

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Mark Samuelian
DATE: June 6, 2018

SUBJECT: DISCUSSION REGARDING CITY OF MIAMI BEACH STREET RAISING
RESILIENCY POLICY AND POTENTIAL ALTERNATIVES.

ANALYSIS

Our current policy is to raise all streets to 3.7 NAVD as part of neighborhood improvement projects and the City's resiliency strategy. This "one size fits all" approach does not appreciate the uniqueness of our neighborhoods. This policy has many downsides and risks for private property owners. Our residents want the City to address flooding; however, they have major concerns about this specific policy (see attached). We should discuss this policy and potential alternatives.

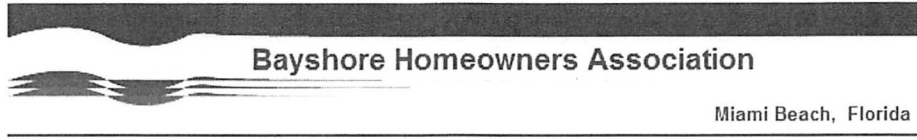
Legislative Tracking

Commissioner Mark Samuelian

ATTACHMENTS:

Description

- ▢ Bayshore Homeowners Association Position
- ▢ Palm and Hibiscus Resident Email
- ▢ RE Miami Article on Sunset Harbor
- ▢ West Avenue Neighborhood Association Position
- ▢ Ordinance Setting NAVD Policy
- ▢ Ordinance Setting Majority Vote for Modification of Stormwater Master Plan
- ▢ After Action Report on May Commission Item R7 O
- ▢ MBU Resolution on Flood Plan



Communication Regarding Central Bayshore South Project

Dear Neighbors,

Tuesday night there was an "informational" meeting at Miami Beach Senior High School where the City attempted to inform the Bayshore Neighborhood about their approach regarding the Streetscape/Drainage/Water Main Improvement project. Based on what we heard, it is paramount for the BHOA to take an immediate position in moving forward as follows:

We agree that the City must take adaptive measures to reduce flood risk. But we believe that the current project is **extreme and unwarranted**, and will perversely **endanger** our properties. We hope to address our concerns to the City – the Mayor, Commissioners, City Manager, etc. – so that they can move forward with an adaptive project that accords with our neighborhood's need and character and best benefits us, the owners and residents.

Per the Commission's recommendation, this issue will be discussed at Neighborhood's Committee April 21, 2017 (City Hall Commission Chamber) and at the Commission on April 26th, 2017. Please try to attend both of these meetings or sign letter and send back if you agree with the following points if you have not already signed the previous petition.

The following list states the positions we will address to the City:

- Adaptive projects should **proceed first** in areas of the City either or both part of an **evacuation or sheltering route** and/or most-prone to high-tide and rain-event flooding. Central Bayshore South is neither.
- The City must complete and present **100% of the project planning** – so that those affected can understand it – before proceeding further. Currently, they have only presented what the City said was 60% of the project, though much of the project's crucial impacts and information was not presented, and still are not available, i.e. finish floor elevations of all residences, which impacts criteria and decisions in how much to raise streets, property values, and insurance rates.
- Road crown elevations in Central Bayshore South should be **raised to a benchmark elevation of 2.70' NAVD**, which meets or exceeds the built elevations of other road projects in other parts of the City (e.g., North Bay Road, Central Bayshore North, Flamingo Road, Lake Pancoast area), according to the following criteria:
 1. Existing streets below the centerline elevation of 2.20' NAVD shall be raised 6" maximum.
 2. Existing streets now between the centerline elevation of 2.20' and 2.70' NAVD shall be raised to 2.70' NAVD, with minimum allowances for slope/drainage requirements.
 3. Existing streets now above 2.70' NAVD, shall be raised to 3.00' to 3.20' NAVD to allow for slope/drainage requirements.
- City should use **passive and green measures** in stormwater design and retention – possibly in conjunction with the City's redevelopment of the Former Par 3 Park, and through intensive planting of large canopy street trees.

- Streets in Central Bayshore South should be **reduced in width to the minimum width allowable with a posted 25 mph speed limit (9' per County standards)**, or at a minimum, remain at their current width with no net widening of streets, inclusive of valley gutters.
- Any reconstruction in Central Bayshore South must include **City guarantees that any drainage onto private property resulting from re-grading of the existing swales and driveways to harmonize with the raised street elevations will be the responsibility of the City to implement and pay for.**
- The City must account for the **G.O. Bond and ad valorem tax funds** dedicated to street improvements in Central Bayshore South which were approved by referendum. The bonds were issued, taxes were collected, but the original project – approved through the required public review process – never even broke ground.
- The City must explain how the current project **specifically benefits** the property owners specially assessed in connection with the City's 2015 stormwater revenue bond (and the hike in our water bills). A special assessment which does not specially benefit the project funded by the assessment is invalid.

We hope all of you will consider **taking two steps:**

1. All of you should have received a **petition** to the mayor and Commissioners, which has garnered over 170 signatures (in an area with roughly 250 homes). If you agree with it but have not yet signed it, please do and return it to us at this email address:

BayshoreHA@gmail.com

2. Please **call and email** your Commissioners, the Mayor's office and the City Manager's office **ASAP**, and call and email again, to express your disapproval of the current project and state our bulleted positions.

Micky Steinberg	tathianetrofino@miamibeachfl.gov	305.673.7030 Ext 6087
Michael Grieco	danilabonini@miamibeachfl.gov	305.673.7030 Ext 6457
Joy Malakoff	bonniestewart@miamibeachfl.gov	305.673.7030 Ext 6142
Kristen Rosen Gonzalez	kristen@miamibeachfl.gov	305.673.7030
Ricky Arriola	erickchiroles@miamibeachfl.gov	305.673.7030 Ext 6274
John Elizabeth Alemán	cmruiz-paz@miamibeachfl.gov	305.673.7030 Ext 6437
Philip Levine	philiplevine@miamibeachfl.gov	305.673.7035
Jimmy Morales	jimmymorales@miamibeachfl.gov	305.673.7010

Of course, every property will be affected differently by this project, and all of us are entitled to our individual opinions. But we can best serve our collective interests by acting together.

Bayshore Homeowners Association

On Apr 16, 2018, at 12:50 PM, [REDACTED]

< >> wrote:

Good afternoon,

I am writing to you in behalf of my family and many of my neighbors who are extremely concerned with the work that has taken place on Palm Island. I received an email from the Mr. David Martinez Director of the Office of Capital Improvement projects stating that we will not have permanent generators to run the new storm water pumps.

I applaud the previous administrations efforts to address climate change however the execution is not something to be grateful for. On my street (North Coconut lane) the street has been raised approximately 2 feet. While the street did flood a few times a year, it also held a large amount of rain water that eventually went away causing no real harm. I do believe that the new system will help reduce the flooding on the street however we lose power (almost weekly lately) and without power this new system will do more harm than good as all of the water that used to flow and accumulate into the street will now flow into our homes.

I have a list of concerned neighbors; in fact, the vast majority of our homes are now below the street which does not make any sense. If the city is trying to help the residents by raising the streets they should do so when more than 51% of residents in a specific area will benefit. In our case 90% of my neighbors and I are worse off than we were, we all prefer a flooded street occasionally than a flooded home.

I understand that for the city it might not be feasible to place generators in every neighborhood and I have also heard that this issue is now being revisited and such projects placed on hold. I urge you as elected officials to do anything you can do provide us with PERMANENT generators as we know that moving/installing and fueling temporary generators in a heavy downpour does not make sense and by the time it is deployed and functional our homes will be flooded.

I have seen that Sunset Harbour area has benefited from the permanent generators and I ask that we be provided with such. I also urge you to stop raising the streets in other neighborhoods unless such work will benefit the majority, unlike what is happening to us.

Please advise when there will be a meeting that we can attend where this issue will be discussed and I will coordinate for my neighbors and I to attend.

Thank you in advance for anything you can do to help us. The rainy season is right around the corner and it will be catastrophic for us if what has happened in Sunset Harbour happens to our homes.

Regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

parts of sunset harbour stormwater system not performing as expected

[resiliency](#) , [sunset harbour](#)

May 15, 2018

susan askew



parts of sunset harbour stormwater system not performing as expected:

[lanzo construction to submit plans for improvements](#)

Parts of the new stormwater system in Sunset Harbour are not working to their intended capacity. City Manager Jimmy Morales notified Commissioners that during a heavy rain event on Sunday “some localized flooding was observed at various locations throughout the City” but the rain should not have been enough to cause flooding in Sunset Harbour.

Morales wrote in a Letter to Commission that in the 24-hour period ending at midnight Sunday, 4.09 inches of rain fell at City Hall. Between the hours of 6 and 7 pm Sunday evening, 1.88 inches of rain fell with a peak intensity of 8.11 inches per hour.

“In Sunset Harbour on Sunday evening, some properties that are located below the flood plain elevation reported minor flooding for a brief period of time,” Morales wrote.

Built by Lanzo Construction Company, the new system “was expected to prevent sunny day flooding due to sea level rise and manage six (6) inches of rain in 24 hours with a peak hourly capacity of 2.4 inches,” according to Morales. “The improvements have proven to work very well against sea level rise as we have not seen any sunny day flooding in the area which had been frequently the case during higher tidal events.”

But, as Morales explained, the system is not performing to that expected capacity during rain events. “[T]he system, in at least some locations, reaches capacity at 1.8 inches in one hour.”

Local businesses and Commissioner Kristen Rosen Gonzalez have expressed frustration at the flooding that still occurs in some areas of Sunset Harbour during rain storms. According to Morales,

"City staff, consultant engineers from AECOM, and Lanzo Construction Company with their engineers from Wade Trim, have been engaged for months making this determination."

"Lanzo Construction Company owner, Joe D'Alessandro Sr., has provided his commitment to the City of Miami Beach to make improvements in the system to be sure expectations are met," Morales said. The company is expected to submit plans for system improvements soon and, "Work is expected to commence very shortly."

In the meantime, "If the City experiences rainfall events that exceed 1.8 inches per hour, exceeding the system capacity, properties that are below the flood plain elevation may experience standing water for a short amount of time," Morales said.

Sunset Harbour was the first project in the City's \$400 million resiliency program. It included a new stormwater system, pumps, and elevated roads.

From: WAvNA - West Avenue Neighborhood Association <wavna305@gmail.com>

Date: March 22, 2018 at 06:27:18 EDT

To: Commissioner Steinberg <MickySteinberg@miamibeachfl.gov>, Ricky Arriola <RickyArriola@miamibeachfl.gov>, Commissioner Mark Sameulian <MarkSamuelian@miamibeachfl.gov>, John Elizabeth Aleman <JohnAleman@miamibeachfl.gov>

Cc: [REDACTED]

Subject: WAvNA Comments at March 14 SRC Meeting

Dear Commissioner,

The purpose of this letter is to document the comments made by representatives of the West Avenue Neighborhood Association (WAvNA) at the Sustainability & Resiliency Committee meeting on Wednesday, March 14th, 2018, about how the City is addressing Climate Change issues and the West Avenue Phase II Project. Comments are as follows:

- **Proposed Increase to Street Elevation:** The current plan, which is under review, will put the elevation of private property below the level of the street for many of the businesses and residences in the West Avenue Neighborhood. While this might protect the streets, it will increase the probability of private property flooding, especially during storm events that exceed the design capacity of the new stormwater system or failure of the stormwater pumps. The Neighborhood is concerned that this increased risk decreases the likelihood of obtaining property insurance, resulting in diminished property values.
- **Improved Stormwater system:** Since the West Avenue Phase I project installed new stormwater pumps at 10th and 14th Streets, residents have no longer witnessed flooding or standing water on streets of stormwater drains connected to the City's stormwater system. This questions the need for increasing the street's elevation.
- **Bay Water Pollution:** Some residents have expressed concerns with the visual quality of the water being discharged into Biscayne Bay, and feel the City should do more to improve the quality of the discharged water.
- **Seawalls along Biscayne Bay:** The seawalls along Biscayne Bay have significantly reduced flooding during King Tide events in the West Avenue Neighborhood. Residents have expressed concerns about the City's plan to address private seawalls, which have not been raised, and feel the city should develop solutions to address this problem. This would further reinforce the neighborhood's protection from King Tide events.
- **Ground Water:** Some residents feel that potential increases in the groundwater elevation pose the most significant risk to the West Avenue Neighborhood. Although there have not been any reported instances of groundwater rising to the surface, it is a concern.
- **Electrical and Communication Infrastructure:** Residents are concerned about the resiliency of the electrical and communication infrastructure during storm events, from

both wind and flooding. Addressing this concern is critical to the neighborhood's resiliency.

As Miami Beach moves forward we need to think strategically and comprehensively about climate change and how we will live with the anticipated increases in water levels, the frequency of storms and increasing temperatures. It also must develop policies that address greenhouse gas emissions to be part of turning climate change around. Developing well designed sustainable solutions will be key to the future of Miami Beach.

Regards,

West Avenue Neighborhood Association (WAvNA)

West Avenue Board of Directors:

Gayle Durham - President

Shawn Patrick Bryant - Vice President

Brian Keene - Secretary/Treasurer

Travis Copeland

Corinne Kirkland

Gregg Chislett

Tim Carr

A RESOLUTION AMENDING THE CITY'S 2011 CDM-SMITH STORMWATER (MANAGEMENT) MASTER PLAN (2011 SWMP) TO INCORPORATE THE CITY'S CONSULTANT, AECOM'S, RECOMMENDATIONS RELATING TO DEFINING "FUTURE GRADE," AND "FUTURE CROWN OF THE ROAD;" FURTHER MODIFYING SECTIONS 2.5.3, ENTITLED "PROPOSED LEVEL OF SERVICE (LOS), AND 9.2.5 ENTITLED "SEAWALL HEIGHTS," OF THE 2011 SWMP, TO INCLUDE MODIFICATIONS TO THE LEVEL OF SERVICE FOR CONSTRUCTION OF ROADS, STORMWATER SYSTEMS, AND DEVELOPMENT TO REDUCE THE RISK OF FLOODING; A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT 1.

WHEREAS, the City's Stormwater (Management) Master Plan (2011 SWMP) is intended to be a guide for improving the City's stormwater management system performance for the next 20 years, with considerations of potential sea level rise over 20-years of stormwater infrastructure and a 50-year planning horizon for seawall heights; and

WHEREAS, the City adopted Resolution 2012-28068 on November 14, 2012, adopting the 2011 SWMP; and

WHEREAS, the City adopted Resolution 2014-28499 on February 12, 2014, which approved the recommendation of The Flooding Mitigation Committee to amend the 2011 SWMP by modifying the design criteria for the tailwater elevation from 0.5 Ft-NAVD to 2.7 Ft-NAVD for all tidal boundary conditions; and

WHEREAS, the City adopted Resolution 2014-28684 on July 23, 2014 which accepted the recommendation of the Flooding Mitigation Committee to amend the 2011 SWMP for minimum seawall elevation from 3.2 feet NAVD to 5.7 feet NAVD, however the 5.7 NAVD elevation for seawalls shall not apply to minor seawall repairs less than \$300 per linear foot at "2014 Consumer Price Index (CPI)"; and

WHEREAS, on December 17, 2014, the City Commission approved the revised standard seawall height at 3.2 NAVD with a caveat of an additional cap of 2 feet; and

WHEREAS, on July 21, 2015, the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise recommend that the seawall cap on all new private construction and all public seawall construction be changed from 3.2 feet NAVD to 5.7 feet NAVD throughout the City; however, on existing private seawalls that are being replaced/repairs not associated with new building construction, a minimum 4.0 NAVD elevation shall apply with the structural design to accommodate a seawall height extension to a minimum 5.7 NAVD; and

