

RESOLUTION NO. _____

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 FINANCE AND ECONOMIC RESILIENCY COMMITTEE AND OF THE ADMINISTRATION, AND WAIVING, BY 5/7TH VOTE, THE COMPETITIVE BIDDING REQUIREMENT, AS PERMITTED IN SECTION 82-39(A) OF THE CITY CODE, FINDING SAID WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AND APPROVING, IN SUBSTANTIAL FORM, AN AMENDED AND RESTATED LEASE AGREEMENT AMONG THE CITY AND THE MIAMI BEACH REDEVELOPMENT AGENCY (RDA) (COLLECTIVELY, LANDLORD) AND MOONLIGHTER FABLAB, INC. (TENANT), FOR USE OF APPROXIMATELY 7,655 SQUARE FEET OF RETAIL SPACE, LOCATED AT 1661 PENNSYLVANIA AVENUE, MIAMI BEACH, FLORIDA (DEMISED PREMISES); SAID LEASE ADDING TWO ADDITIONAL RENEWAL TERMS: (1) A THREE-YEAR RENEWAL TERM, COMMENCING ON MAY 17, 2026 AND EXPIRING ON MAY 16, 2029, AND (2) A FINAL RENEWAL TERM OF ONE (1) YEAR AND 364 DAYS, COMMENCING ON MAY 17, 2029 AND EXPIRING ON MAY 15, 2031, TO ENABLE TENANT TO SECURE THE FUNDS NEEDED TO EXPAND PROGRAMMING AT THE DEMISED PREMISES; AND FURTHER AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE LEASE.

WHEREAS, the Pennsylvania Avenue Garage Condominium, located at 1661 Pennsylvania Avenue, Miami Beach, Florida 33139, includes Unit 1, a municipal garage (the "Penn Garage"), having approximately 560 parking spaces and Unit 2, which includes Suites A-G, and has a total of approximately 7,655 square feet of ground floor retail space (the "Retail Space"); and

WHEREAS, in March 2019, the northerly 935 square feet of the Retail Space was being temporarily used by the Miami Beach Chamber of Commerce Visitor's Center ("MBCC"); and

WHEREAS, on March 13, 2019, pursuant to Resolution No. 2019-30761, the Mayor and City Commission approved a lease among the City of Miami Beach (the "City") and the Miami Beach Redevelopment Agency (the "RDA") (collectively, "Landlord") and Moonlighter Fablab, Inc. d/b/a Moonlighter Makerspace ("Moonlighter") for use of approximately 6,720 square feet of the Retail Space ("Demised Premises") for an initial term of three (3) years, with two (2) additional renewal terms, of one (1) year each at Landlord's option, for the purpose of providing an innovative public space combining a Science, Technology, Engineering, Arts & Math (S.T.E.A.M) education center, co-working space, and digital fabrication lab ("Lease"); and further requiring the City of Miami Beach ("City") to install, at its cost, a demising wall at the Retail Space, dividing MBCC's space from the proposed Moonlighter space to enable both tenants to occupy the Retail Space ("City's Work"); and

WHEREAS, on August 12, 2019, Landlord and Tenant executed the Lease, with an initial term of three (3) years with two (2) options of one (1) year each at the Landlord's option; and

WHEREAS, due to the delay in completing the City's Work, Tenant was not given possession of the Demised Premises until May 17, 2021; therefore, the initial term of the Lease commenced on May 17, 2021 and expired on May 16, 2024; and

WHEREAS, on April 21, 2021, the City Commission and RDA accepted the FERC's recommendation, and pursuant to Resolution No. 2021-31687, approved Amendment No. 1 to the Lease, expanding the Moonlighter Demised Premises to include the northeasterly 935 square feet area of the Retail Space, previously occupied by MBCC; and

WHEREAS on August 16, 2023, the Landlord and Tenant exercised the First Renewal Option commencing on May 17, 2024, and ending on May 16, 2025; and

WHEREAS, the Lease has one remaining renewal option for a period of one year, commencing on May 17, 2025, and expiring on May 16, 2026; and

WHEREAS, Tenant has expressed that in order to obtain and secure funding for additional programs, a Lease of more than one year is necessary and asked the City Administration to approve the extension of the Term of the Lease for two more renewal options: (i) a three (3) year renewal term, commencing on May 17, 2026 and expiring on May 16, 2029; and (ii) a final renewal term for one (1) year and 364 days, commencing on May 17, 2029 and expiring on May 15, 2031 ("Renewal Terms"); and

