

RESOLUTION NO. _____

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 ____ day of April 2020.

Mayor Dan Gelber

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 4-8-20

City Attorney RAP Date