Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 8(N)(4)

Date: June 7, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: First Amendment to the Joint Participation Agreement Between Miami-Dade County and the City of Miami Beach to Provide the City with Additional Funding in an Amount up to $2,000,000.00 for the Construction of the West Avenue Bridge Project

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing execution of a First Amendment to the Joint Participation Agreement (JPA) between Miami-Dade County (County) and the City of Miami Beach (City) to reimburse the City up to an additional $2,000,000.00 for the construction of a new bridge over the Collins Canal at West Avenue and approaches (Project).

SCOPE

The Project is within the municipal boundaries of the City, in Commissioner Sally A. Heyman's District 4 and Commissioner Bruno A. Barreiro's District 5.

FISCAL IMPACT

The maximum increase in cost to the County as a result of this Amendment is $2,000,000.00. The County's participation in funding has increased from the original amount of $3,011,000.00 to $5,011,000.00 and will be included in the Fiscal Year 2016-17 Proposed Budget and Multi-Year Capital Plan under Project 2000000091. Road Impact Fee District 8 will continue to provide the County's funding for the Project.

TRACK RECORD/MONITOR

The County will utilize the resources of the City to acquire right-of way and construct the Project on a reimbursable basis. Disbursement of County funds to the City shall be based upon City submissions with certified copies of paid consultant or contractor invoices. The Project will be assigned to Marcos Redondo, P.E., Section Head of the Roadway Engineering and Right-of-Way Division, Bridge Section, Department of Transportation and Public Works (DTPW), for the review of design submissions. Bassam Moubayed, CFM, Chief of the Construction Division, DTPW, will oversee construction inspections conducted by DTPW staff, before the release of construction funds is recommended.

BACKGROUND

On September 1, 2011, the Board approved the subject JPA under Resolution No. R-683-11. Under the JPA, the City would be provided up to $3,011,000.00 for the right-of-way acquisition and construction of a new bridge along West Avenue over the Collins Canal, from 17 Street to Dade Boulevard. Due to the inclusion of additional roadway items along Dade Boulevard, an additional $2,000,000.00 was requested (see attached letter from the City of Miami Beach). Construction of the Project is anticipated to commence in May of 2016.

Alina T. Hudak
Deputy Mayor

1915 • 2015
MIAMIBEACH
City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov
PUBLIC WORKS DEPARTMENT Tel: 305-673-7080

14 December 2015

Miami-Dade County
Public Works and Waste Management Department
111 NW 1st Street
Miami, Florida 33128-1970

Attn: Frank Guyamier, P.E. - Deputy Director / County Engineer

RE: West Avenue Bridge Joint Participation Amendment
Dade Boulevard (Purdy Avenue to Alton Road) – Harmonization

Dear Mr. Guyamier,

Pursuant to our field meeting at the above referenced location on 29 October 2015, the City of Miami Beach is requesting to amend the current JPA (Joint Participation Agreement) for the "West Avenue Bridge Project" to incorporate the harmonization of Dade Boulevard.

The City is raising the City roads in the Sunset Harbour neighborhood due to repetitive flooding. In order to harmonize this neighborhood with the existing Dade Boulevard, we would anticipate raising the road to match their new elevations.

The scope of the project would be the entire roadway width from a point ~200 feet west of the center line of West Avenue to the Venetian Bridge (approximately 680 l.f.) with an estimated cost of $2,000,000. The remaining portion of Dade Boulevard from this point to Alton Road is covered under the original JPA. Attached please find a breakdown of the costs.

Please advise this office if any additional information is needed to process this request. Thank you for your time and consideration on this matter.

Sincerely,

Wm. Roger Buell, PWLF
Assistant City Engineer

RECEIVED
DEC 22 2015
ASSISTANT DIRECTOR
HIGHWAY ENGINEERING

CC:
Eric T. Carpenter, P.E. - ACM/Director of Public Works
Bruce Mowry, P.E., PhD – City Engineer

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(N)(4)

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**

_____ **Statement of social equity 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(N)(4)
6-7-16

RESOLUTION NO. _____

RESOLUTION APPROVING FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF MIAMI BEACH TO PROVIDE THE CITY WITH ADDITIONAL FUNDING IN AN AMOUNT UP TO $2,000,000.00 FOR THE CONSTRUCTION OF THE WEST AVENUE BRIDGE PROJECT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE PROVISIONS THEREIN

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

WHEREAS, both the City of Miami Beach and Miami-Dade County wish to facilitate the right-of-way acquisition and construction of a new bridge along West Avenue over the Collins Canal, from 17 Street to Dade Boulevard; and

