

**RESOLUTION NO. 2016-29370**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND COMMUNITY AFFAIRS COMMITTEE (NCAC) AND APPROVING, IN CONCEPT, A PILOT PROGRAM FOR WATER TAXI SERVICES AT THE PURDY AVENUE DOCK; AUTHORIZING THE ADMINISTRATION TO NEGOTIATE AN AGREEMENT WITH WATER TAXI MIAMI, INC. FOR THE PILOT PROGRAM, PURSUANT TO INVITATION TO NEGOTIATE (ITN) 2014-326-JR FOR A PUBLIC WATERBORNE TRANSPORTATION CONCESSION; SAID AGREEMENT HAVING A TERM OF ONE YEAR, BASED UPON THE ESSENTIAL TERMS SET FORTH IN THIS RESOLUTION; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE FINAL NEGOTIATED AGREEMENT.**

**WHEREAS**, on November 19, 2014, the City Commission adopted Resolution 2014-28847 authorizing the Administration to negotiate with Island Queen Cruises/Water Taxi Miami Inc. (Concessionaire) for a Public Waterborne Transportation Concession at several locations throughout the City pursuant to Invitation To Negotiate (ITN) 2014-326-JR; and

**WHEREAS**, on January 29, 2015, the Administration held a negotiations meeting including staff from pertinent City departments, including Transportation, Procurement, Legal, and Tourism as well as representatives of the Concessionaire; and

**WHEREAS**, the initial discussions were held regarding locations, proposed plan of action and desired outcome as well as the City's intent to provide low cost service comparable to existing transit services for commuters and residents of Miami Beach; and

**WHEREAS**, during subsequent negotiation meetings, the Concessionaire expressed some concerns with starting operation during 2015 due to construction of the west Venetian Causeway bridge; and

**WHEREAS**, the closure of the bridge represented an impact to the Concessionaire's proposed headways and a burden to the commuters who would have to travel nearly one hour to go from Bayside to Sunset Harbour; and

**WHEREAS**, on November 3, 2015, the Administration held a follow-up negotiations meeting with the Concessionaire where draft terms prepared by the City based on existing Agreements for Waterborne Transportation Concessions (water taxi service) by other public agencies within the State of Florida were discussed; and

**WHEREAS**, the Concessionaire requested to perform a pilot program during Art Basel 2015 prior to accepting the terms in the proposed draft terms due to the Concessionaire's concerns regarding potential ridership, adherence to schedule, and potential operational issues associated with a permanent service; and

**WHEREAS**, on December 2, 2015, the City of Miami Beach executed a Temporary Letter Agreement with Water Taxi Miami for the operation of a waterborne concession service pilot program during Art Basel 2015 from December 3 to December 6, 2015, which allowed the Concessionaire to operate a water taxi service on an hourly basis between the hours of 11:00 AM and 11:00 PM from/to Sea Isle Marina (near Omni Transit Station) in the City of Miami to/from Purdy Avenue Dock in the City of Miami Beach, while being manned by Concessionaire during the hours of operation; and

**WHEREAS**, on January 25, 2016, the Concessionaire met with City staff and advised that based upon the limited demand for water taxi services during the Art Basel event, Concessionaire could not proceed with the obligation to fund the construction of a permanent dock, and instead proposed a pilot

program for special events and the start of water taxi services on a limited basis in order to advertise the service and allow for a ramp-up period for a commuter service between the City and the mainland; and

**WHEREAS**, on February 9, 2016, the City of Miami Beach issued a special event permit to the permittee of the Yacht Show for the operation of a water taxi service pilot program during Yacht Show 2016, from February 11 to February 15, 2016, which allowed the Concessionaire to operate a frequent water taxi service between the hours of 8:00 AM and 10:00 PM from/to Bayside in the City of Miami to/from Purdy Avenue Dock in the City of Miami Beach free of charge for the riders; and

