

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AMENDMENT NO. 2 TO THE LEASE AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND TOWER FORTY ONE ASSOCIATION, INC., FOR THE CITY TO LEASE ADDITIONAL ROOFTOP AREAS AT 4101 PINE TREE DRIVE (THE "PROPERTY"), IN THE ADDITIONAL ANNUAL AMOUNT OF \$3,000, FOR THE INSTALLATION OF TWO ADDITIONAL ANTENNAS WHICH WILL ASSIST THE CITY IN MONITORING AND OPERATING THE CITY'S WATER, WASTEWATER AND STORMWATER SYSTEM.

WHEREAS, since 1987, the City of Miami Beach (the "City" or "Tenant") has leased space from Tower Forty One Association, Inc. ("Tower 41" or "Landlord"), for the use of an equipment room and certain rooftop areas at the property located at 4101 Pine Tree Drive ("Property"), for the City's placement and operations of certain public safety communications equipment on the Property; and

WHEREAS, on April 11, 2018, the Mayor and City Commission adopted Resolution No. 2018- 30272, authorizing the Mayor and City Clerk to execute a new lease agreement between the City and Tower 41, for the continued use of an equipment room and certain rooftop areas at the Property, for a term of fifteen (15) years, commencing, retroactively, on January 1, 2018, and ending on December 31, 2032 (the "Lease Agreement"); and

WHEREAS, on June 6, 2018, the City Commission approved the issuance of RFP 2018- 233- KB for Design, Build, Operate, and Maintain Water, Wastewater, and Stormwater SCADA and Programmable Logic Controller (the " Project"); and

WHEREAS, as it relates to the Project, Supervisory Control and Data Acquisition (SCADA) refers to an industrial computer system that monitors and controls substations, transformers, and other electrical assets, as well as sensors (either digital or analog) and control relays that directly interface with the managed system, which in this case includes the City's six (6) water pump stations, twenty-three (23) wastewater pump stations, and approximately forty-nine (49) stormwater pump stations; and

WHEREAS, on July 29, 2020, the Mayor and City Commission adopted Resolution No. 2020- 31333, accepting the recommendation of the City Manager to approve the material terms, pursuant to Request for Proposals (RFP) 2018- 233- KB, for Design, Build, Operate, and Maintain Water, Wastewater and Stormwater SCADA, and Programmable Logic Controller, and to execute an agreement with Data Flow Systems, Inc.; and

WHEREAS, on June 23, 2021, the Mayor and City Commission approved Resolution No. 2021-31740, authorizing the City to enter into an Amendment No. 2 to the Lease Agreement in the annual amount of \$2,500; however, following negotiations with the Association after the adoption of the Resolution, the Association requested increased annual rent to \$3,000 annually; and

WHEREAS, City staff has been working with the City' s consultant Hazen and Sawyer to finalize a draft agreement in order to implement the Project; and

WHEREAS, the success of the Project will highly depend on the City's ability to install the proper communications equipment (antennas) in a suitable location that would provide the best possible signal for the communications equipment, and the Administration has identified the Property as a suitable location for the monitoring equipment; and

WHEREAS, the Administration recommends that the Mayor and City Commission adopt this resolution to authorize the Amendment No. 2 to the Lease Agreement.

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 approve and authorize the City Manager and City Clerk to execute Amendment No. 2 to the lease agreement between the City of Miami Beach and Tower Forty One Association, Inc., for the City to Lease additional rooftop areas at 4101 Pine Tree Drive (the "Property), in the additional annual amount of \$3,000, for the installation of two additional antennas which will assist the City in monitoring and operating the City's water, wastewater and stormwater system.

PASSED and ADOPTED THIS ____ day of _____, 2021

DAN GELBER, MAYOR

ATTEST:

RAFAEL E. GRANADO
CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

 8-30-21

Date