

RESOLUTION NO. 2021-R-125

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBLEASE AND OPERATING AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND XLACED, LLC FOR THE LEASING AND OPERATION OF THE RED GARDEN SITE, IN ACCORDANCE WITH THE TERMS, CONDITIONS AND SPECIFICATIONS CONTAINED IN REQUEST FOR PROPOSALS NO. 23-19-20; FURTHER AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS FOR THE PURCHASE AND INSTALLATION OF ARTICIAL TURF AND TO DO ALL THINGS NECESSARY FOR THE RESTORATION OF THE SITE; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**WHEREAS**, on August 17, 2020, the City of North Miami (“City”) issued *Request for Proposals (“RFP”) No. 23-19-20 – Leasing, Development and Operation of the Red Garden Site* requesting proposals from interested parties for the leasing, development and operation of the site known as Red Garden located at NW 123rd Street and 7th Avenue in the heart of the City’s Cultural Arts and Innovation District, in accordance with the terms, conditions and specifications contained in the RFP (“Services”);

**WHEREAS**, XLACED, LLC (“Vendor”), was determined to be the sole responsive proposer which possessed the qualifications and references demonstrating to be advantageous to the City in the provision of Services; and

**WHEREAS**, on July 13, 2021, the Mayor and City Council adopted Resolution No. 2021-R-83 approving the selection of Vendor by the City’s evaluation committee; and

**WHEREAS**, City staff entered into negotiations with Vendor resulting in the final negotiated Lease and Operating Agreement, in the form attached as Exhibit “A”; and

**WHEREAS**, as part of the negotiated lease terms, the City is required to turn the site over to the Vendor in the same condition that it was in at the time of the issuance of the RFP; and

**WHEREAS**, the site was vandalized on January 13, 2021 and all turf on the site was stolen; and

**WHEREAS**, in order to return the site to its previous condition, it is recommended that the Mayor and City Council authorize the issuance of purchase orders to Superior Park Systems,

Inc. utilizing Contract No. 21-0053-MR from the School District of Manatee County pursuant to section 7-167 of the City Code on for the purchase of artificial turf; and

**WHEREAS**, City administration respectfully requests that the Mayor and City Council authorize the execution of an agreement for the leasing and operation of the Red Garden site as a year-round event space.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Authority of City Manager.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to execute a Leasing and Operating Agreement, in substantially the form attached as Exhibit "A".

**Section 2. Issuance of Purchase Orders.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to issue purchase orders for the purchase of artificial turf and to do all things necessary for the restoration of the site.


**Section 3. Effective Date.** This Resolution shall be effective immediately upon adoption.

**PASSED AND ADOPTED** by a 3-2 vote of the Mayor and City Council of the City of North Miami, Florida, this 28th day of September, 2021.

  
PHILIPPE BIEN-AIME  
MAYOR

ATTEST:

  
\_\_\_\_\_  
VANESSA JOSEPH, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:  
  
\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Estimé-Irvin

**Vote:**

Mayor Philippe Bien-Aime

           (Yes)   X   (No)

Vice Mayor Scott Galvin

  X   (Yes)            (No)

Councilwoman Kassandra Timothe, MPA

  X   (Yes)            (No)

Councilwoman Mary Estimé-Irvin

  X   (Yes)            (No)

Councilman Alix Desulme, Ed.D.

           (Yes)   X   (No)