**WHEREAS**, during the Yacht Show, the Permittee was required to pay a City dock fee to cover the cost of a dedicated dock master, who was retained by the City to ensure the legal, organized, and safe operation of water taxi service by Water Taxi Miami at the Purdy Avenue Dock; and

**WHEREAS**, on March 11, 2016, the NCAC recommended that the Administration submit the conceptual plan of a pilot program for water taxi service at the Purdy Avenue Dock with more specific details for consideration and direction by the full City Commission meeting; and

**WHEREAS**, in connection with allowing this limited commercial use of the dock for a pilot program for water taxi services, the Administration recommends considering the current uses at the Purdy Dock and boat ramp, including enforcement action for continued violations of prohibited commercial uses; and

**WHEREAS**, the ITN required the Concessionaire to provide water taxi services and to provide the docking facilities; however, based upon the concerns expressed by the Concessionaire, the Administration recommends that the City take responsibility for the construction of the docking facilities and include said project cost as a submittal in the fiscal year 2016-2017 proposed capital budget; and

**WHEREAS**, the Administration recommends that the Mayor and City Commission approve and authorize a one year pilot program, based upon the following essential terms:


- A. Route: servicing Purdy Avenue Dock as part of the current water taxi route (Bayside Marketplace-Miami Beach Marina-Sea Isle Marina-Bayside Marketplace);
- B. Operation: weekend operation (Friday to Sunday) at the Purdy Avenue dock, using a 38 passenger vessel with the ability to accommodate bicycles;
- C. Hours of Operation: 11:30 AM to 7:00 PM (summer time) with the ability to extend the hours of operation from 7:30 AM to 11:30 PM once demand warrants; proposed frequency of service is 90 minutes;
- D. Fares: children under 1 year of age: no charge; adults/children over 1 year of age: \$15-\$30 for one way/round trip; City of Miami Beach residents, senior citizens and military service members \$10-\$20; a monthly pass: \$95; and an annual pass: \$295;
- E. Dock Master: Concessionaire committed to providing the water taxi attendant at the Purdy Dock during hours of operation to assist water taxi passengers to and from the Purdy Dock; and
- F. Fee to City: Concessionaire shall pay a surcharge per ticket sold that would help fund a City dock master, with the following surcharges: \$0.75 for tickets \$1.00-\$14.99; \$1.00 for tickets \$15.00-\$29.99, and \$2.00 for tickets \$30.00 and up.

**WHEREAS**, at the April 13, 2016 City Commission meeting, the Mayor and City Commission approved, in concept, a pilot program for water taxi services and authorized the Administration to negotiate a one year agreement, based upon the essential terms set forth in this Resolution, with the following amendments: 1) the agreement must include a termination (for cause) clause with a notice and cure provision; 2) any expansion of operations based upon demand must be preapproved by the City Commission; 3) the City is directed to explore all funding options in connection with the construction of a dock which addresses the needs of motorized and non-motorized vessels; and 4) the City shall retain a full-time employee during the day to prevent unauthorized commercial operations at the Purdy Dock.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Neighborhood and Community Affairs Committee (NCAC) and approve, in concept, a pilot program for water taxi services at the Purdy Avenue dock; authorize the Administration to negotiate an agreement with Water Taxi Miami, Inc. for the pilot program, pursuant to Invitation to Negotiate (ITN) 2014-326-JR for a Public Waterborne Transportation Concession; said agreement having a term of one year, based upon the essential terms set forth in this Resolution; and further authorize the City Manager to execute the final negotiated agreement.

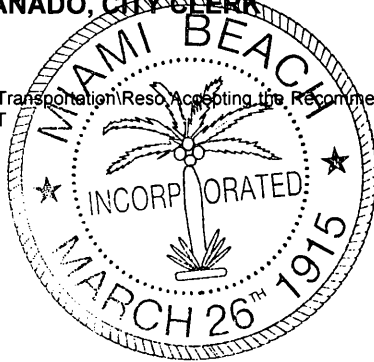
PASSED AND ADOPTED THIS 13 DAY OF April 2016.

