

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE LAND USE AND SUSTAINABILITY COMMITTEE (LUSC), AT THE SPECIAL MAY 28, 2024 MEETING, DIRECTING THE ADMINISTRATION TO ALLOW THE CONTRACTOR, RIC-MAN CONSTRUCTION FLORIDA INC., TO PROCEED WITH THE MULTI-SEGMENTED CONSTRUCTION APPROACH FOR THE WEST AVENUE NEIGHBORHOOD PHASE II IMPROVEMENTS PROJECT, PROVIDED THAT SEGMENTS ACHIEVE BENEFICIAL OCCUPANCY AND ROADS AND SIDEWALKS ARE SAFE FOR VEHICLES AND PEDESTRIANS, DRIVEABLE, AND PARKABLE, PRIOR TO PROCEEDING TO THE NEXT SECTION, AND THAT PROGRESSION IS LIMITED TO CONSTRUCTION IN TWO SEGMENTS AT ANY TIME.**

**WHEREAS**, on May 15, 2024, the City Commission referred item C4 AQ to Land Use and Sustainability Committee (LUSC) to discuss/consider expanding parking options for residents within the West Avenue neighborhood by permanently converting approximately 133 metered on-street parking spaces within zone 12, to metered 24-hour residential spaces; and

**WHEREAS**, the West Avenue Improvements Project, represents a comprehensively defined neighborhood improvement program, focused on resolving challenges associated with climate impacts and aged infrastructure; and

**WHEREAS**, the proposed improvements within the West Avenue neighborhood includes the replacement of the existing water distribution/transmission systems and gravity sanitary sewers, installation of a new robust storm water drainage collection and pumping system including the raising of the paved roadway and harmonization to the adjacent properties, installation of new street lighting, pedestrian lighting, replacement of existing and installation of new signalized intersections with mast arms, new landscaping, irrigation and construction of a new bay walk segment; and

**WHEREAS**, on March 22, 2017, the Mayor and City Commission adopted Resolution No. 2017-29800, awarding design/build services (Agreement) to Ric-Man Construction Florida, Inc (Ric-Man), for the West Avenue Phase II Improvements North of 14th Street; and

**WHEREAS**, the Design Criteria Package for the project included a requirement that the construction be performed in segments with the additional requirement that each segment attained substantial completion prior to continuing with the next segment; and

**WHEREAS**, in the summer of 2019, the Design-Builder submitted their project segmentation and sequencing plan; and

**WHEREAS**, in May of 2023, in an effort to mitigate project delays and reduce overall project duration to meet contractual completion deadlines, the Design-Builder proposed working concurrently in more than one segment, but in no case more than 2, with the exception of segment 1 (pump station and outfall); and

**WHEREAS**, this would allow the Design-Builder to compress the work schedule and reduce the overall duration of the Project in the neighborhood, at no cost to the City; and

**WHEREAS**, the Administration agreed to consider the proposal, provided that the Design-Builder obtain concurrence from the West Avenue Neighborhood Association (WAvNA) and area residents; and

**WHEREAS**, on August 22, 2023, the City met with representatives of the neighborhood, which expressed a concern with conducting construction activities concurrently in segments 2 and 3, as this would create too great an impact to local traffic, excessively impede access, and cause too much disruption to the neighborhood; and

**WHEREAS**, the Design-Builder, in accordance with the Community's request and suggestion, agreed to revise the sequencing of the construction activities so that segments 2 and 3 would not experience concurrent construction activities; and

**WHEREAS**, on May 28, 2024, the LUSC held a special meeting and adopted a motion, by acclamation, recommending that the Mayor and City Commission accept the Design-Builder's proposed construction sequencing in a multi-segmented approach, provided that segments achieve beneficial occupancy to the extent that roads are safe, drivable and parkable, prior to proceeding to the next segment, that progression is limited to construction in no more than two concurrent segments (with the exception of segment 1), and that segments 2 and 3 are not performed concurrently; and

**WHEREAS**, pursuant to the recommendations by LUSC, at its May 28, 2024 special meeting, the Administration recommends that the Mayor and City Commission adopt the resolution; and accepting the recommendation of the Land Use and Sustainability Committee (LUSC), at the special May 28, 2024 meeting, allowing the contractor, Ric-Man Construction Florida Inc., to proceed with the multi-segmented construction approach for the West Avenue Neighborhood Phase II Improvements Project, provided that segments achieve beneficial occupancy to the extent that roads are safe, drivable and parkable, prior to proceeding to the next section, and that progression is limited to construction in two segments.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, accept the recommendation of the Land Use and Sustainability committee (LUSC), at the special May 28, 2024 meeting, the contractor, Ric-Man Construction Florida Inc., to proceed with the multi-segmented construction approach for the West Avenue neighborhood phase ii improvements project, provided that segments achieve beneficial occupancy to the extent that roads are safe for vehicles and pedestrians, drivable, and parkable, prior to proceeding to the next section, and that progression is limited to construction in two segments at anytime.

**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 *ST* Date 6/18/2024