# Memorandum

MIAMI-DADE COUNTY

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| **Date:** | November 5, 2013 |
| **To:** | Honorable Chairwoman Rebeca Sosa<br>and Members, Board of County Commissioners |
| **From:** | Carlos A. Gimenez<br>Mayor |
| **Subject:** | Amendment One to the Locally Funded Agreement Between Miami-Dade County and the Florida Department of Transportation to Fund the Project Development and Environment Study for the Venetian Causeway Bridges |

Agenda Item No. 8(L)(3)

**Recommendation**

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution which: 1. Authorizes Miami-Dade County (County) to contribute an additional $516,483.50 as its share of the Locally Funded Agreement (LFA) between the County and the Florida Department of Transportation (FDOT) for the Project Development and Environment (PD&E) Study for the Venetian Causeway Bridges, and 2. Authorizes the Mayor to execute a further amendment to the contract in an amount not to exceed an additional $570,687.50 in the event that the Class of Action for the PD&E Study is elevated from an Environmental Assessment to an Environmental Impact Statement. The County's contribution in each instance represents fifty percent (50%) of the total project cost, with FDOT contributing the other fifty percent (50%).

**Scope**

The Venetian Causeway Bridges connect the Cities of Miami and Miami Beach. They are located within Commissioner Audrey Edmonson's District 3, and Commissioner Sally A. Heyman's District 4.

**Fiscal Impact/Funding Source**

The total estimated cost to fund the PD&E Study has increased from $1,750,000.00 to $2,782,967.00. This increase is attributed to the need to fully address considerations such as potential historic and environmental impacts and more extensive public involvement. The County is responsible for a fifty percent (50%) local contribution, thereby increasing the County's participation an additional amount of $516,483.50, from $875,000.00 to a total amount of $1,391,483.50. Public Works and Waste Management Department (PWWM) Causeway Division Series 2010 Bond proceeds will be utilized (index code PW00501CSWY), and the Capital project number is 607640.

Furthermore, if the Class of Action for the PD&E Study is elevated from an Environmental Assessment to an Environmental Impact Statement, it will require a further increase from the above $2,782,967.00 to $3,924,342.00. The County will also be responsible for a fifty percent (50%) local contribution, thereby increasing the County's participation an additional amount of $570,687.50, from $1,391,483.50 to a total amount of $1,962,171.00.

**Track Record/Monitor**

A consulting firm has been selected by FDOT to carry out the PD&E Study and FDOT is the primary manager. PWWM is responsible for monitoring this project on behalf of the County. The Project Manager responsible for monitoring this project in PWWM is Mr. Marcos Redondo, P.E., Section Head, Bridge Section, Roadway Design and Right-of-Way Division.

**Background**

On July 7, 2011, the BCC adopted Resolution No. R-547-11, approving a LFA between the County and FDOT in order to address the need for funding a PD&E Study for the rehabilitation and/or replacement of the twelve (12) existing Venetian Causeway Bridges. A PD&E Study is required in order to have the project's construction be eligible to receive federal funding. The PD&E takes into account viable replacement alternatives, the historic nature of the bridges, public and stakeholder concerns, environmental impacts, and potential costs. Prior to the commencement of the study, FDOT informed the County that the total amount to fully fund the PD&E Study has increased from $1,750,000.00 to $2,782,967.00. This increase is attributed to the need to fully address considerations that include the following:

- Multiple historic resources in the area need to be evaluated that will involve more extensive coordination with historic preservation groups and Florida's State Historic Preservation Officer, and the utilization of historic architecture services.
- Procurement of additional services related to new structural design guidelines, drainage provisions for bridge hydraulics, geotechnical investigations, and environmental services.
- Significantly greater public involvement costs to inform and involve the general public in the development of the project.

