

RESOLUTION NO. 2018-

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, AND APPROVING, IN SUBSTANTIAL FORM, AMENDMENT NO. 2 TO THE MANAGEMENT AGREEMENT WITH MIAMI NEW DRAMA, INC. (MIND) FOR THE OPERATION, MANAGEMENT, MAINTENANCE, AND PROMOTION OF THE COLONY THEATRE; SAID AMENDMENT CONTAINING THE FOLLOWING ESSENTIAL TERMS: (I) INCREASING THE CITY'S CONTRIBUTION TO MIND FOR THE OPERATION OF THE THEATRE IN FY 2018-2019, TO THE TOTAL SUM NOT TO EXCEED \$500,000, INCLUSIVE OF ANNUAL UTILITY CONTRIBUTIONS IN THE AMOUNT NOT TO EXCEED \$80,000, AND, THEREAFTER, CONTINGENT UPON FUNDING APPROVAL OF THE CITY'S CONTRIBUTION DURING THE CITY'S BUDGETARY PROCESS FOR EACH SUBSEQUENT FISCAL YEAR; (II) UPDATING MIND'S NAME TO REFLECT MIAMI NEW DRAMA, INC; (III) UPDATING THE LEGAL DESCRIPTION OF THE FACILITY, TO REFLECT UNIT 3 OF COLONY THEATRE CONDOMINIUM; (IV) APPROVING THE FIRST RENEWAL TERM, FOR FIVE (5) YEARS, COMMENCING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2023; (V) ENHANCING THE PERFORMANCE MEASURES TO INCLUDE AN EDUCATIONAL DIVISION AND PUBLIC OUTREACH, WHICH WILL INCLUDE PROVIDING FREE TICKETS FOR SENIOR CENTERS THROUGHOUT MIAMI BEACH, APPROXIMATELY 1,000 FREE OR DISCOUNTED TICKETS OFFERED ANNUALLY FOR SENIORS (AGES 62 OR OLDER) AND FOR YOUTH (AGES 13-22); AND (VI) REQUIRING MIND TO ACKNOWLEDGE THE CITY AS AN INSTRUMENTAL BENEFACTOR OF THE THEATRE DURING EACH PERFORMANCE AND IN ALL MARKETING MATERIALS; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FINAL AMENDMENT.

WHEREAS, on December 9, 2015, the City Commission made a dual referral to both the Cultural Arts Council (CAC) and the Finance and Citywide Projects Committee (FCWPC) to discuss options for incentivizing local theater in Miami Beach; and

WHEREAS, this discussion was prompted by the announcement of a major new professional theater company, Miami New Drama, under the direction of multiple-award winning director and playwright Moises Kauffman and Michel Hausmann; and

WHEREAS, on April 13, 2016, the City Commission made another dual referral to the CAC and FCWPC to consider having Miami New Drama manage the Colony Theatre, located at 1040 Lincoln Road, Miami Beach, FL, (the Facility) as a pilot program; and

WHEREAS, on May 12, 2016, Mr. Hausmann presented Miami New Drama's vision to the members of the Cultural Arts Council, who voted unanimously in favor of the organization's proposal to oversee the artistic direction and operation of the Colony Theatre beginning October 1, 2016; and

WHEREAS, The FCWPC met on May 20, 2016 and recommended in support of the proposal; and

WHEREAS, On July 22, 2016, the FCWPC recommended moving forward with the Miami New Drama Management Agreement for the Colony Theatre, including the following City Contributions:

- The City of Miami Beach will provide an annual contribution to Miami New Drama in the amount of \$170,000, payable within fifteen (15) days following the end of each Quarter; and
- The City of Miami Beach will cover utility costs at the Colony Theatre, up to \$80,000 annually, with all costs above \$80,000 being the responsibility of Miami New Drama; and

WHEREAS, On September 14, 2016, the City Commission adopted Resolution No. 2016-29569, approving an agreement with Miami Theater Hub, Inc. d/b/a Miami New Drama (MiND) for the operation, management, maintenance and promotion of the Colony Theatre for an initial term of two (2) years, commencing October 1, 2016 and ending on September 30, 2018, with an option to extend the agreement, at the City's sole discretion, for up to one (1) additional term of five (5) years, and one (1) additional term of two (2) years and 364 days; and

