

**Condensed Title:**

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, to amend the Normandy Shores Neighborhood Improvement Project Basis of Design Report (BODR) by excluding the requirement of the Normandy Shores Monument Sign located at the northwest corner of the intersection of South Shore Drive and Biarritz Drive and authorizing its removal at no additional cost to the City.

**Key Intended Outcome Supported:**

Ensure Well Designed Quality Capital Projects.

**Supporting Data (Surveys, Environmental Scan, etc.):**

N/A

**Issue:**

Should the City Commission approve the Amendment?

**Item Summary/Recommendation:**

The improvements being made in the Project are included in the Basis of Design Report (BODR) prepared by CH2M Hill, Inc. The scope of work includes enhanced landscaping and street lighting; repair, extension, and widening of existing sidewalks to comply with ADA requirements; street resurfacing/pavement markings; improvements to streets ends; landscaping; bicycle routes; and improved stormwater drainage collection and disposal infrastructure. The monument sign was discussed at community meetings during the planning and design phases of this project, included in the BODR, and again discussed at the Community Design Review Meeting. The removal of the sign represents a deviation from the approved BODR.

The resident of 1001 South Shore Drive at the northwest corner of South Shore Drive and Biarritz Drive, who is most impacted by the sign, has objected to the sign. The original objection was that the sign was improperly located on private property. The City prepared a special survey on April 12, 2007 showing the sign to be in the right-of-way. However, to accommodate the resident, the City paid the contractor \$18,244 to shift the sign further north and away from the intersection. While this was viewed as an improvement by the resident, it was not seen as a satisfactory solution.

As previously discussed, the City was not satisfied with the quality of the work as well as the pace of the work on the Project. As a result, the contractor was asked to complete certain tasks and demobilize from the project. At that time, the monument sign was only partially completed. The City later entered into an Agreement with another contractor for the remaining scope of work on the Project that was not completed by the previous contractor. However, due to the controversy surrounding the sign, no additional work has been done and no money has been spent to complete it.

This monument sign was brought to the attention of the CIP Oversight Committee, at its October 6, 2008 meeting. At that time, the Committee unanimously recommended that the sign be removed from the project. The Normandy Shores Home Owner Association (HOA) has expressed recently that it will not object to the removal of the sign see Attachment 1.

City staff then negotiated with the new contractor to remove the sign at no additional cost to the City should the Commission wish to have it removed.

**Advisory Board Recommendation:**

The CIPOC recommends removal of the monument sign.

**Financial Information:**

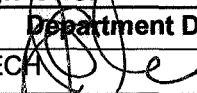

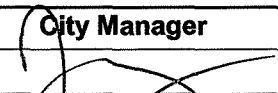
Source of Funds:		Amount	Account
	1		
OBPI	Total		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Carey Osbourne, CIP Office

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
JECH 	TH 	





# MIAMI BEACH

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

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: November 5, 2008

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE NORMANDY SHORES NEIGHBORHOOD IMPROVEMENT PROJECT BASIS OF DESIGN REPORT (BODR) BY EXCLUDING THE REQUIREMENT OF THE NORMANDY SHORES MONUMENT SIGN, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH SHORE DRIVE AND BIARRITZ DRIVE, AND AUTHORIZING ITS REMOVAL, AT NO ADDITIONAL COST TO THE CITY.**

### ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

### FUNDING:

There is no additional cost for the removal of the monument sign.

### ANALYSIS

The Neighborhood No. 3 – Normandy Shores Right-of-Way Improvements Project (Project) is located in North Beach.

The improvements being made in the Project are included in the Basis of Design Report (BODR) prepared by CH2M Hill, Inc. The scope of work includes enhanced landscaping and street lighting; repair, extension, and widening of existing sidewalks to comply with ADA requirements; street resurfacing/pavement markings; improvements to streets ends; landscaping; bicycle routes; and improved stormwater drainage collection and disposal infrastructure.

The monument sign was included in the Project at the request of the Homeowners' Association. It was discussed at community meetings during the planning and design phases of this project. As a result, the sign was included in the BODR and discussed at the Community Design Review Meeting No. 2 held on June 14, 2005. The removal of the sign represents a deviation from the approved BODR.

Tran Construction Inc., one of the Job Order Contractors, was originally selected as the general contractor for the Project. After several rounds of negotiation, a construction contract was executed on December 7, 2006. The second Notice to Proceed, which authorized construction activities, was issued on January 23, 2007. The contract provided 730 calendar days to complete the work, which translates to January 22, 2009

The resident of 1001 South Shore Drive at the northwest corner of South Shore Drive and Biarritz Drive, who is most impacted, has objected to the sign claiming that it reduces the property value. The original objection was that the sign was improperly located on private property. The City prepared a special survey on April 12, 2007 showing the sign to be in the right-of-way. However, to accommodate the resident, the City paid the contractor \$18,244 to shift the sign further north and away from the intersection. While this was viewed as an improvement by the resident, it was not seen as a satisfactory solution.

