

C7 AH A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE ADMINISTRATION TO TERMINATE THE CONCESSION AGREEMENT DATED MARCH 14, 2024, BETWEEN THE CITY OF MIAMI BEACH AND POSEIDON FERRY LLC (POSEIDON) DUE TO POSEIDON'S MATERIAL DEFAULT.

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: July 24, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE ADMINISTRATION TO TERMINATE THE CONCESSION AGREEMENT DATED MARCH 14, 2024, BETWEEN THE CITY OF MIAMI BEACH AND POSEIDON FERRY LLC (POSEIDON) DUE TO POSEIDON'S MATERIAL DEFAULT.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The attached Resolution was prepared at the request of the sponsors, Commissioner Alex Fernandez and Commissioner David Suarez.

### **FISCAL IMPACT STATEMENT**

The sponsors of this item request that the Administration be prepared to address the fiscal impact of this proposed measure, if any.

### **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-notices/>

### **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 Alex Fernandez  
Commissioner David Suarez

**Co-sponsor(s)**

Commissioner Tanya K. Bhatt  
Commissioner Joseph Magazine

**Condensed Title**

Direct Admin. to Terminate Concession Agmt w/Poseidon Ferry LLC.  
(Fernandez/Suarez/Bhatt/Magazine) CA

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE ADMINISTRATION TO TERMINATE THE CONCESSION AGREEMENT DATED MARCH 14, 2024, BETWEEN THE CITY OF MIAMI BEACH AND POSEIDON FERRY LLC (POSEIDON) DUE TO POSEIDON'S MATERIAL DEFAULT.**

**WHEREAS**, the City of Miami Beach entered into a concession agreement with Poseidon Ferry LLC ("Poseidon") on March 14, 2024 (the "Concession Agreement"), to provide a water taxi service between the Purdy Avenue Dock located at the Maurice Gibb Memorial Park in Miami Beach and the Sea Isle Marina in Downtown Miami; and

**WHEREAS**, the Concession Agreement requires Poseidon to meet specific performance standards and obligations to ensure reliable and efficient ferry services for the residents and visitors of Miami Beach, including specific hours of operation; and

**WHEREAS**, Poseidon ceased to provide ferry services following the 8:00am departure from Sea Isle Marina on July 10, 2024 due to mechanical problems with the vessel and notified the City that it would not resume operations until Monday, July 15, 2024; and

**WHEREAS**, the failure of Poseidon to operate the water taxi service for more than two (2) continuous days constitutes a material default under the Concession Agreement; and

**WHEREAS**, Poseidon has otherwise failed to meet the performance standards expected of a City concessionaire as outlined in the Concession Agreement, resulting in unsatisfactory service and complaints from the public; and

**WHEREAS**, the Mayor and City Commission find it in the best interest of the City and its residents to terminate the concession agreement with Poseidon and seek alternative solutions for providing ferry services,

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby direct the Administration to terminate the Concession Agreement dated March 14, 2024 between the City of Miami Beach and Poseidon Ferry LLC ("Poseidon") due to Poseidon's material default.

**PASSED AND ADOPTED** this \_\_\_\_ day of July, 2024.

**ATTEST:**

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

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

(Sponsored by Commissioners Alex J. Fernandez and David Suarez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

7/16/2024  
Date