

**RESOLUTION NO. 2020-31231**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 5 TO THE AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND A NATIONAL SALUTE TO AMERICA'S HEROES, LLC, FOR THE AIR AND SEA SHOW EVENT SCHEDULED TO TAKE PLACE ON MEMORIAL DAY WEEKEND OF 2021, 2022 AND 2023 (EACH, AN "ANNUAL SHOW"); WHICH AMENDMENT NO. 5 SPECIFIES THE TERMS AND CONDITIONS FOR THE ACTIVATION OF EACH ANNUAL SHOW, INCLUDING CITY'S PAYMENT OF A MAXIMUM CONTRIBUTION OF \$350,000 FOR EVENT-RELATED PUBLIC SERVICES FOR EACH ANNUAL SHOW, AND CITY'S WAIVER OF SPECIAL EVENT PERMIT FEES, USER FEES AND SQUARE FOOTAGE FEES FOR EACH ANNUAL SHOW.**

**WHEREAS**, on or about February 1, 2016, the City and A National Salute to America's Heroes, LLC, a Florida limited liability company ("Producer"), executed an Agreement with respect to the production of an annual Air & Sea show event (each, an "Event" or "Annual Show") subject to the terms and conditions therein; and

**WHEREAS**, on April 26, 2017, the Mayor and City Commission adopted Resolution No. 2017-29848, authorizing Amendment No. 1 to the Agreement, to waive special event permit fees for the 2017 Annual Show; and

**WHEREAS**, on October 18, 2017, the Mayor and City Commission approved Amendment No. 2 to the Agreement, which amendment delineated the terms and conditions for the 2018 Annual Show activation, and City's waiver of special event permit fees in the amount of approximately \$154,000 and contribution for Event-related Public Services (Police, Fire, Ocean Rescue and Sanitation, in the maximum amount not-to-exceed \$350,000; and

**WHEREAS**, on February 14, 2018, the Mayor and City Commission authorized additional funding to the Producer in the maximum not-to-exceed amount of \$250,000, for the production of a concert to take place during the 2018 Annual Show, which was subsequently memorialized in Amendment No. 3 to the Agreement, dated March 29, 2018; and

**WHEREAS**, on July 2, 2018, the Mayor and City Commission directed the Administration to negotiate revisions to the agreement for the 2019 Annual Show activation, and further specified that no City funding would be provided for any concert that may be produced in conjunction with the 2019 Annual Show, if any; and

**WHEREAS**, on September 21, 2018, the Mayor and City Commission authorized the terms and conditions for the activation and City's sponsorship of the 2019 Annual Show (and each annual show for the remainder of the term) to take place May 25-26, 2019 including City's payment of a maximum not-to-exceed amount of \$350,000 for Event-related Public Services, as well as City's waiver of special event permit fees estimated to total \$154,062, which was memorialized in Amendment No. 4, dated September 21, 2018; and

**WHEREAS**, due to the COVID-19 pandemic, on or about April 6, 2020, in consultation with the Producer, the City exercised the force majeure provision of the Agreement, and cancelled the 2020 Annual Show; and

**WHEREAS**, the proposed Amendment No. 5, authorizes a three (3) year extension of the Agreement, and specifies the terms and conditions for the activation of the 2021-2023 Annual Show, with funding support by the City consistent with the terms approved for prior years.

**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 approve and authorize the Mayor and City Clerk to execute Amendment No. 5 to the Agreement between the City of Miami Beach, Florida and A National Salute to America's Heroes, LLC, for the Air and Sea Show event scheduled to take place on Memorial Day Weekend of 2021, 2022 and 2023 (each, an "Annual Show"); which Amendment No. 5 specifies the terms and conditions for the activation of each Annual Show, including City's payment of a maximum contribution of \$350,000 for event-related public services for each Annual Show, and City's waiver of special event permit fees, user fees and square footage fees for each Annual Show.

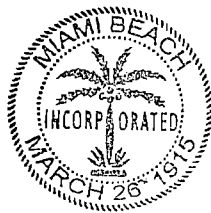
**PASSED and ADOPTED** this 22 day of April 2020.




