



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Honorable Chair and Members of the Finance and Economic Resiliency Committee

FROM: Raul J. Aguila, Interim City Manager

DATE: February 19, 2021

SUBJECT: **DISCUSS A PROPOSED LEASE AGREEMENT BETWEEN THE CITY (LANDLORD), AND SOBE CATS SPAY & NEUTER, INC., AND SAVING SAGE ANIMAL RESCUE FOUNDATION, INC., (COLLECTIVELY "TENANTS") FOR THE USE OF A 2400 SQUARE FOOT CITY-OWNED BUILDING, LOCATED AT 8128 COLLINS AVENUE (PREMISES), TO PROVIDE TRAP, NEUTER, VACCINATE, AND RELEASE PROGRAM (TNVR), AND OTHER ANIMAL WELFARE RELATED SERVICES.**

BACKGROUND

On October 14, 2020, the City Commission approved a referral to the Neighborhoods and Quality of Life Committee (NQLC) to discuss a motion made by the Animal Welfare Committee (AWC) at its September 22, 2020 meeting. The AWC motion urged the City Commission to endorse the usage of a vacant City-owned building, having approximately 2,400 square feet, located at 8128 Collins Avenue (Premises) (formerly occupied by a division of the Parking Department), for the purposes of trap, neuter, vaccinate, and rescue/release (TNVR) activities, as well as for a potential adoption center by SoBe Cats Spay & Neuter Inc., its partners, Saving Sage Animal Rescue Foundation, Inc., and other interested non-profits.

This request is consistent with a previous referral to the Finance and Economic Resiliency Committee (FERC), where the AWC requested the City identify a potential adoption facility site for TNVR services and consider granting a five-year minimum lease commitment for this purpose, which could include cost sharing for maintenance and building repairs as a consideration.

At its November 6, 2020 meeting, the NQLC discussed the potential use of the Premises for TNVR services. A presentation was facilitated by the AWC Chair, followed by discussions from Public Works staff. Inquiries from Committee members were brought up, including the building's current zoning: (GU Government Use), whether it would trigger the need for a referendum; and should a lease agreement be granted, would it impede a future redevelopment opportunity. It was shared by the City Planning Director and Public Works staff that it would not trigger a referendum, and that the terms of the lease agreement could be further tailored to meet the City's needs. A motion was made to bring the item back to Committee to further discuss the TNVR program and building usage; explore alternate locations if available; gather public feedback as a way to ensure everyone is onboard; and to provide any future fiscal impact to upkeep the building.

At its December 16, 2020 meeting, the NQLC members heard a discussion pertaining to the use of the facility by SoBe Cats Spay & Neuter, Inc. (SoBe Cats) and the term of the proposed lease agreement. The Committee members made a motion to accept the request from the AWC, and directed the Administration to submit the item to the full Commission for approval of a new lease for use of the Premises for a term of three (3) years, subject to the City's right to terminate the lease for convenience, upon providing tenant with ninety (90) days' notice. The approval of the lease would require a waiver, by 5/7ths vote, of the formal competitive bidding requirement.

Since the December 16, 2020 meeting, City staff was made aware that Saving Sage Animal Rescue Foundation, Inc. (Saving Sage) would also be a co-tenant under the lease, as an instrumental partner of SoBe Cats for the TNVR program.

As required by City Code Section 82-37(b), the City Manager is hereby transmitting the terms of the proposed lease to the Finance and Economic Resiliency Committee (FERC) for its review.

ANALYSIS

The Administration recommends approving the lease of the Premises, to SoBe Cats and Saving Sage, (Tenants), for the purposes of housing the City's TNVR program and other animal welfare related services, based upon the following terms and conditions:

- A. **Premises:** City-owned building at
8128 Collins Avenue
Miami Beach, 33141
- B. **Size:** Approximately 2,440 square feet
- C. **Term:** Three (3) years, terminable by the City and without cause and for convenience upon 90 days' notice to Tenants
- D. **Rent:** One Dollar (\$1.00) a year
- E. **Maintenance:** The City would maintain the interior plumbing and lawn care. The Tenants shall be responsible for day to day maintenance of the interior of the Premises (joint and several liability). The City would maintain the exterior structure, including roof, exterior plumbing, exterior painting and A/C units;
- F. **Utilities/ Insurance:** City pays for installation, set up and use of utilities, Atlantic Broadband, water and sewer expenses from the previously funded TNVR budget;
- G. **Uses:** The uses of the Premises shall be for the following purposes only:
 - 1. **Facilitate** the City' TNVR Program.
 - 2. **TNVR Staging:** Cats are typically trapped at night or very early in the morning, during hours when surgery locations are closed. The

Premises would act as a staging location to house the cats until the surgery locations are open.

3. **TNVR Tools.** The inventory of TNVR tools would be housed at the Premises, to include traps that are loaned to residents and trappers, sheets to cover traps, and trap cleaning equipment.
4. **TNVR Events.** Trapping events with Miami Dade Animal Services (MDAS) throughout the year, MDAS would bring their Mobile Animal Clinic (MAC) truck to the beach. Surgeries would be held inside the MAC truck and under MDAS purview. It is important to note that spay and neuter surgeries would NOT take place inside the Premises. All surgeries would take place at a participating veterinarian offices, Saving Sage Animal Rescue Foundation, Miami Dade Animal Services, Humane Society, and other participating agencies.
5. **Adoption.** A key focus of program is to help get adoptable community cats off the beach and into loving homes. In order to accomplish this effort, cats need to be quarantined for two weeks, given certain medications, be microchipped, etc. The quarantine period would be handled at the Premises. The Tenant would fund the program through the collaboration of various non-profits associated with the Tenants, for an estimated value of \$10,000 a month.
6. **Socialization.** There would be a cat socialization room where cats can meet and play with prospective adopters.

- | | |
|--|--|
| H. Public Benefit: | Provides a location for the only trap, neuter, vaccinate and rescue/release (TNVR) operation on Miami Beach, at very low cost to the City. The entire program is operated and largely funded by various non-profit agencies, at an estimated cost of \$10,000 per month; serving to control the cat population on the beach. |
| I. Termination for Convenience: | The City Manager on behalf of the City, will have the right to terminate for convenience, upon providing Tenants with ninety (90) days' notice. |
| J. Liability: | Tenants shall be individually and jointly responsible for the Tenant obligations under the lease. |

In order to adapt the building for use by the Tenants, the City's Property Management Department will need to conduct improvements, to be submitted as part of the Capital Projects requests this

fiscal year, which include HVAC unit replacement, flooring, door replacements and repairs to concrete ramp and sidewalk.

CONCLUSION

The Administration recommends in favor of approving a new lease agreement with the SoBe Cats and Saving Sage in accordance with the above stipulated terms and conditions. Following review by FERC, the City Manager shall transmit the final lease to the City Commission for its consideration and approval.