The current scope of the Venetian Causeway PD&E Study involves the preparation of an Environmental Assessment (EA) for the Project. However, if it is determined during this process that the EA Class of Action is not sufficient, additional services will be required. The Class of Action determination identifies the level of documentation required for a project, and is made in consultation with the Federal Highway Administration (FHWA), as the Lead Federal Agency. The additional services would primarily be related to Public Involvement and Environmental Documentation due to the significance of the environmental impacts associated with the potential project's improvements and will take the form of an Environmental Impact Statement (EIS). An EIS is a full disclosure document that details the process through which a transportation project was developed, includes consideration of a range of reasonable alternatives, analyzes the potential impacts resulting from the alternatives, and demonstrates compliance with other applicable environmental laws and executive orders.

If the Class of Action for the PD&E Study is elevated from an EA to an EIS, it will require a further increase from $2,782,967.00 to $3,924,342.00. The County would be responsible for a fifty percent (50%) local contribution, thereby increasing the County's participation an additional amount of $570,687.50, from $1,391,483.50 to a total amount of $1,962,171.00. Should this occur, the attached resolution is requesting authorization for the County Mayor or County Mayor's designee to execute a potential future amendment (Amendment Two) to expend additional funds, as required by the amendment, upon review and final approval by the County Attorney's Office as to legal sufficiency. The PD&E is expected to be completed in four (4) to five (5) years depending on the level of effort required by the FHWA, as the entity responsible for the review and approval of the study.

Alina T. Hudak
Deputy Mayor

# MEMORANDUM
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

**DATE:** November 5, 2013

**FROM:** R. A. Cuevas, Jr.
County Attorney

**SUBJECT:** Agenda Item No. 8(L)(3)

**Please note any items checked.**

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

✓ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(L)(3)
11-5-13

RESOLUTION NO. _____

RESOLUTION APPROVING EXECUTION OF AMENDMENT ONE TO THE LOCALLY FUNDED AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE THE FLORIDA DEPARTMENT OF TRANSPORTATION WITH $516,483.50 TO INCREASE FUNDING FOR THE PROJECT DEVELOPMENT AND ENVIRONMENT (PD&E) STUDY FOR THE VENETIAN CAUSEWAY BRIDGES, AND AN ADDITIONAL $570,687.50 IF THE PD&E STUDY IS ELEVATED TO AN ENVIRONMENTAL IMPACT STATEMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN INCLUDING EXECUTION OF A POTENTIAL FUTURE AMENDMENT, AS REQUIRED BY THIS AMENDMENT, UPON REVIEW AND FINAL APPROVAL BY THE COUNTY ATTORNEY'S OFFICE AS TO LEGAL SUFFICIENCY

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board 1) approves Amendment One to the Locally Funded Agreement between Miami-Dade County and the Florida Department of Transportation, to provide funding to the Florida Department of Transportation in the amount of $516,483.50 for the Project Development and Environment (PD&E) Study for the Venetian Causeway Bridges, and 2) authorizing the County Mayor or County Mayor's designee to execute a future amendment if the Class of Action of the PD&E Study is elevated to an Environmental Impact Statement to

provide an additional $570,687.50, upon review and final approval by the County Attorney's Office as to legal sufficiency, in substantially the form attached hereto and made a part hereof; and authorizing the County Mayor or County Mayor's designee to execute same for and on behalf of Miami-Dade County and to exercise the provisions contained therein.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

| | |
|---|---|
| Bruno A. Barreiro | Esteban L. Bovo, Jr. |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Sen. Javier D. Souto | Xavier L. Suarez |
| Juan C. Zapata | |

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of November, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez

**AMENDMENT ONE TO LOCALLY FUNDED AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND MIAMI-DADE COUNTY**

This Amendment One to that certain Locally Funded Agreement, executed on August 30, 2011 (the "Contract"), incorporated herein by reference, between Miami-Dade County, a political subdivision of the State of Florida ("COUNTY"), and the State of Florida Department of Transportation, a component agency of the State of Florida ("DEPARTMENT"), for the Project Development and Environment (PD&E) study for the rehabilitation and/or replacement of the twelve (12) existing bridges that comprise of the Venetian Causeway from North Bayshore Drive to Purdy Avenue, programmed under Financial Project Number 422713-2-22-01 ("PROJECT"), is entered into this _____ day of _____, 20__.

