

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, AMENDMENT NO. 6 TO THE AGREEMENT BETWEEN THE CITY AND A NATIONAL SALUTE TO AMERICA'S HEROES, LLC DATED FEBRUARY 1, 2016, SAID AMENDMENT EXTENDING THE TERM OF THE AGREEMENT TO INCLUDE THE HYUNDAI AIR AND SEA SHOW EVENTS SCHEDULED TO TAKE PLACE DURING MEMORIAL DAY WEEKEND IN 2025, 2026, AND 2027 (EACH AN "ANNUAL SHOW"), INCLUDING THE CITY'S MAXIMUM CONTRIBUTION OF \$350,000 IN EVENT-RELATED CITY SERVICES FOR EACH ANNUAL SHOW AND CITY'S WAIVER OF SPECIAL EVENT FEES, LUMMUS PARK USER FEES, AND SQUARE FOOTAGE FEES FOR EACH ANNUAL SHOW AS ESTABLISHED BY THE CITY FROM TIME TO TIME; AND FURTHER, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE AMENDMENT.

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"); and

WHEREAS, on April 26, 2017, the Mayor and City Commission discussed agenda item R9 AL, entitled "Discussion Regarding Memorial Day Air & Sea Show" and adopted Resolution No. 2017-29848, approving the waiver of special event permitting fees for the 2017 Annual Show (Amendment No. 1); and

WHEREAS, on October 18, 2017, the Mayor and City Commission discussed agenda item R9 J, entitled "Discussion of an Amendment to the Air & Sea Show Agreement which would allow the Event Producer to Expand the Show to Run from 10:00 AM – 9:30 PM, including Two Major Televised Concert Performances and a Fireworks Display on both Saturday and Sunday Evenings; and to Discuss a Potential Increase in City Resources to Support the Larger Production" and approved the terms and conditions for the 2018 larger Annual Show activation, including the City's waiver of special event permit fees, in the amount of approximately \$154,000.00, and the contribution for Event-related Public Services (Police, Fire, Ocean Rescue and Sanitation, in the maximum amount not-to-exceed \$350,000.00, as memorialized in Amendment No. 2 to the Agreement; 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, to produce a concert to take place during the 2018 Annual Show, as memorialized in Amendment No. 3 to the Agreement; and

WHEREAS, on July 2, 2018, the Mayor and the City Commission discussed agenda item R9 A, entitled "Discussion Regarding the 2018 National Salute to America's Heroes Air & Sea Show and City-Funded Concert" and 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 Annual Show; and

WHEREAS, on September 21, 2018, the Mayor and City Commission adopted Resolution No. 2018-30509, approving the terms and conditions for the activation and City sponsorship of the 2019 Annual Show, which took place May 25-26, 2019, including the City's payment of a maximum not to exceed amount of \$350,000.00 for Event-related public services, as well as a City waiver of special event permit fees estimated to total \$154,062.00, which was memorialized in Amendment No. 4 to the Agreement; 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, on April 22, 2020, the Mayor and City Commission adopted Resolution No. 2020-31231, approving Amendment No. 5 to the Agreement; said Amendment approving a three (3) year extension of the Agreement and specifying the terms and conditions for the activation for the 2021-2023 Annual Shows, including the City's payment of a maximum contribution of \$350,000 for Event-related public services for each Annual Show; and

WHEREAS, upon presenting the draft Amendment No. 5 to the Producer, the Producer advised that it was under the impression that the City Commission's extension of the Agreement would include the 2024 Annual Show in light of the cancellation of the 2020 Annual Show; and

WHEREAS, on April 29, 2021, the Mayor and City Commission adopted Resolution No. 2021-31673, authorizing an amendment to the Agreement for the sole purpose of including the 2024 Air and Sea Show event to the scope of the Agreement, based upon the same terms and conditions as applicable to the 2021-2023 Annual Shows; and

WHEREAS, on May 4, 2021, the City and Producer executed Amendment No. 5, incorporating the 2021-2024 Annual Shows into the Agreement; and

WHEREAS, the term of the Agreement has expired with the 2024 Annual Show and the Producer has requested that the term of the Agreement be extended concurrent with the Producer's renewal of the title Sponsor, Hyundai, for the years 2025, 2026, and 2027; and

WHEREAS, the Annual Shows have proven to be a positive activation for the City; and

WHEREAS, the Administration recommends approving, in substantial form, Amendment No. 6 to the Agreement, a draft copy of which is attached to the City Commission Memorandum accompanying this Resolution, said Amendment extending the term of the Agreement to include the Hyundai Air and Sea Show Events, scheduled to take place during Memorial Day weekend in 2025, 2026, and 2027, including the City's maximum contribution of \$350,000 for Event-related City services for each Annual Show and City's waiver of special event fees, Lummus Park user fees, and square footage fees for each Annual Show, as established by the City from time to time.

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, in substantial form, Amendment No. 6 to the Agreement between the City and A National Salute to America's Heroes, LLC dated February 1, 2016; said Amendment extending the term of the Agreement to include the Hyundai Air and Sea Show event scheduled to take place on Memorial Day weekend of 2025, 2026, and 2027 (each an "Annual Show"), including the City's payment of a maximum contribution of \$350,000 in Event-related City services for each Annual Show and City's waiver of special event fees, Lummus Park user fees, and square footage fees for each Annual Show as established by the City from time to time; and further, authorize the City Manager and City Clerk to execute the Amendment.

PASSED AND ADOPTED this 26th day of June 2024.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

Date

6/17/2024