WHEREAS, on May 11, 2016, the City Commission adopted Ordinance 2016-

4009 which amended Chapter 54 – “Floods”, by establishing a minimum and maximum freeboard (minimum one foot / maximum five feet) above base flood elevation (FIRM BFE = not less than 6.44 NAVD) for all properties and amend the Land Development regulations pertaining to the calculation of building height, and establish minimum elevations of required yards in single family districts; and

WHEREAS, on May 11, 2016, the City Commission adopted Ordinance 2016-4010, amended Chapter 118, of the Land Development Regulations relating to defining “future grade” and “future crown of the road;” and

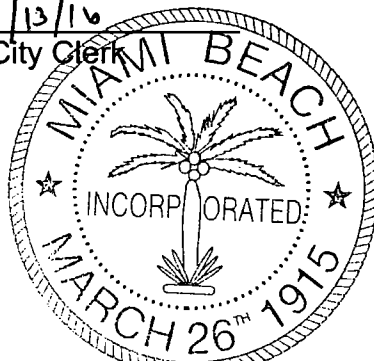
WHEREAS, the modifications to Chapter 54 and Chapter 118 were provided an effective date of June 8, 2016, so that these terms would be provided a definition and criteria in the 2011 SWMP, and the attached Addendum 1 to the 2011 SWMP, incorporates the definitions and changes to the 2011 SWMP to effectuate the new definitions for “future crown of the road” and “future grade.”

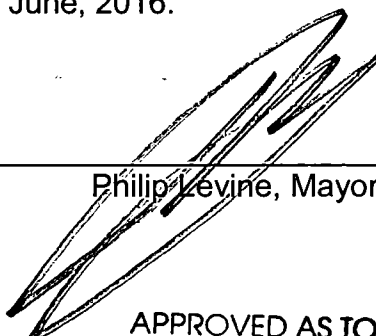
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission amend the City’s 2011 CDM-Smith Stormwater (Management) Master Plan (2011 SWMP) to incorporate the City’s consultant, AECOM’s, recommendations relating to defining “future grade,” and “future crown of the road;” further modifying sections 2.5.3, entitled “Proposed Level Of Service (LOS), and 9.2.5 entitled “Seawall Heights,” of the 2011 SWMP, to include modifications to the level of service for construction of roads, stormwater systems, and development to reduce the risk of flooding; a copy of which is attached hereto as Exhibit 1.

PASSED and ADOPTED this 8 **day of June, 2016.**

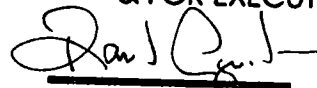
ATTEST:


6/13/16
Rafael E. Granado, City Clerk




Philip Levine, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

4/1/16
Date

\\miamibeach.gov\\files\\ATTO\\BOUE\\RESOS\\Stormwater Master Plan - Amend - reso 6-1-2016.docx

Condensed Title:

A Resolution Amending The City's 2011 Stormwater Management Master Plan To Incorporate Modifications To The Standards For The Construction Of New Roads, Stormwater Systems, And Developments; Which Standards Would Incorporate Higher Elevations In Order To Reduce The Risk Of Flooding; And Defining "Future Grade" And Minimum Required Seawall Heights; And Which Documents Are Attached Hereto As Composite Exhibit A.

Key Intended Outcome Supported:

Ensure reliable stormwater management and resiliency against flooding by implementing select short and long-term solutions including addressing sea-level rise.

Item Summary/Recommendation:

The City adopted the 2011 Stormwater Management Master Plan (SWMMP) by Resolution 2012-28068. This plan is intended to be a guide for improving the City's stormwater management system performance for a 20 year planning horizon, with considerations of potential sea level rise over 20 years for stormwater infrastructure and 50 years for seawall heights.

Periodically, due to updated climate projections, it is important to update the SWMMP to stay current and viable. The modifications proposed include provisions for new development to include roadway elevation, levels of service for roads, precipitation design rates and distribution, seawall elevations, and minimum future grade elevations.

These items have been presented to the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise on several occasions.

The SWMMP needs to be amended to incorporate modifications to the standards for the construction of new roads, stormwater systems, and developments; which standards would incorporate higher elevations in order to reduce the risk of flooding; redefine the level of service and design storm; and define minimum "future grade" and seawall heights; and which documents are attached hereto as Exhibit A. The Public Works Manual will also be amended to provide construction details referencing the SWMMP.

THE ADMINISTRATION RECOMMENDS ADOPTING THE RESOLUTION.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:		Amount	Account	Approved
	1			
	2			
	3			
OBPI	Total			

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Eric Carpenter, Public Works X6012

Sign-Offs:

Asst. Department Director	Assistant City Manager/DPW	City Manager
JJF	ETC <i>EC</i>	JLM <i>JLM</i>

T:\AGENDA\2016\June\Public Works\Stormwater Master Plan - summary.docx

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: June 8, 2016

SUBJECT: **A RESOLUTION AMENDING THE CITY'S 2011 STORMWATER MANAGEMENT MASTER PLAN TO INCORPORATE MODIFICATIONS TO THE STANDARDS FOR THE CONSTRUCTION OF NEW ROADS, STORMWATER SYSTEMS, AND DEVELOPMENTS; WHICH STANDARDS WOULD INCORPORATE HIGHER ELEVATIONS IN ORDER TO REDUCE THE RISK OF FLOODING; AND DEFINING "FUTURE GRADE" AND MINIMUM REQUIRED SEAWALL HEIGHTS; AND WHICH DOCUMENTS ARE ATTACHED HERETO AS COMPOSITE EXHIBIT A.**

BACKGROUND

The City adopted the 2011 Stormwater Management Master Plan (SWMMP) by Resolution 2012-28068. This plan is intended to be a guide for improving the City's stormwater management system performance for a 20 year planning horizon, with considerations of potential sea level rise over 20 years for stormwater infrastructure and 50 years for seawall heights.

Periodically, due to updated climate projections, it is important to update the SWMMP to stay current and viable. The modifications proposed include provisions for new development to include roadway elevation, levels of service for roads, precipitation design rates and distribution, seawall elevations, and minimum future grade elevations.

These items have been presented to the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise on several occasions.

On February 12, 2014, the City adopted Resolution 2014-28499, which approved the recommendation of The Flooding Mitigation Committee to amend the SWMMP so as to modify the design criteria for a "tailwater elevation" be increased from 0.5 Ft-NAVD to 2.7 Ft-NAVD for all tidal boundary conditions;

On July 21, 2015, the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise recommend that the seawall cap on all new private construction and all public seawall construction be changed from 3.2 feet NAVD to 5.7 feet NAVD throughout the City; provided, however, that for properties with existing private seawalls that are being replaced/repared not associated with new building construction, the Panel recommended applying a minimum 4.0 NAVD elevation, as

long as the structural design to accommodate a seawall height extension to a minimum 5.7 NAVD

On May 11, 2016, the Mayor and City Commission adopted Ordinances 2016-4009, relating to amending Chapter 54 of the City Code entitled "Floods" to define City of Miami Beach Freeboard, and modify how grade elevation and height are defined due to flooding and climate change.

Also on May 11, 2016, the Mayor and City Commission adopted Ordinance 2016-4010, relating to amending Chapter 118, of the Land Development Code, to incorporate the same Freeboard definitions, and procedures for how to determine grade elevation and height as a result of flooding and climate change.

The SWMMP needs to be amended to incorporate modifications to the standards for the construction of new roads, stormwater systems, and developments; which standards would incorporate higher elevations in order to reduce the risk of flooding; redefine the level of service and design storm; and define minimum "future grade" and seawall heights; and which documents are attached hereto as Exhibit A. The Public Works Manual will also be amended to provide construction details referencing the SWMMP.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida accept the recommendation of the City Manager to amend the 2011 Stormwater Management Master Plan.