\_\_\_\_\_  
Mayor Dan Gelber

**ATTEST:**

  
\_\_\_\_\_  
Rafael E. Granada, City Clerk



APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

 4-8-20  
\_\_\_\_\_  
City Attorney RAP Date

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: April 22, 2020

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 5 TO THE AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND A NATIONAL SALUTE TO AMERICA'S HEROES, LLC, FOR THE AIR AND SEA SHOW EVENT SCHEDULED TO TAKE PLACE ON MEMORIAL DAY WEEKEND OF 2021, 2022, AND 2023 (EACH, AN "ANNUAL SHOW"); WHICH AMENDMENT NO. 5 SPECIFIES THE TERMS AND CONDITIONS FOR THE ACTIVATION OF EACH ANNUAL SHOW, INCLUDING CITY'S PAYMENT OF A MAXIMUM CONTRIBUTION OF \$350,000 FOR EVENT-RELATED PUBLIC SERVICES FOR EACH ANNUAL SHOW, AND CITY'S WAIVER OF SPECIAL EVENT PERMIT FEES, USER FEES AND SQUARE FOOTAGE FEES FOR EACH ANNUAL SHOW.

---

### **RECOMMENDATION**

The Administration recommends approval of the Amendment No 5.

### **BACKGROUND/HISTORY**

On or about February 1, 2016, the City and A National Salute to America's Heroes, LLC, a for-profit entity of the State of Florida ("Producer"), executed a five (5) year Agreement with respect to the production of an annual Air & Sea show event (each, an "Event" or "Annual Show") subject to the terms and conditions.

On April 26, 2017, the Mayor and City Commission adopted Resolution No. 2017-29848, authorizing Amendment No. 1 to the Agreement, to waive special event permit fees for the 2017 Annual Show.

On October 18, 2017, the Mayor and City Commission approved Amendment No. 2 to the Agreement, which amendment delineated the terms and conditions for the 2018 Annual Show activation, and City's waiver of special event permit fees in the amount of approximately \$154,000 and contribution for Event-related Public Services (Police, Fire, Ocean Rescue and sanitation, in the maximum amount not-to-exceed \$350,000.

On February 14, 2018, the Mayor and City Commission authorized additional funding to the Producer in the maximum not-to-exceed amount of \$250,000, for the production of a concert to take place during the 2018 Annual Show, which was subsequently memorialized in Amendment No. 3 to the Agreement, dated March 29, 2018.

On July 2, 2018, the Mayor and City Commission directed the Administration to negotiate Amendment No. 4 to the agreement for the Annual Show activation, and further specified that the \$250,000 in cash sponsorship for the concert would be discontinued.

In September 2019, Amendment No. 4 was executed delineate the terms and conditions for the activation of the Annual Show to take place May 25-26, 2019, and further, continued to provide for City's sponsorship of \$504,061, including a maximum not-to-exceed amount of \$350,000 for City provided Event-related Public Services, as well as City's waiver of special event permit fees, estimated to total \$154,061.

Amendment No. 4 also provided for 1) City activities between 5th and 7th Street with the previously approved Event space, 2) reduces the Producers performance bond from \$50,000 to \$20,000 consistent with prior years, and 3) clarifies sponsorship requirements.

The proposed Amendment No. 5 will clarify terms and conditions of the Agreement including extending the term to 2024

### **ANALYSIS**

Due to the COVID-19 pandemic, on or about April 6, 2020, in consultation with the Producer, the City exercised the force majeure provision of the Agreement, and cancelled the 2020 Annual Show, and

Each year, the Air & Sea Show provides the City of Miami Beach residents and visitors an opportunity the celebration of our active military, first responders, veterans and those that have paid the ultimate sacrifice. In addition, the event serves the community by educating, engaging and exposing the Miami Beach's next generation to potential careers.

The event has positively changed the tone and tenor of Memorial Day Weekend in the City and continues to be an event welcomed by residents, visitors, businesses and the community as well as being an economic driver for restaurants, shops and hotels.

Given the current tourism challenges faced by the City in the short-term, the Administration recommends Amendment No. 5 which extends the agreement to produce the Air & Sea show for an additional three (3) years (2021, 2022, and 2023 - each an "Annual Show") as well as specifies the terms and conditions for the activations of each Annual Show, including City payment of a maximum contribution of \$350,000 for event-related public services for each Annual Show, and the City's waiver of special event permit fees, user fees and square footage

fees for each Annual Show.

**FINANCIAL INFORMATION**

\$350,000 Public Services, special event fees, user fees and square footage fees.

**CONCLUSION**

The Administration recommends approval of the Amendment No. 5.

**Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

No

**Does this item utilize G.O. Bond Funds?**

No

**Legislative Tracking**

Tourism and Culture

**ATTACHMENTS:**

**Description**

- Resolution