

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 5 0

Council Meeting Date: June 18, 2019

ITEM TITLE: RESOLUTION

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: E. Michael Leonard, CAO *ML*

Peter Abide, City Attorney *PA*

SUMMARY EXPLANATION:

Resolution authorizing execution of Amendment No. 1 to Agreement for Joint Feasibility Analysis and Development Planning for East Biloxi Convention Center and Retail Complex Second Extension Agreement

Resolution Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract Minutes _____ Plans/Maps _____ Deed _____ Lease _____

Other (Specify): Exhibit A: Amendment No. 1 to Agreement for Joint Feasibility Analysis and Development Planning for East Biloxi Convention Center and Retail Complex Second Extension Agreement

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

| Vote: | <u>Councilmember</u> | <u>Yes</u> | <u>No</u> | <u>Other</u> | <u>Councilmember</u> | <u>Yes</u> | <u>No</u> | <u>Other</u> |
|-------|----------------------|------------|-----------|--------------|----------------------|------------|-----------|--------------|
| | Lawrence | _____ | _____ | _____ | Tisdale | _____ | _____ | _____ |
| | Gines | _____ | _____ | _____ | Glavan | _____ | _____ | _____ |
| | Newman | _____ | _____ | _____ | Barrett | _____ | _____ | _____ |
| | Deming | _____ | _____ | _____ | | | | |

ACTION TAKEN:

Resolution No.

RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT NO. 1 TO
AGREEMENT FOR JOINT FEASIBILITY ANALYSIS AND DEVELOPMENT PLANNING
FOR EAST BILOXI CONVENTION CENTER AND RETAIL COMPLEX SECOND
EXTENSION AGREEMENT

WHEREAS, by Resolution No. 612-18, the governing authorities of the City of Biloxi (the "City") approved entry into that certain Agreement for Joint Feasibility Analysis and Development Planning for East Biloxi Convention Center and Retail Complex Second Extension Agreement (the "Agreement"), dated November 6, 2018, by and between the City and BBR Biloxi, LLC ("BBR");

WHEREAS, under the provisions of paragraph 1(a) of the Agreement, BBR is to provide reports to the City regarding the feasibility and recommended size and location of a convention center and retail complex in East Biloxi;

WHEREAS, the parties wish to include additional items to the scope of the Agreement so as to include an amphitheater and hotel in the proposed development;

WHEREAS, due to the increase in the scope, as described above, it is necessary to allow additional time to produce the report and extend the due date of such report to June 30, 2019; and

WHEREAS, it is in the best interest of the City to enter into Amendment No. 1 to the Agreement, the form of which is attached hereto as Exhibit "A," with BBR to expand the scope of the Agreement and extended the due date of the require report(s).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, AS FOLLOWS:

Section 1: The findings, conclusions, and statements of fact contained in the preamble of this resolution are hereby ratified, approved, and adopted.

Section 2: The Mayor is hereby authorized to execute, on behalf of the City of Biloxi, the Amendment No. 1 to Agreement for Joint Feasibility Analysis and Development Planning for East Biloxi Convention Center and Retail Complex Second Extension Agreement, attached hereto as Exhibit "A," with BBR Biloxi, LLC.

Section 3: This resolution shall take effect and be in force from and after adoption.

STATE OF MISSISSIPPI
COUNTY OF HARRISON



**AMENDMENT NO. 1 TO AGREEMENT FOR JOINT FEASIBILITY ANALYSIS
AND DEVELOPMENT PLANNING FOR
EAST BILOXI CONVENTION CENTER AND RETAIL COMPLEX**

THIS AMENDMENT NO. 1 TO AGREEMENT FOR JOINT FEASIBILITY ANALYSIS AND DEVELOPMENT PLANNING FOR EAST BILOXI CONVENTION CENTER AND RETAIL COMPLEX SECOND EXTENSION AGREEMENT ("Amendment No. 1") is made by and between the CITY OF BILOXI, MISSISSIPPI, a Mississippi municipal corporation (the "City") and BBR BILOXI, LLC ("BBR"), and is effective as of the _____ day of June 2019.

WITNESSETH:

WHEREAS, the Parties entered that certain Agreement for Joint Feasibility Analysis and Development Planning for East Biloxi Convention Center and Retail Complex Second Extension Agreement (the "Agreement"), dated November 6, 2018, to prepare a feasibility study (the "Study") and secure an option on land; and

WHEREAS, the parties wish to include additional items to the scope of the Study and extend the due date of the final report.

NOW, THEREFORE, it is agreed by and between the City and BBR that the Study described in Paragraph 1, Page 3 of the Agreement will include an "amphitheater" and "hotel." Further, the due date for submission of the report will be extended to no later than June 30, 2019. All other terms and provision of the Agreement not affected by this Amendment No. 1 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 1 as of the date first written above.

CITY:

BBR:

CITY OF BILOXI, MISSISSIPPI, a
Mississippi municipal corporation

BBR BILOXI, LLC, a Mississippi limited
liability company

By: _____
Name: A.M. Gilich, Jr.
Title: Mayor

By: _____
Name: _____
Title: _____