Attachment – Exhibit A


JLM/ETIC/HF/BAM/WRB

T:\AGENDA\2016\June\Public Works\Stormwater Master Plan - memo.docx

EXHIBIT A

AECOM recommended changes to the 2011 CDM-Smith Stormwater Master Plan (2011 SWMP)

- Modify Section 2.5.3 Proposed Level of Service to include, *“Future crown of road and back of sidewalk elevations shall be 3.7 feet, NAVD, unless exempt due to hardship as determined by the Director of Public Works.”*
- Modify Section 2.5.3 Proposed Level of Service to include, *“For land development purposes, the future grade shall be 3.7 feet NAVD minimum.”*
- Modify Section 2.5.3 Proposed Level of Service to state, *“The stormwater level of service for roadways such that the crown of road is not overtopped during the 5 year / 24 hour design storm event with the following parameters:*
 - *South Florida Water Management District nomograph with 1.25 safety factor.*
 - *The rainfall distribution shall be the SCS Type III.*
 - *The Unit Hydrograph peaking factor shall be 150.”*
- Modify Section 2.5.3 Proposed Level of Service to state, *“New construction or substantial reconstruction on private property shall retain stormwater runoff from the 5 year / 24 hour design storm of 7.5 inches of rainfall.”*
- Modify Section 9.2.5 Seawall Heights to state, *“All new seawalls on private construction and all seawalls constructed on public projects shall have a minimum elevation of 5.7 feet, NAVD, however, on existing private seawalls that are being replaced/repared not associated with new building construction, a minimum 4.0 NAVD elevation shall apply with the structural design to accommodate a seawall height extension to a minimum 5.7 NAVD.”*

EXHIBIT A

ADDENDUM 1 TO THE CITY OF MIAMI BEACH STORMWATER (MANAGEMENT) MASTER PLAN FINAL REPORT

The City of Miami Beach's consultant, AECOM, has recommended modifications to the 2011 CDM Smith Stormwater (Management) Master Plan Final Report (2011 SWMP) in order to ensure the resiliency of the City, which recommendations are incorporated into the 2011 SWMP, as Addendum 1.

The following amendments to the following sections of the 2011 SWMP are hereby amended and incorporated by reference into the 2011 SWMP, as follows:

* * *

2.5.3 Proposed Level of Service (LOS)

As shown, CDM evaluated design storm events and joint tidal event periods to evaluate stormwater system performance and the project needs and costs to achieve various levels of service. The various evaluations for LOS indicated a point of diminishing returns at the 2 to 3 year storm event level.

Therefore, the City and CDM formulated options to best protect public safety and property with available funding. The 5-year, 24-hour ~~(5.9 inches of rainfall)~~ design storm of 7.5 inches of rainfall was also investigated due to current LOS standards. As an example, a 5 year LOS in the Flamingo Park Lummus Avenue project area would cost approximately \$80 million, and the City available budget for this project area is approximately \$35 million.

Based on the supplied information herein, the City should determine whether an adjustment in the design storm is prudent as it relates to the future evaluation of LOS.

"Future crown of road" and "future back of sidewalk elevations" shall be 3.7 feet, NAVD, unless exempt due to hardship as determined by the Director of Public Works.

For land development purposes, "future grade" shall be a minimum of 3.7 feet NAVD.

The stormwater level of service for roadways such that the "future crown of road" is not overtopped (flooded) during the 5 year / 24 hour design storm event shall be constructed utilizing the the following parameters:

- South Florida Water Management District nomograph with 1.25 safety factor.
- The rainfall distribution shall be the SCS Type III.
- The Unit Hydrograph peaking factor shall be 150.

EXHIBIT A

New construction or substantial reconstruction on private property shall retain stormwater runoff from the 5 year / 24 hour design storm of 7.5 inches of rainfall.

* * *

9.2.5 Seawall Heights

This section provides recommendations regarding the influence of sea-level on seawall elevations. Condition assessment and solutions for rehabilitating the City's extensive network of seawalls was not included as part of the scope of the SWMP. In 2003, a preliminary inspection report on seawalls was produced by another consultant. This investigation identified the structural integrity of approximately 99 seawall sites throughout the City. That study did not include any recommendation of modifications to the seawalls to address sea-level rise considerations. The following are additional considerations related to seawall heights.

Seawall Height Consideration No. 1

As part of the City's consideration of long-term sea-level rise, a comprehensive inventory of City and private seawalls within the City of Miami Beach should be performed. The inventory should include survey of top (i.e., cap) of the seawall and condition assessment of its structural integrity.

Seawall Height Consideration No. 2

Seawall height design standards should be consulted with coastal engineers and planners in accordance with procedures normally utilized in this specialty discipline (i.e., coastal storm surge estimation). ~~A preliminary consideration is the establishment of a minimum seawall elevation. Based on FEMA and USACE guidance and discussions with USGS and CSI during the development of the SWMP, the establishment of a minimum seawall height of 1 foot above the 1-year tidal stillwater (1.0 + 2.2 ft NAVO = 3.2 ft NAVO) elevation is recommended. This level should be evaluated in coordination sea-level rise projections.~~ All new seawalls for private construction and all seawalls constructed on public projects (after June 8, 2016) shall have a minimum elevation of 5.7 feet, NAVD, provided, however, for existing private seawalls that are being replaced/repared not associated with new building construction, a minimum 4.0 NAVD elevation shall apply with the structural design to accommodate a seawall height extension to a minimum of 5.7 NAVD.

* * *

FREEBOARD

ORDINANCE NO. 2017-4150

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A – GENERAL ORDINANCES, OF THE CITY CODE, BY AMENDING CHAPTER 54 “FLOODS” AT SECTIONS 54-39, ENTITLED “ESTABLISHMENT OF DEVELOPMENT PERMIT;” IN ORDER TO SPECIFICALLY ADOPT THE CITY’S STORMWATER MASTER PLAN, AS MAY BE AMENDED, AND TO REQUIRING 5/7 VOTE OF FULL CITY COMMISSION TO LESSEN ANY OF THE STORMWATER REQUIREMENTS CONTAINED IN CHAPTER 54; TO AMEND SECTION 54-45, “PERMIT PROCEDURES,” TO CORRECT THE TITLE OF THE CITY’S STORMWATER MASTER PLAN; AND BY AMENDING SUBPART B – “LAND DEVELOPMENT REGULATIONS,” BY AMENDING SECTION 114-1, ENTITLED “DEFINITIONS,” IN ORDER TO CORRECT THE NAME OF THE CITY’S STORMWATER MASTER PLAN; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, sea level rise and flooding is an ongoing concern of the City; and

WHEREAS, low lying infrastructure including buildings must also retrofit and adapt to increased water levels or elevate in order to reduce risk or maintain low risk from potential flood damage; and

WHEREAS, it is appropriate to ensure that the Stormwater Master Plan, as may be amended, is incorporated into Chapter 54, entitled “Flooding” of the City’s Code; and

WHEREAS, the City’s Stormwater Master Plan provides guidance and regulations to ensure minimum flood-proofing requirements to protect residential and commercial structures, and to provide additional levels of protection to maintain consistency with U.S. Federal and State guidance, and

WHEREAS, the City desires to require a 5/7th vote of the City Commission in order to reduce, relax, diminish, or repeal the requirements of Chapter 54, and of the Stormwater Master Plan, incorporated by reference therein.

WHEREAS, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 54, “Floods,” at Section 54-45, “Permit Procedures,” is amended as follows:

CHAPTER 54 FLOODS

*

*

*

Sec. 54-39. - Establishment of development permit; adoption of the city's stormwater master plan; and requiring 5/7 vote of the full city commission to lessen any of the stormwater requirements contained in this Chapter 54. Repeal or modification of this 5/7 voting requirement shall require a 5/7 vote of the full city commission.

A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities. All developments or applications for development permits shall comply with the city's stormwater master plan, as may be amended. The adoption of any ordinance that would reduce, relax, diminish, or repeal the requirements of this Chapter 54, shall require a 5/7 vote of the city commission.

