

**RESOLUTION NO. 2018-**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, 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, INC (NWS), FOR THE EXPANSION OF THE VIDEO AND AUDIO SYSTEM AT SOUNDSCAPE PARK, 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 FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AMENDMENT, IN FINAL FORM, SUBJECT TO REVIEW AND APPROVAL BY THE CITY ATTORNEY.**

**WHEREAS**, the City and New World Symphony, Inc. (NWS) entered into an Agreement of Lease (Lease) dated as of January 5, 2004, as amended by that certain Memorandum of Lease and Possession Date Certificate, dated February 25, 2008, pursuant to which the City leased to NWS certain real property (the Land); and

**WHEREAS**, concurrently therewith, the City and NWS entered into a Development Agreement, dated as of January 5, 2004, as amended by that certain First Addendum to Development Agreement, dated February 20, 2007, and Second Addendum to Development Agreement, dated as of July 9, 2009 (collectively, the Development Agreement) setting forth, among other things, the City's and NWS's respective responsibilities and agreement to coordinate and cooperate in the planning, scheduling and approval of the development, design and construction of: (i) a performance, educational and internet broadcast facility (the Building), together with certain related amenities, facilities and other infrastructure improvements, all on the Land, subject to the terms and conditions of the Lease; (ii) a public municipal parking garage to be designed, developed and constructed by NWS on the City's behalf, and owned and operated by the City at its sole cost and expense on City-owned property adjacent to the land (the Garage); and (iii) a Park (the Park Project) owned by the City, to be located adjacent to the Land, bounded on the west by the Land, bounded on the north by 17<sup>th</sup> Street, bounded on the east by Washington Avenue, and bounded on the south by Lincoln Lane, and currently known as "SoundScape Park"; and

**WHEREAS**, pursuant to Section 6.2 of the Lease, on or about November 29, 2007, the City and NWS entered into a Video and Audio System Agreement (the Agreement) for the, operation, scheduling and content of the programming of the external video and audio systems; and

**WHEREAS**, beginning in 2014, staff began working with New World Symphony, Inc. (NWS) and negotiating with their concessionaire, Thierry Catering, for a concession operation in SoundScape Park, with the funding, in the amount of \$800,000, approved in the Capital Budget for Fiscal Year 2016/17; and

**WHEREAS**, this matter was discussed at the January 11, 2017 City Commission meeting, at which time NWS raised concerns regarding the concession building and the additional restrooms, and staff was directed to discuss this matter further with representatives from NWS and to provide an update at the March 1, 2017 City Commission meeting; and

**WHEREAS**, City staff met with representatives of NWS on February 7, 2017 and discussed the following matters:

- NWS did not want a food and beverage concession operation in SoundScape Park, with a preference of engaging restaurants in the vicinity rather than adding another vendor and structure;
- NWS did not want restrooms in SoundScape Park,
- NWS wanted to close the existing restroom building in SoundScape Park and convert it to a storage building,
- NWS wanted to close Lincoln Lane, making it pedestrian only, and to bring the road surface level with the SoundScape Park grade;
- NWS did not like the current plan for trees on Drexel Avenue;
- NWS requested approval to install additional speaker towers within SoundScape Park,
- NWS wanted to create additional viewing areas within SoundScape Park outside of the current viewing area of the wallcast (i.e., portable screens, permanent display, etc.);
- NWS suggested possible simulcasts and/or information pieces along Lincoln Road, using kiosks or other methods of transmission, in order to incorporate SoundScape Park and NWS along Lincoln Road to bring the three together;
- NWS requested the City consider installing public restroom stalls along public streets (similar to London, Spain, New York, etc.), and

**WHEREAS**, at the March 1, 2017 Commission meeting, staff was directed to not proceed with the food and beverage concession, and to refer the remainder of the NWS suggestions to the Neighborhood/Community Affairs Committee (NCAC), and

