

Neighborhood/Community Affairs Committee Meeting
September 24, 2012

Discussion Regarding The Water Feature At The Washington Avenue Entry Of South Pointe Park.

*Commission Item C4H, December 14, 2011
(Requested by Commissioner Tobin)*

Fernando Vazquez, CIP Department Director

ITEM 12



COMMITTEE MEMORANDUM

TO: Members of the Neighborhood/Community Affairs Committee

FROM: Kathie G. Brooks, Interim City Manager

DATE: September 24, 2012

SUBJECT: South Pointe Park – Washington Avenue Water Feature Remediation

This item was referred at the December 14th, 2011 Commission meeting, Item #C4H, requested by Commissioner Edward L. Tobin.

BACKGROUND

On March 14, 2007, the City Commission approved and awarded contract #ITB 26-06/07 for Construction Improvements for the City of Miami Beach South Pointe Park (the Park) to MCM Corp. The Park was substantially completed in April 2009 and a Temporary Certificate of Completion was issued on May 18, 2009.

On July 13, 2009 the Florida Department of Health (DOH) performed an inspection of the water feature at Washington Avenue. The DOH issued a Stop Work/Use Order due to several potential code violations and the absence of a DOH permit to operate. The DOH concluded that this water feature was incorrectly permitted through the City's Building Department as an architectural water feature instead of an interactive water feature. State codes predicate that interactive water features warrant DOH approval. One of the key deficiencies pointed out by the DOH was the requirement to provide restroom facilities within 200 feet from the water feature. The closest restrooms currently are in the Pavilion, located approximately 1,200 feet from the water feature.

Consequently, the City has entered into litigation against the Park's designer, Hargreaves and Associates, and the contractor, MCM Corp., for several defects and deficiencies including the City's inability to utilize the water feature as intended.

On February 21, 2012, CIP staff met with the City Manager's office to discuss the potential course of action to restore the water feature area. CIP staff was instructed to analyze and evaluate several remediation alternatives including restoration as an interactive water feature, restoration as a non-interactive water feature, and restoration without water feature elements. The findings would be presented to the members of the Neighborhood/Community Affairs Committee.

ANALYSIS

In an effort to find a resolution to this issue, CIP staff has analyzed various remedial options ranging from total remediation to achieve DOH compliance as an interactive water feature, to several different levels of modifications that would enable for the use of this park area in the best interest of the public.

The key factor in remediating the water feature hinges on the DOH's definition of "interactive." The Florida Administrative Code (FAC) Chapter 64E-9, "Public Swimming

Pools and Bathing Places” defines “interactive” as a structure designed to allow for recreational activities with recirculated, filtered, and treated water; but having minimal standing water...” In addition, an interactive water feature is further classified as a “water recreation attraction, which, by definition, involves “a facility with design and operational features that provide patron recreational activity and purposefully involves immersion of the body partially or totally in the water.” The FAC prescribes the minimum design, construction, and operation requirements for interactive water features.

Subsequent to the February 21, 2012 instructions by the City Manager’s office, CIP staff conducted further due diligence to identify the most viable alternatives for this area of the park and, engaged the services of a consultant, Corzo, Castella, Carballo, Thompson, Salman (C3TS) to more precisely identify and evaluate the various remediation alternatives, and impacts of the requirements set forth in the FAC for these water features.

In making recommendation for the remediation of the water feature, the following possibilities were explored:

1. Redesigning and reconstructing the water feature to meet the DOH requirements as originally intended by the City, including modifying the water feature in various manners to achieve DOH code compliance, but with reductions or changes to some of the features.
2. Eliminating the water feature as an interactive public element and modifying it to eliminate any DOH jurisdiction.
3. Reconstructing the plaza as a passive area and eliminate the water feature altogether.

The following alternatives are based on the previously listed options.

Alternative 1: Reconstruction as an Interactive Water Park

Option A

Reconstruct as required to achieve full interactive water feature functionality and DOH compliance. The implementation of the remediation necessitated by the Code deficiencies will mean almost the entire demolition and reconstruction of not only the water features, but also to the internal recirculation and treatment system, the plaza area and the addition of a restroom facility within the boundary established by the DOH.

