

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE THE FOLLOWING ACTIONS TO TERMINATE THE CITY'S RELATIONSHIP WITH AND FINANCIAL SUPPORT OF LIVING ARTS TRUST, INC. D/B/A O CINEMA: (1) TERMINATE FOR CONVENIENCE THE O CINEMA LEASE AT THE CITY OWNED FACILITY AT OLD CITY HALL, LOCATED AT 1130 WASHINGTON AVENUE, WITH 180 DAYS' PRIOR NOTICE, AND (2) IMMEDIATELY DISCONTINUE ANY GRANT FUNDING SUPPORTING THE O CINEMA PROJECT PURSUANT TO APPLICABLE PROVISIONS OF OPERATIVE GRANT AGREEMENTS WITH LIVING ARTS TRUST (O CINEMA).

WHEREAS, the City executed a Lease Agreement with Living Arts Trust, Inc. D/B/A O Cinema ("O Cinema") on July 18, 2019 and Amendment No. 1 to that lease on June 18, 2024 ("the Lease Agreement") for the movie theater premises located on the first floor of Old City Hall, located at 1130 Washington Avenue in the City of Miami Beach ("the Premises"); and

WHEREAS, the Lease Agreement allows O Cinema to operate a movie theater on the Premises subject to the City's right, inter alia, to terminate the Lease Agreement for the convenience of the City with 180 days' prior notice pursuant to Section 2.3 of the original Lease Agreement; and

WHEREAS, the Mayor and City Commission desire to terminate the Lease Agreement and authorize the City Manager to exercise the City's right to terminate the Lease Agreement for Convenience with 180 day's prior notice to O Cinema; and

WHEREAS, the City executed two grant agreements ("the Grant Agreements") with O Cinema dated December 20, 2024 and January 24, 2025 in the amounts of \$25,831.00 and \$54,071.52, respectively; and

WHEREAS, pursuant to the terms of the Grant Agreements, half of the grant amounts have been paid by the City to O Cinema, but the second half of the grant amounts have not been paid and are not due to be paid until completion of the grant projects and submission, and the City's prior written approval, of the required Final Report; and

WHEREAS, the Grant Agreements (1) provide at paragraph 15(c) that the City may, at its sole discretion, discontinue funding of the Grant if it is not satisfied with the progress of the grant project, and (2) provide at paragraph 15(d) that the City Manager may, at his sole discretion, suspend each agreement and all funding if any portion of the Grantee's project is found to be contrary to the City's values and/or interests in promoting a safe and inclusive environment for residents and visitors; and

WHEREAS, the Mayor and City Commission desire to suspend and terminate the Grant Agreements and discontinue any further funding to O Cinema pursuant to paragraphs 15(c) and 15(d) of the Grant Agreements; and

WHEREAS, the Mayor and City Commission desire to identify a new tenant/grantee to operate the movie theater located on the Premises that more accurately reflects the City's values and/or interests in promoting a safe and inclusive environment for residents and visitors.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize and direct the City Manager to take the following actions to terminate the City's relationship with and financial support of Living Arts Trust, Inc. D/B/A O Cinema: (1) terminate for

convenience the O Cinema lease at the City owned facility at Old City Hall, located at 1130 Washington Avenue, with 180 days' prior notice, and (2) immediately discontinue any grant funding supporting O Cinema pursuant to applicable provisions of operative Grant Agreements with Living Arts Trust (O Cinema).

PASSED and ADOPTED this 19th day of March, 2025.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

(Sponsored by Mayor Steven Meiner)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *RR*

3/11/2025

Date