



"The Best Waterfront City in Which to Live, Work And Play."

CITY OF RIVIERA BEACH

TO: HON. MAYOR, CHAIRPERSON, AND CITY COUNCIL

THROUGH: JONATHAN EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

FROM: ELIZABETH T. MCBRIDE, ESQ., DEPUTY CITY MANAGER

SUBJECT: UPDATE – ALPHA EDUCATIONAL FOUNDATION, INC.

DATE: APRIL 7, 2021

CC: GENERAL PUBLIC

Background:

This memorandum provides an update of the City's lease with Alpha Educational Foundation, Inc. (Alpha). At the January 13, 2021 City Council Meeting, a status report was provided regarding the Alpha lease. The issues addressed related to lease payments, late fees and solid waste assessments; required insurance coverage(s) for Alpha and subtenants; business licenses (BTRs) of Alpha and subtenants; and, code compliance. Based upon the City Council's discussion of the lease agreement, City staff met with the organization's leadership on January 29, February 5 and February 12 to address issues related to the lease and subleases. Staff participating in the meetings included the City's Risk Manager, Finance Director, Building Official, City Attorney, and Development Services Director. After the February 5 meeting, the City Manager provided the Riviera Beach City Council with an update regarding the lease and subleases.

Alpha has subleased the modular units to Florida Fishing Academy, Acts of Kindness, Nelson's Outreach Ministries, Sounds for Success, and Suits for Seniors.

Lease Payment, Late Fees and Other Assessments

Alpha's rental payments are current, including the late fees. The organization has also paid rent through September 2021.

As to the solid waste special assessments, Alpha indicates there has never been any dumpsters at the site, and they have never requested dumpsters for the site. However, the City assessed them for the use of dumpsters. Presently, the City is reviewing the matter. An update of the solid waste assessment will be made during the City Council meeting.

Subleases/Subtenants

Alpha's lease requires the City to consent to subleasing; and thus, the lease requires the City and Alpha to execute a Consent to Sublease Agreement (Consent) for a subtenant. The Consent, Exhibit B to the lease, requires an executed agreement between Alpha and subtenant be attached.

The subleases of all subtenants have been submitted to the City Attorney for review. An update of the subleases will be provided during the City Council meeting.

Lease and Sublease Insurance Requirements:

The City's Risk Manager has reviewed the lease and sublease insurance requirements. Alpha Educational Foundation has provided the required insurance \$1 million in commercial general liability. Insurance provisions requiring auto, protection and indemnity, and workers' compensation are not applicable to Alpha. All subtenants are in full compliance as to insurance requirements.

Business Licenses:

As of the completion of this memorandum, the below information outlines the status of business licenses related to Alpha and subtenant. If there are any changes prior to the meeting, such changes will be reported during the City Council meeting.

1. Alpha Phi Alpha/Alpha Educational Foundation: The Alphas have two applications pending for BTRs. One is for the Alpha's mentoring and tutoring program, which is on hold in Development Services. The second application is for the leasing of portables to subtenants, which is on hold in Finance.
2. Subtenants: Only two (2) of the subtenants, Florida Fishing Academy and Acts of Kindness (Johnson/Jiles), have made application for BTRs, which are still on hold.

Please note all subtenants will be able to pursue and obtain their BTRs upon approval of the Consents to Sublease.

Building/Code Matters Related to the Leased Premises:

The leased premises consist of a main building, a workshop building and seven portables. The main building is used by Alpha, the workshop building is subleased by Florida Fishing Academy and other subtenants lease the portables. The Building Official inspected the main building on January 12th and inspected the workshop and portables on February 2nd. A copy of the Building Official's findings and the dates granted for noted violations to be corrected are summarized in **Attachment 1**.

On March 16, 2021, the Building Official visited the leased premises noting corrective work has started, including the following improvements:

- Fire double detector check assembly repaired and no longer leaking.

- All skirting removed from portables in preparation for total replacement but also allowing better cleanup of site and access under portables for tightening of loosened tie-down straps.
- Gutter leaders have been repaired/replaced and adjusted to direct storm-water away from foundation pads.
- Overgrowth has been cut and removed along the west property line.
- Junk and debris removable around the portables has commenced, but is not yet completed.
- Bolts in concrete have been cut/removed eliminating tripping hazard
- Replacement of the electric covers and cover plates have commenced, but are not yet completed.
- Wiring removal has commenced, but is not yet complete.

Recommendation:

Staff recommends acceptance of presentation.

Attachments:

1. Attachment 1 – Building Official’s Inspections