

C7 M A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE, FINALIZE, AND EXECUTE AMENDMENT NO. 4 TO THE COLONY THEATRE MANAGEMENT AGREEMENT BETWEEN THE CITY AND MIAMI NEW DRAMA, INC. TO REFLECT A \$200,000 INCREASE TO THE MANAGEMENT FEE, AS APPROVED IN THE FISCAL YEAR 2025 BUDGET.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: December 11, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE, FINALIZE, AND EXECUTE AMENDMENT NO. 4 TO THE COLONY THEATRE MANAGEMENT AGREEMENT BETWEEN THE CITY AND MIAMI NEW DRAMA, INC. TO REFLECT A \$200,000 INCREASE TO THE MANAGEMENT FEE, AS APPROVED IN THE FISCAL YEAR 2025 BUDGET.

RECOMMENDATION

The Administration recommends the Mayor and City Commission adopt the Resolution authorizing the Administration to negotiate, finalize, and execute Amendment No. 4 to the Colony Theatre Management Agreement between the City and Miami New Drama, Inc. to reflect a \$200,000 increase to the management fee, as approved in the Fiscal Year (FY) 25 budget.

BACKGROUND/HISTORY

On June 8, 2016, the Mayor and City Commission adopted Resolution No. 2016-29429 accepting the recommendation of the Finance and Citywide Projects Committee and approved, in concept, a pilot program for the management of the Colony Theatre and authorized the Administration to negotiate a management agreement with Miami New Drama, Inc. (MiND), as the resident company and venue manager for the Colony Theatre, a City-owned facility on the 1000 block of Lincoln Road.

The City entered into a Management Agreement (or "Agreement") with MiND for an initial term of two (2) years, commencing on October 1, 2016, and ending on September 30, 2018, unless earlier terminated pursuant to the provisions of the agreement. The Agreement also included up to one (1) additional five (5)-year term, and one (1) additional two (2)-year and 364-day term.

On May 17, 2017, the Mayor and City Commission adopted Resolution No. 2018-29858 approving and authorizing the Mayor and City Clerk to execute Amendment No. 1 to the Management Agreement, with said amendment providing for the City to fund the cost of six (6) parking spaces at municipal parking lot No. P25, for use by employees of MiND, in the amount of \$5,393 annually.

On October 17, 2018, the City Commission adopted Resolution No. 2018-30567 approving Amendment No. 2 to the Management Agreement, which included the following key terms and conditions:

- The City of Miami Beach ("City") shall provide an annual contribution to MiND in the amount of \$420,000, payable in quarterly installments. The annual contribution is contingent upon funding approval of the City's contribution during the City's annual budgetary process.
- The City shall reimburse utility costs at the Colony Theatre, up to \$80,000 annually. All costs above \$80,000 are the responsibility of MiND.

- City approval of the first renewal option for one (1) additional five (5)-year term, commencing on October 1, 2018, and ending on September 30, 2023.
- MiND will increase the number of events and attendance as follows:
 - Produce 150 events at the facility for contract years October 1, 2018 - September 30, 2020, serving more than 35,000 visitors per year;
 - Produce 175 events at the facility for contract years October 1, 2020 -September 30, 2022, serving more than 40,000 visitors per year;
 - Produce 200 events at the facility for contract year October 1, 2022 - September 30, 2023, serving more than 45,000 visitors per year.
- MiND will develop an educational division and increase public outreach to include the following:
 - A "\$3.05 ticket program" reserving seats for first time theatergoers for every performance for \$3.05 (12 tickets per MiND Performance, 1,000 tickets annual estimate)
 - Free tickets for senior centers/facilities and youth throughout Miami Beach (1,000 tickets annual estimate)
 - Educational programs to accompany each production
 - Children's Summer Camp and Workshops
 - Traveling plays for schools and senior centers
- MiND shall provide day-to-day operational and administrative services in support of its management activities to ensure that the facility shall be operated, managed and maintained in a first-class manner, including but not limited to, acquisition of services, equipment, supplies and facilities; maintenance and property management; security; personnel management; record-keeping; collections and billing; and promotional activities, including but not limited to public relations, social media and paid marketing outreach.
- MiND shall provide quarterly reports to the City detailing event records and programmatic plans, educational and outreach initiatives, marketing and promotional activities, maintenance and capital work, and operational/administrative budgets.
- The City remains responsible for maintenance of the major building systems (i.e. HVAC, roof, plumbing, electrical, and elevator) and for long term capital improvements at the property.

