

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

SUBJECT: AUTHORIZATION FOR THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE SCHOOL BOARD (AS LESSOR), AND JEWISH COMMUNITY SERVICES OF SOUTH FLORIDA, INC. (AS LESSEE), FOR USE OF A PORTION OF THE FIENBERG/FISHER K-8 CENTER CAMPUS, LOCATED AT 610 ESPANOLA WAY, MIAMI BEACH

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

LINK TO STRATEGIC FRAMEWORK: FINANACIAL EFFICIENCY/STABILITY

Background

Since March 1981, Jewish Community Services of South Florida, Inc. (JCS), has leased a portion of the Fienberg/Fisher K-8 Center (School) campus to provide recreational and social programs to the elderly living in Miami Beach and surrounding areas (Center). JCS also operates the Safety Net Program, which provides employment assistance and job training services to individuals who are homeless or at risk of becoming homeless in order to promote self-sufficiency. The leased area is located across the street from the main portion of the School campus and consists of an asphalt parking lot and two buildings containing a total of approximately 7,573 square feet (see location map). The current term of the lease will expire on March 24, 2011.

Additional Information

Under the terms of the lease agreement (Agreement), JCS retains all responsibility for maintenance of the leased area, which is an added benefit to the District, since the leased area is maintained at no additional cost to the District. To that end, JCS has received a conditional Community Development Block Grant (CDBG) in the amount of \$88,606 from the City of Miami Beach (City) to facilitate repairs and maintenance (Repairs) at the Center. The City has advised that the award is contingent on JCS obtaining a long-term lease extension from the District of at least 10 years. The final scope of Repairs to be made by JCS at the Center will be reviewed and approved by District staff, and shall include, substantially, pressure cleaning and painting, replacement of exterior lighting fixtures, repair of the retaining wall in the parking area, grading and repaving of the driveway area, dry wall replacement, renovation of bathroom vanities and replacement of doors. No substantive repairs will be undertaken by JCS unless plans are first approved by the District to ensure compliance with District criteria and standards, and any other applicable codes, rules or regulations.

Proposed Lease Amendment

As a result of the requirement by the City that JCS secure a long-term lease extension in order to receive the CDBG funding, JCS is requesting that the District amend the existing Agreement to extend the lease term through March 24, 2021 (a one-time ten year extension). JCS will have no additional options to extend the lease agreement beyond that date, and the District will still retain the right to cancel the Agreement at any time with 120 days advance notice. In light of the fact that the needed Repairs, totaling \$88,606, would add value to the Board-owned property, it is recommended that the Agreement be amended to provide, substantially, the following terms and conditions:

- The lease term will be extended for ten years, through March 24, 2021; and
- 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 this Agreement.

All other terms and conditions of the Agreement will remain unchanged, including:

- JCS shall pay the Board an annual lease rate of \$1;
- JCS shall retain all responsible for maintenance and utility charges for the leased area;
- JCS may construct improvements within the leased area, at its sole cost and expense, subject to prior written approval of the District, and plans must be in compliance with all applicable City, State, County, School Board, and Department of Education rules and regulations; and
- Either party may cancel the Agreement at any time by giving the other party 120 days prior written notice.

The School Principal and Regional Center II Superintendent recommend entering into the proposed lease amendment. The lease amendment will be reviewed by the School Board Attorney's Office and Office of Risk and Benefits Management prior to execution.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to finalize negotiations and execute an amendment to the Lease Agreement between the School Board (as lessor), and Jewish Community Services of South Florida, Inc. (as lessee), for use of a portion of the Fienberg/Fisher K-8 Center campus, located at 610 Espanola Way, Miami Beach, to extend the lease term through March 24, 2021, and substantially in conformance with the other terms and conditions set forth above.

IB:

LOCATION MAP