WHEREAS, on October 4, 2016 the City and MiND executed a Management Agreement (the Agreement); and

WHEREAS, on May 17, 2017, the Mayor and City Commission adopted Resolution No. 2017-29858, approving Amendment No. 1 to the Agreement to include six parking spaces at Municipal Parking Lot No. P25 at no charge to MiND; and

WHEREAS, on August 29, 2017, Miami Theater Hub, Inc. changed its name to Miami New Drama, Inc; and

WHEREAS, on February 22, 2018, the City submitted the Facility to Condominium ownership; and

WHEREAS, On April 24, 2018, MiND submitted to City staff the following proposed enhanced performance indicators:

A. Increase Number of Events and Attendance

- Produce 150 events at the facility for contract years October 1, 2018- September 30, 2020, serving more than 35,000 visitors per year;
- Produce 175 events at the facility for contract years October 1, 2020-September 30, 2022, serving more than 40,000 visitors per year;
- Produce 200 events at the facility for contract year October 1, 2022-September 30, 2023, serving more than 45,000 visitors per year.

B. Development of an Educational Division and Increase Public Outreach

Each season would include 4 to 5 Miami New Drama produced or co-produced productions, the development of an educational division, and expansion of their public outreach initiatives to include the following:

- a **"\$3.05 ticket program"** reserving seats for first time theater-goers for every performance for \$3.05. (12 tickets per Miami New Drama Performance, 1,000 tickets annual estimate);
- **free tickets** for senior centers throughout Miami Beach;

- **free or discounted tickets** offered annually for seniors (ages 62 or older) and for youth (ages 13-22) (1,000 tickets annual estimate);
- **educational programs** to accompany each production, including student performances that serve up to 6,400 students. Miami New Drama presents morning matinee performances for Miami-Dade Public School students to provide access to the live theatre experience and share vital and educational stories relevant to them;
- **children's summer camp and workshops** Fun and creative workshops and summer camps will be offered for aspiring artists that combine lessons in acting, hip-hop, breakdancing, singing, beatboxing, percussion and painting teaching students how to take part in all aspects of theatre; and
- **traveling plays for schools and senior centers.** For FY 18/19, Miami New Drama will present 18 performances of *Antigone in the World*, which is an ambitious school and community tour project that provides even greater in depth access to the arts for youth and seniors; and

WHEREAS, under these performance indicators, MiND requested additional City funding, in the amount of \$420,000 annually, to be paid quarterly; and a utilities reimbursement of \$80,000 annually, to be paid quarterly, for a total annual City contribution of \$500,000; and

WHEREAS, on July 20, 2018, the Finance and Citywide Projects Committee recommended moving forward with a total annual contribution of \$500,000 to MiND for FY 2018/19, which was approved by the City Commission as part of the City's budget process on September 26, 2018; and

WHEREAS, the Administration recommends approving, in substantial form, Amendment No. 2 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, hereby accepts the recommendation of the Finance and Citywide Projects Committee, and approve, in substantial form, Amendment No. 2 to the Management Agreement, dated October 4, 2016, with Miami New Drama, Inc. for the operation, management, maintenance, and promotion of the Colony Theatre; said Amendment containing the following essential terms: (I) increasing the City's contribution to MiND for the operation of the Theatre for FY 2018-2019 to the total annual sum not to exceed \$500,000, inclusive of an annual utility contribution, in the amount not to exceed \$80,000, and, thereafter, contingent upon funding approval of the City's contribution during the City's budgetary process for each subsequent fiscal year; (II) updating MiND's name to reflect Miami New Drama, Inc; (III) updating the legal description of the facility to reflect Unit 3 of the Colony Theatre Condominium; (IV) approving the first renewal term, for five (5) years, commencing October 1, 2018 and ending September 30, 2023; (V) enhancing the performance measures to include an educational division and public outreach, which will include providing free tickets for senior centers and approximately 1,000 free or discounted tickets for seniors (ages 62 and older) and for youth (ages 13-22) throughout Miami Beach; and (VI) requiring MiND to acknowledge the City as an instrumental benefactor of the Theatre during each performance and in all marketing materials; and further authorize the Mayor and City Clerk to execute the final amendment.


PASSED and **ADOPTED** this 17th day of October 2018.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

10/10/18
Date