

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE AT ITS APRIL 19, 2024 MEETING TO PROCEED WITH PHASES I AND II OF THE FIRST STREET NEIGHBORHOOD IMPROVEMENT PROJECT AND THE RECOMMENDATIONS OF THE LAND USE AND SUSTAINABILITY COMMITTEE AT ITS JUNE 18, 2024 SPECIAL MEETING (1) TO PROCEED WITH PHASES I AND II OF THE FIRST STREET NEIGHBORHOOD IMPROVEMENT PROJECT; (2) TO MAINTAIN THE PREVIOUSLY APPROVED TYPICAL SECTION FOR FIRST STREET WITH PARALLEL PARKING; IN LIEU OF THE PREVIOUSLY PROFFERED DIAGONAL PARKING; (3) TO IDENTIFY ADDITIONAL PARKING FOR USE BY AREA RESIDENTS IN EXISTING PUBLIC AND PRIVATE PARKING FACILITIES; (4) TO WORK WITH THE HOUSING AUTHORITY TO ESTABLISH REDUCED PARKING RATES AT THE GARAGE LOCATED AT ALTON AND 5TH STREET FOR PERSONS PROVIDING HEALTHCARE AND RELATED SERVICES TO OLDER ADULTS IN THE AREA; (5) TO MAINTAIN THE 60% DESIGN TRUNKLINE ALIGNMENT THROUGH FIRST STREET SHIFTED TO THE NORTH AS NECESSARY TO ALLOW FOR TWO LANES OF EASTBOUND TRAFFIC DURING INSTALLATION OF THE PIPE; AND (6) TO PRESERVE AS MANY OF THE EXISTING OAK TREES AS POSSIBLE AND RELOCATE THEM WITHIN THE PROJECT FOOTPRINT, AND REPLACE ANY OAK TREES THAT DO NOT SURVIVE WITH MATURE TREES WITH A MINIMUM CALIPER OF 10 INCHES; AND FURTHER, DIRECTING THE ADMINISTRATION TO NEGOTIATE A TASK AGREEMENT CHANGE WITH THE DESIGN CONSULTANT TO ADDRESS AND INCORPORATE THE NECESSARY SCOPE CHANGES, INCLUDING ADDITIONAL INTERIM CONDITION HYDRAULIC MODEL, TEMPORARY UTILITY CONNECTIONS ASSOCIATED WITH THE PHASED PROJECT LIMITS, RELOCATION OF EXISTING OAK TREES AND OTHER PERTINENT ITEMS AND TO TAKE ALL OTHER NECESSARY STEPS TO EXECUTE THE FOREGOING RECOMMENDATIONS.

WHEREAS, the City of Miami Beach is committed to preserving the welfare and safety of its residents, visitors, and businesses, and as part of this commitment, the City prioritizes infrastructure needs throughout Miami Beach; and

WHEREAS, the last remaining area of the South of Fifth Neighborhood poised to receive improvements after the approval of the 1999 General Obligation (G.O.) Bonds is the segment of First Street between Alton Road and Washington Avenue; and

WHEREAS, the City has considered this area's recurring flooding issues and low elevations and has worked diligently to provide both short and long-term solutions by designing improvements to the infrastructure; and

WHEREAS, the City began the process for this project by performing public outreach prior to Commission approval to issue a Request for Qualifications (RFQ) to select a design consultant on October 19, 2016 via Consent Agenda Item C2 C; and

WHEREAS, on February 8, 2017, via Resolution No. 2017-29759, the City selected and awarded the contract for design to civil engineering firm Wade Trim, Inc.; and

WHEREAS, following a significant rainfall event on August 1, 2017, the Commission approved Resolution No. 2017-30039 on October 18, 2017, directing the Administration to modify the design criteria for stormwater systems citywide from a 5-year level of service (LOS) to a 10-year LOS; and

WHEREAS, on September 11, 2019 via Resolution No. 2019-30987, the City attempted to resolve the issues at First Street by amending Wade Trim's contract to allow them to increase the LOS to a 10-year storm, incorporate additional hydraulic modeling, and continue coordination on the selection of a cross section and pump station location; and