*

*

*

Sec. 54-45 Permit Procedures

Application for a development permit shall be made to the building director or his/her designee on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimension, and elevations of the area in questions, existing and proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application stage:

*

*

*

- (f) A stormwater management plan and site drainage calculations, for new constructions and substantial improvement, shall be prepared by a Florida licensed engineer in accordance with the ~~CDM-Smith 2011~~ City's Stormwater Master Plan, as may be amended, to demonstrate that adequate surface drainage shall be provided and surface run-off water shall be diverted to a storm conveyance or other approved point of collection, in accordance with Florida Building Code Sections 1804 and R401.3. The site shall be graded in manner to drain surface water away from foundation walls in accordance with Florida Building Code Sections 1804 and R401.3. All site drainage for new construction shall be designed and constructed in such a manner as to provide runoff rates, volume and

pollutant loads not exceeding predevelopment conditions and prevent flooding adjacent properties.

*

*

*

SECTION 2. Chapter 114, "General Provisions," of the Land Development Regulations, at Section 114-1, "Definitions," is hereby amended as follows:

CHAPTER 114 GENERAL PROVISIONS

Sec. 114-1. Definitions.

*

*

*

Grade, adjusted means the midpoint elevation between grade and the minimum required flood elevation for a lot or lots.

Grade, average existing means the average grade elevation calculated by averaging spot elevations of the existing topography taken at 10-foot intervals along the property lines.

Grade, future adjusted means the midpoint elevation between the future crown of the road as defined in the ~~CDM-Smith~~ City's Stormwater Master Plan, as may be amended, and the base flood elevation plus minimum freeboard for a lot or lots.

Green infrastructure shall be as defined in Section 54-35.

*

*

*

SECTION 3. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.


SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect 10 days after enactment.

PASSED AND ADOPTED this 31 day of October, 2017.

ATTEST:

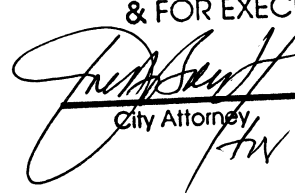

Philip Levine, Mayor

 11/3/17
Rafael E. Granado, City Clerk

First Reading: October 18, 2017

Second Reading: October 31, 2017

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

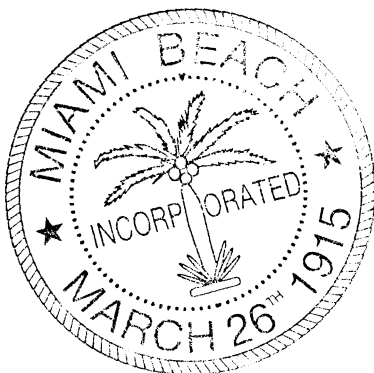

City Attorney

10/24/17
Date

Underline = new language

~~Strikethrough~~ = deleted language

[Sponsored by Commissioner John Aleman and Co-sponsored by Commissioner Joy Malakoff]



MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: October 31, 2017

9:35 a.m. Second Reading Public Hearing

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A - GENERAL ORDINANCES, OF THE CITY CODE, BY AMENDING CHAPTER 54 "FLOODS" AT SECTIONS 54-39, ENTITLED "ESTABLISHMENT OF DEVELOPMENT PERMIT;" IN ORDER TO SPECIFICALLY ADOPT THE CITY'S STORMWATER MASTER PLAN, AS MAY BE AMENDED, AND TO REQUIRING 5/7 VOTE OF FULL CITY COMMISSION TO LESSEN ANY OF THE STORMWATER REQUIREMENTS CONTAINED IN CHAPTER 54; TO AMEND SECTION 54-45, "PERMIT PROCEDURES," TO CORRECT THE TITLE OF THE CITY'S STORMWATER MASTER PLAN; AND BY AMENDING SUBPART B - "LAND DEVELOPMENT REGULATIONS," BY AMENDING SECTION 114-1, ENTITLED "DEFINITIONS," IN ORDER TO CORRECT THE NAME OF THE CITY'S STORMWATER MASTER PLAN; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends approving the Resolution.

ANALYSIS

The City adopted the 2011 Stormwater Management Master Plan (SWMMP) by Resolution 2012-28068. This plan is intended to be a guide for improving the City's stormwater management system performance for a 20 year planning horizon, with considerations of potential sea level rise over 20 years for stormwater infrastructure and 50 years for seawall heights. Periodically, due to updated climate projections, it is important to update the SWMMP to stay current and viable.

Items such as roadway elevation, levels of service for roads, precipitation design rates and distribution, seawall elevations, and minimum future grade elevations have been presented to the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise on several occasions.

On February 12, 2014, the City adopted Resolution 2014-28499, which approved the recommendation of The Flooding Mitigation Committee to amend the SWMMP so as to modify the design criteria for the water level in Biscayne Bay be increased from 0.5 Ft-NAVD to 2.7 Ft-NAVD for all tidal boundary conditions.

On July 21, 2015, the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise recommend that the seawall cap on all new private construction and all public seawall construction be changed from 3.2 feet NAVD to 5.7 feet NAVD throughout the City; provided, however, that for properties with

existing private seawalls that are being replaced/repared not associated with new building construction, the Panel recommended applying a minimum 4.0 NAVD elevation, as long as the structural design to accommodate a seawall height extension to a minimum 5.7 NAVD.

On May 11, 2016, the Mayor and City Commission adopted Ordinances 2016-4009, relating to amending Chapter 54 of the City Code entitled "Floods" to define City of Miami Beach Freeboard, and modify how grade elevation and height are defined due to flooding and climate change.

Also on May 11, 2016, the Mayor and City Commission adopted Ordinance 2016-4010, relating to amending Chapter 118, of the Land Development Code, to incorporate the same Freeboard definitions, and procedures for how to determine grade elevation and height as a result of flooding and climate change.

The SWMMP needs to be amended to incorporate modifications to the standards for the construction of new roads, stormwater systems, and developments; which standards would incorporate higher elevations in order to reduce the risk of flooding; redefine the level of service and design storm; and define minimum "future grade" and seawall heights.

At the Mayor's Blue Ribbon Panel on Flooding and Sea Level Rise on July 18, 2017, the members discussed and recommended that the SWMMP be codified and require a super majority of the Commission to reduce the resiliency standards incorporated therein. Sea level rise and flooding is an ongoing concern of the City. Low lying infrastructure including buildings must either retrofit and adapt to increased water levels or elevate in order to reduce risk or maintain low risk from potential flood damage. It is appropriate to ensure that the SWMMP, as may be amended, gets incorporated into Chapter 54, of the City of Miami Beach's City Code, entitled "Flooding".

The proposed Ordinance specifically adopts the SWMMP as may be amended in the future. All developments or applications for development permits shall comply with the SWMMP. In addition, the adoption of any ordinance that would reduce, relax, diminish, or repeal the requirements of Chapter 54, shall require a 5/7 vote of the City Commission.

The City's SWMMP provides guidance and regulations to ensure minimum flood-proofing requirements to protect residential and commercial structures, and to provide additional levels of protection to maintain consistency with U.S. Federal and State guidance.

Following discussion at the City Commission meeting of October 18, 2017, additional language was added to the Ordinance amendment on the dais, requiring a 5/7 vote of the City Commission in order to repeal or modify the voting mandate.

CONCLUSION

The Administration recommends approving the Resolution.

Legislative Tracking

Public Works

Sponsor

Commissioner John Elizabeth Aleman & Co-sponsored by Commissioner Joy Malakoff

ATTACHMENTS:

Description

- ▯ FINAL ORDINANCE

11:42:56 a.m.

R7 O ~~A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 2016-166-KB, FOR DESIGN/BUILD SERVICES FOR RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENT PROGRAM FOR NEIGHBORHOOD NO. 5 LA GORCE, AWARDING THE GROUP 3 NORTH AREA, TO DAVID MANCINI AND SONS INC., WITH THE TOTAL CONTRACT PRICE IN THE AMOUNT OF \$24,002,128; AND AUTHORIZING A TEN PERCENT (10%) OWNER'S CONTINGENCY FOR THE GROUP 3 NORTH AREA WORK IN THE AMOUNT OF \$2,400,213; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A DESIGN BUILD AGREEMENT.~~

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REJECTING ALL BIDS RECEIVED, PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 2016-166-KB FOR DESIGN/BUILD SERVICES FOR RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENT PROGRAM FOR NEIGHBORHOOD NO. 5 LA GORCE; AND DIRECTING THE ADMINISTRATION TO REISSUE A NEW REQUEST FOR PROPOSALS FOR THE PROJECT.

