

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE TERM SHEET REFLECTING THE ESSENTIAL BUSINESS TERMS OF A PILOT PROGRAM FOR CROSS-BAY PASSENGER WATER TAXI/FERRY SERVICES AT THE PURDY AVENUE DOCK; FURTHER AUTHORIZING THE ADMINISTRATION TO NEGOTIATE AND FINALIZE A ONE-YEAR AGREEMENT WITH POSEIDON FERRY LLC FOR THE PILOT PROGRAM, SAID AGREEMENT TO BE CONSISTENT WITH THE TERMS SET FORTH IN THE TERM SHEET; AND FURTHER, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE FINAL NEGOTIATED AGREEMENT SUBJECT TO AND CONTINGENT UPON BUDGET APPROPRIATION.

WHEREAS, a water taxi is a watercraft that provides public transport service, usually, but not always, in an urban environment; and

WHEREAS, aside from being an attraction to tourists who enjoy the scenic cross-bay route, water taxi service can also provide a convenient and reliable alternative mobility option to commuters traveling daily to and from Downtown Miami and Miami Beach; and

WHEREAS, on November 29, 2020, Poseidon Ferry LLC ("Poseidon") launched a cross-bay passenger water taxi/ferry service (the "Prior Service") providing connectivity to and from the Hyatt Regency located at 400 SE 2 Avenue in Downtown Miami and the Bentley Bay Marina located at 520 West Avenue in Miami Beach; and

WHEREAS, the Prior Service was privately owned and operated by Poseidon with no public subsidy from Miami-Dade County, the City of Miami, or the City of Miami Beach (the "City") and utilized a double-deck vessel with an air-conditioned lower deck; and

WHEREAS, on December 31, 2022, Poseidon suspended the Prior Service due to low ridership and concerns with the long-term feasibility of the service given the lack of a public subsidy; and

WHEREAS, on June 28, 2023, the City Commission adopted Resolution No. 2023-32644, waiving, by 5/7th vote, the formal 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 accepting the recommendation of the Finance and Economic Resiliency Committee, at its May 24, 2023 meeting, directing the City Administration to (1) negotiate a one (1) year agreement beginning in fiscal year ("FY") 2024 with Poseidon Ferry, LLC to provide a cross-bay passenger water taxi/ferry service pilot program ("Pilot Program") between Miami Beach and Downtown Miami; (2) identify funding for a potential operating subsidy; (3) identify locations where operation will be conducted; and (4) define the City contribution, and fare structure for the Pilot Program and

WHEREAS, the implementation of the Pilot Program contingent upon 1) City Commission approval of a budget enhancement in the proposed FY 2024 operating budget in the amount of \$600,000, to fund a subsidy representing approximately 50% of the annual operation and maintenance costs of the proposed water taxi/ferry service based on Poseidon's business model and 2) Poseidon securing all necessary permits and licenses for operating water taxi/ferry operations associated with the Pilot Program; and

WHEREAS, the Agreement with Poseidon for the Pilot Program shall include the terms set forth in the Term Sheet attached as Attachment D to the Memorandum accompanying this Resolution (the "Term Sheet"); and

WHEREAS, notwithstanding anything to the contrary in Resolution No. 2023-32644, the Mayor and City Commission desire to approve the Term Sheet and authorize the City Manager to execute the final agreement consistent therewith.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve the Term Sheet attached as Exhibit D to the Memorandum accompanying this Resolution reflecting the essential business terms of a pilot program for cross-bay passenger water taxi/ferry services at the Purdy Avenue dock; and further authorize the Administration to negotiate and finalize a one-year agreement with Poseidon Ferry, LLC for the pilot program, said agreement to be consistent with the terms set forth in the Term Sheet; and further authorize the City Manager and City Clerk to execute the final negotiated agreement subject to and contingent upon budget appropriation.

PASSED and ADOPTED this 13th day September, 2023.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

9/5/2023
Date