



MIAMI BEACH

Special City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

April 26, 2006

[Click on back arrow to return to Main Menu](#)

Mayor David Dermer

Vice-Mayor Saul Gross

In at 1:18 p.m.

Commissioner Matti Herrera Bower

Commissioner Simon Cruz

Commissioner Luis R. Garcia, Jr.

In at. 1:25 p.m.

Commissioner Jerry Libbin

Commissioner Richard L. Steinberg

City Manager Jorge Gonzalez

City Attorney Jose Smith

City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

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Meeting called to order at 1:13:19 p.m.

REGULAR AGENDA

Mayor Dermer thanked everyone for attending this Special Commission Meeting. He explained that a few days ago there was road construction around 65th street and traffic was backed up all the way to Surfside. He acknowledged Mayor Charles Burkett from Surfside, who was in the audience. He continued to express his concern, from a regional aspect, because of the construction around the area. In addition, the Florida Department of Transportation (FDOT) is scheduled to start the 63rd Street Flyover project; this may create a situation where there is no relief for the traffic. People's lives will change dramatically because this is a tremendous change when traveling from north to south and vice versa. He stated that construction will also have an impact for traveling emergency vehicles and for people getting to and from work. He added that the City's economy will be affected because businesses will also be impacted, and therefore, the development in the City will be impacted. He is interested in listening to everyone's view on this issue and is curious as to what FDOT's plans are for Biscayne Boulevard, I-95 and other areas that are the alternate routes for the City of Miami Beach.

2:08:58 p.m.

Motion made by Commissioner Steinberg to add item R7A to the Commission Agenda; seconded by Commissioner Bower; Voice vote: 7-0.

R7 - Resolutions

2:08:41 p.m.

R7A A Resolution Urging The Florida Legislature To Pass Legislation Providing For An Ad Valorem Tax Deferral For Affordable Residential Rental Properties; Further Requesting That Incoming Speaker Of The House Marco Rubio Include Said Deferral In His "100 Ideas For Florida's Future" Initiative.

(Requested by Mayor David Dermer)

ACTION: Resolution No. 2006-26178 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. Kevin Crowder to handle.

Mayor Dermer stated that the emergency of this resolution is the timing because the legislature is now in session.

Commissioner Libbin asked for a clear definition between the terms workforce housing and affordable housing.

Mayor Dermer stated that this will cap real estate taxes at 3% for rental use; it will encourage landlords to stay in the rental business.

Jorge Gonzalez, City Manager, explained that the term affordable housing needs to be defined.

Mayor Dermer clarified that since the City cannot do this alone without having the State's approval to give a City or County choice to adopt this incentive program, the City needs to get permission to do it. If the City receives permission to do it, then there will be objective criteria that will address Commissioner Libbin's concerns.

Commissioner Bower explained that the State Housing Department and not the City will place objective criteria. She stated that since the City is submitting the intent to Tallahassee, it will be for the entire State and not just for Miami Beach and the State will define the terms workforce housing and affordable housing.

Commissioner Libbin stated that there are federal guidelines for income for the terms affordable housing, when you add workforce housing, it does not necessarily fall into the same category. He stated that the City Commission needs to define it.

Mayor Dermer asked Commissioner Libbin if his position is not to pass the item until the definition of the objective criteria is known, or is his position to submit this innovative program to Tallahassee to adopt and then the City will come up with guidelines when Tallahassee gives the information.

Commissioner Libbin agreed to approve the item and send to Tallahassee. In addition, he suggested sending a follow up recommendation when the City defines workforce housing if it needs to be something other than affordable housing. He requested a companion resolution.

Legal Department to handle.

Mayor Dermer stated that he wants to send this resolution before the Legislative Session ends. He explained that thanks to Jorge Gonzalez, City Manager, and Kevin Crowder, Economic Development Director, this is the single most innovative program in the area because it is not only the government giving money to housing, but it encourages landlords not to change the rental use.

