

**CITY OF MIRAMAR  
PROPOSED CITY COMMISSION AGENDA ITEM**

**Meeting Date:** August 17, 2022

**Presenter's Name and Title:** Anita Fain Taylor, Director of Economic Development and Revitalization and Elizabeth Valera, Parks and Recreation Director

**Prepared By:** Anita Fain Taylor, Director of Economic Development and Revitalization

**Temp. Reso. Number:** 7684

**Item Description:** Temp. Reso. #R7684 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE FIRST AMENDMENT TO THE RECREATION LICENSE AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY FOR A JOINT USE OF THE OPEN SPACE BEHIND THE H. D. PERRY EDUCATION CENTER

Consent ☒ Resolution ☐ Ordinance ☐ Quasi-Judicial ☐ Public Hearing ☐

**Instructions for the Office of the City Clerk: None**

**Public Notice** – As required by the Sec. \_\_\_\_ of the City Code and/or Sec. \_\_\_\_, Florida Statutes, public notice for this item was provided as follows: on \_\_\_\_\_ in a \_\_\_\_\_ ad in the \_\_\_\_\_; by the posting the property on \_\_\_\_\_ and/or by sending mailed notice to property owners within \_\_\_\_ feet of the property on \_\_\_\_\_  
(fill in all that apply)

Special Voting Requirement – As required by Sec. \_\_\_\_\_, of the City Code and/or Sec. \_\_\_\_\_, Florida Statutes, approval of this item requires a \_\_\_\_\_ (unanimous, 4/5ths etc.) vote by the City Commission.

**Fiscal Impact:** Yes ☐ No ☒

**REMARKS: No Fiscal Impact**


**Content:**

- Agenda Item Memo from the City Manager to City Commission
- Resolution TR 7684
  - Exhibit A: First Amendment to the Recreation License Agreement



**CITY OF MIRAMAR  
INTEROFFICE MEMORANDUM**

**TO:** Mayor, Vice Mayor, & Commissioners

**FROM:** Dr. Roy L. Virgin, City Manager 

**BY:** Anita Fain Taylor, Director of Economic Development & Revitalization

**DATE:** August 11, 2022

**RE:** Temp. Reso. No. 7684, authorizing the City Manager to negotiate and execute the First Amendment to the Recreation License Agreement

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**RECOMMENDATION:** The City Manager recommends approval of Temp. Reso. No. 7684, negotiating and executing the First Amendment to the Recreation License Agreement ("RLA") with the School Board of Broward County ("SBBC") for a joint use of the open space behind the Henry D. Perry Education Center.

**ISSUE:** City Commission authorization is required for the execution of the First Amendment of the RLA.

**BACKGROUND:** During a Visioning Session on May 6, 2019, the City revealed plans to revitalize the area of Historic Miramar generally between Miramar Parkway to the north, Jasmine Avenue/Southwest 68<sup>th</sup> Avenue to the east, Southwest 35<sup>th</sup> Street to the south and the Florida Turnpike to the west. The plan involves incorporating 7.8 acres of open space, currently owned by SBBC, along with 16 acres of City-owned property.

On April 20, 2020, the City and the SBBC entered into an RLA allowing the City to make recreational and related improvements on portions of SBBC owned land (Henry D. Perry Education Center).

The first phase of the project involves the City making improvements to the open space behind Henry D. Perry Education Center to allow joint use of the recreational amenities, with school access during school hours and City access after-school hours, weekends, and holidays. These amenities include:

- Tennis courts
- New running track
- Multi-purpose open field/place area

- Resurfacing of existing basketball courts
- Exercise stations
- Bathroom facility

This is a 25-year agreement, and the relocation of the park space is necessary so that the City can begin plans for phase two of the project, which includes workforce housing on the Wellman Field site (6.45 acres). The City sought to provide recreational amenities for the Wellman Field users before the development of housing on the site.

The City has proceeded to diligently complete the project by April 20, 2023, pursuant to the terms of the Agreement, which require the City to use its best efforts to complete all improvements within thirty-six (36) months from the effective date of the Agreement. However, due to environmental issues (burying owls) and the escalating costs for construction, it has impacted the City's ability to complete the work within the thirty-six (36) months stipulated in the Agreement.

This amendment will give the City an additional twenty-four (24) months to complete its work on or before April 20, 2025.

