

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE, AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 1 TO THE LICENSE AGREEMENT DATED MARCH 19, 2018, BETWEEN THE CITY (CITY) AND SOUTH FLORIDA SENIORS IN ACTION, INC. (LICENSEE) FOR USE OF APPROXIMATELY 2,792 SQUARE FEET OF AUDITORIUM SPACE, LOCATED AT 833 SIXTH STREET, MIAMI BEACH, FLORIDA; SAID AMENDMENT: 1) REDUCING THE CURRENT MONTHLY USE FEE, EFFECTIVE MAY 1, 2019, FROM \$430.43 TO \$215.22 AND 2) WAIVING DISPUTED USE FEE CHARGES, LATE FEES, AND INTEREST DUE THROUGH APRIL 30, 2019, IN THE APPROXIMATE AMOUNT OF \$1,750.00.

**WHEREAS**, on February 13, 2019, the City Commission referred to the Finance and Citywide Projects Committee (FCWPC) a discussion of modifications to the agreements with South Florida Seniors in Action ("SFSIA") regarding its use of the South Shore Community Center, located at 833 6th Street ("Center"); and

**WHEREAS**, in addition to SFSIA, the City provides space at the Center to various nonprofit and community service organizations that aid the Miami Beach community, including Miami-Dade Community Action Agency, Little Havana Activities and Nutrition Centers of Dade County, South Florida Workforce Investment Board and Lighthouse Church of Miami Beach; and

**WHEREAS**, since October 4, 2016, SFSIA has leased office space in the Center, having approximately 142 square feet, for providing various services to the elderly community in Miami Beach (i.e., food distribution, healthcare eligibility, etc.), for which SFSIA has exclusive access and control; and

**WHEREAS**, the City charges tenants of the office space at the Center \$1.20 annually for Base Rent, plus specific operating expenses incurred by the City to operate the Center (limited to utilities, maintenance, and janitorial services), which expenses are currently estimated to be \$11.06 per square foot; and

**WHEREAS**, on March 19, 2018, the City executed a License Agreement with SFSIA for the non-exclusive use of the auditorium for 20 hours per week; and

**WHEREAS**, currently, the auditorium is also utilized by Lighthouse Church of Miami Beach for religious services on Sundays between 9:00AM and 1:00PM and the auditorium was previously utilized by Jewish Community Services (JCS) for its senior meals program on weekdays between 8:00AM to 2:00PM; and

**WHEREAS**, as with the other nonprofit entities that utilize the auditorium, the Mayor and City Commission approved a reduced rent for SFSIA whereby it would only be required to pay a Base Fee of \$1.20 per year and an Additional Fee for the operating

expenses of the auditorium, which amounted to approximately \$11.06 per square foot, and additionally, the Additional Fee would be further reduced, on a pro-rata basis, by the days/hours of usage indicated above, in the amount of 20 hours per week; and

**WHEREAS**, utilizing the same formula as contained in the JCS agreement, SFSIA's proportionate use amounts to 16.7% of a 120-hour week (24 hours/day times 5 days per week=120 hours), thus a pro-rated rate of \$1.85 per square foot, when applied to the auditorium measuring 2,792 SF, the annual Additional Fee amount was computed at \$5,165.20, or \$430.33 per month; and

**WHEREAS**, at its April 19, 2019 meeting, the FCWPC recommended in favor of the following:

- (1) The existing Lease Agreement for 142 SF of office space shall remain unchanged.
- (2) The City shall waive all disputed use fees, late charges and interest, due through April 30, 2019 under the License Agreement, in the approximate amount of \$1,750.00.
- (3) SFSIA shall pay all remaining past due use fees, due under the License Agreement, in the approximate amount of \$1,442.63.
- (4) Effective May 1, 2019, the monthly use fees due under the License Agreement, for the part-time use of the auditorium, shall be reduced from \$430.43 to \$215.22; and

**WHEREAS**, the Administration recommends that the Mayor and City Commission accept the recommendation of the FCWPC and authorize the Mayor and City Clerk to execute Amendment No. 1 to the License Agreement; said amendment containing the following essential terms: 1) waiving past due amounts, disputed use fees, late fees and interest in the approximate amount of \$1,750.00 and 2) effective May 1, 2019, reducing the monthly use fee from \$430.43 to \$215.22.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby accept the recommendation of the Finance and Citywide Projects Committee, and authorize the Mayor and City Clerk to execute Amendment No. 1 to the License Agreement dated March 19, 2018, between the City (City) and South Florida Seniors in Action, Inc. (Licensee) for use of approximately 2,792 square feet of auditorium space, located at 833 Sixth Street, Miami Beach, Florida; said Amendment: 1) reducing the current monthly use fee, effective May 1, 2019, from \$430.43 to \$215.22 and 2) waiving disputed use fee charges, late fees, and interest due through April 30, 2019, in the approximate amount of \$1,750.00.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2019.

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
Dan Gelber, Mayor

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

5/7/19  
\_\_\_\_\_  
Date