

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE AT ITS JULY 19, 2019 MEETING, TO AMEND THE PILOT AGREEMENT WITH VAN DAALEN TENNIS, LLC (CONTRACTOR) TO PROVIDE PROGRAMMING AT THE CITY'S MIAMI BEACH TENNIS CENTER; SAID AMENDMENT TRANSFERRING, FROM THE CITY TO CONTRACTOR, THE RESPONSIBILITY FOR PAYMENT OF OPERATIONAL AND PERSONNEL EXPENSES AT THE CENTER.

WHEREAS, on July 26, 2017, the Mayor and City Commission adopted Resolution Number 2017-29936, accepting the written recommendation of the City Manager and waiving, by 5/7th vote, the competitive bidding requirement, finding such waiver to be in the best interest of the City; and approving, in substantial form, a one (1) year pilot agreement between the City and Van Daalen Tennis, LLC. for programming at the City's Miami Beach Tennis Center; and

WHEREAS, on August 30, 2017, the City and Van Daalen Tennis, LLC. ("Contractor") executed the One (1) Year Pilot Agreement (the "Agreement") to Provide Tennis Programming at the City's North Shore Tennis Center, now known as the "Miami Beach Tennis Center" (the "Center"); and

WHEREAS, at the April 11, 2018 City Commission Meeting, a discussion regarding a term extension of 6-months for Van Daalen Tennis, LLC. to provide programming, following the completion of the scheduled construction projects at the "Center" was referred to the Finance and Citywide Projects Committee ("FCWPC"); and

WHEREAS, on April 11, 2018, the Mayor and City Commission adopted Resolution No. 2018-30279, changing the name of the Center from the North Shore Tennis Center to the Miami Beach Tennis Center; and

WHEREAS, on June 6, 2018, the Mayor and City Commission adopted Resolution No. 2018-30330, accepting the recommendation of the FCWPC's meeting on May 18, 2018 meeting approving Amendment No. 1 to the Agreement, including the following essential terms:

- (1) Acknowledging the term extension of six months at the completion of the scheduled construction projects at the Miami Beach Tennis Center for Van Daalen Tennis, LLC;
- (2) Acknowledging the Contractor's education compact fund contribution, in an amount of \$500.00;
- (3) providing for the addition of language related to identifying the Center as the Miami Beach Tennis Center;
- (4) Adding language addressing light fees and club baskets;
- (5) Adding language regarding payment to Contractor for the City's summer sports specialty camp;
- (6) Updating the tennis software provider; and
- (7) Providing the City with utilization of courts for City produced tennis related special events and/or City sponsored special events to be added to the scope of the Agreement; and

WHEREAS, at the April 10, 2019 City Commission Meeting, City staff updated the City Commission with respect to the opening of the Center, which is slated to occur during late Spring or Summer of 2020, and that prior to the end of the term, the Administration would be bringing forward a procurement item so that the Agreement may be competitively bid; and

WHEREAS, since Contractor took over the programming, the Center experienced an increase in participation numbers and therefore an increase in both programming and merchandise revenues; and

WHEREAS, at the April 10, 2019 City Commission Meeting, Resolution No. 2019-30776 was passed approving Amendment No. 2 to the pilot agreement to adjust the Contractor's programming and management fee from \$500,000.00 to a not to exceed amount of \$750,000.00 per year during the term of the agreement to correspond to the programming demands; and

WHEREAS, at the July 19, 2019 Finance and Citywide Projects Committee meeting, a motion was made to have the Parks and Recreation Department amend the Van Daalen Tennis, LLC ("Contractor") Pilot Agreement, providing programming at the City's Miami Beach Tennis Center, by shifting the responsibility of operating and personnel cost to the Contractor; and

WHEREAS, currently, the operating and personnel cost is paid from the Parks and Recreation Department budget, funded by the General Fund, and this shift in responsibilities will yield an annual savings to the City in the approximate sum of \$182,000.00.

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 accept the recommendation of the Finance and Citywide Projects Committee at its July 19, 2019 meeting amending the pilot agreement with Van Daalen Tennis, LLC (Contractor) to provide programming at the City's Miami Beach Tennis Center; said Amendment transferring, from the City to Contractor, the responsibility for payment of operational and personnel expenses at the Center.

PASSED AND ADOPTED this 31st day of July, 2019.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

7/24/19
Date