The City will complete the project through a 3-phased approach:

- PHASE I – Misc. Sitework/Infrastructure/Landscape & Irrigation
- PHASE II – Restroom Building, Hardscape, Site Lighting and Amenities
- PHASE III – Tennis Courts/Table Tennis/Playground & Shade Structure

The City and School Board attorneys and staff have reviewed the agreement. If the City Commission does not approve this agreement at this time, it would delay School Board action.

**DISCUSSION:** The proposed (Phase I) Scope of Work includes Misc. Site Work / Infrastructure / Landscape & Irrigation.

This project includes a minimum participation goal requirement of 20% of the Construction services to be performed by a CBE/SBE firm, and 5% by a Local business. D. Stephenson Construction, Inc. is a minority firm, and has contractually agreed to make a good faith effort at recruiting vendors to complete the services and has also submitted a Proposed Subcontractor list showing anticipated approved vendors committed to meeting the minimum participation plan requirements.

**ANALYSIS:** The proposed funding for this project is available in the City's Capital Improvement Program (CIP) Project No. 53025 -- Historic Miramar Innovation & Technology Village [GL Account Nos. 392-55-800-559-000-606510-53025 (\$2,100,000) and 392-55-800-559-000-606520-53025 (\$100,000)].

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**CITY OF MIRAMAR  
MIRAMAR, FLORIDA**

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

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE FIRST AMENDMENT TO THE RECREATION LICENSE AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY FOR A JOINT USE OF THE OPEN SPACE BEHIND THE HENRY D. PERRY EDUCATION CENTER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miramar and the School Board of Broward County (“SBBC”) may share resources to support each other’s goals and objectives; and

**WHEREAS**, the City and SBBC believe that such an arrangement will be of mutual benefit to all parties and will fill a great need in community and that cooperation between the parties will result in great benefit to the residents of the City and the students; and

**WHEREAS**, the plan involves incorporating 7.8 acres of open space, currently owned by the SBBC, along with sixteen (16) acres of City owned property into the Historic Miramar Innovation and Technology Village which will include open space, housing, transit hub, art and entertainment, and the Innovation and Technology Center; and

**WHEREAS**, on April 20, 2020, the City and the SBBC entered into a Recreation License Agreement for the purposes of allowing the City to make recreational and related improvements on portions of SBBC owned land (Henry D. Perry Education Center), and thereafter, utilize the recreational facilities as stipulated in the Agreement; and

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**WHEREAS**, this RLA will exist for twenty-five (25) years, and is necessary to allow for the relocation of recreational amenities that now exist on the Wellman Field site (6.45 acres) before the development of housing on this site; and

**WHEREAS**, the City has proceeded to diligently complete the project by April 20, 2023, pursuant to the terms of the Agreement which require the City to use its best efforts to complete all improvements within thirty-six months from the effective date of the Agreement; and

**WHEREAS**, notwithstanding its efforts, the City has encountered unforeseen conditions which is impacting completion of the work within the thirty-six (36) months stipulated in the Agreement; and

**WHEREAS**, as a result of such unforeseen impacts, the City requests an additional twenty-four (24) months to complete its work, on or before April 20, 2025; and

**WHEREAS**, the City Manager recommends approval to grant him authority to negotiate and execute First Amendment to the RLA with the SBBC.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:**

**Section 1:** That the foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

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**Section 2:** That the City Commission approves the City Manager authority to negotiate and execute First Amendment to the RLA with the SBBC for the joint use of open space behind H. D. Perry Education Center.

**Section 3:** That it authorizes the City Manager to execute an agreement in the form attached as Exhibit "A," together with such non-substantial changes authorized by the City Manager and approved as to form and legal sufficiency by the City Attorney.

**Section 4:** That the appropriate City officials are authorized to do all things necessary and expedient in order to carry out the aims of this Resolution.

