

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 SEPTEMBER 20, 2019 MEETING, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A LEASE AGREEMENT WITH THE NEW WORLD SYMPHONY, INC (NWS), HAVING AN INITIAL TERM OF FIVE (5) YEARS, WITH ONE (1) FOUR YEAR RENEWAL TERM, BASED UPON THE ESSENTIAL TERMS SET FORTH IN THIS RESOLUTION; SAID AGREEMENT PROVIDING FOR THE CONSTRUCTION, BY THE CITY, OF A STORAGE FACILITY ENCOMPASSING THREE (3) STANDARD PARKING SPACES AND ONE (1) ADA PARKING SPACE, ON THE GROUND FLOOR OF THE "PENN GARAGE", LOCATED AT 1661 PENNSYLVANIA AVENUE (LEASED PREMISES), FOR THE STORAGE OF THE LED SCREENS THAT ARE PART OF THE AUDIO/VISUAL EXPANSION PROJECT AT SOUNDSCAPE PARK, TO BE FUNDED BY THE CITY FROM PREVIOUSLY APPROPRIATED PROJECT FUNDS, IN AN AMOUNT NOT TO EXCEED \$180,000.00; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FINAL NEGOTIATED AGREEMENT.

WHEREAS, at the January 17, 2018 City Commission meeting, Resolution 2018-30158 was passed, adopting the second amendment to the capital budget for FY 2017/18 and transferring the funding, in an amount of \$751,410, from the SoundScape Park concession and restroom project to a project which would expand the listening area in SoundScape Park; and

WHEREAS, funding for this project would come from the transfer of "Pay As You Go (Fund 302)" dollars previously appropriated to the SoundScape Park concession and restroom project; and

WHEREAS, on May 16, 2018, the Mayor and City Commission adopted Resolution No. 2018-30300, approving, in substantial form, Amendment No. 1 to the Video and Audio System Agreement, dated as of November 29, 2007, between the City and New World Symphony in connection with the expansion of the video and audio system at SoundScape Park (Expansion Project), with the City funding the expansion of the audio system, in an amount not to exceed \$752,000, and NWS funding the expansion of the video system, at NWS' sole cost and expense; and

WHEREAS, in addition to the funding identified for the Expansion Project, on November 6, 2018, the General Obligation Bond ("GO Bond") was approved by voters allocating \$4.5M in improvements to SoundScape Park, which included building of a permanent restroom facility to accommodate the high usage of the park, a storage facility for park maintenance needs, and the upgrade of projectors, cameras, and servers to 4K ultra-high definition resolution; and

WHEREAS, as part of the Expansion Project, NWS would be required to purchase two (2) portable LED modular screen video walls, mounted on a portable device, to accompany the stationary audio system being purchased by the City; and

WHEREAS, as indicated by NWS, the LED screen video walls should be stored in a climate-controlled facility in close proximity to the park to ensure ease of accessibility for WALLCAST events, which average 10-13 events per season; and

WHEREAS, NWS does not have a storage facility to house the LED screen video walls; therefore, NWS has not moved forward with the Expansion Project; and

WHEREAS, the City of Miami Beach has consulted with all internal City departments including Parking, Capital Improvement Projects, and Tourism and Culture, and after much discussion, the Administration is recommending the use of space, on the ground floor of the northeast section of the Pennsylvania Avenue Garage, which will permit NWS to access the screens through the loading dock area for the NWS building; and

WHEREAS, the proposed area for the storage facility is currently being used as 3-4 parking spaces and 1 ADA parking space, although the ADA parking space would be re-located to another area within the same garage; and

WHEREAS, the Administration recommends negotiating a lease agreement with NWS for use of the proposed space, including the storage space which will be constructed by the City on behalf of NWS, based upon the following essential terms:

- A. initial term of five (5) years with one (1) four-year renewal term, at the City's option, subject to termination for convenience by the City, upon providing NWS with one (1) year prior advance notice;
- B. rent of \$1.00 per year;
- C. the City to fund the construction of the storage facility, for a total budget cost not to exceed \$180,000;
- D. the City will absorb the rental cost of the parking spaces utilized as a result of this build out, in the amount of \$4800/year; and
- E. NWS will be responsible for the daily housekeeping maintenance of the storage facility and the City will be responsible for any capital improvements, maintenance and repairs, including air conditioning units, and physical damage; and

WHEREAS, CIP has confirmed that a budget of \$180,000 is reasonable for the scope of this work and the City has identified \$180,000 from funds originally allocated for the audio component of the Expansion Project, which the City will not need to utilize.

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 adopt this 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 September 20, 2019 meeting, and authorize the City Manager to negotiate a lease agreement with the New World Symphony, Inc. (NWS), having an initial term of five (5) years, with one (1) four year renewal term, at the City's option, based upon the essential terms set forth in this Resolution; said agreement providing for the construction, by the City, of a storage facility encompassing three (3) standard parking spaces and one (1) ADA parking space, on the ground floor of the "Penn Garage", located at 1661 Pennsylvania Avenue (Leased Premises), for the storage of LED screens that are a part of the Audio/Visual Expansion Project at SoundScape Park, with the project to be funded by the City from previously appropriated project funds, in an amount not to exceed \$180,000.00; and further authorize the Mayor and City Clerk to execute the final negotiated agreement.

PASSED and **ADOPTED** this 16th day of October, 2019.

Mayor Dan Gelber

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

ND 10/16/19
for City Attorney Date