

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE AT ITS NOVEMBER 30, 2018 MEETING, TO NEGOTIATE AND ENTER INTO A CHANGE ORDER (CHANGE ORDER NO. 2) WITH SHORELINE FOUNDATION, INC., WITH THE CITY'S COST FOR SAME NOT TO EXCEED THE AMOUNT OF \$529,570, FOR THE RELOCATION OF SEGMENTS OF THE INDIAN CREEK SEAWALL, WHICH RELOCATION WILL AID THE CITY IN RESOLVING U.S. ARMY CORPS OF ENGINEERS (USACE), FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP), SOUTH FLORIDA WATER MANAGEMENT (SFWMD), AND MIAMI-DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT (DERM) REGULATORY CONCERNS.

WHEREAS, the Indian Creek Seawall Project (Project) started in 2016 in an effort to protect the existing corridor against frequent flooding and sea level rise;

WHEREAS, the contract was awarded to Shoreline Foundation, Inc. (Shoreline), and the Project scope extended from 25th Street to 41st Street along Indian Creek Drive and a portion of Collins Avenue; and

WHEREAS, during the first year of the Project, construction of the seawall only took place within City owned street ends or previously deeded properties; and

WHEREAS, thereafter, as the Project progressed, the City was able to extend its construction into additional properties via quit claim deeds or easements; and

WHEREAS, Change Order No. 1 was issued to extend the seawall to these additional areas, so there would be a continuous seawall to provide uniform protection from extreme tides and storm surge with the co-benefit that the upland area could be transformed into a greenway; and

WHEREAS, on December 18, 2017, problems related to the Project construction were identified and the City met in the field with the United States Army Corps of Engineers (USACE), Florida Department of Environmental Protection (FDEP), South Florida Water Management District (SFWMD), the Miami-Dade County Department of Environmental Resources Management (DERM), [jointly the "Regulatory Agencies"] and regarding the construction of the Project; and

WHEREAS, the Regulatory Agencies identified deficiencies that include lack of Federal authorization for construction north of 27th Street; and construction of the seawall westerly of where permitted, within the State's submerged lands in the vicinity of 29th Street, 30th Street to 31st Street, and 37th Street to 38th Street; and

WHEREAS, the City immediately issued a stop work order to Shoreline and assigned a new City Project Manager to oversee the Project; and

WHEREAS, since December 2017, there have been numerous meetings with the Regulatory Agencies, both in the office and in the field, where the issues related to seawall construction have been reviewed in great detail and the areas of concern distilled to the three main areas: (1) the vicinity of 29th Street; (2) 30th Street to 31st Street; and (3) 37th Street to 38th Street; and

WHEREAS, the underlying permits for the Project shall require modification to allow for removal of the problematic seawalls that encroach more than 18 inches onto submerged lands, and re-construction of the seawall in appropriate locations, without said encroachment; and

WHEREAS, the resulting consensus of the Regulatory Agencies is to require the seawall in the three above referenced locations to be removed and relocated, consisting of a total of 650 feet of seawall; and

WHEREAS, in addition to the above plan, the Florida Division of State Lands will require mitigation for the encroachment onto the submerged lands; and

WHEREAS, the City and the Regulatory Agencies are working on a mitigation plan, which may include the City donating similar submerged lands to the State, and other possible options of habitat restoration, or water quality improvements; and

WHEREAS, the total seawall length along Indian Creek, between 25th Street and 41st Street, is approximately 4,700 linear feet; and

WHEREAS, Shoreline has constructed approximately 2,600 linear feet of the 4,700 linear feet, and 650 feet of the new seawall is to be removed and reinstalled as identified above; and

WHEREAS, the total cost of the 2,600 linear feet of seawall is contracted for \$3.7 million; and

WHEREAS, the total cost for relocating the 650 linear feet of seawall required by the Regulatory Agencies will cost approximately \$1 million; and

WHEREAS, the City and Shoreline have discussed the construction and cost issues relating to the Project and the parties are seeking a change order, to cover the cost of removing and re-constructing the 650 linear feet, which cost would be borne by both parties; and

WHEREAS, the Administration is recommending approval of Change Order No. 2, which would include the removal and reconstruction/relocation of the 650 linear feet of seawall, in the three locations identified above, with the City's total maximum cost not to exceed \$529,570; and

WHEREAS, at its November 30, 2018 meeting, the Finance and Citywide Projects Committee accepted the request for a Change Order for the relocation of the segments of the Indian Creek seawall to resolve the regulatory issues, with the City's cost not to exceed amount of \$529,570.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, the Mayor and City Commission accepting the recommendation of the Finance and Citywide Projects Committee (FCWPC) from its November 30, 2018 meeting, to negotiate, and enter into Change Order No. 2 with Shoreline

Foundation, Inc., with the City's cost for same not to exceed amount of \$529,570, for the relocation of segments of the Indian Creek Seawall, which relocation will aid the City in resolving U.S. Army Corps of Engineers (USACE), Florida Department of Environmental Protection (DEP), South Florida Water Management, and Miami-Dade County Department Of Environmental Resource Management regulatory concerns.

PASSED and ADOPTED this _____ day of December, 2018.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

12-4-18
Date