

C7 M A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A REVISION TO THE SCOPE OF WORK APPROVED IN CONNECTION WITH THE GRANT AGREEMENT AWARDED TO NEW WORLD SYMPHONY, INC. ("GRANTEE"), IN CONNECTION WITH THE GENERAL OBLIGATION BOND FOR ARTS & CULTURE; AND FURTHER, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO DRAFT AND EXECUTE AMENDMENT 2 ACCORDINGLY.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO:	Honorable Mayor and Members of the City Commission
FROM:	Rickelle Williams, Interim City Manager
DATE:	July 24, 2024
TITLE:	A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A REVISION TO THE SCOPE OF WORK APPROVED IN CONNECTION WITH THE GRANT AGREEMENT AWARDED TO NEW WORLD SYMPHONY, INC. ("GRANTEE"), IN CONNECTION WITH THE GENERAL OBLIGATION BOND FOR ARTS & CULTURE; AND FURTHER, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO DRAFT AND EXECUTE AMENDMENT 2 ACCORDINGLY.

RECOMMENDATION

It is recommended that the Mayor and City Commission adopt the Resolution.

BACKGROUND/HISTORY

At the July 20, 2022 City Commission meeting, the Mayor and City Commission approved Resolution No. 2022-32261, authorizing a special election, submitting to the electorate of the City of Miami Beach the question asking whether the City shall be authorized to issue general obligation bonds (GOB), not exceeding \$159,000,000, to improve facilities for resiliency of arts and cultural institutions throughout the City, including museums, performance venues, artistic playgrounds, senior/cultural centers, botanical garden, aquatic sculpture park, and related artist/workforce housing.

On November 8, 2022, the voters of the City of Miami Beach approved the issuance of a General Obligation Bond for Arts & Culture in the not to exceed amount of \$159 million.

At the November 16, 2022 City Commission meeting, the Mayor and City Commission approved Resolution No. 2022-32405 directing the Administration and City Attorney's Office to negotiate and secure public benefits for residents of the City as part of the grant agreements with cultural arts organizations that will receive G.O. Bond for Arts & Culture funds.

On March 27, 2023, the City Commission adopted Resolution No. 2023-32523 approving the template for the Grant Agreement to be signed by grant recipients (Approved Grant Agreement Template).

On April 28, 2023, the City Commission adopted the following Resolutions related to the G.O. Bond for Arts & Culture:

- Resolution No. 2023-32592 accepting the recommendations of the Finance and Economic Resiliency Committee (FERC) for Tranche 1 in the not-to-exceed amount of \$101,700,000 (including grant amounts for the following projects: Workforce Housing, New World Symphony, Holocaust Memorial, Miami Beach Hispanic Community Center, the Wolfsonian and the Jewish Museum of Florida).

- Resolution No. 2023-32593 approving revisions to the Grant Agreement Template.
- Resolution No. 2023-32594 approving the additional public benefits proffered by each of the cultural arts organizations or entities that will receive Arts & Culture G.O. Bond funds or that will directly benefit from capital projects paid for with bond funding.

On May 17, 2023 and June 28, 2023, the first and second public readings of the bond issuance resolution were held.

On July 26, 2023, the City Commission adopted Resolution No. 2023-32691 approving a first amendment to the Grant Agreement Template, allowing for the advancing of grant award funds pursuant to the Grant Agreements previously approved in connection with the General Obligation Bond for Arts & Culture.

ANALYSIS

The final list of projects approved as part of the G.O. Bond for Arts & Culture included a \$5.7 million allocation for the New World Symphony facility.

The scope of work, as approved by the City Commission included a **\$750,000** allocation for a new pergola at the Roof Garden. The detailed scope of work, as approved in the Grant Agreement executed on October 11, 2023, is included herein as **Exhibit 1**.

The New World Symphony (“Grantee”) has requested the substitution of the pergola scope of work for the replacement of the cameras and robotic control system in the Michael Tilson Performance Hall. The Grantee’s formal request is included herein as **Exhibit 2**. There is no cost to the City for this request.

The total estimated cost of the new cameras and robotic control system, according to the Grantee, is **\$1,545,051**. The Grantee will be responsible for all costs in excess of amounts approved by the City and will remain in full compliance with the terms and conditions of the approved grant agreement.

As per sections 1.2, 2.1 and 7.3 of the Grant Agreement, City Commission approval is required for any alterations to the previously approved scope of work.

The City’s Bond Counsel and Tax Advisor have reviewed the request and have no objections.

The G.O. Bond Oversight Committee will be reviewing the request at the July 18, 2024 meeting. Their recommendation will be provided as **Exhibit 3** via Supplemental Agenda.