ATTEST:

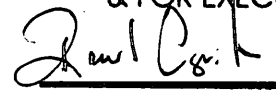
  
5/16/16  
RAFAEL E. GRANADO, CITY CLERK

  
PHILIP LEVINE, MAYOR

T:\AGENDA\2016\April\Transportation\Reso. Accepting the Recommendation from the NCAC Conceptually Approving the Water Taxi Pilot Program Reso GNT



APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
City Attorney GNT 5/13/16  
Date

**Condensed Title:**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND COMMUNITY AFFAIRS COMMITTEE (NCAC) CONCEPTUALLY APPROVING THE WATER TAXI PILOT PROGRAM FOR A TERM OF ONE YEAR FROM PURDY AVENUE DOCK**

**Key Intended Outcome Supported:**

Ensure Comprehensive Mobility Addressing All Modes Throughout The City  
**Supporting Data (Surveys, Environmental Scan, etc): N/A**

**Item Summary:**

On November 19, 2014, the City Commission adopted Resolution 2014-28847 authorizing the Administration to negotiate with Island Queen Cruises/Water Taxi Miami Inc. (Concessionaire) for a Public Waterborne Transportation Concession at several locations throughout the City pursuant to Invitation To Negotiate (ITN) 2014-326-JR. The City has been in negotiations since that time but these negotiations were impacted by the construction of the west Venetian Causeway bridge which resulted in the east bridge being in lock down.

In the interim, the Concessionaire requested to operate a pilot program during Art Basel 2015 prior to accepting the terms, and on, December 2, 2015, the City of Miami Beach executed a Temporary Letter Agreement with Water Taxi Miami for the operation of a waterborne concession service pilot program during Art Basel 2015. During the Art Basel 2015 Pilot, City staff noted that the Purdy Boat Ramp was used mainly by an aquatic Uber service which was provided in partnership with the Concessionaire. The service plan and vessels used were not approved as part of the Temporary Agreement and as such are considered to have operated without permission. On February 9, 2016, the City of Miami Beach issued a special event permit to the Yacht Show for the operation of a water taxi service pilot program during Yacht Show 2016. The permittee was required to pay the City dock fee and the water taxi service was free-of-charge. 6000 passengers used this service to/from the Purdy Avenue Dock.

In the City's Invitation To Negotiate for Waterborne Transportation Services, the City required the Concessionaire to provide docking facilities. Based on a review of other similar water taxi operations, it is recommended that the City take responsibility for the construction of the dock and include as a submittal in the FY16/17 proposed capital budget. In the interim, it is recommended that the City authorize a one year pilot program comprised of the following: Servicing Purdy Avenue Dock as part of the current water taxi route (Bayside Marketplace-Miami Beach Marina-Sea Isle Marina-Bayside Marketplace); weekend operation (Friday to Sunday) using a 38 passenger vessel with ability to accommodate bicycles; hours of operation at Purdy Avenue Dock would be 11:30 AM to 7:00 PM (summer hours) with the ability to extend from 7:30 AM to 11:30 PM once demand warrants; proposed frequency of service is 90 minutes; proposed fares are for children under 1: no charge; for adults/children over 1: \$15-\$30 for one way/round trip with \$10-\$20 reduced fare for residents, senior citizens and military; monthly pass: \$95; annual pass: \$295.

As a separate but related issue, the Commission has previously discussed concerns with regards to the current uses at the Purdy dock and boat ramp. In connection with allowing this limited commercial use of the dock for a pilot program for water taxi services, it is recommended that the City enforce violations of prohibited commercial uses. The Concessionaire committed to providing the water taxi attendant at Purdy dock during hours of operation which will assist water taxi passengers to and from the dock. Additionally, the Concessionaire offered to pay surcharge per each sold ticket that would help fund City dock master needed to ensure safe operation and eradicate/minimize prohibited commercial uses of the dock. The surcharge proposed by the Concessionaire would be \$0.75 for tickets \$1.00-\$14.99; \$1.00 for tickets \$15.00-\$29.99, and \$2.00 for tickets \$30.00 and up.