Public Works/Procurement

ACTION: Resolution 2018-30312 adopted. Item separated by Mayor Gelber and heard in conjunction with C4 O. Motion made by Commissioner Góngora to reject the current RFP and issue a new RFP; seconded by Commissioner Rosen Gonzalez. Voice vote: 5-2. Opposed: Commissioners Alemán and Arriola. See motions below and direction. **Roy Coley and Alex Denis to handle.**

MOTION 1:

Motion made by Commissioner Góngora to reject the current RFP and issue a new RFP; seconded by Commissioner Rosen Gonzalez. Voice vote: 5-2. Opposed: Commissioners Arriola and Alemán.

MOTION 2:

Motion made by Commissioner Alemán to refer the Resolution regarding the undergrounding for North Bay Road and Alton Road to the Neighborhood/Community Affairs Committee; seconded by Commissioner Rosen Gonzalez. Voice vote: 7-0. **Kathie G. Brooks to place on Committee agenda. Roy Coley and Alex Denis to handle.**

MOTION ON NEW ITEM:

Motion made by Commissioner Alemán to direct the Administration to immediately prepare the next procurement package according to the City's current roll out schedule and consider whether to have it as a design-build or design-bid-build; seconded by Vice-Mayor Steinberg. Voice vote: 4-3. Opposed: Commissioners Góngora, Rosen Gonzalez, and Samuelian. **Roy Coley and Alex Denis to handle.**

City Clerk's Note: On May 20, 2018, Commissioner Góngora requested via email that the after-action reflect that he did not vote as he intended on the motion on the "new item." Commissioner Góngora stated that he was away from the dais when the initial discussion on this item occurred, and as a result voted incorrectly.

REFERRAL:

Neighborhood/Community Affairs Committee to discuss undergrounding for North Bay and Alton Road.

Commissioner Samuelian expressed his desire for some thoughtful discussion on this item.

Mayor Gelber explained that there is a motion to discuss this item at the Finance and Citywide Projects Committee and simultaneously there is an award to the RFP that the City Commission must choose, as it cannot do both. He asked Mr. Coley to introduce the issue to inform the public better on the matter.

Roy Coley, Public Works Director, explained that this is an award of a comprehensive neighborhood improvement project, which is part of the La Gorce Neighborhood Project from 59th Street to 63rd Street on upper North Bay Road. The project includes the replacement of the drinking water system, the waste water system, installing new storm water systems for rainfall, elevating the roads to mitigate against sea level rise, and installing new lighting systems. The reason for the time sensitivity is that the Florida Department of Transportation has a project scheduled that will range from Michigan Avenue to 63rd Street on Alton Road taking place between 2021 and 2023. It is his opinion that the City should not have this area under construction during that time because North Bay Road will be an alternate means to traverse traffic. Time is of the essence. He is asking the City Commission to consider enhancing the blue and green infrastructure in all the City's projects as indicated in the Urban Land Institute (ULI) and Harvard studies.

Mayor Gelber asked Mr. Coley to explain the meaning of blue and green infrastructure.

Mr. Coley explained that there are typically three types of infrastructure: gray, blue, and green. Gray is considered engineered structures such as pipes, pumps, and roads. Green is considered vegetation such as grass areas, trees, and things of that nature. Blue are holding ponds, reservoirs, and possibly wet lands. The two studies suggested the City add more of the green and blue areas, yet the contractors were asked to respond to a design criteria that did not include these enhancements. Currently, the City is in a cone of silence with this process. They do not have the ability to go to the potential awardee and ask them for proposals and pricing and how they would enhance blue and green infrastructure hence why they recommend the City approve an award to allow the contractors to be notified to proceed with only the design. After that, the City can then request the contractor with the enhancement costs of blue and green infrastructure enhancements. The City Commission would give the final approval on the designs.

City Attorney Aguila asked Mr. Coley whether his statement was consistent with the City Manager's recommendation in the package to award Group 3.

Mr. Coley stated that awarding Group 3 is an amendment to the City Manager's recommendation to authorize only notice to proceed for design only, and then return to the City Commission for approval.

City Attorney Aguila asked Mr. Coley whether he was amending the City Manager's recommendation on the floor during this meeting.

Mr. Coley answered in the affirmative that he is in fact amending the City Manager's recommendation. He explained that without the amendment, the City could not engage with the contractor due to the cone of silence. The addition of blue and green infrastructure will affect the overall design of the project, it is important that they discuss this with the contractor.

Commissioner Rosen Gonzalez asked whether it would be better to get the blue and green infrastructure design and then award the contract.

Mr. Coley explained that if the City were to take that approach, the project would have to be restarted from the beginning. A great deal of time would be lost.

Commissioner Rosen Gonzalez stated that this is very stressful for Commissioners. Several residents have shared photos with her of streets and businesses being completely flooded. Many residents believe they are worse off now than before. Some are even threatening to sue the City. She is now seeing the Administration rushing ahead with this project when it should pause. She addressed Mayor Gelber and asked him to lead and get a red team to fix this problem. Not all neighborhoods are in bad shape, Sunset Islands I, II, III, and IV are doing fine after the City did its resiliency project, and that is because the City did not raise the roads. She asked the Mayor and City Manager to put a six-month pause on this project.

City Manager Morales expressed his hope that the Administration receives clear direction from the City Commission on this matter. This item was deferred from last month. In fact, The City Commission could have been issuing an RFP for the entire three areas. The City is now focusing on the lowest area, which has the most need for flood protection. There needs to be a decision made today, he believes the City's commitment to move forward on this project is important.

Commissioner Samuelian stated that the red team and ULI had a lengthy discussion about undergrounding in this neighborhood. He asked how the undergrounding would affect the RFP.

Mr. Coley replied that in his opinion, if the undergrounding were to begin today the undergrounding project would take approximately seven to eight years.

Commissioner Samuelian asked whether the RFP included any undergrounding provisions.

Mr. Coley stated that undergrounding utilities is not part of this project.

Commissioner Góngora stated that it is unusual to have a City Manager recommendation modified and amended on the floor during a meeting. He is having serious concerns about the increase in road heights. Residents do not seem to have confidence in this project. He is also concerned about pausing this project, because it will not get them to a final destination. The City Commission needs to decide as to what it is going to do. He would like significant undergrounding work to take place, improve pipes, and avoid future flooding.

Mayor Gelber stated that this RFP only implicates North Bay Road. He asked members of the public who want to speak on the subject to approach the podium.

Alex Heckler, on behalf of David Mancini, spoke in favor of supporting the recommendation of this item. Group 3 is at the lowest level of elevation and in the most need of drainage, water, and wastewater. There has been much misinformation going around and designs are not modeled on modern designs. Both the ULI and Harvard studies recommended that the City not stop.

Sid Feltenstein read the Harvard study and attended the ULI session. He believes both studies were critical of the City, as they believe Miami Beach does not have a plan to live with water. The City needs a plan to know what enhanced green space will do. A model needs to be created and then financed. He cannot imagine going forward without this information. He shared a maxim he uses in his line of work: "If you don't know where you are going, any road will get you there."

Jaime Robinson, lifelong Miami Beach resident, highlighted the deficiencies in planning the Hibiscus project. This project taking place on North Bay Road is now experiencing the same problem. She wants the money earmarked for this neighborhood to be provided to this neighborhood.

Jane Kahn Jacobs, lifelong Miami Beach resident, stated that she expects the elected officials to listen to experts in the field. This is not the time to vote on awarding contracts. She wants a review of the storm water and other corroded pipes. She urged the City Commission to study the Harvard report.

Joy Malakoff stated that she served four years on the City blue ribbon panel ex-officio on sea level rise. She believes she is knowledgeable on the subject. She lives north of 59th Street, and asked the City Commission to listen to the people who live in the area. She believes the City should go forward with this part of the project. She agrees that the blue and green projects will help in the future. The City is on the right path, and should not continue putting off the project.

