

CAPITAL IMPROVEMENT PROJECTS OVERSIGHT COMMITTEE  
MEETING MINUTES  
January 12, 2009

The meeting was called to order at 5:50 p.m.

1. **Attendance – See Attendance Sheet attachment.**

2. **Review and Acceptance of Minutes**

MOTION: Acceptance of Minutes of the December 1, 2008 CIPOC Meeting

MOVED: Fred Karlton 2<sup>nd</sup>: Rick Kendle

PASSED

*Note: Meeting conducted out of order from published agenda. Please note times alongside each item.*

3. **Consent Agenda: Items for Commission** 5:52pm

The Commission requested that before CIP-related items go to Consent agenda before the Commission, that CIPOC review them first. CIPOC members review the material and bring questions to the meetings before sending the items to Commission (or pulling them if they wish to see further action or have additional discussion).

**Fred Karlton:** Inquired whether there was a review on item 3a. **Emanuel Mayer**, Special Assistant to the City Manager, replied that he had looked the price offered for professional services associated with signage and pavement markings for the Biscayne Point R-O-W project, and negotiated for a lower price of \$27,000. The original price of \$122,000 was rejected by staff, the second offer came in at near \$50,000, and was then negotiated down to \$27,000.

Mr. Karlton asked about item 3b, dealing with the additional professional services fees requested for permitting fees for the CCCL for the Oceanfront ( Phase I ) Project. **Jorge Cano**, Assistant Director of CIP, explained that the original agreement did not contemplate coastal permitting as it was not clear that a coastal permit would be needed. Although work is complete, a permit was, indeed required. The City negotiated with EDAW to only pay permitting fees and fees associated with retaining a resident project representative (RPR), but not to include any additional admin fees. Mr. Karlton asked Mr. Mayer what portion of this project he had looked at, and Mr. Mayer replied that he had reviewed the survey portion and is satisfied with the survey fees.

**Rick Kendle:** He said he was comfortable with the fees, as he had been involved in coastal surveys in his career. He asked for clarification on project management fees. Mr. Cano explained that these fees were associated with the work they did to close out the project and for costs associated with paperwork processing.

**William Goldsmith** (1820 West 25<sup>th</sup> Street) gave his comments about the items on consent. He was not happy that he did not have a chance to look them over as the material was distributed Friday afternoon, January 19, and he was out of town over the weekend. He wanted to see the pavement marking plans in order to see if the work was commercially reasonable. He thought the change order should be bid-out in order to give the City opportunity to save money. He noted that he felt the original A/E fees were extremely high.

On item 3b, he also felt that the additional work should have been bid out. The disparity in pricing also got his attention. Mr. Cano clarified that sub-consulting services are not typically

bid separate from the prime agreement. Mr. Goldsmith stated that therein lies the problem he has identified. Mr. Goldsmith expressed his opinion that the fact that the City cannot bid out the change orders on consulting contracts leaves contractors in position to command higher fees. Mr. Goldsmith thinks that this is the root cause of overspending.

**Raul Aguila**, Assistant City Attorney, clarified that these are sub-contractors under the consultant's contract. Ultimately, the consultant is responsible. Bidding out additional services to contracts could become problematic, as we hold the consultants liable. The contractor provides a buffer. Mr. Karlton asked at what point the City would have the right to reject work or fees. Mr. Aguila explained that the City has the right of approval for sub-contractors. If the City sees an unreasonable price, they have the right to reject it. (Which is what was done in the case of the contract for pavement markings in Biscayne Point (item 3a).

Mr. Goldsmith added that the minutes were slanted in favor of the City with omissions and differences from Mr. Goldsmith's recollection. The minutes are not verbatim, but recordings of the meetings are available online.

**Stacy Kilroy** asked about the role of the Resident Project Representative and for whom they work. Jorge Cano replied that the RPR works for the A/E firm. They have an on-site presence to make sure that what is on the plans is carried out in the work and to work out any conflicts

MOTION: Recommend to Commission that both items be passed on consent agenda.