As previously discussed, the City, its program manager, and its consultant were not satisfied with the quality of the work as well as the pace of the work on the Project. As a result, the contractor was asked to complete certain tasks and demobilize from the project. At that time, the monument sign was only partially completed.

On January 4, 2008, the City entered into an Agreement with Unitech Builders Corporation, through a Job Order Contract, for construction of the remaining scope of work on the Project that was not completed by the previous contractor, in an amount not-to-exceed \$7,852,753. However, due to the controversy surrounding the sign, no additional work has been done and no money has been spent to complete it.

This monument sign was brought to the attention of the CIP Oversight Committee, at its October 6, 2008 meeting. At that time, the Committee unanimously recommended that the sign be removed from the project. The Normandy Shores Home Owner Association (HOA) has expressed recently that it will not object to the removal of the sign, see Attachment 1.

City staff has negotiated with Unitech Builders Corporation to remove the sign at no additional cost to the City should the Commission wish to have it removed.

## **CONCLUSION**

The Administration recommends that the Mayor and City Commission authorize amending the Normandy Shores Neighborhood Improvement Project BODR by excluding the requirement of the monument sign located at the northwest corner of the intersection of South Shore Drive and Biarritz Drive and authorizing its removal at no cost to the City; in accordance with the desires of the resident most impacted by it, and with the recommendations of the CIP Oversight Committee and the Normandy Shores HOA.

Attachment

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE NORMANDY SHORES NEIGHBORHOOD IMPROVEMENT PROJECT BASIS OF DESIGN REPORT (BODR) BY EXCLUDING THE REQUIREMENT OF THE NORMANDY SHORES MONUMENT SIGN, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF SOUTH SHORE DRIVE AND BIARRITZ DRIVE, AND AUTHORIZING ITS REMOVAL, AT NO ADDITIONAL COST TO THE CITY.**

**WHEREAS**, on January 4, 2008, the City entered into an Agreement with Unitech Builders Corporation, through a Job Order Contract (JOC), for construction of the remaining scope of work on the Normandy Shores Right-of-Way Infrastructure Improvement Project (Project) that was not completed by the previous contractor, in an amount not-to-exceed \$7,852,753; and

**WHEREAS**, the Project includes the installation of new drainage and streetscaping including a monument sign at the northwest corner of South Shore Drive and Biarritz Drive; and

**WHEREAS**, this sign was included in the Project Basis of Design Report (BODR) at the request of the Normandy Shores Homeowners' Association, based upon discussion at community meetings during the planning and design phases of the Project; and

**WHEREAS**, the resident of 1001 South Shore Drive (at the northwest corner of South Shore Drive and Biarritz Drive) has objected to the sign, claiming that it reduces the property value; and

**WHEREAS**, the CIP Oversight Committee, at its October 6, 2008 meeting, unanimously recommended that the sign be removed from the Project; and

**WHEREAS**, the Normandy Shores Homeowner Association does not object to the removal of the sign; and

**WHEREAS**, City staff has negotiated with Unitech Builders Corporation for removal of the sign, at no additional cost.

**NOW, THEREFORE BE IT TRULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve an amendment to the Normandy Shores Neighborhood Improvement Project Basis of Design Report (BODR) by excluding the requirement of the Normandy Shores Monument Sign, located at the northwest corner of the intersection of South Shore Drive and Biarritz Drive, and authorizing its removal, at no additional cost to the City.

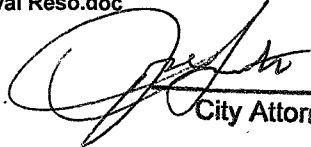
**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2008.

**ATTEST:**

\_\_\_\_\_  
**Robert Parcher, CITY CLERK**

**APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION**  
\_\_\_\_\_  
**Matti Herrera**

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\_\_\_\_\_  
City Attorney *MSA* 10/28/08  
Date

NSHOA

October 28, 2008

To Whom It May Concern:

I am writing you in regard to our resident, Sylvia Kauffman, of 1001 South Shore Drive, Normandy Shores.

At issue for Mrs. Kauffman is a large cinder block and cement signage structure impinging upon her property.

The NSHOA, alongside the Kauffman family, would like the sign removed at no expense to our resident.

After significant due diligence including multiple meetings with all vested parties (CIP, Commission, HOA, and the Kauffman's), NSHOA concurs with the Kauffman's that the site cannot accommodate such a sign without a significant diminishing of Mrs. Kauffman's property value and quality of life.

As long time residents of Miami Beach, the NSHOA would like to see the Kauffman's accomodated in their reasonable request for the City to remove the sign at issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Schlein". The signature is stylized and includes a long horizontal line extending to the right.

Erik Schlein  
President, NSHOA