As an alternative to the pilot program, the City may wish to wait for the funding and construction of the proposed Purdy Avenue Dock and kayak launch and issue a new solicitation for a larger ferry type vessel.

**Advisory Board Recommendation:** At the Neighborhood/Community Affairs Committee (NCAC) meeting on March 11, 2016, the Committee discussed this item and passed a motion to approve a limited service pilot program on a conceptual level with the specifics to be addressed at the April City Commission meeting.

**Financial Information:**

Source of Funds:		Amount	Account
	<b>Total</b>		

**Financial Impact Summary: N/A**

**City Clerk's Office Legislative Tracking:**

Jose R. Gonzalez, P.E.

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
JRG	KGB	JLM

T:\AGENDA\2016\April\Transportation\Reso Accepting the Recommendation from the NCAC Conceptually Approving the Water Taxi Pilot Program for a term of one year-SUM.doc




# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: April 13, 2016

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND COMMUNITY AFFAIRS COMMITTEE (NCAC) CONCEPTUALLY APPROVING THE WATER TAXI PILOT PROGRAM FOR A TERM OF ONE YEAR FROM PURDY AVENUE DOCK**

*At its March 11, 2016 meeting, the Neighborhood/Community Affairs Committee discussed this item and passed a motion to approve a limited service pilot program on a conceptual level with the specifics to be addressed at the April City Commission meeting.*

### **BACKGROUND**

On November 19, 2014, the City Commission adopted Resolution 2014-28847 authorizing the Administration to negotiate with Island Queen Cruises/Water Taxi Miami Inc. (Concessionaire) for a Public Waterborne Transportation Concession at several locations throughout the City pursuant to Invitation To Negotiate (ITN) 2014-326-JR.

The construction of the west Venetian Causeway Bridge by Miami-Dade County created an operational issue that would disrupt the logistics of service. The easternmost bridge was to remain closed during the entire life of the project in order to provide the residents of the Venetian Isles with emergency vehicle accessibility at all times. The closure of the bridge represented an impact to the Concessionaire's proposed headways and a burden to the commuters who would have to travel nearly one hour to go from Bayside to Sunset Harbour.

In the interim the Concessionaire requested to operate a pilot program during Art Basel 2015 prior to accepting the terms for permanent service. The reason for the request was due to the Concessionaire's concerns regarding potential ridership, adherence to schedule, and potential operational issues associated with a permanent service.

### **Art Basel Pilot Program**

On December 2, 2015, the City of Miami Beach executed a Temporary Letter Agreement with Water Taxi Miami for the operation of a waterborne concession service pilot program during Art Basel 2015 from December 3 to December 6, 2015. The Agreement allowed the Concessionaire to operate a water taxi service on an hourly basis between the hours of 11:00 AM and 11:00 PM from/to Sea Isle Marina (near Omni Transit Station) in the City of Miami to/from Purdy Avenue Dock in the City of Miami Beach. Vessels were allowed to operate from one of the existing docks at the Purdy Boat Ramp and the Concessionaire was required to have a dedicated dock master stationed at the dock to monitor the operation, collect ridership data, and collect information on potential operational conflicts.

During the Art Basel 2015 Pilot, City staff noted that the Purdy Boat Ramp was used mainly by an aquatic Uber service which was provided in partnership with the Concessionaire. The service plan and vessels used were not approved as part of the Temporary Agreement and as such are considered to have operated in an unauthorized manner. The Uber service was observed to operate in the following manner: passengers alighted the Uber vessels at the Purdy Boat Dock, where a luxury Uber vehicle was awaiting for them to continue the trip to their final destination. Staff observed a high number of users of the Uber service. The Uber service had a cost of \$35.00 for up to 5 passengers. No insurance was provided to the City by the Concessionaire for the Uber vessels.