WHEREAS, at the request of Commissioner Fernandez this item was presented before the Finance and Economic Resiliency Committee for discussion on April 19, 2024 and Commissioner Fernandez motioned to have this item heard at Commission with a favorable recommendation with a request for additional public benefits directed towards the City's schools, nonprofits, and seniors; and

WHEREAS, following the April 19, 2024, meeting, the parties negotiated the following additional public benefits:

STEAM Education:

- Up to 1 free tour of Makerspace for all IT Academy Students in Miami Beach High, organized by Miami Beach Senior High; and

Miami Beach Resident Discounts:

- Nonprofits based in Miami-Beach receive up to 2 free technical office hours in support of their mission-based projects;
- City of Miami Beach Senior Residents (ages 65+) receive a 15% discount on memberships to Moonlighter FabLab; and
- City of Miami Beach Public Schools (North Beach Elementary, South Pointe Elementary, Biscayne Elementary, Treasure Island Elementary, Fienberg/Fisher K-8 Center, Nautilus Middle, Miami Beach Senior High) STEAM related clubs can schedule use of the Retail Space for STEAM-related projects and activities up to 2 hours per month; and

WHEREAS, the Landlord and Tenant are proposing to incorporate the additional Renewal Terms pursuant to an Amended and Restated Lease, which includes the following essential terms:

- Demised Premises: Approximately 7,655 square feet;
- Use: S.T.E.A.M. education center, co-working space, and digital fabrication lab;
- Term: Nine (9) years and 364 days; Initial Term of four (4) years, commencing May 17, 2021 and expiring May 16, 2025; Renewal Terms: (i) one year renewal term, commencing on May 17, 2025 and expiring on May 16, 2026; (ii) a three-year renewal term, commencing on May 17, 2026 and expiring on May 16, 2029; and (iii) a final renewal term for one (1) year and 364 days, commencing on May 17, 2029 and expiring on May 15, 2031;

- Termination for Convenience by Landlord: 180 days prior written notice;
- Rent: \$1.00 annually; and
- Utilities/Operating Expenses: Tenant is responsible for utilities, janitorial expenses, repair/maintenance of interior of Demised Premises, property taxes if assessed, and insurance cost increases due to Tenant's use of Demised Premises; and
- Public Benefits:
- STEAM Educational Initiatives:
 - 1 Free field trip for up to 300 students in total each school year with no more than 22 students each prior to March of each school year from the following public schools in Miami Beach:
 - North Beach Elementary
 - Miami Beach South Pointe Elementary
 - Biscayne Beach Elementary
 - Treasure Island Elementary School
 - Miami Beach Fienberg/Fisher K-8
 - Miami Beach Nautilus Middle
 - Miami Beach Senior High School
 - Lehrman Community Day School
 - Yeshiva Elementary School
 - Temple Beth Sholom Innovative School
 - Mechina of South Florida High School
 - Hebrew Academy Miami & Rabbi Alexander Gross High School
 - Mater Beach Academy
 - Montessori Academy at St. John's
 - 20% off any additional field trips for the above listed public schools in Miami Beach;
 - 10% off all Moonlighter FabLab youth S.T.E.A.M. programming to all Miami Beach residents/students;
 - Free professional development workshops for up to 50 Miami Beach teachers and recreation staff per year;
 - Annual Internships for MB High School Students; up to 5 Students in Spring and up to 5 Students in Fall semester each year; internship provides Advanced Manufacturing S.T.E.A.M Basics Certification; and
 - Up to 1 free tour of Makerspace for all IT Academy Students in Miami Beach Senior High School, Mechina of South Florida and Rabbi Alexander Gross High School, each respective school must connect with Moonlighter to organize the annual tour; and
- Miami Beach Resident Discounts:
 - Community Workshops: Our workshops teach the basic and safety use of various advanced manufacturing equipment, hand tools, and design software available in the Moonlighter FabLab Miami Beach | Community Benefits 3 lab. All Miami Beach residents will have an