**Section 5:** That this Resolution shall take effect immediately upon adoption.

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**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mayor, Wayne M. Messam

\_\_\_\_\_  
Vice Mayor, Yvette Colbourne

ATTEST:

\_\_\_\_\_  
City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved  
this RESOLUTION as to form:

\_\_\_\_\_  
City Attorney,  
Austin Pamies Norris Weeks Powell, PLLC

**Requested by Administration**

Commissioner Winston F. Barnes  
Commissioner Maxwell B. Chambers  
Vice Mayor Yvette Colbourne  
Commissioner Alexandra P. Davis  
Mayor Wayne M. Messam

**Voted**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reso. No. \_\_\_\_\_

**FIRST AMENDMENT TO RECREATION LICENSE AGREEMENT**

**THIS FIRST AMENDMENT TO RECREATION LICENSE AGREEMENT** is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**  
(hereinafter referred to as "SBBC"),  
a body corporate and political subdivision of the State of Florida,  
whose principal place of business is  
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

**CITY OF MIRAMAR, FLORIDA**  
(hereinafter referred to as "City"),  
a Florida municipal corporation  
whose principal place of business is  
2300 Civic Center Place, Miramar, Florida 33025

WHEREAS, SBBC, as the controlling body of the district schools of Broward County, Florida owns, operates, and maintains various facilities and sites throughout the County, including elementary, middle, high schools, vocational sites, training facilities and equipment, and lands/sites in the City suitable for use by the City in its municipal programs; and

WHEREAS, partnerships between municipalities and SBBC instill a sense of civic pride and responsibility in students that will last far beyond their educational experience; and

WHEREAS, municipalities and the SBBC may share resources to support their goals and objectives; and

WHEREAS, SBBC and the City (hereafter referred to as the "Parties") believe that such an arrangement will be of mutual benefit to the Parties and will fill a great need in that area of the community and that cooperation between the Parties will result in great benefit to the residents of the City; and

WHEREAS, it is the purpose and policy of the City to develop, operate, and maintain parks and community recreational facilities; and

WHEREAS, on April 21, 2020, SBBC and the City entered into a Recreation License Agreement (hereafter referred to as the "Agreement") for the purposes of allowing the City to make recreational and related improvements on portions of SBBC owned land (Site No. 101.1 a/k/a Henry D. Perry Education Center), and thereafter, utilize the recreational facilities as stipulated in the Agreement; and



WHEREAS, the City has proceeded to diligently complete the project by April 20, 2023 pursuant to the terms of the Agreement which require the City to use its best efforts to complete all improvements within thirty-six (36) months from the effective date of the Agreement; and

WHEREAS, notwithstanding its efforts, the City has encountered unforeseen conditions which is impacting completion of the work within the thirty-six (36) months stipulated in the Agreement; and

WHEREAS, as a result of such unforeseen impacts, the City requests an additional twenty-four (24) months to complete its work, on or before April 20, 2025; and

WHEREAS, the SBBC does not object to the City's request, and agrees to extend the current timeframe required for the City to complete the improvements by two (2) years.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

#### ARTICLE 1 - RECITALS

1.01 Recitals. The Parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

#### ARTICLE 2 – CONDITIONS

2.01 The Recreation License Agreement dated April 21, 2020, is hereby amended by interlineation as follows:

2.01.01 Section 2.06(e) is hereby amended by the insertion of additional line item 9 as follows:

**9. Construct a minimum of two (2) table tennis facilities.**

2.01.02 Section 2.06(h) is hereby REMOVED and REPLACED in its entirety with the following:

**(h) The City agrees to complete all the improvements listed herein by April 20, 2025.**

2.02 Order of Precedence among Agreement Documents. In the event of conflict between the provisions of the Agreement and the provisions contained herein, the provisions of the following documents shall take precedence in this order:

- (a) This First Amendment to Recreation License Agreement; and
- (b) The Recreation License Agreement.

2.03 Other Provisions Remain in Force. Except as modified herein, said Recreation License Agreement dated April 21, 2020, shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have each executed this Second Amendment to the Master Lease Agreement.

**FOR SBBC**

(CORPORATE SEAL)

THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA

ATTEST:

By: \_\_\_\_\_  
Dr. Laurie Rich Levinson, Chair

\_\_\_\_\_  
Dr. Vickie L. Cartwright,  
Superintendent of Schools

Approved as to form and legal content:

\_\_\_\_\_  
Office of the General Counsel

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**FOR CITY**

ATTEST:

THE  
CITY OF MIRAMAR, FLORIDA, a municipal  
corporation of the State of Florida

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Wayne M. Messam, Mayor

Date: \_\_\_\_\_

Approved as to form and legality by  
Office of the City Attorney for the use of  
And reliance by the City of Miramar only

By: \_\_\_\_\_  
Robert Palmer, City Attorney

\_\_\_\_\_ day of \_\_\_\_\_, 2022

**(CITY SEAL)**

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