

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE WRITTEN RECOMMENDATION OF THE CITY MANAGER (AS SET FORTH IN THE CITY COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION) AND WAIVING, BY A 5/7TH VOTE, THE COMPETITIVE BIDDING REQUIREMENT IN SECTION 2-367(E) OF THE CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AND APPROVING, IN SUBSTANTIAL FORM, A CONCESSION AGREEMENT, BETWEEN THE CITY AND TESLA, INC, TO INSTALL, OPERATE AND MAINTAIN SELF-SERVICE ELECTRIC VEHICLE SUPERCHARGER STATIONS AT CERTAIN CITY MUNICIPAL PARKING FACILITIES FOR A TERM OF NINE (9) YEARS; AND FURTHER, UPON APPROVAL BY THE CITY ATTORNEY, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FINAL AGREEMENT.

WHEREAS, on April 19, 2017, the Sustainability and Resiliency Committee favorably recommended the installation of Tesla electric vehicle charging stations at the Pennsylvania Avenue parking garage or other underutilized City garages; and

WHEREAS, on April 25, 2017, The Sustainability Committee passed a motion supporting the City's efforts to begin discussions with Tesla for the installation of electric vehicle charging stations in City garages; and

WHEREAS, on July 26, 2017, the Mayor and City Commission referred this item to the Finance and Citywide Projects Committee (FCWPC) for discussion; and

WHEREAS, at the September 20, 2017, the FCWPC discussed the item and endorsed the following:

- a ten (10) year term with a termination for cause provision in lieu of termination for convenience; and
- deployment of supercharger stations at either the North Beach Yard location or North Beach Town Center, or both, in addition to the Pennsylvania Avenue Garage and a location in the vicinity of South of 5th Street; and

WHEREAS, on October 18, 2017, the Mayor and City Commission adopted Resolution No. 2017-30048, accepting the recommendation of the FCWPC and authorizing the Administration to negotiate an agreement with Tesla Motors, Inc., and further authorizing the Mayor and City Clerk to execute an agreement with Tesla, acceptable to the City Manager and City Attorney; and

WHEREAS, on April 25, 2018, the Mayor and Commission referred this item to the Planning Board for discussion and approval, since it was initially structured as an

agreement with a ten (10) year term, requiring approval by the Planning Board pursuant to Section 1.03(f) of the City Charter; and

WHEREAS, the parties have engaged in negotiations and have agreed to the following essential terms:

- A. A nine (9) year staggered term instead of a ten (10) year agreement for each City Property;
- B. Tesla will install all the electric vehicle charging stations (EV Stations) at its sole cost;
- C. The City will not receive a concession fee in connection with its use of City spaces, above the parking fees which Tesla customers will pay to use the parking space; and
- D. Tesla will maintain its EV stations at its sole cost and expense; and

WHEREAS, since the proposed agreement is for a term of nine (9) years Planning Board approval is no longer required for the proposed transaction; and

WHEREAS, the Administration recommends that the Mayor and City Commission approve, in substantial form, the draft Concession Agreement incorporated attached as Exhibit "A" to this Resolution, subject to review and form approval by the City Attorney.

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 waive the formal competitive bidding requirement, by a 5/7ths vote, as permitted under Section 2-367(e) of the City Code, as being in the best interest of the City, and approve, in substantial form, a Concession Agreement, between the City and Tesla Motors, Inc., to install, operate and maintain self-service electric vehicle supercharger stations at certain City Municipal Parking Facilities for a term of nine (9) years; and further, subject to approval by the City Attorney, authorize the Mayor and City Clerk to execute the final agreement.

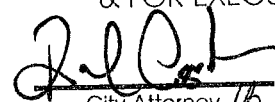
PASSED and ADOPTED this ____ day of _____, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

8/29/19

Date