R9 - New Business and Commission Requests

R9A Discussion Regarding The FDOT Project To Demolish The 63rd Street Flyover, Reconstruction Of Indian Creek Drive From 63rd Street To Abbot Avenue And Rehabilitation Of The 63rd Street Bascule Bridge.
(Requested by Mayor David Dermer)

ACTION: Discussion held. **Resolution No. 2006-26179 adopted as amended.** Motion made by Commissioner Steinberg; seconded by Commissioner Cruz; Voice vote: 7-0.

Jorge Gonzalez, City Manager, stated that it will be worthwhile for the Florida Department of Transportation (FDOT) to describe the different phases of the project, and also go over the current Mitigation of Traffic (MOT) that is being planned so that everyone can understand the MOT plan being discussed. This topic has had a lot of discussion. He stated that he met with FDOT and the City's Public Safety and Public Work's Departments to be prepared for whatever happens on May 17, 2006. At this meeting, the City asked FDOT the following question: "Can this project be better sequenced to better coordinate with the Biscayne Boulevard Project?"

Vice-Mayor Gross stated that it will be better if FDOT would answer the question if this project could be better sequenced.

Jorge Gonzalez, City Manager, acknowledged that FDOT and the City's Administration, especially the Public Work's Department, have worked quite well together in trying to mitigate this as much as possible. FDOT has been responsive and has been willing to work with the City as much as possible.

Mark Croft, District Construction Engineer for FDOT, stated that the short answer to the question of resequencing the project is "no." The Biscayne project is already under construction between 67th Street and 35th Street and it is already down to one lane on each direction. This cannot be re-sequenced.

Vice-Mayor Gross stated that the question is can they delay starting the Flyover project until the Biscayne Boulevard project is completed.

Mark Croft, District Construction Engineer for FDOT, explained that there are two issues involved; 1) this is a safety issue project, and 2) there are contractual issues. FDOT already has a contractor on board and is already procuring a significant amount of materials for the rehabilitation of the bascule bridge.

Mayor Dermer announced that Commissioner Garcia will be delayed because he is giving a presentation on behalf of the City.

Mayor Dermer asked Mr. Croft to address the safety issue and the immediacy of it; is the Flyover falling down.

Mark Croft, District Construction Engineer for FDOT, stated that the Flyover is not falling down and explained that it is not a structural issue but a safety issue. The Flyover is a traffic condition issue.

Mayor Dermer asked that if this project is not done for a year, the Flyover and bridge will remain the same as they are now?

Mark Croft, District Construction Engineer for FDOT, stated that as far as the Flyover the answer is “yes,” but he cannot say the same as far as the bascule bridge because it is an old structure and it may or may not break down.

Commissioner Libbin asked if there is any logic in considering separating the jobs and move forward with the bridge work and not taking the Flyover down until the Biscayne Boulevard project is completed. The projects will take longer but the residents will suffer a lot less.

Mark Croft, District Construction Engineer for FDOT, stated that the residents will suffer longer but not necessarily a lot less because the greater impact is the bascule bridge.

Commissioner Cruz stated that he voted to remove the Flyover because of the safety issues, but he does not feel the bridge will collapse or lock up. He asked if it would be logical to see what other projects are going on that are affecting traffic. He stated that materials and parts can be stored until construction is ready. He asked if they could be sensitive to everyone’s concern and allow the Biscayne Boulevard project to be completed and then start the Flyover project.

Mark Croft, District Construction Engineer for FDOT, stated that the Biscayne Boulevard project will not be completed for two years and this will delay the Flyover project by at least two years.

Commissioner Cruz stated that from an outsider’s perspective, is not logical to start this project when Biscayne Boulevard is no longer an alternative for the traffic. He stated that there was no coordination.

Commissioner Bower asked how can FDOT not realize this when they knew all the projects that are going on and be so insensitive to the citizens. She asked who the City can contact to request delaying the Flyover project for two years and who is the person with the authority to delay the project?

Mark Croft, District Construction Engineer for FDOT, stated that it could be the Secretary of Transportation or the Governor.

Gary Dons, from FDOT, District 6, spoke on behalf of Joe Martinez, Secretary of Transportation. He explained that the Flyover project was scheduled to start in January 2004 and for different reasons it was delayed, but it was ahead of the Biscayne Boulevard project. He explained that the department does try to coordinate projects. He stated that due to the traffic situation in South Florida from the department’s point of view it does not make sense to delay this project two years for two reasons; 1) the procurement aspect, and 2) damage incurred by putting a contractor on hold for two years. He stated they do not believe there is a value in delaying but they are willing to look at MOT plan.