WHEREAS, due to the inclusion of additional roadway items along Dade Boulevard, $2,000,000.00 is required to adjust the amount provided under the Joint Participation Agreement from $3,011,000.00 to $5,011,000.00,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves this amendment to the Joint Participation Agreement between Miami-Dade County and the City of Miami Beach, providing up to an additional $2,000,000.00 to the City for eligible expenses incurred in the construction of these improvements, in substantially the form attached hereto and made part hereof; and authorizes 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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of June, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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

FIRST AMENDMENT TO JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF MIAMI BEACH WEST AVENUE BRIDGE PROJECT

This First Amendment to the Joint Participation Agreement is made and entered into this _____ day of _____, 2016, by and between the CITY OF MIAMI BEACH, FLORIDA, a municipal corporation of the STATE OF FLORIDA, hereinafter referred to as the 'City", and MIAMI-DADE COUNTY, a political subdivision of the STATE OF FLORIDA, hereinafter referred to as the "County".

WITNESSETH

WHEREAS, pursuant to Resolution No. R-683-11, approved by the Board of County Commissioners of Miami-Dade County, Florida, on September 1, 2011, the parties hereto entered into a Joint Participation Agreement to facilitate a bridge project in Miami-Dade County (the "Agreement") along West Avenue over the Collins Canal, from 17 Street to Dade Boulevard, as more particularly described in the Agreement (the "Project"); and

WHEREAS, due to the inclusion of additional roadway items along Dade Boulevard, an additional $2,000,000 is required to adjust the amount provided under the Agreement from $3,011,000 to $5,011,000; and

WHEREAS, the Agreement allows for the amendment of the County funds available for the Project subject to the approval of the parties' respective governing boards; and

WHEREAS, as of the date of this amendment the County has not made any reimbursements to the City,

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NOW, THEREFORE, in consideration of the mutual desires of the parties hereto, the following modifications are made to the aforementioned Agreement:

1.11. Coordination with Miami-Dade County Public Schools: Due to potential safety, operational and bus transportation impacts, the City shall coordinate with Miami-Dade County Public Schools staff to implement maintenance of traffic measures.

2.1. Funding Amount, Reimbursement of Project Costs: The Project is currently estimated to cost ~~$5,491,521~~ $9,865,100 (this amount includes 10% contingency for design and construction). The County agrees to provide funds up to ~~$3,011,000~~ $5,011,000 for eligible costs, as defined herein, incurred by the City for the right-of-way acquisition and construction of the Project. The County shall disburse to the City funds for the Project in the manner set forth in this Section. The County shall incur no liability for any costs in excess of said funding amount unless there has been a duly authorized increase approved by the Board of County Commissioners.

2.2. County Payments of Project Costs: The County funds provided for eligible costs as defined herein, incurred for the right-of-way acquisition and construction of the Project are specified below:

Funding Amount	Funding Source	County Fiscal Year of Commitment
$ 3,011,000	Road Impact Fee District 8	2010-2011
$ 2,000,000	Road Impact Fee District 8	2016-2017

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12. **NOTICES**: Any and all notices required to be given under this Agreement shall be sent by first class mail, addressed as follows:

To the County:

Attention: ~~Esther L. Calas, P.E.~~ Alice N. Bravo, P.E.
Director, Miami-Dade County ~~Public Works~~ Department of Transportation and Public Works
~~111 NW First Street, Suite 1640~~ 701 NW 1st Court, Suite 1700
Miami, Florida ~~33128~~ 33136
~~(305) 375-2960~~ (786) 469-5406

To the City:

Attention: ~~Jorge M. Gonzalez~~ Jimmy L. Morales
City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139
(305) 673-7010

And

Attention: ~~Fred H. Beckmann, P.E.~~ Eric T. Carpenter, P.E.
Director, Public Works Department
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139
(305) 673-7080

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13. **PROJECT SIGNAGE:** The County shall furnish and install a Project sign in each direction of traffic indicating that this Project is being funded by Road Impact Fees, in coordination with the City, in proximity to the start/end of the Project limits. Should Maintenance of Traffic (MOT) signage be required as part of the work, the Project sign shall be placed an appropriate distance before the MOT signage range. The Project signs shall remain in place for the duration of the work or as directed by the Project engineer.

In all other respects, except as herein amended, the original Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day and year first above written.

