

RESOLUTION NO. 2018- _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AN AMENDMENT TO THE RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS (RULES AND REGULATIONS), TO PERMIT THE UTILIZATION OF MOBILE COOKING/HEATING CONCESSION FACILITIES, FOR A FEE OF \$10,000 PER MONTH, AS PART OF THE BEACHFRONT CONCESSION AGREEMENTS ISSUED ANNUALLY TO THE UPLAND PROPERTY OWNERS; FURTHER APPROVING THE FOURTH AMENDED AND RESTATED RULES AND REGULATIONS FOR BEACHFRONT CONCESSION OPERATIONS, THAT WILL INCORPORATE THIS AMENDMENT; AND FURTHER AUTHORIZING THE ADMINISTRATION TO SUBMIT THE PROPOSED RULES AND REGULATIONS TO THE STATE OF FLORIDA FOR APPROVAL PRIOR TO IMPLEMENTATION OF THE AMENDMENT; PROVIDED, HOWEVER, THAT SHOULD THE STATE MAKE MATERIAL CHANGES TO THE PROPOSED FORM OF THE RULES AND REGULATIONS, THE ADMINISTRATION WILL RESUBMIT THE RULES AND REGULATIONS TO THE CITY COMMISSION FOR APPROVAL.

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, on September 5, 2001, the City Commission adopted Resolution No. 2001-24571, approving the Second Amended and Restated Rules and Regulations for Beachfront Concession Operations; and

WHEREAS, on January 30, 2002, the City Commission adopted Resolution No. 2002-24736, amending the Second Amended and Restated Rules and Regulations for Beachfront Concession Operations to include rules for beach chair deployment, design guidelines for concession facilities, and rules for watersport operations, in accordance with the Administration's recommendations; and

WHEREAS, on March 17, 2003, the Second Amended and Restated Rules and Regulations for Beachfront Concession Operations were further amended to include the Administration's policy for vehicle operation on the beach; 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

WHEREAS, on June 27, 2018, the City Commission adopted Resolution No. 2018-30369, approving a pilot program for the location of mobile cooking/heating Concession Facilities (a/k/a 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 mobile cooking/heating Concession Facilities 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 letter agreements with private upland property owners located immediately westward of the beachfront; and

WHEREAS, in order to include the use of mobile cooking/heating Concession Facilities as part of the beachfront concession agreements, the Rules and Regulations would need to be amended; and

WHEREAS, the Administration recommends the approval of the Fourth Amended and Restated Rules and Regulations for Beachfront Concession Operations, which is incorporated herein by reference and attached to the City Commission Memorandum accompanying this Resolution, permitting the use of mobile cooking/heating Concession Facilities for a fee of \$10,000 per month, as part of the annual beachfront concession agreements; and

WHEREAS, upon approval, by the City Commission, the Administration will submit the Fourth Amended and Restated Rules and Regulations for Beachfront Concession Operations to the State of Florida for approval; provided, however, that should the State make any material changes to the proposed Rules and Regulations, the Administration will submit the material modifications to the City Commission for consideration and approval.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA hereby approve an amendment to the Rules and Regulations for Beachfront Concession Operations (Rules and Regulations), to permit the utilization of mobile cooking/heating Concession Facilities, for a fee of \$10,000 per month, as part of the beachfront concession agreements issued annually to the upland property owners; further approve the Fourth Amended and Restated Rules and Regulations for Beachfront Concession operations, that will incorporate this amendment; and further authorize the Administration to submit the proposed Rules and Regulations to the State of Florida for approval prior to implementation of the amendment; provided, however, that should the State make material changes to the proposed form of the Rules and Regulations, the Administration will resubmit the Rules and Regulations to the City Commission for approval.

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

9-11-18

Date