

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: September 11, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO OUTDOOR DINING CONCESSION AGREEMENTS WITH SELECTED RESTAURANTEURS FOR THE CONTRACT TERM COMMENCING OCTOBER 1, 2024 AND TERMINATING SEPTEMBER 30, 2026, AS THE CITY MANAGER MAY DEEM APPROPRIATE, TO PROVIDE OUTDOOR FOOD AND BEVERAGE SERVICE AND CONSUMPTION ON CITY RIGHTS-OF-WAY, WITHOUT COMPETITIVE BIDDING OR ANY FURTHER ACTION OR APPROVAL OF THE CITY COMMISSION BEING NECESSARY, PROVIDED THAT SAID CONCESSION AGREEMENTS ARE SUBSTANTIALLY SIMILAR, WITH REGARD TO ALL MATERIAL TERMS AND CONDITIONS, TO THE TEMPLATE CONCESSION AGREEMENT ATTACHED HERETO AS EXHIBIT "A", AUTHORIZING THE CITY MANAGER TO NEGOTIATE CONCESSION AGREEMENTS WITH TERMS MATERIALLY DIFFERENT FROM THE APPROVED TEMPLATE TO BE INDIVIDUALLY APPROVED, IF AT ALL, BY RESOLUTION OF THE CITY COMMISSION, AND AUTHORIZING THE CITY MANAGER TO SUSPEND AND/OR TERMINATE ANY CONCESSION AGREEMENT IF HE OR SHE DEEMS IT TO BE IN THE CITY'S BEST INTEREST.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

This resolution was prepared at the request of the sponsor, Commissioner David Suarez.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate?

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

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

No

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? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner David Suarez

Co-sponsor(s)

Condensed Title

Reso Approving 2024-2026 Outdoor Dining Concession Agreement Template