

**RESOLUTION NO. 2017-29711**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY AND FRIENDS OF THE BASS MUSEUM, INC; SAID AMENDMENT PERMITTING THE OPERATION OF AN OUTDOOR CONCESSION AREA ADJACENT TO THE MUSEUM, WHICH WILL PROVIDE FOOD AND BEVERAGE CONCESSION SERVICES TO MUSEUM VISITORS AND THE GENERAL PUBLIC; AND FURTHER PROVIDING THAT THE FINAL NEGOTIATED AMENDMENT SHALL BE SUBJECT TO THE ADVANCE APPROVAL OF THE MAYOR AND CITY COMMISSION.**

**WHEREAS**, on March 18, 2016, the Administration presented a discussion item to the Finance and Citywide Projects Committee (FCWPC) requesting direction on pursuing food and beverage concessions at the Miami Beach Soundscape, Collins Park and the Miami Beach Botanical Garden; and

**WHEREAS**, due to the estimated high cost to renovate the Rotunda at Collins Park and make it suitable for a full-service food and beverage concession (with commercial kitchen, restrooms, life safety requirements, and ADA accessibility) in the approximate sum of \$929,000, the FCWPC directed staff to work with the Friends of the Bass Museum, Inc. (Bass), which manages the Bass Museum at Collins Park, to identify an alternate solution for providing an outdoor food and beverage concession at Collins Park; and

**WHEREAS**, the Bass Museum is currently under construction and anticipates that the construction will be completed in the spring of 2017; and

**WHEREAS**, the Bass issued a Request for Proposals (RFP) in June of 2016 to identify a caterer to operate its new indoor cafe and has negotiated an agreement with Thierry's, Inc.; and

**WHEREAS**, after further discussions with Staff, the Bass is agreeable to expanding the new indoor cafe to the exterior of the Bass Museum building in order to serve museum visitors and members of the public and further activate Collins Park for approximately six months of the year (December – May); and

**WHEREAS**, the Agreement between the City and the Bass does not extend past the building footprint and the Bass is not authorized to operate an outdoor concession area in Collins Park; and

**WHEREAS**, the Bass has been in discussions with Thierry's, Inc. to utilize their services for both the indoor cafe and the proposed outdoor concession area; and

**WHEREAS**, Thierry's, Inc. has advised the Bass that they are interested in operating the outdoor concession area adjacent to the Bass Museum building but are not interested in utilizing the Rotunda in conjunction with the outdoor concession; and

**WHEREAS**, Thierry's, Inc. has requested that the City provide security services for the outside concession area during operating hours; and

**WHEREAS**, the FCWPC was in favor of negotiating an agreement with the Bass for the outdoor concession area, including the City providing security services, and an abatement of any financial consideration to the City.

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 authorize the Administration to negotiate an amendment to the agreement between the City and Friends of the Bass Museum, Inc.; said amendment permitting the operation of an outdoor concession area adjacent to the museum, which will provide food and beverage concession services to the museum visitors and the general public; and further provide that the final negotiated amendment shall be subject to the advance approval of the Mayor and City Commission.

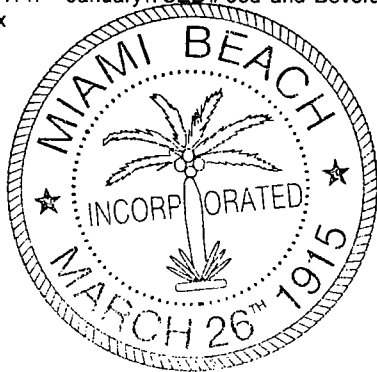
PASSED and ADOPTED this 11 day of January 2017.