FISCAL IMPACT STATEMENT

N/A

FINANCIAL INFORMATION

N/A

CONCLUSION

The Administration recommends the adoption of this Resolution approving a revision to the scope of work approved in connection with the Grant Agreement awarded to the New World Symphony, Inc., in connection with the General Obligation Bond for Arts & Culture; and further, authorizing the City Manager and City Clerk to draft and execute Amendment 2 accordingly.

Applicable Area

South Beach

Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

Yes

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

G.O. Bond Program

Sponsor(s)

Co-sponsor(s)

Attachments:

Exhibit 1: Current Scope of Work

Exhibit 2: Scope Change Request

Exhibit 3: G.O. Bond Oversight Committee Recommendation (to be provided via Supplemental Agenda)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A REVISION TO THE SCOPE OF WORK APPROVED IN CONNECTION WITH THE GRANT AGREEMENT AWARDED TO NEW WORLD SYMPHONY, INC. ("GRANTEE"), IN CONNECTION WITH THE GENERAL OBLIGATION BOND FOR ARTS & CULTURE; AND FURTHER, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO DRAFT AND EXECUTE AMENDMENT 2 ACCORDINGLY.

WHEREAS, at the July 20, 2022 Commission meeting, the Mayor and Commission approved Resolution No. 2022-32261, authorizing a special election, submitting to the electorate of the City of Miami Beach the question asking whether the City shall be authorized to issue general obligation bonds ("GOB"), not exceeding \$159,000,000, to improve facilities for resiliency of arts and cultural institutions throughout the City, including museums, performance venues, artistic playgrounds, senior/cultural centers, botanical garden, aquatic sculpture park, and related artist/workforce housing; and

WHEREAS, on November 8, 2022, the voters of the City of Miami Beach approved the issuance of a General Obligation Bond for Arts & Culture in the not to exceed amount of \$159 million; and

WHEREAS, at the November 16, 2022 Commission meeting, the Mayor and Commission approved Resolution No. 2022-32405 directing the Administration and City Attorney's Office to negotiate and secure public benefits for residents of the City as part of the grant agreements with cultural arts organizations that will receive G.O. Bond for Arts & Culture funds; and

WHEREAS, on March 27, 2023, the City Commission adopted Resolution No. 2023-32523 approving the template for the Grant Agreement to be signed by grant recipients (Approved Grant Agreement Template); and

WHEREAS, on April 28, 2023, the City Commission adopted Resolution No. 2023-32592 accepting the recommendations of the Finance and Economic Resiliency Committee ("FERC") for Tranche 1 in the not-to-exceed amount of \$101,700,000, Resolution No. 2023-32593 approving revisions to the Grant Agreement Template, and Resolution No. 2023-32594 approving the additional public benefits proffered by each of the cultural arts organizations or entities that will receive Arts & Culture G.O. Bond funds or that will directly benefit from capital projects paid for with bond funding; and

WHEREAS, on May 17 and June 28, 2023, the first and second public hearings of the bond issuance were held; and

WHEREAS, on July 26, 2023, the City Commission adopted Resolution No. 2023-32691 approving a first amendment to the Grant Agreement Template, allowing for the advancing of grant award funds pursuant to the Grant Agreements previously approved in connection with the General Obligation Bond for Arts & Culture; and

WHEREAS, the final list of projects approved as part of the General Obligation Bond for Arts & Culture included a \$5.7 million allocation for the New World Symphony facility; and

WHEREAS, the scope of work, as approved by the City Commission included a \$750,000 allocation for a new pergola at the Roof Garden; and

WHEREAS, the detailed scope of work, as approved in the Grant Agreement executed on October 11, 2023, is attached to the Commission Memorandum as Exhibit 1 accompanying this Resolution; and

WHEREAS, the New World Symphony ("Grantee") has requested the substitution of the pergola scope of work for the replacement of the cameras and robotic control system in the Michael Tilson Performance Hall; and

WHEREAS, the Grantee's formal request is attached to the Commission Memorandum as Exhibit 2; and

WHEREAS, the total estimated cost of the new cameras and robotic control system, according to the Grantee is \$1,545,051; and

WHEREAS, there is no cost to the City for this request – the Grantee will be responsible for all costs in excess of amounts approved by the City, and will remain in full compliance with the terms and conditions of the approved Grant Agreement; and

WHEREAS, as per sections 1.2, 2.1 and 7.3 of the Grant Agreement, City Commission approval is required for any alterations to the previously approved scope of work; and

WHEREAS, the City's Bond Counsel and Tax Advisor have reviewed the request and have no objections; and

WHEREAS, the G.O. Bond Oversight Committee reviewed the request at the July 18, 2024 meeting and have no objections.

