

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner Kristen Rosen Gonzalez

DATE: June 26, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AMENDMENT NO. 3 TO THE AGREEMENT BETWEEN THE CITY AND IKE SMART CITY, LLC (IKE), PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 2022-040-KB, TO DESIGN, MANUFACTURE, INSTALL, MAINTAIN, AND OPERATE INTERACTIVE DIGITAL MEDIA KIOSKS, IN ORDER TO MAKE THE AGREEMENT CONSISTENT WITH SECTION 2.2.4.8(E)(3) OF THE MIAMI BEACH RESILIENCY CODE IN THE EVENT ONE OR MORE APPROVALS BY THE CITY'S LAND USE BOARDS FOR THE KIOSKS ARE APPEALED, AND TO PERMIT IKE TO REQUEST A LIFTING OF THE STAY PENDING APPEAL SUBJECT TO IKE'S STRICT COMPLIANCE WITH THE REQUIREMENTS AND SAFEGUARDS IN SECTION 2.2.4.8(E)(3) OF THE RESILIENCY CODE.

ANALYSIS

Please place on the June 26, 2024, City Commission consent agenda a resolution to approve the attached Amendment No. 3 to the City's Agreement with IKE Smart City.

Amendment No. 3 is necessary to ensure the timely implementation of the kiosk program and receipt of the substantial revenue and public benefits related to the program. The Agreement currently provides that prior to IKE installing its kiosks, an appeal of a development approval and/or order for the kiosks must be final. An appeal of this nature could take 2 to 3 years to resolve and result in significant delay to the implementation of the program. Amendment No. 3 amends the Agreement to provide that if IKE complies with the requirements of Section 2.2.4.8(e)(3) of the Miami Beach Resiliency Code, IKE can proceed with installation of the kiosks while an appeal is pending. The City is entitled to timely receive the benefit of its bargain under the Agreement, and this Amendment No. 3 ensures that will happen. Amendment No. 3 is in the best interest of the City.

Moreover, IKE Smart City has already made a good faith \$1,000,000 payment to the City and it would be unfair and inequitable for its project to be delayed by an appeal where the Resiliency Code provides a robust process that protects the interests of the City, appellant, and appellee, while still allowing the project to move forward.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? Yes

If so, specify the name of lobbyist(s) and principal(s): Rafael Andrade, Esq., and Michael Larkin, Esq., on behalf of IKE Smart City, LLC

Department

City Attorney

Sponsor(s)

Commissioner Kristen Rosen Gonzalez

Co-sponsor(s)