MOVED: Stacy Kilroy                      2<sup>nd</sup>: Fred Karlton

PASSED

Fred Karlton suggested that the CIPOC look back at process, because he believes that having consultants in charge of bidding sub-consultant services is not a good process. Commissioner Weithorn suggested that this be looked at under a sub-committee.

STAFF ACTION: Commissioner Weithorn added that it would be helpful for staff to include measurable items and statistical information with the back-up for construction-related items.

**4. Public Comments**

No Public Comments Presented

**5. Old Business**

7:19pm

For the record, Com. Weithorn announced the chairs for the sub-committees.

Sub Committee chairs:

Flood Mitigation: Erik Agazim

Unit Pricing: Stacy Kilroy

Stillwater Drive (Neighborhood): Fred Karlton

Sunset Islands: Elizabeth Camargo

South Pointe Master Booster Pump Station: Dwight Kraai

Flamingo Neighborhood (Pilot Program): Rick Kandle

**6. Sub-Committee Meeting Reports**

**a. South Pointe Master Booster Pump Station**

7:26pm

**Dwight Kraai explained:** As it was established that there was no specific order that this pump station be built, the justification had to be based on technical information.

Mr. Kraai asked that if Inflow and Infiltration (I/I) were brought down to zero, would there be a need for this pump station. Fernando Vazquez, the City Engineer, responded that the station would still be needed as it is not reasonably possible to bring the I/I levels down to zero. Mr. Vazquez explained further that the pump station was needed to reduce the load on the entire system. The main criteria for the pump station are the peak flows through the system. The booster station downstream would ease some of the operational issues that the other stations in the system experience upstream.

**Rick Kendle** expressed that the concern was that staff originally indicated that the consent agreement was a direct order to build the pump station and that was not necessarily true. However, the station does help the City meet the requirements of the consent agreement. He would also like to see the title of the pump station changed to reflect the fact that it will also serve the Coast Guard Station. This will also help in obtaining grant money.

Fred Karlton asked where the price tag of \$25 Million for the pump station came from. It was clarified that this price is just a budgetary estimate for purposes of scheduling the Capital Plan and this project has not yet been bid.

MOTION: That The Committee Approve The Project And Include It In The Capital Program, And Recommend To Commission That The Project Name Be Changed To Reflect The Involvement With The Coast Guard Station.

MOVED: Dwight Kraai                      2<sup>nd</sup>: Rick Kendle

PASSED

7. **Report of Preliminary Findings From Milian Swain & Associates on Flooding Conditions Survey of 44<sup>th</sup> Street and Royal Palm Avenue** 6:13pm

**Bob Middaugh**, Interim Director of Public Works, introduced himself and explained his new, interim role and that Fred Beckmann is the Interim Director of CIP, until a new director is hired. Mr. Beckmann was on vacation at the time of this meeting.

Mr. Middaugh then introduced **Fernando Vazquez**, City Engineer, who presented the report with **Arsenio Milian** and **Juan Hurrado**, of Milian Swain & Associates on the flooding conditions at 44<sup>th</sup> Street and Royal Palm Avenue. CIPOC had asked the City to do some detailed hydraulic modeling of the area, as it was identified as a flooding "hot spot." This report presents preliminary findings.

Although Fred Karlton requested copies of the information presented, Mr. Vazquez explained that this presentation was just a preliminary report and more detailed information is to come.

Milian Swain set up an existing-condition outline in order to analyze why the problems occur under certain conditions. They ran an existing-conditions model based on five-year and ten-year storm events. Based on data they compiled, they found that a ten-year flood event would result in a 16-inch water level on the street, which is consistent with reports from neighbors. They also modeled a five-year storm event, which resulted in a 14-inch level of water above the crest of the road. They area of Royal Palm and 44<sup>th</sup> Street was found to be the lowest-lying area. They identified the areas in Orchard Park that are prone to flooding in a five-year, 24-hour rain event. They then examined the existing stormwater system. They determined that the

existing system needs to be severed and a series of shorter runs to outfalls need to be established. The long travel time for flow results in a system that is not capable of handling the water properly. Additionally, the system is trying to equalize itself, and when it fights high tides, the result is water accumulating at the low points.

