

RESOLUTION NO: _____

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.

WHEREAS, 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"); and

WHEREAS, the City Commission implemented a two-year deadline for all food trailers ("mobile cooking/heating Concession Facilities"), which were operating on the beachfront (five (5) at that time), and required to cease operations pursuant to the 2016 amendment to the Rules and Regulations; and

WHEREAS, the City does not authorize any mobile cooking/heating Concession Facilities on the beachfront pursuant to the 2016 amendment to the Rules and Regulations; and

WHEREAS, at the June 6, 2018 City Commission meeting, the Mayor and City Commission referred a discussion regarding the issuance of a Request for Proposals (RFP) for beachfront mobile cooking/heating Concession Facilities to the Finance and Citywide Projects Committee (FCWPC) at its July 27, 2018 meeting; and

WHEREAS, the Administration recommends the implementation of a pilot program with interested upland property owners of hotels and condominiums ("Concessionaires"), located immediately westward of the beachfront, in order to assist the Administration in the development of a solicitation by evaluating the management and operation of these Concession Facilities, including, but not limited to, the number of serving stations permitted to operate, placement locations for the concessions,

allowable goods and services to be sold at the concessions, pricing for allowable goods and services, physical requirements for the serving stations and associated equipment, and rent and/or revenue sharing consideration to the City; and

WHEREAS, the Administration believes that these Concessionaires are best suited to operate an adjacent mobile food concession, and will provide faster and better service from the upland property to the public, residents and guests on the beachfront and would serve to assist the Administration in the development of a solicitation; and

WHEREAS, the pilot program will be operated pursuant to the Rules and Regulations, which, among other things, contain licensing, insurance and indemnification requirements, with the exception that under the pilot program the concession must be operated solely by the Concessionaire and subcontracting to third party operators is prohibited; and

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

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 approve 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 approve and authorize the City Manager to execute temporary letter agreements with 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, authorize 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.

PASSED and ADOPTED THIS _____ day of _____, 2018.

ATTEST:

Rafael, E. Granado, City Clerk

Dan Gelber, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

6/25/18

Date