Nancy Bernstein stated that her street does not flood. Her street used to flood a decade ago, but since the gutters and drainage system were cleaned up there has not been any flooding. She wants the City to rethink the green and blue projects. She concluded by saying that her trust in her elected officials is changing.

Glenna Norton disagreed with the project taking place on half the street. If it is to be done, it needs to be done on the entire street. The City needs experts with training, knowledge, and goals.

Bruce Bender stated that he lives on 59th Street and Alton Road and has had four floods since moving in. He has done everything humanly possible to stop the flooding, but it is still happening. He has time stamped photos of a foot of water everywhere on and around his property. He is desperate and does not know what else to do.

David Mancini addressed Commissioner Rosen Gonzalez and stated that Sunset Harbour Islands I and II are failing because the roads were not elevated. He clarified that all the undergrounding projects have been stopped by residents; this is because of the

necessary easements that residents continually refuse. When this City Commission allows residents to dictate its projects that is when the trouble begins.

City Attorney Aguila restated that the recommendation has been amended to award the RFP for Group 3 north area to David Mancini and Sons with a contractor price of \$24 million and contingency further authorizing the Administration to issue a notice to proceed for design only with the final project design subject to and contingent upon prior City Commission approval authorizing the awards of Groups 1 and 2 at a later date.

Commissioner Alemán stated that before the City Commission starts talking about options and what they will do, she believes this conversation warrants a much lengthier discussion.

Mayor Gelber stated that he wants everyone present to know the options; the City needs to get this right.

Discussion held.

Commissioner Alemán stated that this is the most important issue the City is currently facing. It is the City's future. She shares everyone's concerns that we all want to protect our property values and have our City thrive. We need to remind ourselves of that. There is nothing wrong with the current system, only that the times have changed. This City relies enormously on its pumps. Without the pumps, North Bay Road would be in a great deal of trouble. Nature has gotten stronger, and as such, we need to be better prepared. Some people have stated that the City does not have a plan when it comes to sea level rise, and that is not true; the City does have a strategy, which is incremental.

Mayor Gelber stated that the RFP is trying to catch up with the green and blue requirements from the ULI study.

Commissioner Alemán would like to award Group 3 today and include funding for above and below ground improvements. There are funds for the above ground portion, but the undergrounding portion is another issue.

City Attorney Aguila stated that undergrounding takes much longer to complete as Mr. Coley stated previously. To do an undergrounding project, they must first determine the special assessment district and they would additionally need an estimate from FPL.

Commissioner Alemán stated that the undergrounding that took place in other neighborhoods was approximately \$20,000 per house. Any other undergrounding project should be around the same price.

Discussion continued.

Commissioner Góngora asked whether the City Commission has ever used this mechanism when there is an RFP for vote to provide funds, but instead the City Commission gives the Administration notice to proceed and go with an RFP and do enhancements and design changes.

City Attorney Aguila stated that he does not recall any instance when this has happened.

Commissioner Góngora stated that if the RFP comes before the City Commission and it needs enhancement and design changes, the proper legal vote is to reject the RFP and start over with something entirely new. He wants to move forward with this project, but he finds it incredibly imperfect. The Administration stated that the Group 3 project would cost \$24 million, but now that it needs enhancements and design changes, it will not be \$24 million, and it will be much more. He believes the contractors do not want to redo a proper RFP and incorporate the comments addressed so far. He does not want to gamble \$24 million, he wants to move forward with this project, but it must be done correctly. He does not want the neighbors to have to come back to the City Commission to complain further. He has no problem, however, in beginning the process of a special taxing district so long as the neighbors want it.

Commissioner Rosen Gonzalez stated that the pause she is requesting is not specifically for this project. Her worry is that the City is arbitrarily picking neighborhoods to do these resiliency projects. The current plan does not include blue and green areas; it is now incomplete. One cannot simply agree to add blue and green infrastructure to the swales and claim it is done. A study needs to be done. She asked how much money has been spent on the project so far.

Eric Carpenter, Assistant City Manager, replied that minimal time has been spent on this project so far, so the costs are minimal.

Commissioner Rosen Gonzalez stated that she would be in favor of rejecting this RFP today. She wants to set a meeting and incorporate blue and green areas. The City needs vision and a complete reevaluation to start over.

Commissioner Góngora agreed and stated that he is afraid that this project is not going in the right direction.

Commissioner Rosen Gonzalez stated that the City Commission needs to give direction of where this project should go.

Commissioner Samuelian stated that there is no doubt the City is in need for a flooding and sea level rise program. It needs to be done right. The mistakes that are made along the way can cause terrible problems in the long run. Doing nothing is not an option, but going about the problem the wrong way is even worse. He believes the City needs to rethink the street raising policy. He is not advocating to stop completely, but to say it must be 3.7 NAVD across the board has been the single most controversial policy that has been causing problems. He wishes people would be excited for this project, but that is not what is happening. People are complaining throughout the City, because residents are not seeing the value of what the City is doing.

Commissioner Arriola stated that he generally leans towards undergrounding utilities. The City has some magnificent homes and it looks very odd to have that in contrast with outdated utility poles. Unfortunately, the City is at the mercy of FPL in terms of undergrounding utilities. FPL does not have undergrounding as a priority. He is unsure why people are pushing for undergrounding at the moment, when it is an impossibility during the next 18 to 24 months, and even after that wait time, the project will still take at least six years. He agrees to issue another RFP to be looked into the Administration during the next 90 days and work with the Florida Department of Transportation to incorporate blue and green infrastructure.

City Attorney Aguila asked whether the procurement process could be expedited to 30 days.

Assistant City Manager Carpenter stated that would not be possible. He explained that a typical RFP, where there is a clearly defined scope, would take from 90 days to six months, even when expedited. An RFP of this magnitude with changing scope will take every bit of six months.

City Attorney Aguila stated that the scope is already there, and they are simply adding blue and green infrastructure.

Vice-Mayor Steinberg asked what the difference is between design-build and design-bid-build projects.

Assistant City Manager Carpenter explained that in the design-bid-build delivery method, the City has full design package and a direct consultant with the City to put out a bid procurement and go with the lowest responsive and responsible bidder. Design-build process hires a design builder that is a team of contract and design consultants that will put the design package together and ultimately give the City a price for the completed project. As an engineer, he prefers the design-bid-build method, but Miami Beach favors the design-build option. The problem with the design-build method is that if the City Commission wants to change the scope of the design, the designer needs to be contacted to amend the design and have a contractor again price the design changes and bring it back to the City Commission.

Discussion continued.

Commissioner Alemán asked that if the City goes forward, how the City would work with the design-build method, and getting public input into the design.

Assistant City Manager Carpenter replied that the first things they would ask the contractor when they sit down and negotiate the final contractual mechanism is for them to provide the City a copy of the public engagement and contractual requirement. There are very few things the City seems to be at odds with the residents, but they can be worked out.

Commissioner Alemán stated that some people are calling this project an experiment. She asked Assistant City Manager Carpenter whether that statement is true.

Assistant City Manager Carpenter stated that water and sewer projects are things the City has done hundreds of times. These projects take place here and throughout the country. Water and sewer repair is what it is; it is not an experiment. The Administration has implemented pipes and pumps in multiple neighborhoods in Miami Beach. The neighborhoods where the new pumps have been installed have been happy with the results. There have been a few challenges with the early projects they have implemented and multiple iterations have gone through even during the 90s. Exfiltration trenches, gravity wells, injection wells, pumped outfalls, and raised streets have all been tried out, and they are building on the lessons learned in the past to make it better. He restated that this project is not experimental as it is using tried-and-true technology.

Mayor Gelber stated that this is very difficult choice, and the truth is that every expert has stated that the City must do something to raise the streets and put in pumps. While the City is busy doing this, it needs to take care of the water needs. These are not easy things to talk about and the City's staff is trying to learn from what has been done in the past. Very few cities are as low lined as Miami Beach, and experts have stated that what Miami Beach is doing will protect the community's assets. If nothing is done, no bank or mortgage lender will provide funds, and property values will tumble in South Florida. He added that currently the only City that has not had a decrease in property values in South Florida has been Miami Beach.