It was also observed that the Concessionaire was not operating the approved water taxi vessel at the headway/frequency agreed to for the pilot program and the vessel remained docked for extended periods. The City requested information regarding frequency of the Uber vessels to confirm observations; however, the Concessionaire stated that a confidentiality Agreement with Uber had been signed and could not share information with the City. The Concessionaire advised that only one (1) person used waterborne concession service pilot program and 365 passengers used Uber Boat service during the Art Basel pilot program.

The Uber boat service seems to be well received by the community and was observed to be logistically effective. The Administration reached out to the Miami-Dade County's department in charge of For-Hire Transportation which has been handling the legalization of Uber in Miami-Dade County. The County staff advised that Water-Borne Transportation is currently not regulated by the County's For-Hire ordinance. The boats for-hire are regulated and enforced by the U.S. Coast Guard.

After Art Basel, City staff met with the Concessionaire and discussed issues to be considered for long term water taxi service. One of the concerns expressed by the Concessionaire is the funding and permitting associated with construction of a permanent dock.

On January 25, 2016, the Concessionaire met with City staff and advised that based upon the limited demand for water taxi services during the Art Basel event, Concessionaire could not proceed with the obligation to fund the construction of a permanent dock, and instead proposed a pilot program for special events and the start of water taxi services on a limited basis in order to advertise the service and allow for a ramp-up period for a commuter service between the City and the mainland.

### **Yacht Show Pilot Program**

On February 9, 2016, the City of Miami Beach issued a special event permit to the Yacht Show for the operation of a water taxi service pilot program during Yacht Show 2016 from February 11 to February 15, 2016. The Agreement allowed the Concessionaire to operate a frequent water taxi service between the hours of 8:00 AM and 10:00 PM from/to Bayside in the City of Miami to/from Purdy Avenue Dock in the City of Miami Beach. Vessels were allowed to operate from one of the existing docks at the Purdy Boat Ramp and the Concessionaire was required to have a dedicated dock master stationed at the dock to ensure the legal, organized, and safe operation of water taxi service. The permittee was required to pay the City dock fee and the water taxi service was free-of-charge. The Concessionaire advised that 6,000 passengers were transported from/to Purdy dock during the Yacht Show pilot program.

### **ANALYSIS**

In the City's Invitation To Negotiate for Waterborne Transportation Services, the City required the Concessionaire to provide docking facilities. The City received only one (1) proposal. The City reviewed other successful Water Taxi/Ferry operations. In most cases, the dock is provided by the public entity. The Blueways Master Plan recommended the construction of a dock/kayak launch at the Purdy Marina site. Based on a review of other similar water taxi operations, it is recommended that the City take responsibility for the construction of the dock and include as a submittal in the FY16/17 proposed

capital budget. See Attachment 1 for the proposed design of Purdy Marina Water Taxi Dock and Kayak Launch. The estimated cost of an integrated water taxi dock/kayak launch facility is approximately \$550,000 depending on site conditions both on land and underwater.

In the interim, it is recommended that the City authorize a one year pilot program comprised of the following:

- Servicing Purdy Avenue dock as part of the current water taxi route (Bayside Marketplace-Miami Beach Marina-Sea Isle Marina-Bayside Marketplace)
  - Weekend operation (Friday to Sunday) using a 38 passenger vessel with ability to accommodate bicycles
  - Hours of operation at Purdy Avenue dock would be 11:30 AM to 7:00 PM (summer hours) with the ability to extend from 7:30 AM to 11:30 PM once demand warrants
  - Proposed frequency of service: 90 minutes
- Proposed fares
  - Children under 1: No charge
  - Adults/children over 1: \$15-\$30 for one way/round trip with \$10-\$20 reduced fare for residents, senior citizens and military
  - Monthly pass: \$95
  - Annual pass: \$295

See Attachment 2 for the proposed location of operation of the pilot program. The City may also want to consider allowing on-demand service at the location.