**Dwight Kraai** asked if calculations were made to determine if the current system could handle the amount of water. Mr. Vazquez showed that the modeling determined that the current system is unable to handle all of the conditions and water drains very slowly.

**Israel Magrisso** asked if the discharger design was run through DERM to determine if the system meets water quality restrictions. Mr. Vazquez answered that any design would include the best practices guidelines. (But this part of the evaluation deals with water quantity, not quality).

**Com. Weithorn** reminded the group that the real purpose of this investigation is to look at systems to see how they could apply throughout the City to other similar projects.

**Stacy Kilroy** asked if the analysis includes projections of problems that may be encountered with permitting agencies and oversight organizations. She pointed out that when seeking the best solution, that definition for many also includes the component of cost, and permitting problems can be costly. Mr. Vazquez pointed out that the approach here is not different to any other engineering approach – that is, this is the foundation of the design and steps to come, which will go far in mitigating any roadblocks when it goes into permitting.

Rick Kendle asked if there was a history of flooding on 42<sup>nd</sup> and 43<sup>rd</sup> Streets. Mr. Vazquez replied that the engineer has proposed an additional outfall which would address flooding throughout the area. At the next meeting, the presentation will show more information about the design.

Moving forward, they will set up a master plan, look at other neighborhoods and do modeling to identify what the needs are.

Mr. Cano explained that wherever there is a stormwater component in a right-of-way design, the City does do modeling. In non-priority basins, there is an analysis done of hot spots.

The proposed design matches the one that had been modeled by APTCE, in that it uses 36" pipe, which is adequate. The only difference is that this design cuts the system in order to create a new outfall. A full design will be presented when an option is chosen based on modeling and the permitting process is complete.

**Dwight Kraai** asked if the engineers identified any "pinch-points" in the piping. Mr. Hurrado replied that they could see where they were, and Mr. Vazquez also noted that over the years there have been points where repairs were made so that now the system is rather convoluted.

This results in losses to the system. It is important to deal with the natural conditions of the watershed and cut the system to work within that.

Israel Magrisso encouraged the City to check with DERM throughout the process, especially if the design calls for a pump.

Stacy Kilroy asked how much more revision needs to be done to the modeling. The fundamentals of the modeling is good, there is some fine-tuning to be done. She also asked if the City looked at the previous modeling. The answer was yes, and it is similar.

**Christina Cuervo** asked what information was available during initial design for the streetscape that the engineers missed this area and its flooding problems. The answer was reiterated that this part of the Nautilus neighborhood was not a priority basin. It was later looked at under the design-build process. **Tim Hemstreet** added that criteria used to identify hot spots, which has been addresses in the CIPOC Sub-Committee on Flood Mitigation, then goes through modeling to make sure that a problem is not exacerbated or that a separate system is warranted. This is now part of standard review.

Rick Kendle asked if follow up was done for the resident from 46<sup>th</sup> Street and Royal Palm who approached CIPOC about flooding on her street. This area is outside of this particular model, but by working with the input data of the previous model, the City can further address other issues.

Rick Kendle asked if the modeling addresses the permeability of the swales. Mr. Hurrado stated that the model includes existing conditions, including the swales that are built up and the depressions in the sidewalks.

Dwight Kraai asked where else Milian Swain has done modeling like this. Arsenio Milian answered that the firm has done many different kinds of hydraulic modeling or Miami International Airport, City of Miami, and watershed modeling for DERM, among others.