Commissioner Bower asked what will be the cost to hold this project.

Mark Croft, District Construction Engineer for FDOT, stated that the cost is \$5 millions or 30% of the project.

Jorge Gonzalez, City Manager, stated the \$5 million is the contract value but there is a great intangible value to all of the businesses, the economic value, productivity loss; traffic congestion, etc. He stated that \$5 million is not a lot of money when you compare it to the value and the impact to the community of what the people and businesses will suffer for the next 18 months.

Commissioner Bower asked if the Governor can change the date since the Secretary cannot do it. She stated that the City could call the Governor and request this.

Commissioner Garcia stated he has serious concerns because these projects usually take a very long time and he does not think this is the right time to do it.

Mark Croft, District Construction Engineer for FDOT, stated that they never guarantee that the project will be completed within the time stipulated. He stated that this contractor usually finishes early and earns the incentives placed on the job. In reference to the bridge work, there is the potential that the job may be bigger than anticipated even though the chances are being reduced because they are replacing the machinery in total.

Commissioner Libbin stated that FDOT ultimate responsibility as planners is to maintain traffic flowing and they are not being responsible.

Commissioner Steinberg thanked Mayor Dermer for calling this meeting. He explained that he does not like FDOT pointing fingers at the City for the delay. He stated that the City has never acted in any way to delay this project. He does not recall any such vote and wanted the record to be clear that the City is not guilty of causing the conflict of having Biscayne Boulevard and the Flyover projects simultaneously.

Commissioner Garcia stated that this issue goes back way before the current commission existed; this goes back to when Susan Gottlieb was a commissioner. He remembers that Susan Gottlieb was the swing vote at the time and it has always been a 4-3 vote issue.

Mayor Dermer corrected the record and he remembers voting against it about ten times in the last nine years, but he never prevailed; it was always a 4-3. He explained that to the best of his recollection, the majority of the City Commission in the last nine years never said to delay it.

Commissioner Cruz suggested that a vote be taken now on the resolution on delaying the project.

Mayor Dermer clarified that the resolution is to urge the Secretary of Transportation or others in charge up to the Governor, to postpone the project until Biscayne Boulevard is completed so it can be used as a traffic diversion.

Commissioner Steinberg stated, for the record, that at prior Commission meetings there were conversations with FDOT as far as having conflicting projects, such as the 79th Street project and Bal Harbor project, and representations were made that there will not be conflicting projects and any conflicts would be resolved. He blames FDOT for not being clear and upfront with this Commission regarding not having any conflicting projects. He stated that there are two points for this meeting; 1) to let the public know what the MOT, is in case the project does happen, and 2) if this Commission takes action, let the residents understand why there is such a great concern about this that the City is willing to delay the project even at a cost.

Motion made by Commissioner Steinberg to transmit a resolution to the Head of FDOT and the Governor urging on behalf of the Mayor and City Commission to postpone the Miami Beach project until the completion of Biscayne Boulevard work between 79th Street and 36th Street; seconded by Commissioner Cruz. No vote taken.

Jorge Gonzalez, City Manager, asked the City Commission to add to the above resolution direction to the Mayor and City Manager to reach out to the Governor, if

necessary, and to take whatever action is needed to have the postponement adequately considered in Tallahassee.

Commissioner Steinberg accepted the City Manager's recommendation and added one more Whereas statement: Whereas: Conversations have previously been had with FDOT regarding conflicting projects, FDOT did not make the City aware that the Biscayne Boulevard project in this corridor would be taking place at the same time. This makes it clear as to why the City Commission has changed its position.

Commissioner Bower stated that even if no one remembers, she specifically asked about Biscayne Boulevard several times only because her daughter travels on Biscayne Boulevard.

Commissioner Libbin stated that some of the language in the Whereas clauses in the resolution could be strengthened, especially with regards to serious life safety issues such as dealing with hurricane related issues, and with ambulances trying to get to hospitals.

Mayor Dermer stated that the economic hardship issues be added.

Commissioner Steinberg accepted Commissioner Libbin's and Mayor Dermer's amendment.

Vice-Mayor Gross asked that it be made clear that the Biscayne Boulevard project is already started.

Commissioner Steinberg accepted Vice-Mayor Gross' amendments.

Commissioner Garcia stated that in case the project is not stopped, maybe language should be added that any added expenses that are needed to facilitate traffic enforcement should be absorbed by the State and not the City of Miami Beach.

Mayor Dermer stated that he would prefer to deal with this issue first to see where it goes and then come back to address any budgeting issues.

Vice-Mayor Gross suggested keeping this resolution clean and come back with a separate resolution if needed.

Commissioner Bower stated that the fact is that the \$5 million estimated expense does not equate to the economic value and intangible value the City and its citizens will suffer and this should also be stated.

Jorge Gonzalez, City Manager, stated that that is a good suggestion and he will sit with Commissioner Steinberg to work out the language regarding the value of the delay versus the value to the community. Jorge Gonzalez to handle.

Commissioner Bower encouraged the citizens to e-mail the Governor that everyone want this project stopped.

Vice-Mayor Gross added that if it is necessary for the Mayor and the City Manager to go to Tallahassee to see the Governor, Commissioner Steinberg should also go since he has done so much work regarding the Flyover.

Commissioner Steinberg stated, for the record, in reference to the Miami Herald article

regarding the events on Biscayne Boulevard for the past ten days, if the Flyover project goes through FDOT will be under the microscope again, and they will be blamed for not having the foresight when these two projects were scheduled. He explained that from a public relations standpoint, he would like to impress upon FDOT the importance of not having to deal with the public relations nightmare that will result from doing these two projects at the same time, especially when this City Commission asked before hand for this not to take place.

Mayor Dermer asked that it will be great if FDOT could be flexible and the City did not have to go to all the way to the Governor's level to postpone the project.

Gary Dons, FDOT, District 6, explained that they do not have a pot of uncommitted dollars. If they have to delay the project and delay the contractor, the \$5 million dollars will be impacting other projects in order to be able to fund this. The department works with a five year program. He wanted everyone to know that finding \$5 million dollars will impact all other projects in the district and it will be a challenge.

2:17:50 p.m.

Herbert Ammons, Public Information Specialist for the Flyover Project, stated that this project will begin on May 17, 2006 and is scheduled to end May 31, 2007.

FDOT made a presentation of the different phases of the project.

Sixto Labiste, FDOT representative, explained the Maintenance of Traffic (MOT) for this project.

Commissioner Steinberg asked for the website for this project.

Sixto Labiste, FDOT representative, gave the webpage: www.63streetproject.com. Mr. Labiste continued with the presentation.

Commissioner Steinberg requested direction be given to the Administration to work with FDOT that if the project moves forward, to increase Collins Avenue to three lanes, remove the bump outs, transplant the vegetation and have FDOT budget to redo it at the end if the City so desires. If the City decides not to put the road back to two lanes, the funds should be used to beautify the area. The City will have a chance to decide if they want to put it back to two lanes or leave it at three lanes. **Fred Beckmann to handle.**

Commissioner Garcia stated that the residents of the area had to pay to make Collins Avenue the way it is. He agrees with Commissioner Steinberg, as long as the residents do not have to pay again.

Mayor Dermer asked if I-95 is the alternative route people traveling north to south and vice versa.

Sixto Labiste, FDOT representative, stated that they designated I-95 as an alternative route, also North Miami Avenue is a good route.

Commissioner Bower asked how and where detour signs are being placed to discourage people from coming down this way to decrease the volume of traffic coming from other municipalities.

Sixto Labiste, FDOT representative, stated that there will be message boards suggesting drivers to seek an alternate route but they cannot force people to go a certain way.

Commissioner Bower stated that if the City cannot stop this project alternative measures should be taken to divert people from coming from north of the City.

Sixto Labiste, FDOT representative, stated that they are placing signs on Collins Avenue and Indian Creek all the way north of 125th Street to discourage people from coming down. There is also a publication being published for distribution to the residents.