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 a revision to the scope of work approved in connection with the Grant Agreement awarded to the New World Symphony, Inc. ("Grantee"), in connection with the General Obligation Bond for Arts & Culture; and further, authorize the City Manager and City Clerk to draft and execute Amendment 2 accordingly.

PASSED and ADOPTED this ____ day of _____, 2024.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

7/10/2024

Date

Exhibit 1

EXHIBIT C BUDGET, FUNDING SOURCES AND CASH FLOW SCHEDULE

Project Description	Original Budget	Cash Flows	
		Start	End
Exterior Paint and Stucco	250,000	May 2023	Aug 2023
Replace Acoustical Panels	150,000	May 2023	Sep 2023
Replace Main Fire Alarm Panels	255,000	June 2023	July 2024
Facility-Wide Power Stabilization	150,000	Jun 2023	Jun 2024
Flood Barriers	650,000	Aug 2023	Sep 2024
New Pergola (Trellis) for Roof Garden	750,000	May 2024	Sep 2025
Acoustical Resurfacing of Performance Hall Sails	500,000	Jun 2024	Sep 2024
Elevator Modernization	750,000	May 2023	Sep 2026
Mark-Ups	1,355,072		
Contingency	889,923		Sep 2026
Totals	<u>5,700,000</u>		

Notes

1. Current budget based on proposals and discussions with various contractors, or estimated.
2. All costs subject to change until contracts are executed.
3. Some projects will require several contractors or subcontractors.
4. Some projects will require permits and other city approvals.
5. Total cost in excess of \$5,700,000 will be funded by NWS or other donors.
6. All costs submitted for reimbursement will comply with terms and conditions of the executed grant agreement.

Highlighted item to be removed from original scope.

Exhibit 2



May 31, 2024

Maria Hernandez
GO Bond Program Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach FL 33139

Re: Arts & Culture Bond Grant Project Scope Change

Dear Maria:

New World Symphony respectfully requests the following change to our list of approved projects:

- REMOVE new pergola for the roof garden at New World Center,
- ADD new cameras and robotic control system for the Michael Tilson Thomas Performance Hall in New World Center.

The funding allocation under the approved GO Bond grant to NWS will remain the same with no incremental cost to the City. NWS will be responsible for any costs of this new project in excess of amounts approved by the City of Miami Beach.

This request reflects a priority reassessment for constructing a pergola on our roof garden versus approaching end-of-life for our current camera system. Our cameras and robotic control systems are at the heart of most of the activities at NWS including WALLCAST® concerts, webcasts, and educational activities (eg, masterclasses, distance learning, and remote connections with living composers). These systems also provide support for rental activities in the performance hall which have included City of Miami Beach Mayoral "State of the City" addresses, the Aspen Institute, and many other community activations.

Separately, I have provided you with more detailed specifications and current pricing for the new camera system and robotics. We will re-bid this in the spring of 2025 with the expectation that the work will occur during the summer of 2025. This timeframe fits within the current schedules for completion of all NWS GO Bond funded projects in Tranche One.

Thank you for your consideration of this change.

Sincerely,

David J. Phillips
Executive Vice President, Facilities and IT

MIAMI BEACH

OFFICE OF THE CITY CLERK

LTC # 309-2024

LETTER TO COMMISSION

TO: Honorable Mayor Steven Meiner and Members of the City Commission

FROM: Rafael Granado, City Clerk

DATE: July 19, 2024

SUBJECT: **G.O. Bond Oversight Committee Motion
Item C7 M – Exhibit 3
Grant Agreement Scope Change – New World Symphony**

On July 18, 2024, the G.O. Bond Oversight Committee made a motion endorsing the New World Symphony's request to substitute the pergola scope of work for the replacement of the cameras and robotic system in the Michael Tilson Performance Hall.

Motion made by Jack Glottmann
Motion seconded by Dana Martorella
Motion passed 7-0
1 member absent
1 member not part of quorum

Voting Members part of quorum:

Karen Rivo (Chair), Bruce Halpryn, Dana Martorella, Jack Glottmann, Jason Koslowe, Kate Mosely, Laura Veitia,

Voting Members not part of quorum: Shari Gurkin

Voting Members absent: Dennis Scholl

Non-Voting Members present: David Sexton, Donald Goldberg, Isaiah Mosely, Jack Benveniste

Non-Voting Members absent: Adam Kravitz

Questions, regarding the motion, may be directed to Maria Hernandez, G.O. Bond Program Director and G.O. Bond Oversight Committee liaison, at MariaHernandez@miamibeachfl.gov or by calling extension #22584.

RG / MH