

RESOLUTION NO. 2018- _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE, AND APPROVING THE EARLY TERMINATION OF THE FOOD TRAILER PILOT PROGRAM WITH THE PRIVATE UPLAND PROPERTY OWNERS, CONTINGENT UPON THE CITY COMMISSION AND THE STATE OF FLORIDA APPROVING AN AMENDMENT TO THE RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS (RULES AND REGULATIONS), TO ALLOW THE OPERATION OF FOOD TRAILERS BY UPLAND OWNER CONCESSIONAIRES AS PART OF THE CONCESSION FACILITIES; AND, UPON APPROVAL OF SAID AMENDMENT TO THE RULES AND REGULATIONS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TERMINATE OR EXECUTE AGREEMENTS, AS APPLICABLE, WITH INTERESTED PRIVATE UPLAND PROPERTY OWNERS LOCATED IMMEDIATELY WESTWARD OF THE BEACHFRONT FOR A FEE OF \$10,000 PER MONTH; AND FURTHER AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS (RFP) NO. 2018-316-WG FOR BEACHWIDE FOOD TRAILER PROGRAM.

WHEREAS, On January 31, 2001, the City Commission adopted Resolution 2001-24251, approving a First Amendment to the Rules and Regulations for Beachfront Concession operations (Rules and Regulations), thereby prohibiting the cooking or heating of food on the beachfront; and

WHEREAS, since the prohibition was enacted, only a few grandfathered vendors continued to operate mobile cooking and heating Concession Facilities (a/k/a food trailers) on the beachfront and all food trailers were effectively eliminated from the City's beaches in May of 2018; and

WHEREAS, on May 11, 2016, the City Commission adopted Resolution No. 2016-29403, adopting the Third Amended and Restated Rules and Regulations for Beachfront Concession Operations and directing that any then-existing food trailers be replaced with a beachwide food trailer program following a competitive bidding procurement process; and

WHEREAS, on June 27, 2018, the City Commission adopted Resolution No. 2018-30369, approving a pilot program for the location of food trailers behind private upland properties, 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 food trailers, as part of the beachfront concession agreements issued annually to upland property owners; and

WHEREAS, at its July 27, 2018 meeting, because of the reluctance of private property owners to invest in food trailers for a short term pilot program, the Finance and Citywide Projects Committee recommended that the temporary nature of the pilot program be discontinued, such that the City Manager may execute annual beachfront concession letter

agreements with private upland property owners located immediately westward of the beachfront; and further recommended that a limited scale Request for Proposals (RFP) be issued for select public beachfront locations; and

WHEREAS, through the RFP, which is unrelated to the existing food trailer pilot program involving private property upland of the beachfront, the City is seeking approval to award a contract for food trailer concession services adjacent to City-owned beachfront property at the 35th Street Parking Lot/Pancoast Park and at 79th Street/North Beach Oceanside Park (west of the dune), with the possibility of additional locations to be added at a later date; and

WHEREAS, the Administration recommends that the City Commission discontinue the food trailer pilot program and authorize the City Manager or his designee to terminate existing beachfront concession agreements relating to the food trailer pilot program, and to execute annual beachfront concession agreements pursuant to the Rules and Regulations, subject to the City Commission approving an amendment to the Rules and Regulations, to allow the use of food trailers.

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 accept the recommendation of the Finance and Citywide Projects Committee, and approve the early termination of the food trailer pilot program with the private upland property owners, contingent upon the City Commission and State of Florida approving an amendment to the Rules and Regulations for Beachfront Concession Operations (Rules and Regulations), to allow the operation of food trailers by the upland owner concessionaires, as part of the concession facilities; and, upon approval of said amendment to the Rules and Regulations, authorize the City Manager or his designee to terminate or execute agreements, as applicable, with interested private upland property owners located immediately westward of the beachfront for a fee of \$10,000 per month; and further authorize the issuance of Request for Proposals (RFP) No. 2018-316-WG for Beachwide Food Trailer Program.

PASSED and **ADOPTED** this _____ day of _____, 2018.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION
[Signature] 9-11-18

City Attorney *[Signature]* Date