WHEREAS, after nearly two (2) years of trying to achieve consensus among community residents and businesses regarding the cross section and pump station location, on May 12, 2021, the City Commission adopted Resolution No. 2021-31711, which directed the Administration to select a location for the stormwater treatment system and to negotiate a design task order with a new design team; and

WHEREAS, on December 8, 2021, the City Commission approved the consultant service order for Jacobs Engineering Group Inc. (Jacobs) for the design of the First Street Neighborhood Improvement Project (the "Project") for a total of \$5,981,000; and

WHEREAS, Jacobs' scope of work entails the design and permitting for the installation of a new stormwater quality treatment system and pump station at First Street and Washington Avenue; road reconstruction including appropriate elevation and streetscape redesign for First Street between Alton Road and Washington Avenue; and replacing water, sewer and stormwater infrastructure along Alton Road and Washington Avenue from South Pointe Drive to 5th Street and along First Street; and

WHEREAS, extensive public outreach efforts took place upon completion of the conceptual design (in June 2022) and the 30% design (in November 2022); and

WHEREAS, the 30% design update included engineering findings and resulting recommended scope changes, including full reconstruction and elevation of Alton Road as well as rerouting drainage on South Pointe Drive between Washington and Alton, but the recommended scope changes received strong community opposition; and

WHEREAS, as a result of the community opposition, the proposed scope changes were abandoned and the Public Works Department directed Jacobs to proceed with the design as originally approved by the City Commission, and the 60% design milestone was reached in December 2023; and

WHEREAS, there has been a significant increase in the overall estimated construction cost of the Project as a result of significant market volatility and uncertainty experienced with contractor bids in the past 18 to 24 months due to materials supply shortages, labor shortages, inflation, and other factors that commenced during the COVID-19 pandemic; and

WHEREAS, these market conditions have impacted project budgets citywide, and unfortunately, this Project's budget is not an exception; and

WHEREAS, the construction of this Project was originally estimated and funded for \$46 million in early 2021, based on pre-COVID-19 historical bid data; and

WHEREAS, as of the 30% design completion, the consultant estimated the Project construction cost at \$129 million (\$168 million total budgetary cost, including construction management, design, permitting, inspections, and other administrative fees, that are necessary for the administration of a capital project); and

WHEREAS, the Administration, in an effort to validate that early design stage construction cost estimate, engaged a third-party independent consultant, Nova Consulting Inc., at 60% design completion to provide a detailed cost estimate and conduct a constructability and phasing analysis; and

WHEREAS, this task was intended to provide a more accurate Project estimate, as well as provide guidance on an implementation plan for the Project; and

WHEREAS, the independent estimate, received in February 2024, resulted in a total Project budgetary cost estimate of \$178 million; and

WHEREAS, the Project currently has total available funding of \$81.4 million, which includes Resilient Florida Grant funds of \$35 million for construction and G.O. Bond funds of \$5 million; and

WHEREAS, the City has already committed \$7 million toward planning and design of the Project; and

WHEREAS, the total funding gap currently is estimated at \$89.5 million; and

WHEREAS, additionally, the City submitted an application for a PROTECT grant from the Federal Highway Administration (FHWA) in August of 2023 in the amount of \$63,240,000; and

WHEREAS, the Administration expects to receive a response to its grant application from the FHWA in late summer 2024; however, there is no guarantee that this grant will be awarded to the City; and

WHEREAS, at its March 13, 2024 meeting, at the request of the Administration, the Mayor and City Commission approved a referral (Item C4 B) to the April 19, 2024 Finance and Economic Resiliency Committee (FERC) meeting to discuss funding for the construction phase and path forward of the First Street Project; and

WHEREAS, at the April 19, 2024 FERC meeting, Public Works presented a First Street Project update including a timeline, design update, project budget and construction schedule update and parking summary; and

WHEREAS, following a presentation and discussion by members of the FERC, a motion was adopted to recommend to the Commission to proceed with Phases I and II, select to modify the approved typical section for First Street and Jefferson Avenue to incorporate diagonal parking, reducing the parking space loss to less than 10% and directing staff to engage with the South of Fifth Neighborhood Association (SoFNA) and area businesses before taking the item back to the City Commission; and

WHEREAS, on April 25, 2024, the Administration provided an update to the SoFNA Board, and at the conclusion of the presentation, the SoFNA Board unanimously passed a resolution supporting Phases I and II and revising the typical section to accommodate diagonal parking in lieu of the previously approved parallel parking configuration; and