ATTEST:

HARVEY RUVIN
CLERK OF THE BOARD

BY: _____
Deputy Clerk

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

BY: _____
County Mayor or County Mayor's Designee

Approved by County Attorney
as to form and legal sufficiency _____
County Attorney

ATTEST:

BY: 3/15/16
Rafael E. Granado
City Clerk

(Affix City Seal)

MIAMI BEACH INCORPORATED MARCH 26TH 1915

CITY OF MIAMI BEACH, a municipal corporation of the State of Florida

BY: _____
Philip Levine
Mayor

Approved by City Attorney
as to form and legal sufficiency _____
City Attorney

RESOLUTION NO. 2016-29309

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FIRST AMENDMENT TO A JOINT PARTICIPATION AGREEMENT (FIRST AMENDMENT) WITH MIAMI-DADE COUNTY (COUNTY), WHICH FIRST AMENDMENT IS ATTACHED HERETO AS EXHIBIT 1; AND WHICH FIRST AMENDMENT PROPOSES TO INCLUDE WITHIN THE SCOPE OF SERVICES THE HARMONIZATION OF DADE BOULEVARD BETWEEN THE VENETIAN BRIDGE AND BAY ROAD; WITH A TOTAL PROJECT COST TO THE CITY OF $9,865,000: $6,745,000 FOR THE WEST AVENUE BRIDGE AND $3,120,000 FOR THE HARMONIZATION OF DADE BOULEVARD; AND A TOTAL CONTRIBUTION BY THE COUNTY OF $5,011,000, OF WHICH $3,011,000 WILL BE USED FOR THE WEST AVENUE BRIDGE PROJECT, AND $2,000,000 FOR THE INCREASED SCOPE OF SERVICES RELATING TO HARMONIZATION OF DADE BOULEVARD.

WHEREAS, the City of Miami Beach (City) and Miami-Dade County (County) entered into a Joint Participation Agreement ("JPA"), herein after the "First Amendment" dated September 19th, 2011, for the right-of-way acquisition and construction of the West Avenue Bridge over Collins Canal (Project); and

WHEREAS, the original JPA estimated total cost for the West Avenue Bridge Project is $5,491,521, of which the County agreed to fund up to $3,011,000; and,

WHEREAS, as part of the project, Dade Boulevard needs to be raised in order to ensure the elevations between Bay Road and Alton Road are harmonized; and

WHEREAS, Dade Boulevard is owned and maintained by the County; and

WHEREAS, on December 9, 2015, the City Commission approved the fourth amendment to the existing contract for Sunset Harbour in order to raise the remaining roads within the that neighborhood; and

WHEREAS, it is the City Administration's opinion that Dade Boulevard between the Venetian Bridge and Bay Road requires to be harmonized as a result of the Sunset Harbour Project Neighborhood Improvement Project; and

WHEREAS, the City and the County Public Works met and agreed that harmonizing Dade Boulevard between the Venetian Bridge and Bay Road, during the completion of construction between Sunset Harbour and West Avenue Bridge Projects is a preferred result, as oppose to doing so in the future, as waiting may and cause more inconvenience to the travelling public and the nearby neighborhood; and

WHEREAS, the total project is currently estimated to cost $9,865,000: $6,745,000 for the West Avenue Bridge and $3,120,000 for the harmonization of Dade Boulevard; and

WHEREAS, the County agreed to allocate additional funds for the harmonization of Dade Boulevard between the Venetian Bridge and Bay Road, in the amount of $2,000,000, under this first amendment to the current West Avenue Bridge JPA.

WHEREAS, the City Administration requests that the City Commission authorize the First Amendment to the JPA, attached hereto as Exhibit 1, so as to expand the scope of services and funding by the County, to include the harmonization of Dade Boulevard between the Venetian Bridge and Bay Road.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE

CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute the First Amendment to a Joint Participation Agreement (First Amendment) with Miami-Dade County (County), which First Amendment is attached hereto as Exhibit 1; and which First Amendment proposes to include within the scope of services the harmonization of Dade Boulevard between the Venetian Bridge and Bay Road; with a total project cost to the City of $9,865,000: $6,745,000 for the West Avenue Bridge and $3,120,000 for the harmonization of Dade Boulevard; and a total contribution by the County of $5,011,000, of which $3,011,000 will be used for the West Avenue Bridge Project, and $2,000,000 for the increased scope of services relating to harmonization of Dade Boulevard.

PASSED and **ADOPTED this** 24 day of February, 2016.

ATTEST:

3/1/16

RALPH GRANADO, CITY CLERK

MIAMI BEACH INCORPORATED MARCH 26TH 1915

PHILIP LEVINE, MAYOR

T:\AGENDA\2016\February\PUBLIC WORKS\Amendment 1 JPA with County West Ave Bridge Reso.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

2-22-16
Date