On October 27, 2021, the City Commission adopted Resolution No. 2021-31914, approving Amendment No. 3 to the Management Agreement allowing for a separate lease agreement between MiND and the City, for MiND's operation and management of the Collins Park Cultural Facility, to be located at 340 23rd Street (the "Collins Park Lease"). With this Resolution, the City and MiND extended the term of the Colony Theatre Management Agreement for a period to run co-terminus with the term of the Collins Park Lease. This Amendment is subject to and contingent upon the buildout of the Collins Park Cultural Facility, pursuant to the Collins Park Lease.

On September 23, 2023, the Mayor and City Commission adopted Resolution No. 2023-32743 to renew the final term of Management Agreement. The final term is for two (2) years and 364 days, ending on September 29, 2026.

On July 12, 2024, at the Finance and Economic Resiliency Committee (FERC) Budget Workshop, Committee members discussed MiND's request to increase its annual management fee by \$200,000, and requested the Administration return to the City Commission once discussing the request with MiND.

ANALYSIS

Since 2017, MiND has overseen the management of the Colony Theatre. MiND is responsible for managing and operating the theater property and the programming of performances at the theater by using the primary stage for critically acclaimed theatrical productions. MiND maintains its offices within the building and uses it as the educational and youth camp program venue. MiND will relocate its offices and youth programs to a new Collins Park Arts District facility once built out. The theater is also available for rental by other cultural organizations and non-performance events.

MiND has produced successful productions, including "Seven Deadly Sins," an innovative theater production that activated vacant storefronts on Lincoln Road during the COVID-19 Pandemic, which was performed sixty-one (61) times and totaled over six thousand (6,000) attendees. The production garnered media attention from the New York Times and traveled to New York.

Miami New Drama reopened the Colony Theatre in 2021 with A Wonderful World, the original world premiere musical about the life of Louis Armstrong that was one day from opening when the pandemic struck. The show was created entirely by Miami New Drama and went on to play limited engagements in New Orleans and Chicago. A Wonderful World is slated to open on Broadway on November 11, 2024, a first for any theater in South Florida.

MiND is the recipient of dozens of Carbonell Awards for its productions of A Wonderful World, the 25th Anniversary Production of Anna in the Tropics, and Papa Cuatro, a world premiere musical about the Venezuelan artist diaspora that played two sold out runs at the Colony, bringing over 15,000 people to Lincoln Road during the summer months.

In 2022 MiND and Michel Hausman were awarded the Thornton Wilder Prize in recognition of the publishing of MiND's trilingual version of Wilder's Our Town and was named Best Theater Company by the Miami New Times.

In 2023 the world premiere of Create Dangerously by current Lincoln Center Resident Director Lileana Blain-Cruz won a Silver Palm Award for Outstanding Cultural Achievement.

In 2024 MiND and its Education Director Vyana Preti were recognized with the REMY Award for Outstanding Contribution to Children's Theater in South Florida.

During its tenure at the Colony Theatre, Miami New Drama has become the largest bilingual theater in America and has developed and produced twenty world premiere plays and musicals, placing it in the highest national tier of professional regional theaters creating and exporting new work.

This meteoric rise is a product of the consistently excellent and nationally relevant work that directly serves over 35,000 people annually, creates significant, measurable economic impact to the Miami Beach GDP, and amplifies the profile of Miami Beach across the country as an arts incubator and cultural destination.

MiND has continued to grow post-pandemic by successfully increasing the number of performances and audience attendance.

MiND Annual Report Data

| Fiscal Year | Performance Revenue | Attendees | # of Performances | # of Days for Non-Performance Events |
|--------------|------------------------|----------------|-------------------|--------------------------------------|
| 2021 | \$ 381,211.05 | 6,561 | 61 | 4 |
| 2022 | \$ 1,084,821.31 | 22,501 | 113 | 8 |
| 2023 | \$ 1,609,151.44 | 34,912 | 130 | 20 |
| 2024 | \$ 1,600,500.00 | 27,187 | 137 | 12 |
| 2025* | \$ 1,700,000.00 | 39,000 | 150 | 25 |
| Total | \$ 6,375,683.80 | 130,161 | 591 | 69 |

*Based on MiND FY 2025 projections

Under MiND, the Colony has become a significant cultural asset with a positive economic impact on Miami Beach. Earlier this year, MiND engaged Miami Economic Associates, Inc. to conduct an economic impact analysis of the Colony Theatre.