As a separate but related issue, the Commission has previously discussed concerns with regard to the current uses (commercial and non-commercial) at the Purdy Dock and boat ramp. In connection with allowing this limited commercial use of the dock for a pilot program for water taxi services, it is recommended that the City enforce violations of prohibited commercial uses. Similarly, the Marine and Waterfront Protection Authority (MWPA) passed a motion that reads as follows: "Until such time when new infrastructure is built or another safe alternative is found, we recommend deferring approval of the Public Waterborne Concession Services due to safety concerns, a lack of infrastructure, and user conflicts at Purdy Ramp."

To improve operational safety and minimize illegal uses of the Purdy Dock, at March 11, 2016 NCAC meeting, the Administration recommended that the Concessionaire fund a dock master who would be hired by the City to ensure the Purdy Dock is only used by the Concessionaire. During subsequent meetings, the Concessionaire stated that it could not commit to funding City dock master due to low demand and financial impact. Nevertheless, the Concessionaire committed to providing a water taxi attendant at Purdy Dock during hours of water taxi operation to assist passengers to and from the dock. Additionally, the Concessionaire offered to pay the City a surcharge per ticket sold that would help fund a City dock master. The surcharge proposed by the Concessionaire would be \$0.75 for tickets \$1.00-\$14.99; \$1.00 for tickets \$15.00-\$29.99, and \$2.00 for tickets \$30.00 and up.

An alternative to the pilot program, the City may wish to wait for the funding and construction of the proposed Purdy Avenue dock and kayak launch and issue a new solicitation for a larger ferry-type vessel.

## **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission accept the recommendation of the NCAC conceptually approving the water taxi pilot program for a term of one (1) year from the Purdy Avenue Dock. Additionally, the Administration recommends moving forward with the design,

permitting, and construction of a permanent water taxi/kayak launch dock. The funding for the proposed dock has been included as a Fiscal Year 2016/17 capital budget request. The Administration will pursue grant funding opportunities for the construction of the proposed permanent water taxi/ferry dock.