Commissioner Alemán stated that if the City Commission awards Group 3 it already has the mechanisms by which the green and blue infrastructure could be introduced appropriately. She disagreed with the Mayor's statement and highlighted that Miami Beach single-family homes have in fact declined 2% in value during the last two years. She believes the City should continue its current path. This is not only her opinion, but also the opinion of bonding agents she has spoken to.

Commissioner Góngora stated that everyone has ideas on what strategy Miami Beach should take. The discussion of undergrounding utilities is nothing new to this City Commission. He does have some concerns with some of his colleagues who want to move forward at all costs. No City Commission has ever chosen to have an RFP come before the City Commission only to have it amended to ask the City Commission to trust the Administration in redrafting the RFP after the fact. He cautioned the City Commission again that the \$24 million cost is not actual given that the project needs to undergo enhancements and design changes.

MOTION 1:

Motion made by Commissioner Góngora to reject the current RFP and issue a new RFP; seconded by Commissioner Rosen Gonzalez. Voice vote: 5-2. Opposed: Commissioners Arriola and Alemán.

MOTION 2:

Motion made by Commissioner Alemán to refer the Resolution regarding the undergrounding for North Bay Road and Alton Road to the Neighborhood/Community Affairs Committee; seconded by Commissioner Rosen Gonzalez. Voice vote: 7-0.

1:32:05 p.m.

NEW ITEM:

Commissioner Alemán motioned to direct the Administration to immediately prepare the next procurement package according to the City's current roll out schedule and consider whether to have it as a design-build or design-bid-build; seconded by Vice-Mayor Steinberg. **Roy Coley and Alex Denis to handle.**

Mayor Gelber called for a vote.

Some members of the Commission voted in the affirmative, but there was confusion by some members of the Commission that a vote was being taken.

Commissioner Rosen Gonzalez asked Commissioner Góngora whether he heard the motion.

Commissioner Alemán restated the motion.

Commissioner Góngora stated that he is unclear as to what the Commissioner is asking for.

Vice-Mayor Steinberg explained that the City Commission does not want to pause, but move forward with the best process and have all the information on whether to proceed with a design-build or design-bid-build in incorporating green and blue infrastructure.

City Clerk Granado stated that although the vote took place, Commissioners Góngora and Samuelian had not yet voted.

Commissioner Rosen Gonzalez objected to the vote as it was unclear what was going on at the time. There is still confusion on the green and blue infrastructure, and whether there is green impermeable infrastructure underneath the raised roads. She does not believe David Mancini is the expert authority on this. Someone like Rem Koolhaas should be overseeing this, not Lanzo Construction. Do not bring C quality to an A quality City. We cannot continue starting projects in neighborhoods without clear vision.

Commissioner Alemán asked whether there would be a new vote.

Mayor Gelber stated that the vote should be redone as it went by fast, and people were unclear as to what was going on.

Mayor Gelber stated that this item would queue up the next project, which is what the City Commission had been talking about previously.

Commissioner Samuelian stated that he has not seen the Master Plan with the project priorities. The priorities have not been discussed by this Body and he would like that discussion to take place.

Commissioner Alemán addressed Commissioner Samuelian and stated that if he has not looked at the Master Plan in the six months since being elected – shame on him. This is the most important plan this City has ever seen. The motion she made is to go forward with the plan.

Commissioner Samuelian replied to Commissioner Alemán, with all due respect, that he has dedicated a great deal of time to the Master Plan, and even so, he is not clear as to what the priorities are. Before agreeing on the next project, he would like the City Commission to go over the Master Plan.

Mayor Gelber explained that this item is simply queueing up the next project. There will be ample time to weigh in on it. The world needs to know that we are not stopping what we are doing. He will support the Commissioner's motion.

Commissioner Samuelian offered an amendment that he would like to proceed with the next project, and have the City Commission simultaneously discuss the Master Plan and its priorities so that everyone on the City Commission has a context of the big picture.

Commissioner Alemán rejected the amendment, but invited Commissioner Samuelian to make a separate motion. The City Commission needs to send a clear message to the world that Miami Beach is committed to resiliency.

Commissioner Arriola stated that the City is doing a pause by another name. It can be called requesting a study or issuing a new RFP.

MOTION ON NEW ITEM:

Motion made by Commissioner Alemán to direct the Administration to immediately prepare the next procurement package according to the City's current roll out schedule and consider whether to have it as a design-build or design-bid-build; seconded by Commissioner Steinberg. Voice vote: 4-3. Opposed: Commissioners Góngora, Rosen Gonzalez, and Samuelian.

City Clerk's Note: On May 20, 2018, Commissioner Góngora requested via email that the after-action reflect that he did not vote as he intended on the motion on the "new item." Commissioner Góngora stated that he was away from the dais when the initial discussion on this item occurred, and as a result voted incorrectly.

Handouts and Reference Materials:

1. Resolution drafted by Commissioner Rosen Gonzalez
2. Email from Commissioner Góngora, dated May 21, 2018, entitled "Question."
3. Email from Raul Aguila dated May 21, 2018 to Commissioner Michael Góngora, Diana Fontani and Debora Turner RE: Question regarding correcting a vote.

**Miami Beach United
Flooding / Sea Rise Planning Resolution
August 3, 2017**

Whereas, Miami Beach United supports efforts to ensure against flooding and the effects of sea rise, and

Whereas, the current pace and method of trying to protect the City against the threat of sea rise has caused the disruption of life for Miami Beach residents, tourists and businesses, and

Whereas, Miami Beach has completed work on the city's most vulnerable streets, and the City is planning to extend the timeline of its previous flood protection plan by approximately 3 years, and

Whereas, the City is in the midst of investing hundreds of millions of residents' and tourists tax dollars, and new technologies and techniques are evolving quickly and may allow for more effective solutions in the future than those that were planned several years ago, and

Whereas, neighborhoods are subject in different ways to risk from sea-level rise, with specific local challenges that merit consideration of specific solutions rather than a uniform, one-size-fits-all approach;

THEREFORE, Miami Beach United urges the City to improve planning and implementation for future storm water/flooding projects, including both public works and related legislation, by taking the following steps:

1. Determine the urgency of public works necessary in each neighborhood and prioritize City actions and time lines in conjunction with neighborhood input.
2. Engage and work together with affected neighborhood associations to address specific local needs and conditions, and fully respond to those questions or concerns before finalizing public works plans. Attention should be given to the implications of raised streets, sidewalks, or alleys upon private property owners.
3. The same transparent, community-inclusive approach process should be followed before enacting changes in zoning, redevelopment incentives, or other guidelines for new private development based on long-term sea-level rise.
4. Special attention should be given to guidelines that protect and enhance historic buildings and neighborhoods, developed with formal community input at the Historic Preservation Board, specific to each affected historic district.

5. Provide full disclosure of a plan's impact upon the removal of parking or landscaping in residential neighborhoods, as parking is limited and landscaping is a key element to protect urban spaces from flooding.
6. Add emergency generators to flood pumps to reduce flooding when power outages occur.
7. Research new solutions and technology for water retention and protection against flooding, and provide independent review from unbiased experts to assess learnings to-date and future plans.
8. Use every effort to abate traffic congestion while roads are being raised.

2017 MBU Board of Directors

Officers

Nancy Liebman, Chairwoman Emeritus
Michael Barrineau, President
Saul Gross, Treasurer
Tanya K. Bhatt, V.P. Marketing & Communications
Stacy Kilroy, V.P. Membership
Michael Ritus, V.P. Nominating
Wanda Mouzon, Recording Secretary

Directors

Jorge Exposito
Christine Florez
Herb Frank
Jorge Gonzalez
Mike Hammon
Adam Kravitz
Paul Mokha
Mark Needle
Gabriel Paez
Jonathan Parker
Kirk Paskal
Mark Samuelian
Ron Starkman
Stacy Wanerman
Fern Watts