

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. 2 TO THE CONCESSION AGREEMENT BETWEEN THE CITY AND PRODUCTIONS SUD, INC. FOR THE MANAGEMENT AND OPERATIONS OF THE LINCOLN ROAD ANTIQUES AND COLLECTIBLES MARKET; SAID AMENDMENT MODIFYING THE FINANCIAL TERMS OF THE AGREEMENT FOR THE PERIOD COMMENCING ON OCTOBER 1, 2020 AND ENDING ON SEPTEMBER 30, 2022, IN ORDER TO ADDRESS THE FINANCIAL IMPACT OF THE COVID-19 PANDEMIC ON CONCESSIONAIRE'S OPERATIONS.**

**WHEREAS**, pursuant to Resolution No. 2020-31401, the City and Productions Sud, Inc. (Concessionaire) are parties to a Concession Agreement (Agreement), dated April 5, 2021 for the operation and management of the Antiques and Collectibles Market on Lincoln Road; and

**WHEREAS**, said Agreement commencing on October 1, 2020, and expiring on September 30, 2023, contains two (2) renewal options, at the City's sole discretion, for an additional two (2) years each; and

**WHEREAS**, the Agreement's essential financial terms requires Concessionaire to pay 15% of Gross Sales with a Minimum Guarantee of \$40,000.00; and

**WHEREAS**, although the market was able to open and operate for the 2021 season, from October 2020 through May 2021, the COVID-19 pandemic resulted in the Concessionaire losing over half of its vendors resulting in a financial impact for the operator to meet the Minimum Guarantee (MG); and

**WHEREAS**, on September 17, 2021, the Mayor and City Commission referred an item to the Finance and Economic Resiliency Committee to discuss potential relief for the Concessionaire; and

**WHEREAS**, at the October 13, 2021 Finance and Economic Resiliency Committee (FERC) meeting, the Administration presented the following modified financial terms and conditions, which would be included in Amendment No. 2 to the Agreement:

- Reduce current Minimum Guarantee from \$40,000 to \$23,000 for the period of October 1, 2020 to September 30, 2022;
- Commencing on October 1, 2022, the annual Minimum Guarantee would return to \$40,000 as stipulated in the Agreement; and
- Concessionaire will continue to pay 15% Gross Sales during the entire term of the Agreement; and

**WHEREAS**, due to COVID-19 Delta variant, many vendors remain displaced, and considering that the lucrative tourism traffic has not yet returned to Lincoln Road, the Concessionaire expects the 2022 season to continue on a similar track for at least a portion of the season; and

**WHEREAS**, the market has been operating in Lincoln Road every weekend for the past 28 years, from October through May, and has a positive impact to the residents and visitors of Miami Beach; and

**WHEREAS**, the City Manager 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 as Exhibit "1".

**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 approve and authorize the City Manager to execute Amendment No. 2 to the Concession Agreement between the City and Productions Sud, Inc. for the management and operations of the Lincoln Road Antiques and Collectibles Market; said amendment modifying the financial terms of the Agreement for the period commencing on October 1, 2020 and ending on September 30, 2022, in order to address the financial impact of the COVID-19 pandemic on Concessionaire's operations.

**PASSED and ADOPTED THIS** \_\_\_\_ day of \_\_\_\_\_ 2021.

**ATTEST:**

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**Dan Gelber, Mayor**

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**Rafael E. Granado, City Clerk**

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

11-19-21  
Date