WHEREAS, the estimated cost for Phases I and II based on this approach is \$104 million, greatly reducing the funding gap; and

WHEREAS, at the May 15, 2024 City Commission meeting, the Administration presented the FERC recommendation to Commission members, to move forward with Phases I and II, modify the approved typical section for First Street and Jefferson Avenue and to incorporate diagonal parking; and

WHEREAS, consensus for the item was not reached and, instead, a motion was adopted referring the item to a Special Land Use and Sustainability Committee (LUSC) meeting to discuss alternate locations for the stormwater trunkline installation, expand upon community outreach efforts, especially with the impacted businesses, and provisions for access during construction, parking configuration, and other key community concerns, such as the relocation of the existing oak trees, and directing that the item return to the June 26, 2024 Commission for a final vote; and

WHEREAS, at the June 18, 2024 Special LUSC meeting, the Administration presented photographs and videos of flooding events in the Project footprint dating from 2020 to the present as well as a First Street 7 South Pointe Stormwater Improvement PowerPoint; and

WHEREAS, the Administration stressed the urgency to move forward with the First Street project and items for the LUSC's consideration, as proposed by Public Works, were presented one by one, and voted as follows:

1.) PROCEED WITH PHASES I AND II OF THE FIRST STREET NEIGHBORHOOD IMPROVEMENT PROJECT: Adopted by acclamation.

2.) MAINTAIN THE PREVIOUSLY APPROVED TYPICAL SECTION FOR FIRST STREET WITH PARALLEL PARKING IN LIEU OF THE PREVIOUSLY PROFFERED DIAGONAL PARKING: Travel lanes adopted by acclamation. Parking: Approved as amended: To maintain parallel parking on the north side of First Street. Identify parking spaces for residential use within the Marina, Smith and Wollensky, any other City lots within the area, and surrounding private lots for use by residents during the day. A motion was made to recommend that the City Commission direct the City Administration to work with the Housing Authority to provide 15 parking spaces at a discounted rate at the parking garage located at 5th and Alton, and engage with Joe's Stone Crab Restaurant for the possibility of having them rent out parking spaces to the City.

3.) MAINTAIN THE 60% DESIGN TRUNKLINE ALIGNMENT THROUGH FIRST STREET SHIFTED TO THE NORTH AS NECESSARY TO ALLOW FOR TWO LANES OF EASTBOUND TRAFFIC DURING INSTALLATION OF THE PIPE, AS THIS IS THE OPTIMAL SOLUTION CONSIDERED: Adopted by acclamation.

4.) PRESERVE AS MANY OF THE EXISTING OAK TREES AS POSSIBLE AND RELOCATE WITHIN THE FOOTPRINT OF THE PROJECT, AND REPLACE ANY

OAK TREES THAT DO NOT SURVIVE WITH MATURE TREES WITH A MINIMUM CALIPER OF 10": Adopted by acclamation; and

WHEREAS, for the foregoing reasons, the Administration recommends that the Mayor and City Commission accept the recommendations of the FERC and LUSC, as set forth above..

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Finance and Economic Resiliency Committee at its April 19, 2024 meeting to proceed with Phases I and II of the First Street Project and accept the recommendations of the Land Use and Sustainability Committee at its June 18, 2024 special meeting (1) to proceed with Phases I and II of the First Street Project; (2) to maintain the previously approved typical section for First Street with parallel parking in lieu of the previously proffered diagonal parking; (3) to identify additional parking for use by area residents in existing public and private parking facilities; (4) to work with the Housing Authority to establish reduced parking rates at the garage located at Alton and 5th Street for persons providing healthcare and related services to older adults in the area; (5) to maintain the 60% design trunkline alignment through First Street shifted to the North as necessary to allow for two lanes of eastbound traffic during installation of the pipe; and (6) to preserve as many of the existing oak trees as possible and relocate them within the project footprint, and replace any oak trees that do not survive with mature trees with a minimum caliper of 10 inches; and further, directing the Administration to negotiate a task agreement change with the design consultant to address and incorporate the necessary scope changes and to take all other necessary steps to execute the foregoing recommendations.

PASSED and **ADOPTED** this _____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

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

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

NK

Date

6/24/2024