Commissioner Weithorn asked that modeling that was done for priority basins be brought to the Flood Mitigation Sub Committee. Mr. Vazquez noted that the City is revisiting the 1997 Stormwater management report. Many factors in the City have changed that would result in a different model. A new comprehensive plan will address those changes.

Com. Weithorn asked if there are areas identified as priority basins that don't demonstrate flooding and should we look closer at these. Mr. Cano answered that Biscayne Point (Stillwater Drive) is an example of this and the engineer is currently performing additional modeling.

Com. Weithorn stated that with good scientific modeling behind projects, a case such as a proposal for over \$700,000 would likely not happen. Mr. Cano pointed out that the particular case to which she was referring was not an official proposal to the City. It was only a budget engineering scale of magnitude estimate and would never have been agreed upon by the City. The price would have been brought down when final design was completed.

Mr. Goldsmith said that after seven months, he is glad that Mr. Gale (4360 Royal Palm Avenue) is getting the attention his neighborhood deserves. This area is a fairly simple area to address. He asked if the modeling presented looks like the \$265,000 design that he (Mr. Goldsmith) had submitted to this board in December. He paid Schwebke Shiskin a design/engineering firm and worked with a civil engineering contractor, Central Florida Engineering to put together a basic schematic. He asked whether his proposal looks viable, because his proposal includes cost. He also asked how much money was spent on Milian Swain to do the modeling. He wants to know when it will be done and how much it will cost. Were the other hot spots in the neighborhood included and did they take into account that Mr.

Gale's house is the "end of the run" and therefore the last collection of water to get into the system?

Mr. Goldsmith finds it unreasonable that permitting will be completed no earlier than April. Mr. Vazquez stated that there are many considerations to include, such as the affect on the seawall where the outfall is or would be. He finds the design to be adequate for the solution the City is seeking, but points out that the flooding of 13" is not resolved with the 36" line, and the severing of the system is needed. The City wants to do it right, so it would not be appropriate to move ahead without knowing that we have something that really works.

STAFF ACTION: Present a general timeline for this project after the proposal is further developed.

Mr. Karlton further expressed that the CIPOC will hone in on a time certain for construction of this piece of the project and see to it that the contractor adheres to the schedule.

**Jeff Gale** showed old photos of flooding conditions that were taken many years ago. He is grateful that this problem will be remedied.

8. **CIP Projects Staus Report** 7:32pm  
Fred Karlton would like to see start dates and the contracted completion dates included.

STAFF ACTION: To include start dates and contracted completion dates in the status reports for each project.

9. **Construction Update: Normandy Shores Neighborhood Improvement Project** 7:34pm  
South Shore Drive is essentially done, from Biarritz to Ray Street and now has the first lift of asphalt. Milling and resurfacing is now taking place east of Ray Street in preparation for the first lift of asphalt there. A well box has been placed next to the Avanti townhomes. A new Maintenance of Traffic plan (MOT) will be distributed as the intersection of Biarritz and South Shore will be blocked when the new brick pavers are installed. This process will take approximately ten working days. Resident complaints included AT&T lines severed, and a small amount of the typical complaints about dust and inconvenience. Having Carey Osbourne in the trailer on site has helped a great deal to address concerns faster. The car washes have also been effective in community relations for the neighborhood.

10. **Staff Action Report**  
Written report included in agenda packet.  
**Committee members requested the following:**  
    **Stacy Kilroy** requested a communications plan for South Pointe Streetscape.  
    **Erik Agazim** requested that agendas be distributed earlier  
  
    Erik Agazim also asked for a key to be included in the status report for all the acronyms.  
    **Com. Weithorn** asked that the Status report include an "as of" date.

11. **Adjournment:** 7:41pm

**February 2, 2009**

**MEETING MINUTES January 12, 2009 Capital Improvement Projects Oversight Committee Meeting**

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The next meeting of the Capital Improvement Projects Oversight Committee will be held at 5:30pm, Monday, February 2, 2009.

JMG/TH/FHB/shl

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