the Park generated during their respective periods of use;
- on a periodic basis, the Parties, through their respective designees, may modify the exact areas and periods of use;
- the Parties shall each indemnify and hold the other harmless to the extent and within the limitations of Florida Statutes;
- the Agreement shall be construed and enforced according to the laws of the State of Florida, and the venue for any disputes shall be in Miami-Dade County Florida;
- the Parties shall comply with all applicable laws, rules, regulations, ordinances and codes of Federal, State and Local Governments, including, but not limited to, the Americans with Disabilities Act, as they apply to the Agreement;
- in the event of any litigation between the Parties under this Agreement, each Party shall be responsible for its own attorney's fees and court costs through trials and appellate levels. The provisions of this paragraph shall survive the termination of the Agreement; and
- the Superintendent of Schools shall be the Party designated by the Board to grant or deny all approvals required by the Agreement, or to cancel the Agreement.

The School Principal and Region III Superintendent recommend approval of the Agreement. The proposed Agreement will be reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management prior to execution.

Possible future agreements

In the spirit of mutual cooperation, the City Parks and Recreation Department has also requested use of certain recreational facilities at Coral Gables Senior High School and Ponce De Leon Middle School during non-school hours, to serve the recreational needs of the community. At such time as those agreements are developed and reviewed by the impacted school principals and Region Superintendent, the proposed agreements will be brought to the Board for review and approval.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to finalize negotiations and execute a Memorandum of Understanding with the City of Coral Gables for use of Phillips Park, located at 90 Menores Avenue, Coral Gables, by Coral Gables K-8 Preparatory Academy, located at 39 Zamora Avenue, Coral Gables, under substantially the terms and conditions noted above.

PG: