

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE PUBLIC SAFETY NEIGHBORHOODS AND QUALITY OF LIFE COMMITTEE TO DISCONTINUE DISCUSSIONS WITH FLORIDA FRESH MARKETS REGARDING THE PILOT PROGRAM FOR AN ARTISANAL MARKET AT LUMMUS PARK.**

**WHEREAS**, on May 12, 2021, the Mayor and City Commission authorized the issuance of RFP 2021-151-ND (the "RFP") to solicit proposals for the management and operation of an artisanal market in Lummus Park. The RFP was developed for the Lummus Park market specifically as it is likely to be the largest artisanal market within the City; and

**WHEREAS**, on July 30, 2021, the Administration provided a status update on the Request for Proposals (RFP 2021-151-ND) for Management and Operation of an Artisanal Market in Lummus Park in LTC-315-2021; and

**WHEREAS**, the Administration worked to identify potential artisanal markets in other areas to promote activations within certain neighborhoods or commercial districts and would serve as informal social gatherings where residents and visitors could meet and interact with local artists and designers, stimulate community development, and provide family-friendly engagements; and

**WHEREAS**, the Administration released an addendum to the RFP to allow additional markets to be added to the resulting agreement by mutual agreement, subject to City Commission approval; and

**WHEREAS**, on October 13, 2021, the Mayor and City Commission authorized the Administration to enter negotiations with Florida Fresh Market, the top ranked proposer and the best qualified firm to manage and operate the artisanal markets; and

**WHEREAS**, Florida Fresh Market demonstrated vast experience in collaborating with municipalities such as Bal Harbour Village, the City of Coral Gables, and the City of Miramar in the development of their farmers' and artisans' markets. The process of contract negotiations between the City and Florida Fresh Market began immediately; and

**WHEREAS**, on May 25, 2022, the City and Florida Fresh Market executed a Management and Operation Agreement (the "Agreement") pursuant to Resolution 2021-31890; and

**WHEREAS**, on July 20, 2022, through Resolution 2022-32259, the Mayor and City Commission approved the relocation of the Lummus Park Artisanal Market from 13 Street and 14 Place to 6 Street and 8 Streets and authorized the Administration to enter into negotiations with Florida Fresh Market to activate artisanal markets in other Miami Beach locations; and

**WHEREAS**, upon the City and Florida Fresh Market executing Amendment No .1 to the Agreement Florida Fresh Market launched the Lummus Park Artisanal Market on September 10, 2022. After approximately six months of activation at Lummus Park, the City and Florida Fresh Market launched market locations in the 41st Street commercial corridor and the Collins Park Neighborhood by via Resolution No. 2023-32465; and

**WHEREAS**, the market expansion faced challenges in the 41st Street corridor and Collins Park neighborhood. The 41st Street corridor had two separate market locations, yielding unsuccessful results since the addition in February 2023. Staff also received feedback from the Mayor's 41st Street Blue Ribbon Committee regarding concerns with the locations and vendors. The Collins Park location, respectively, witnessed reduced patron and vendor participation since its inception in March 2023; and

**WHEREAS**, Florida Fresh Market has demonstrated professionalism and responsiveness throughout their time of activation. However, since the inception of the Florida Fresh Market artisanal markets, staff has worked to address community concerns regarding the market activations. The Administration has received feedback from the Ocean Drive Association, SOBESafe, and residents regarding the artisanal market activation in Lummus Park, in addition to some concerns shared by members of the Commission on behalf of constituents. Concerns at Lummus Park have ranged from activation overload at the park, space available for walkers and cyclists, and possible impact on businesses and the park; and

**WHEREAS**, on July 10, 2023, the Administration sent a letter to the Mayor and City Commission updating them on the performance of Florida Fresh Market's activations throughout the City and its decision to exercise the termination for convenience clause in the agreement between the City and Florida Fresh Markets. Upon issuing a notice of termination, the last activation under the agreement took place on August 6, 2023; and

**WHEREAS**, on September 13, 2023, the Mayor and City Commission discussed an item regarding terminating the market operations and directed the Administration to explore potential changes and continuation options for the artisanal markets operated by Florida Fresh Markets; and

**WHEREAS**, on October 18, 2023, the Mayor and City Commission directed the Administration to negotiate a six-month pilot project with Florida Fresh Markets, with a three-month review contingent on various modifications to the market, including, but not limited to: limiting categories of offerings to natural products that align with the Lummus Park health-conscious theme, reducing the footprint of the market, and replacing the tents with a more aesthetic covering; and

**WHEREAS**, based on the direction given at the October 18, 2023, Commission Meeting, the Administration began the negotiations with Florida Fresh Markets on October 23, 2023; and

**WHEREAS**, the Tourism and Culture Department worked with the City Attorney's Office and Procurement Department to determine the best steps forward. After various conversations and reviews, staff drafted a reinstated and amended management and operation agreement that was presented to Florida Fresh Markets on March 19, 2024; and

**WHEREAS**, understanding the challenges brought by weather and seasonal residency changes to the outdoor activation in the summer months, the vendor requested that the start date of the market activation be November 2024. Careful consideration has been given to the schedule during the negotiation process; and

**WHEREAS**, on June 5, 2024, at the Public Safety and Neighborhood Quality of Life Committee meeting, Staff presented the history of Florida Fresh Markets and their request to initiate the pilot program in Lummus Park in November 2024. During the public comment,

concerns and opposition to the market pilot in Lummus Park were heard, including a representative from the Ocean Drive Association; and

**WHEREAS**, the Neighborhood Quality of Life Committee declined to recommend the proposed pilot program commence in November 2024. Instead, the Committee expressed the desire to dispense with the program entirely by unanimously (3-0) voting to recommend that the City discontinue discussions with Florida Fresh Markets regarding the artisanal market pilot program at Lummus Park.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, accepts the recommendation of the Public Safety Neighborhoods and Quality of Life Committee to discontinue discussions with Florida Fresh Markets regarding the pilot program for an artisanal market at Lummus Park.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
Steven Meiner, Mayor

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney *SK* Date 6/15/2024