Option B

Eliminate the four (4) banks of water cannons, but keep the four (4) promenade fountains as functional interactive water features. This would avoid reconstruction of the entire promenade, but would still require construction of the restroom building, additional filtration and pumps, and all of the other items noted in the code compliance deficiencies with respect to the DOH.

Alternative 2: Reconstruction as Non-Interactive Water Park

Reconstruct the plaza to incorporate the water fountains and water cannons into a non-interactive environment that would physically prevent pedestrians from accessing the water but still maintain the original design aesthetic and provide the same amenity for users of the park. This can be achieved by creating physical barriers (as defined by the DOH) around the four (4) fountain areas that essentially convert them into fountains for display only. The

barriers may consist of architectural and functional features that would enhance the look of the water feature while at the same time prevent access to the public. In this manner a physical and visual barrier is introduced, preventing walking into the water areas.

Alternative 3: Eliminate the Water Features Altogether

The last alternative is to employ no action. Leave the plaza “as is” with minor modifications and remove the four (4) fountain areas and the four (4) banks of water cannons. This would involve a certain amount of selective demolition to remove the required elements and create a landscape area or fill in with similar paver bricks or a geometric pattern to cover the area where the fountains were located.

Status of the Remediation Effort

During the process of analyzing and evaluating the above mentioned alternatives Miami-Dade County (County) informed the City that they engaged two (2) contractors to complete an emergency 60-inch force main Installation project from Fisher Island to Miami Beach. The project consists of four (4) phases to replace the existing 54-inch force main between Fisher Island and Miami Beach with approximately 3,500 feet of new 60-inch force main.

The County has advised that Phase two (2) of the project will commence this Summer and is expected to be substantially completed by the Summer of 2013. Phase 2 of the project includes a shaft located in South Pointe Park and an open cut pipeline installation from the shaft north along the west side of the water feature area and through Washington Avenue. The contractor will occupy the park area until the Summer of 2013.

On June 6, 2012, the City Commission adopted resolution 2012-27930, conceptually granting two perpetual easements and a temporary construction easement (or license agreement) to Miami-Dade County, for the construction and installation of the proposed 60-inch diameter force main in South Pointe Park, subject to final negotiations and approval of certain agreements. These agreements include a Construction Mitigation Program that will address issues during construction of the force main, including mitigation plans for the protection of City structures and restoration of elements disrupted during construction in South Pointe Park and within the City's right-of-ways.

Pursuant to these recent developments, the efforts to remediate the South Pointe Park water feature are being evaluated to eventually provide a venue that best represents the interests of the residents of Miami Beach. It is evident that the County's activities within the park area will most likely impact the efforts and schedule to remediate the water feature area.

CONCLUSION

On December 7th, 2011, a South of Fifth Neighborhood Association (SOFNA) meeting was held and members of the CIP Department attended. Questions regarding the future plans for the Washington Avenue water feature were raised by concerned residents. The board members and attending resident's demonstrated opposition to the plan for restroom facilities and showers associated with plans to remediate to the concept of an interactive water feature or a splash pad as it may involve the addition of perimeter fencing to restrict the access of pets into the water feature area.

It is important to note that Basis of Design Report (BODR) for the Improvements of South Pointe Park, dated July 2005, did not specifically address the requirement for an interactive water feature. The BODR stated, "Washington Avenue Entry – existing right of way converted to plaza space, ample seating and shade, best location for small community events like farmer's markets and art shows, ***keeps existing fountain at end to mark end of Washington Avenue at Government Cut.***"

After careful consideration and evaluation of the previously described alternatives, staff recommends pursuing the reconstruction of the plaza that incorporates the water fountains and water cannons into a non-interactive environment that would physically (architectural and functional barriers) prevent pedestrians from accessing the water but still provide aesthetic appeal for users of the park (Alternative 2).

CIP proposes to ascertain from the Neighborhoods/Community Affairs Committee the intent to further pursue this alternative by taking into consideration the requirements of the State code for construction and operations of interactive water features, the recommendations of the BODR, as well as the proposed County construction activities in South Pointe Park.


KGB/CG/FV/DM