At the July 12, 2024, Finance and Economic Resiliency Committee (FERC) Budget Workshop, MiND presented this economic impact analysis, an overview of rising cost impacts, and proposed management fee increase options for discussion:

Economic Impact of the Colony Theatre

| Measure | Description | Total Impact* |
|------------------------------|---|------------------------|
| Direct to City | Parking Fees and Tourism Tax* | \$150,000 annually* |
| Local Businesses | Restaurants and businesses on or near Lincoln Rd. | \$1.2M annually* |
| GDP | Labor Income | \$5.3M annually |
| Total Economic Impact | | \$10M annually* |

*Miami Economic Associates, 2024

Inflation Impact

Inflation has caused activation costs to rise, impacting MiND's operational budget. MiND has shared that previously, City funding represented 25% of their operating budget. With the MiND's expanded budget of \$5.5 million annually, City funding now represents less than 10% of their operating budget.

- Wages of operations and production labor have risen from \$18 per hour to \$28 per hour
- The cost of an average production has risen from \$325,000 to nearly \$500,000

MiND proposed the following management fee increase options commensurate with its impact and current economic conditions for FERC consideration:

| Agreement | Rate | Description |
|--------------------------|--|---|
| Current Fee | \$420,000 + \$80,000 utility reimbursement (annually) | Current 6 year old rate that is unsustainable for the level of activation of the Colony Theatre. |
| Option A Proposed Fee | \$620,000 + \$80,000 utility reimbursement (annually) | Sustainability of current activation levels of world-class theater, robust education program, expanded community benefit, and expected expense increases throughout the term. |
| Option B Proposed Fee | \$670,000 + \$80,000 utility reimbursement (annually) | Additional increased activity and community benefit in the form of Colony Theatre Movie Nights. 25 events per year exploring films curated to reflect our community, in conversation with world events and the theatrical work presented on the Colony Theatre stage. |

The FERC recommended the Administration negotiate Amendment No. 4 with MiND for the proposed management fee increase and bring the item to the September 11, 2024, City Commission meeting for approval.

Staff negotiated the proposed management fee increase with MiND and is supportive of the requested \$200,000 increase to the annual management fee. The additional funding would bring the fee to \$620,000 plus \$80,000 in utility reimbursement for a total amount of \$700,000 annually.

The Administration discussed any possible enhancement of public benefits or increased programming from MiND in consideration for the requested management fee increase. MiND has stated that adding or expanding any resident benefit or programming would leave the organization in the same financially challenging position. MiND has carefully considered the requested increase, aiming to rightsize costs and ensure the sustainability and growth of the Colony Theatre as a leading cultural institution. Note that this increase will maintain the current level of resident benefit, including a fifteen percent (15%) discount on tickets, free student entry, free tickets for seniors, and greater access to community groups.

At the September 25, 2024, City Commission Budget Hearing, the Mayor and City Commission discussed the increase to the Colony Theatre management agreement in an amount of \$200,000 and its recurring allocation in the budget. Following the discussion, the increase to the management agreement was approved as a recurring allocation in the budget.

FISCAL IMPACT STATEMENT

The current budgeted amount for the FY2025 Colony Theatre management fee is \$700,000, including \$80,000 for utilities.

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

General Fund 011-0383-000374-25-406-551-00-00-00-

CONCLUSION

The Administration recommends the Mayor and City Commission adopt the Resolution authorizing the Administration to negotiate, finalize, and execute amendment No. 4 to the Colony Theatre Management Agreement between the City and Miami New Drama, Inc. to reflect an increase to the management fee by \$200,000, as included in the FY25 budget.

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?

No

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

Tourism and Culture

Sponsor(s)

Co-sponsor(s)

Condensed Title

Execute Amendment 4 to Colony Theatre Mgmt Agmt w/ Miami New Drama Inc. TC