



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Raul J. Aguila, Interim City Manager

DATE: April 21, 2021

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY ADVERTISED PUBLIC HEARING, ACCEPTING THE RECOMMENDATION OF THE CITY'S FINANCE AND ECONOMIC RESILIENCY COMMITTEE, AND WAIVING, BY 5/7TH VOTE, THE FORMAL COMPETITIVE BIDDING REQUIREMENT IN SECTION 82-39(a) OF THE CITY CODE, FINDING THAT THE PUBLIC INTEREST WOULD BE BETTER SERVED BY WAIVING SUCH CONDITION; AND APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A NEW LEASE AGREEMENT AMONG THE CITY (LANDLORD), SOBE CATS SPAY & NEUTER, INC AND SAVING SAGE ANIMAL RESCUE FOUNDATION, INC (COLLECTIVELY, TENANT), HAVING A TERM OF THREE (3) YEARS, FOR THE USE OF A 2,400 SQUARE FOOT CITY-OWNED BUILDING, and adjacent land LOCATED AT 8128 COLLINS AVENUE, TO PROVIDE A TRAP, NEUTER, VACCINATE, AND RELEASE PROGRAM AND OTHER ANIMAL WELFARE RELATED SERVICES.**

---

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission adopt the Resolution.

### **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 of approximately 14,392 square feet parcel of land containing 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.

## **ANALYSIS**

On February 19, 2021, the Finance and Economic Resiliency Committee (FERC) discussed and recommended in favor of 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.

Accordingly, SoBe Cats and Saving Sage (Tenants), and the Administration have negotiated the following essential terms for a new lease agreement.

The proposed basic terms and conditions of the agreement are as follows:

- 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.

### **City Manager Recommendation**

The City Manager recommends that the Mayor and City Commission waive the formal competitive bidding requirement, by a 5/7ths vote, as permitted under Section 82-39(a) of the City Code, as being in the best interest of the City.

### **CONCLUSION**

In consideration of the foregoing, the Administration recommends, following a duly advertised public hearing, that the Mayor and City Commission accept the recommendation of the City's Finance and Economic Resiliency Committee, and waive by 5/7th vote, the formal competitive bidding requirement in section 82-39(a) of the City Code, finding that the public interest would be better served by waiving such condition; and approve and authorize the Mayor and City Clerk to execute a new lease agreement among the City (Landlord), Sobe Cats Spay & Neuter, Inc. and Saving Sage Animal Rescue Foundation, Inc. (Collectively, Tenant), having a term of three (3) years, for the use of a 2,400 square foot city-owned building and adjacent land, located at 8128 Collins Avenue, to provide a trap, neuter, vaccinate, and release program and other animal welfare related services.

### **Attachments**

Exhibit A: Lease Agreement