

C7 AS A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE ADMINISTRATION TO PRIORITIZE THE COMPLETION OF THE DESIGN PHASE FOR THE WEST AVENUE PHASE III IMPROVEMENTS PROJECT IN 2025.

Applicable Area:

# 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, DIRECTING THE ADMINISTRATION TO PRIORITIZE THE COMPLETION OF THE DESIGN PHASE FOR THE WEST AVENUE PHASE III IMPROVEMENTS PROJECT IN 2025.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The above-referenced Resolution was prepared at the request of the sponsor, Vice-Mayor Alex Fernandez. It will be submitted via Supplemental Agenda.

### **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?**

**Is this item related to a G.O. Bond Project?**

No

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

**Co-sponsor(s)**

Commissioner Joseph Magazine

**Condensed Title**

Direct Adm. to Prioritize Completion of West Avenue Design Phase III. (Fernandez/Magazine)  
CA

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF  
MIAMI BEACH, FLORIDA, DIRECTING THE ADMINISTRATION TO  
PRIORITIZE THE COMPLETION OF THE DESIGN PHASE FOR THE WEST  
AVENUE PHASE III IMPROVEMENTS PROJECT IN 2025.**

**WHEREAS**, the West Avenue neighborhood is one of the lowest lying areas in the City with elevations as low as 1.7' NAVD, with certain areas of West Avenue having experienced significant flooding from high tides since 2017; and

**WHEREAS**, flooding is expected to worsen, as the City faces 14-30 inches of sea level rise over the next thirty years (Southeast Florida Regional Climate Change Compact, 2019);

**WHEREAS**, a high groundwater table and intense rain events result in additional compound flooding concerns and without the deployment of temporary pumps, segments of the neighborhood flood regularly during intense rain events and king tides; and

**WHEREAS**, Miami-Dade County is planning for 2 feet of sea level rise by 2060, and the United States Army Corps of Engineers is planning for 3 feet of sea level rise by 2070; and

**WHEREAS**, concurrent to the Florida Department of Transportation's renovation of Alton Road, in 2014 the City executed a design-build agreement for Phase I of the West Avenue Project, making utility and roadway improvements along West Avenue, between 5<sup>th</sup> and 8<sup>th</sup> Street, and between Lincoln Road and 17 Street, and further including 6<sup>th</sup>, 10<sup>th</sup> and 14<sup>th</sup> Streets west of Alton Road, and 17<sup>th</sup> Street between Alton Road and West Avenue; and

**WHEREAS**, the West Avenue Phase II Improvements project (the "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 include 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**, the limits of the Project are West Avenue between 8th Street and Lincoln Road, including side streets, and Bay Road between 14th Street and Collins Canal, and includes upgrading the project to City standards of resilience of the neighborhood, as well as harmonizing between the two phases; and

**WHEREAS**, due to the size of the neighborhood, the Project scope was divided into two contracts, with 14th Street being the dividing line; and

**WHEREAS**, on March 22, 2017, the Mayor and City Commission awarded two contracts for design-build services to Ric Man Construction Florida, Inc. ("Ric-Man"); and

**WHEREAS**, on October 26, 2022, the Mayor and City Commission authorized the Administration to finalize Amendment No. 1 and Change Order No. 7 to the Design/Build Agreement with Ric-Man for the West Avenue Phase II Improvements North of 14<sup>th</sup> Street Project (the "North of 14<sup>th</sup> Street Project"), which, among other things, included an agreement to pause the West Avenue Phase II Improvements South of 14<sup>th</sup> Street Project (the "South of 14<sup>th</sup> Street Project") until January 1, 2024, and established the terms for a potential Termination for Convenience by the City; and

**WHEREAS**, for clarity and in order to simplify the applications for grants, the West Avenue Phase II Improvements South of 14<sup>th</sup> Street Project was renamed to West Avenue Phase III Improvements ("Phase III"); and

**WHEREAS**, since pausing the Phase III project, the City successfully secured a \$10 million grant from the Resilient Florida Grant Program for Fiscal Year 2024 and is currently pursuing an additional \$8 million in grant funds; and

**WHEREAS**, due to ongoing challenges with the Phase II Improvements North of 14<sup>th</sup> Street Project, the Phase III project remains suspended pending further progress in the Phase II North of 14<sup>th</sup> Street Project; and

**WHEREAS**, to ensure that further delay is avoided as much as possible, the completion of design documents for Phase III should be prioritized in 2025; and

**WHEREAS**, due to factors outside of the Administration's control, such as the logistics of negotiating and executing all of the necessary harmonization agreements, the Administration cannot guarantee that all aspects of the design documents will be completed in 2025; and

**WHEREAS**, the Mayor and City Commission desire that the Administration prioritize the completion of the design documents in 2025.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, hereby direct the Administration to prioritize the completion of the design phase for the West Avenue Phase III Improvements Project in 2025.

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

**ATTEST:**

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

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

(Sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION



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

9/5/2024

\_\_\_\_\_  
Date