Jorge Gonzalez, City Manager, stated that there is a publication that will be distributed to all the residents of Miami Beach and the City has asked FDOT to distribute it to all the residents all the way up to the county line. He stated that according to the statistics 20% of the traffic that can divert will be diverted.

Commissioner Bower stated that traffic will not divert if Biscayne Boulevard is under construction and this is the issue.

Commissioner Garcia stated that drivers will have to deal with the Broad Causeway, which is down to one lane, even before they get to Biscayne Boulevard.

Mayor Dermer asked Mr. Croft if they agree with the School Board report that 72 school buses will be delayed ten minutes.

Mark Croft, District Construction Engineer for FDOT, responded that he does not know what the delay will be for school buses and suggested that if the City Commission wants the job delayed until June 1st, after the school year ends, FDOT could consider it. **Fred Beckmann to handle.**

Vice-Mayor Gross asked what will be the working hours for the crew.

Sixto Labiste, FDOT representative, responded that as per the contract the hours are 8:00 a.m. to 8:00 p.m. They are also looking at working to 9:00 p.m. depending on the noise ordinance the City of Miami Beach has.

Commissioner Steinberg explained that the City passed a resolution two years ago, urging them to expand the hours and do whatever they could do to shorten the scope of the project time wise.

Vice-Mayor Gross asked if this was explored at the time of the contract and if there is room for further incentives for the contractor to work 8:00 a.m. to 8:00 p.m. with a second shift.

Mark Croft, District Construction Engineer for FDOT, responded that the contract was originally let with a basis for bids of 500 calendar days and this contractor brought their bid in at 380 calendar days. This contract is already accelerated.

Vice-Mayor Gross stated that the City wants to accelerate it further. He is concerned with no north traffic for five months on Indian Creek Drive with everybody going to Collins Avenue.

Jorge Gonzalez, City Manager, stated that the Administration continuously offered to relax the construction hours as much as possible and the reply from the contractor FDOT was always that they have done as much as they could.

Vice-Mayor Gross asked if there are incentives to complete the roadway Phases I and II to get the north south flow open.

Mark Croft, District Construction Engineer for FDOT, responded that there are incentives for

the end of Phase III and all of Indian Creek.

Jorge Gonzalez, City Manager, asked Mr. Croft to explain the incentives.

Sixto Labiste, FDOT representative, explained that there are two bonuses and one incentive. The first bonus is to finish Indian Creek by December 15th. The incentive for early completion of the road in Phases I, II, and III, is \$400,000. The incentive for final completion is also \$400,000 and an additional \$60,000 if they finish ten days before.

Commissioner Bower asked if anybody has checked to see if there are any private constructions going on at the same time and if this has been coordinated.

Jorge Gonzalez, City Manager, stated that there is construction going to the east, and also construction of the Regatta to the north of the rowing center. He cannot answer if this constructions have been coordinated, but the fact is that when this project starts they will not be able to be on the streets because there will only be one lane.

Commissioner Bower asked that they be informed of the situation, and if, and when, this project is delayed the City should coordinate private construction with this project. **Fred Beckmann to handle.**

Jonathan Beloff spoke.

Charles Burkett, Mayor of Surfside, spoke.

Mark Weithorn spoke.

Discussion continued.

Steve Sonenreich, Mt. Sinai Medical Center's President and CEO, spoke.

Judith Berson-Levinson spoke.

Harold Cobb spoke.

Dr. Barry Ragone spoke.

Jerold Blumstein spoke.

Meeting adjourned 3:19:19 p.m.

Handout and Reference Materials:

1. Ad in The Miami Herald dated April 23, 2006 "Notice of a Special City Commission Meeting."
2. Memorandum from David Dermer, Mayor to Jorge M. Gonzalez, City Manager, Jose Smith, City Attorney, Members of the City Commission, via Robert Parcher, City Clerk, RE: 63rd Street Flyover, calling a Special City Commission Meeting.
3. Resolution Urging FDOT to Delay the Start of the Indian Creek Drive Reconstruction Project
4. Bilingual flyer titled 63rd Street Flyover & Bridge Projects Begins May 17, 2006, by FDOT
1. Speakers Sign-in-Sheet