**RECITALS:**

**WHEREAS,** the Contract was entered into by both parties pursuant to the approval of the DEPARTMENT and of the Board of COUNTY Commissioners by Resolution No. R-547-11, adopted on July 7, 2011, in the total amount of One Million Seven Hundred Fifty Thousand Dollars ($1,750,000.00) for PROJECT costs; and

**WHEREAS,** it is necessary to increase the total Contract amount by One Million Thirty Two Thousand Nine Hundred Sixty Seven Dollars ($1,032,967.00) to provide additional dollars needed to fully fund the PROJECT costs, and the parties have each agreed to fund fifty percent (50%) of such additional PROJECT costs for a maximum additional contribution by each party of Five Hundred Sixteen Thousand Four Hundred Eighty Three Dollars and Fifty Cents ($516,483.50); and

**WHEREAS**, if the Class of Action of the PROJECT is elevated from an Environmental Assessment (EA) to an Environmental Impact Statement (EIS), the Department and the COUNTY agree that upon written notice from the DEPARTMENT an additional amount, not to exceed, One Million One Hundred Forty One Thousand Three Hundred Seventy Five Dollars ($1,141,375.00) shall be required for the PROJECT. In such event, the parties have each agreed to fund fifty percent (50%) of such additional PROJECT costs for a maximum additional contribution by each party of Five Hundred Seventy Thousand Six Hundred Eighty Seven Dollars and Fifty Cents ($570,687.50); and

**WHEREAS,** the Board of COUNTY Commissioners has adopted Resolution No. _____ on _____, 20__, to approve the PROJECT increase in the total Contract amount from One Million Seven Hundred Fifty Thousand Dollars ($1,750,000.00) to Two Million Seven Hundred Eighty Two Thousand Nine Hundred Sixty Seven Dollars ($2,782,967.00) and the additional funds needed if the PROJECT Class of Action is elevated;

**NOW, THEREFORE,** for the considerations hereinafter set forth:

The Contract dated August 30, 2011, is hereby amended as follows:

Financial Provisions Section 3(a) of the Contract is hereby amended by the addition of the following sentence: The COUNTY agrees to increase its contribution to the PROJECT in an amount not to exceed Five Hundred Sixteen Thousand Four Hundred Eighty Three Dollars and Fifty Cents ($516,483.50), which represents fifty percent (50%) of the new estimated cost of the PROJECT. The new total contribution amount by the COUNTY, following this amendment, including the Eight Hundred Seventy Five Thousand Dollars ($875,000.00) already contributed by the COUNTY shall be One Million Three Hundred Ninety One Thousand Four Hundred Eighty Three Dollars and Fifty Cents ($1,391,483.50). The COUNTY shall provide the additional funds to the DEPARTMENT no later than December 31, 2013.

Exhibit "B" shall be supplemented by the increased amount of Five Hundred Sixteen Thousand Four Hundred Eighty Three Dollars and Fifty Cents ($516,483.50) to increase the COUNTY's portion.

----------REMAINDER OF PAGE LEFT BLANK----------

All other terms and conditions of the Contract are in effect and remain unchanged.

**MIAMI-DADE COUNTY:**

By: _____
COUNTY Mayor or COUNTY Mayor's Designee

**ATTEST:**
**(SEAL)**

By: _____
COUNTY Clerk

**LEGAL REVIEW**

By: _____
COUNTY Attorney

**STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION:**

By: _____
Director of Transportation Development

**ATTEST:**
**(SEAL)**

By: _____
Executive Secretary

**LEGAL REVIEW:**

By: _____
District Chief Counsel