- exclusive discount (with Photo ID confirming MB residence) to all community workshops. 10% off maker workshops for Miami Beach residents;
- Nonprofits based in Miami-Beach receive up to 2 free technical office hours in support of their mission-based projects;
 - City of Miami Beach Senior Residents (ages 65+) receive a 15% discount on memberships to Moonlighter FabLab; and
 - City of Miami Beach Schools listed below STEAM-related clubs can schedule use of the space for STEAM-related projects and activities up to 2 hours per month; and
 - North Beach Elementary
 - Miami Beach South Pointe Elementary
 - Biscayne Beach Elementary
 - Treasure Island Elementary
 - Miami Beach Fienberg/Fisher K-8 Center
 - Miami Beach Nautilus Middle
 - Miami Beach Senior High
 - Lehrman Community Day School
 - Yeshiva Elementary School
 - Temple Beth Sholom Innovation School
 - Mechina of South Florida High School
 - Hebrew Academy Miami & Rabbi Alexander Gross High School
 - Mater Beach Academy
 - Montessori Academy at St. John's; and

Venue Waiver:

- Partner with Miami Beach Chamber of Commerce to provide free use of space for business development workshops, networking events, or economic development events up to four events annually; and
- Up to 4 venue waivers per year: Exhibition space can be granted to civic, arts and cultural, and educational organizations for exhibitions, fundraisers, workshops, and events that support the advancement of the mission; and

The following benefits are offered contingent upon success of additional fundraising efforts:

STEAM Education:

- Scholarships for up to 50 needs-based students to attend Summer STEAM. Camps at Moonlighter;
- Scholarships for after-school sessions for low income/needs-based Miami Beach resident student attending Miami Beach Fienberg/Fisher K-8 + Biscayne Beach Elementary students with transportation included from the school. Low income/need-based Miami Beach resident students attending any of the private/charter schools listed above would be eligible for scholarships for after-school sessions;
- Paid Summer internship programs for Miami Beach resident High School Students attending Miami Beach Senior High School, Mechina of South Florida, and Rabbi Alexander Gross High School; and
- On-Site STEAM programs at Miami Beach Schools subject to availability of necessary on-site equipment; and

Urban Placemaking / Arts Activations:

10% off design and fabrication services for civic or arts organizations; partnering with local Miami Beach institutions to activate public spaces and/or support arts initiatives with the digital fabrication lab; work with local artists to nurture emerging talent: Artisans and Innovators in Residence; and a residency program that supports creatives with the resources they need to build their innovative concepts; and

Free Community Events:

Up to 10 free community events per year: Talks/lectures, panels, exhibitions, meetups, and presentations exploring the fields of Art, Design, Engineering, Internet of Things, Machine Learning, Artificial Intelligence, Robotics, Automation, Autonomous, Alternative Energies, Advanced Manufacturing and Construction, Climate Resilience, Maker Education, and Community Benefits relevant topics to advance education and workforce development in the region, preparing the City for innovation industries; and

WHEREAS, based upon the public benefits being provided by Tenant at the Demised Premises, the City Manager recommends that the Mayor and City Commission accept the recommendation of the Committee and waive, by 5/7th vote, the competitive bidding requirement, as permitted in Section 82-39(a) of the City Code, finding said waiver to be in the best interest of the City, and approve, in substantial form, the Amended and Restated Lease Agreement, a draft copy of which is attached to the City Commission Memorandum accompanying this Resolution.

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, following a duly advertised public hearing, hereby accept the recommendation of the Finance and Economic Resiliency Committee and of the Administration, and waive, by 5/7th vote, the competitive bidding requirement, as permitted in Section 82-39(a) of the City Code, finding said waiver to be in the best interest of the City, and approve, in substantial form, an Amended and Restated Lease Agreement (Lease) among the City and the Miami Beach Redevelopment Agency (RDA) (collectively, Landlord) and Moonlighter Fablab, Inc. (Tenant), for use of approximately 7,655 square feet of retail space, located at 1661 Pennsylvania Avenue, Miami Beach, Florida (Demised Premises); said Lease adding two additional Renewal Terms: (1) a three-year renewal term, commencing on May 17, 2026 and expiring on May 16, 2029, and (2) a final renewal term of one (1) year and 364 days, commencing on May 17, 2029 and expiring on May 15, 2031, to enable Tenant to secure the funds needed to expand programming at the Demised Premises; and further authorize the City Manager to finalize and execute the Lease.

PASSED and ADOPTED this ___ day of _____ 2024.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

10/29/2024

Date