

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE MANAGEMENT AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND THE RHYTHM FOUNDATION INC. FOR THE MANAGEMENT AND OPERATION OF THE NORTH BEACH BAND SHELL, TO INCREASE THE NUMBER OF RENTAL WAIVERS THAT THE CULTURAL ARTS COUNCIL MAY EXERCISE UNDER THE AGREEMENT FROM 12 FREE CHARITABLE USE WAIVERS TO 36 FREE CHARITABLE USE WAIVERS FOR FISCAL YEAR 2020/2021 ONLY, AND FURTHER PROVIDING THAT THE TOTAL CITY CONTRIBUTION FOR RENTAL WAIVERS AND REIMBURSEMENTS FOR VENUE COSTS FOR EACH QUALIFYING EVENT DURING FISCAL YEAR 2020/2021 SHALL NOT EXCEED AN AGGREGATE AMOUNT OF \$2,500 PER EVENT.

WHEREAS, The Rhythm Foundation, Inc. is a Florida, not-for-profit 501(c)3 arts organization which seeks to increase international awareness and cultural exchange through the presentation of live music and related media programming; and

WHEREAS, on September 10, 2014, the Mayor and City Commission adopted Resolution Number 2014-28722, accepting the written recommendation of the City Manager pertaining to the ranking of proposals pursuant to ITN 2014-215-LR for North Shore Band Shell Management Services and authorizing the Administration to enter into negotiations with the Rhythm Foundation, Inc. as the top-ranking proposer; and

WHEREAS, on February 19, 2015, the City and The Rhythm Foundation executed the Management Agreement for the management of the North Shore Band Shell (the "Agreement") for an initial term of two (2) years (which commenced retroactively on October 1, 2014) with three (3) additional one (1) year renewal terms; the Agreement expired on September 30, 2019; and

WHEREAS, since entering into the Agreement, The Rhythm Foundation has cemented the North Shore Band Shell as an exciting cultural anchor in the North Beach area being voted as the "Best Venue for Local Acts" in 2016 by the New Times; and

WHEREAS, The Rhythm Foundation, Inc. continues to present a well-rounded series of concerts, free community and civic events, cultural programs, popular music and large productions that welcomes the entire South Florida community to the North Shore Band Shell; and

WHEREAS, at the June 5, 2019 City Commission Meeting, the Mayor and City Commission approved Resolution No. 2019-30846 waiving the formal competitive bidding requirement and authorizing the City Manager to execute a new management agreement with The Rhythm Foundation, Inc, and the Agreement was executed on October 23, 2019 (Exhibit A); and