**Attachments:**

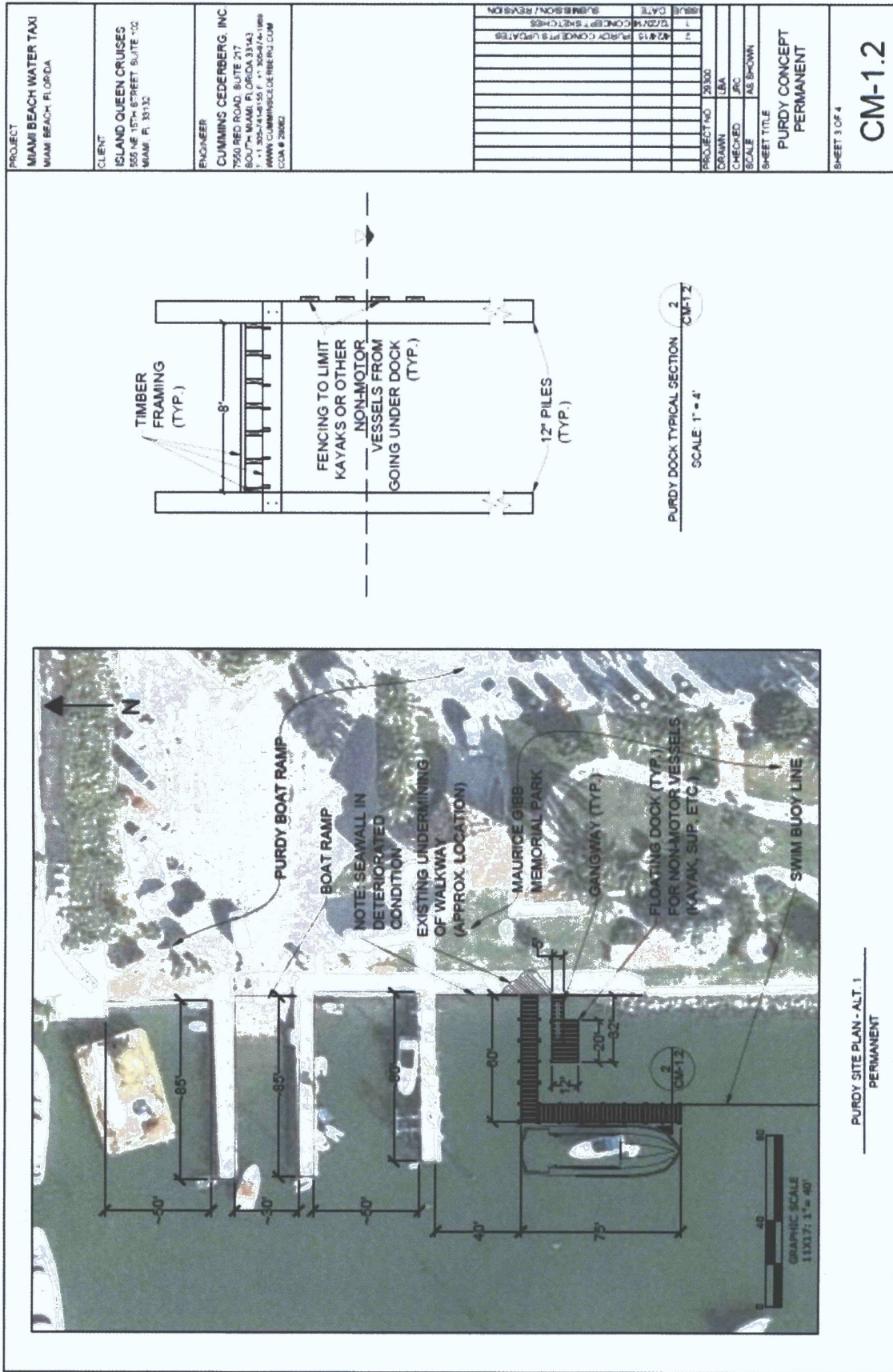
1. Proposed Design of Purdy Marina Water Taxi Dock and Kayak Launch
2. Proposed Location of Operation of the Pilot Program

JLM/KGB/JRG/MM

T:\AGENDA\2016\April\Transportation\Reso Accepting the Recommendation from the NCAC to Conceptually approve the Water Taxi Pilot Program for a term of one year.docx



Attachment 1: Proposed Design of Purdy Marina Water Taxi Dock and Kayak Launch



PROJECT MIAMI BEACH WATER TAXI MIAMI BEACH, FLORIDA	
CLIENT ISLAND QUEEN CRUISES 555 NE 15TH STREET, SUITE 102 MIAMI, FL 33132	
ENGINEER CUMMINGS CEDERBERG, INC 7550 RED ROAD, SUITE 217 SOUTH MIAMI, FLORIDA 33143 TEL: 305-741-1155 F: 305-674-1889 WWW.CUMMINGSCEDERBERG.COM COA # 25882	
ISSUE DATE	1
2/2/14 CONCEPT SKETCHES	2
4/24/15 PRELIMINARY UPDATES	3
SUBMISSION / REVISION	
PROJECT NO.	20300
DRAWN	LEA
CHECKED	JBC
SCALE	AS SHOWN
SHEET TITLE PURDY CONCEPT PERMANENT	
SHEET 3 OF 4	

PURDY SITE PLAN - ALT. 1  
PERMANENT

CM-1.2

