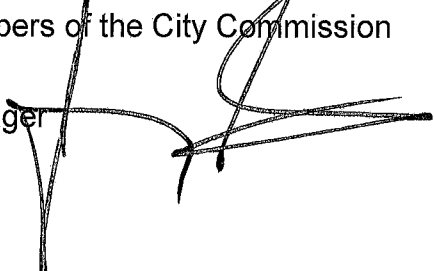


# MIAMI BEACH

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

## COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: June 27, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A LIMITED EXCEPTION TO SECTION 6(C) OF THE THIRD AMENDED AND RESTATED RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS (PROHIBITING NEW APPLICATIONS FOR MOBILE COOKING/HEATING CONCESSION FACILITIES), AND APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE TEMPORARY LETTER AGREEMENTS WITH THOSE INTERESTED PRIVATE UPLAND PROPERTY OWNERS (CONCESSIONAIRES), LOCATED IMMEDIATELY WESTWARD OF THE BEACHFRONT, FOR A SIX MONTH PILOT PROGRAM IN ORDER TO EVALUATE THE MANAGEMENT AND OPERATION OF NO MORE THAN ONE (1) MOBILE COOKING/HEATING CONCESSION FACILITY, WHICH WILL BE LOCATED SEAWARD OF THE UPLAND PROPERTY; AND SHOULD THE ADMINISTRATION DETERMINE THAT THE PILOT PROGRAM WAS SUCCESSFUL, AUTHORIZING THE ADMINISTRATION TO SUBMIT PROPOSED MODIFICATIONS TO THE RULES AND REGULATIONS GOVERNING THE UTILIZATION OF MOBILE COOKING/HEATING CONCESSION FACILITIES AS PART OF THE BEACHFRONT CONCESSION AGREEMENTS ISSUED ANNUALLY TO THE UPLAND PROPERTY OWNERS.

### RECOMMENDATION

Adopt the Resolution.

## **BACKGROUND**

On May 11, 2016, the Mayor and City Commission adopted Resolution No. 2016-29403, approving the Third Amended and Restated Rules and Regulations for Beachfront Concession Operations (the "Rules and Regulations"). As part of the 2016 amendment to the Rules and Regulations, the City Commission implemented a two year deadline of May 11, 2018 for all food trailers ("mobile cooking/heating Concession Facilities") which were operating on the beachfront (five (5) at that time) to cease operations. The City does not authorize any mobile cooking/heating Concession Facilities on the beachfront pursuant to the 2016 amendment to the Rules and Regulation. At this time there are no food trailers operating on the beachfront.

At the June 6, 2018 Commission meeting, the Mayor and City Commission referred a discussion regarding the issuance of a Request for Proposals (RFP) for beachfront food trailers to the Finance and Citywide Projects Committee (FCWPC) at its July 27, 2018 meeting.

## **ANALYSIS**

The Administration recommends a pilot program for food trailers to be located seaward of upland hotels and condominiums, as the operators of these buildings are best suited to operate an adjacent food trailer. These would be utilized by the hotels and condominiums as mobile food and beverage serving stations and would provide faster and better service from the upland property to the public, residents and guests on the beachfront. The pilot program will assist in developing various considerations for the solicitation, including, but not limited to, the number of food trailers permitted to operate, placement locations for food trailer concessions, allowable goods and services to be sold at the concessions, pricing for allowable goods and services, physical requirements for the food trailers and associated equipment, and rent and/or revenue sharing consideration to the City.

The pilot program would be pursuant to a Letter Agreement, attached hereto in substantial form as Exhibit A – Letter Agreement, between the City and the upland property owner (Concessionaire). The agreement would be for six (6) months and the Concessionaire would pay the City a fee of \$10,000 monthly, plus applicable taxes. The mobile cooking/heating Concession Facilities must be operated by the upland property owner and subcontracting to third party operators is prohibited.

The concessionaires must obtain any and all necessary licenses and permits required for its concession operations and must comply with the City's insurance and indemnification requirements. The concessionaires are responsible for removal of all trash generated by their operations and the mobile cooking/heating Concession Facilities must be removed from the beachfront at the end of each day.

Upon completion, if the pilot program is deemed successful by the City Manager, the Administration recommends amending the Rules and Regulations governing the utilization of mobile cooking/heating Concession Facilities as part of the beachfront concession agreements issued annually to upland property owners.

**CONCLUSION**

The Administration recommends that the Mayor and City Commission approve the limited exception to Section 6(c) of the Rules and Regulations, and authorize the City Manager to execute temporary letter agreements (in the form attached hereto) for the use of mobile cooking/heating Concession Facilities during the pilot program for the fee of \$10,000 per month.

Exhibits:

A Letter Agreement

  
JLM/KGB/ES/MMM