ATTEST:

*Rafael Granado* 1/24/17  
RAFAELE GRANADO, CITY CLERK

*Philip Levine*  
PHILIP LEVINE, MAYOR

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*D. Lopez* 1/4/17  
City Attorney *DM* Date

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: January 11, 2017

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY AND FRIENDS OF THE BASS MUSEUM, INC.; SAID AMENDMENT PERMITTING THE OPERATION OF AN OUTDOOR CONCESSION AREA ADJACENT TO THE MUSEUM, WHICH WILL PROVIDE FOOD AND BEVERAGE CONCESSION SERVICES TO MUSEUM VISITORS AND THE GENERAL PUBLIC; AND FURTHER PROVIDING THAT THE FINAL NEGOTIATED AMENDMENT SHALL BE SUBJECT TO THE ADVANCE APPROVAL OF THE MAYOR AND CITY COMMISSION.

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### **RECOMMENDATION**

Adopt the Resolution.

### **BACKGROUND**

The Finance and Citywide Projects Committee (FCWPC) initially discussed food and beverage concessions at Soundscape Park, Collins Park and the Miami Beach Botanical Garden at the June 20, 2014 meeting and recommended pursuing food and beverage concessions through the pop-up concept or food trucks for Soundscape Park and the Miami Beach Botanical Garden. The Finance and Citywide Projects Committee recommended waiting for a broader master plan for activating Collins Park before pursuing a concession operation at this location. This matter has been further discussed and developed at the January 7, 2015, March 18, 2016, May 20, 2016, June 17, 2016 and December 16, 2016 Finance and Citywide Projects Committee meetings.

### **ANALYSIS**

Due to the estimated high cost to renovate the Rotunda at Collins Park and make it suitable for a full-service food and beverage concession, with commercial kitchen, restrooms, life safety requirements, and ADA accessibility (approximately \$929,000), the Finance and Citywide Projects Committee recommended staff work with the Friends of the Bass Museum, Inc. (Bass) to identify an alternative solution to provide an outdoor concession.

The Bass issued a Request for Proposals (RFP) in June 2016 to identify a caterer to operate its new indoor café which is currently under construction and is anticipated to be completed in the spring of 2017. The Bass is currently in negotiations with Thierry Catering and expects to finalize an agreement this month. Thierry Catering is the exclusive caterer at The New World Center, home of the New World Symphony and recently acquired AVENUE D, a Jazz club

located in the heart of downtown.

Staff met with representatives from the Bass and discussed expanding the new indoor café to the exterior of the building in order to serve members of the public and further activate Collins Park. The Bass is agreeable to this plan and has already been in discussions with Thierry Catering to utilize their services for both the indoor café and the outdoor concession area.

Thierry's Catering has advised the Bass they are interested in operating the outdoor concession area adjacent to the building, but has requested the City provide security services during operating hours. The Bass has suggested operating the outdoor area seasonally from approximately December to May to avoid the high temperatures the rest of the year. Details of the outdoor café operations are still in discussion.

In addition to the outdoor café, another aspect of activation for Collins Park could be the Rotunda utilized solely as a location to take orders and distribute food and beverages to customers of Thierry's café operation. Without the need for full kitchen equipment, bathrooms, etc., the cost to renovate the Rotunda would be less than the \$929,000 estimated for a full-service food and beverage operation. The Bass has advised Staff that Thierry has no interest in utilizing the Rotunda as an extension of their food and beverage operation associated with the Bass' indoor/outdoor cafe. Other entities have expressed an interest in using the space in this manner, however the Bass also expressed an interest in using the Rotunda as an art exhibition space. In this case, the Bass would pursue state funding for the renovation of the Rotunda to suit its needs.

At the December 16, 2016 FCWPC meeting, the Committee was in favor of negotiating an agreement with the Bass for the outdoor concession area, including the City providing security services, and abatement of any financial consideration to the City. The FCWPC was also in favor of allowing the Bass to pursue funding for the renovation of the Rotunda to suit its needs as an art exhibition space.

### **CONCLUSION**

The Administration recommends in favor of negotiating an amendment to the Agreement between the City and the Friends of the Bass Museum, Inc. to permit the operation of an outdoor concession area adjacent to the museum and to allow the Bass to pursue funding to renovate the Rotunda for use as an art exhibition space.

### **Legislative Tracking**

Tourism, Culture and Economic Development

### **ATTACHMENTS:**

#### **Description**

- Resolution