**WHEREAS**, at the May 19, 2017 NCAC meeting, NWS staff presented four recommendations for improved amenities that would create a higher level of user experience at SoundScape Park, noted as follows

- Restroom/Storage Facilities - Relocation or reimagining of restroom facilities to also include additional storage space in the existing facility or Pennsylvania Garage;
- Retail Space/Bike Center- Creative use of retail space located in Pennsylvania Garage, possibly a Bike Center such as the facility located adjacent to Millennium Park, Chicago,
- Lincoln Lane Closure and Leveling- Activate and create an exciting southern edge for park in coordination with James Corner Field Associates Lincoln Road Master Plan, including leveling Lincoln Lane Road South to create pedestrian and bike access only,
- Audio and Video Systems- Expand listening and viewing areas to create outdoor "Living Rooms" and pop up video screens, and

**WHEREAS**, on May 19, 2017, the NCAC passed, by acclamation, a recommendation that staff evaluate the cost impacts of improving the proposed amenities at SoundScape Park and subsequently send the evaluation to the Finance and Citywide Projects Committee (FCWPC) for consideration, and

**WHEREAS**, on June 7, 2017, the Mayor and City Commission moved, by acclamation, to minimize impact of bathrooms and for staff to work out the cost of the concepts with NWS, and to refer the financial component to the FCWPC; and

**WHEREAS**, on Friday, August 4, 2017, staff from Tourism, Culture and Economic Development, Parks and Recreation and Capital Improvements Projects met with NWS staff to begin analyzing the costs of the proposed amenities, as follows:

<b>Improved Amenities</b>	<b>Scope of Work</b>	<b>Estimated Budget</b>
Restroom Facility Buildout	Construction of new restroom facilities to accommodate occupancy of 3000 persons	<b>\$720,000</b>
Storage Facility	Converting existing restroom and storage building to a full storage room	<b>\$23,000</b>
Lincoln Lane Closure and Leveling	Pedestrianizing Lincoln Lane from Washington to Drexel	<b>\$3,573,000</b>
Expansion of Audio and Video Systems	Creating additional viewing and listening "Living Rooms"	<b>Audio \$751,410</b> <i>Video \$377,520*</i>

*\*The proposal indicates the cost of the video systems would be the responsibility of NWS*

**WHEREAS**, on October 13, 2017, the FCWPC made a recommendation for staff to continue working with NWS on solving the restroom issue, looking at Lincoln Lane closure, and pursuing a budget amendment to re-appropriate the concession fund for the audio and visual enhancement; and

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

**WHEREAS**, on April 3, 2018, NWS met with staff and advised they were ready to proceed with the SoundScape video and audio system expansion project, which will be governed by the Agreement and memorialized in Amendment No. 1 to the Agreement; and

**WHEREAS**, the breakdown for the Expansion Project budget is as follows:

<b>City of Miami Beach Scope</b>	
Sound System	57,600
Meyer Sound DSP	173,000
Electrical	82,000
Media Hydrants	35,000
Landscape Repairs	8,000
Engineering, Alignment, Installation, Commissioning and Design	290,000
Infrastructure Low Voltage Costs	31,000

Electrical Engineer	6,500
Subtotal	683,100
Contingency (10%)	68,310
Total	<b>751,410</b>

**WHEREAS**, the Administration recommends approving, in substantial form, Amendment No. 1 to the Agreement, incorporated herein by reference and attached to the City Commission Memorandum accompanying this Resolution.

**NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA** that the Mayor and City Commission hereby approve, 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, Inc. (NWS), for the expansion of the video and audio system at SoundScape Park, 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 further authorize the Mayor and City Clerk to execute the Amendment, in final form, subject to review and approval by the City Attorney.

**PASSED and ADOPTED** this 16th day of May 2018.

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Dan Gelber, Mayor

ATTEST:

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Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
REG 5-10-18  
\_\_\_\_\_  
City Attorney BM Date