



## Carpenter, Eric

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**From:** Morales, Jimmy  
**Sent:** Tuesday, June 23, 2020 8:49 PM  
**To:** McGee, James  
**Cc:** Centorino, Joseph  
**Subject:** Palm Hibiscus  
**Attachments:** wade.trim.ltr.5.10.18.pdf

James,

Hope you are doing well. I apologize that I have been so busy and have not followed up with you before this.

I have attached a letter that was included in the materials you sent me (although I don't recall that we reviewed it during our meeting). It is a letter from Wade Trim to DERM, seven days prior to the May 17<sup>th</sup> letter you showed me where you suggested that Wade Trim misrepresented to DERM that there have been no significant changes to the project. The May 10<sup>th</sup> letter attached hereto, from the same project manager, Daniel Garcia, to the same DERM engineer, Mayra De Torres (BTW, she was also the recipient of the December 14, 2015 submission by Orlando Rubio), does appear to make some significant disclosures about the changes to the project, including private-side yard drains, addition of a secondary drainage system to reduce potential flooding, change of pipe alignments to reduce impact to existing vegetation, etc. I am truly a lay person when it comes to engineering, but when you combine this May 10<sup>th</sup> letter together with the 2<sup>nd</sup> paragraph of the May 17<sup>th</sup> letter which indicates that the City has recently revised the project's stormwater criteria, which could result in changes, I think Wade Trim certainly put DERM on notice that this project was evolving and would be including some of the enumerated items which were not part of the original permit application. Furthermore, Mr. Garcia, by stating that these changes would be submitted via revised plans during permit certification submittals, clearly was telling DERM that the as-builts, which are submitted at the end of the project, prior to putting the system into operation, would reflect these changes. DERM issued the permit extension having received both letters.

My purpose in sending this email is not to suggest that mistakes were not made during the course of this project. But I find it hard to see a conspiracy to defraud DERM. The May 10<sup>th</sup> letter is fairly explicit about the changes being made. In fact, the term "private-side yard drains" appears twice. Clearly at some point in the project, the original notion of stormwater water storage in swales became impractical, for reasons including preservation and enhancement of landscaping and foliage, maintenance of street parking, above ground locations of the infrastructure for undergrounding the utilities, etc. In fact, traditional swales like you see in so many other communities are very rare in the City for some of the same reasons. So I am not surprised that the original Rubio plan was not what the residents would want and that an alternative approach became necessary. Again, could it have been handled better? Perhaps. But I don't believe that multiple professional firms and several public officials colluded to keep DERM in the dark. The May 10<sup>th</sup> letter certainly is not consistent with such a theory. The letter puts DERM on notice that changes are being made that will be reflected in the final as-builts prior to final DERM approval. If there is stronger evidence that the firms in question or that my current staff were knowingly involved in such activity, I would welcome reviewing it.

Thanks

Jimmy Morales  
City Manager  
City of Miami Beach



Exhibit 10



# Flood Mitigation Results

# Palm Island 303 North Coconut Ln



BEFORE

Tides: 1.42 ft NAVD



AFTER

Tides: 1.88 ft NAVD 10/15/19



# Flood Mitigation Results

# Palm Island 316 South Coconut Ln



BEFORE

Tides: 1.40 ft NAVD 10/17/12



AFTER

Tides: 1.88 ft NAVD 10/15/19







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

## MEMORANDUM

To: Joseph Centorino, Inspector General

From: Eric Carpenter, Assistant City Manager 

Date: January 21, 2021

Subject: Response to Office of Inspector General (OIG) Draft Report 20-07

This letter is meant to serve as an individual portion of the overall City Administration response to the above referenced report and should be reviewed in conjunction with the more comprehensive response.

Please let me begin by stating that in my personal opinion, the report prepared by the Office of the Inspector General to look back at the Palm and Hibiscus Neighborhood Improvement project is clearly written from the perspective of an individual or group of individuals that have only a cursory understanding of the contractual mechanism utilized, the permitting process as required by the South Florida Water Management District and Miami-Dade County Department of Regulatory and Environmental Resources (DERM), and the challenges associated with developing a program that was expected to deliver results outside of the status quo.

I hope that the attempt of the OIG report, in my opinion, to sensationalize and manipulate the information provided by a few individuals based upon their opinion of the situation is not allowed to cloud the facts associated with this project. The facts are as follows and they are indisputable

- 1) The City entered into a progressive design/build contract with Lanzo Construction that resulted in a Guaranteed Maximum Price authorization by the City Commission for \$38.5 Million. The addition of several scope changes directed by the Commission has resulted in a final construction cost of \$40.9 Million.
- 2) The contract required the Design/Builder to comply with all applicable laws and regulations.
- 3) The nearly completed project functions as it was intended.
- 4) The regulatory agencies have permitted the vast majority of the private property connections without any additional water treatment requirements.

Despite the tremendous effort and, in my opinion, weaving of conjecture, unsupported allegations and innuendo in the OIG report, there are no facts to dispute any of these pillars of this project. That is not to say that the project if it was to be done over could not have been improved. There are multiple lessons learned, including the need to design and agree to the harmonization of the public and private properties in advance of permitting and construction.

In order to correct the record, first and foremost, I must reiterate the contractual relationship between the City and the Design/Builder is abundantly clear that permitting of the project falls

completely within the responsibility of the Design/Build firm. Understandably there are different perspectives of the regulatory agencies for what field activities require permit modifications at different levels in the agency and across agencies.

For example, it has recently been confirmed by the South Florida Water Management District that the introduction of the secondary drainage system for the Palm and Hibiscus Neighborhood Improvement project will not require any additional documentation or a permit modification. As a direct correlation from the below excerpt from the OIG report, it is clear that the SFWMD did not feel these modifications were major.

The SFWMD's policy says, "Major changes, including changes to permit authorization or special or limiting conditions would require a permit modification before implementation."

In addition, documentation was provided to DERM via letter from Wade Trim on May 10, 2018 (attached as Exhibit A), clearly identifying the modifications of the project over time. This letter was provided prior to the application signed by me and submitted by the City via email on May 15, 2018. The subsequent response from DERM stated that it needed a certification from the Engineer of Record that there were no changes to the drainage system. The reissuance of the Class II permit for the project on May 27, 2018 appears to signify that either DERM was sure the "private side yard drains" were not a significant modification or they were comfortable with the information provided that these changes will be addressed as part of the permit close out documentation, otherwise, certainly they would have asked for additional clarity on this matter.

Furthermore, there is much fanfare around the statements of one of the Wade Trim team members and his concerns surrounding the permitting. Interestingly, the only reference prior to March of 2018 in all of the documentation that was reviewed by the OIG is the excerpt below where this individual makes reference to the issue of modifying drainage to protect the mature trees. If the tree issue was important enough to reduce to writing, why in 2017, a year after the start of the drainage, was the issue of permitting temporary construction drains not documented similarly.

In 2017 Garcia prepared a spreadsheet of issues with CIP, including one labeled "Disregard for approved permits." It said:  
MDRER/SFWMD: Significant changes have been directed by CIP to stormwater design (as a result of changes in tree removal directives); it has only been recently that CIP has expressed concern with project certification; it is unclear whether CIP weighed risk of permit certification against universal directive to save ALL trees, including not removing trees in swale areas that reduce conveyance efficiency and integrity of the proposed stormwater system (the removal of trees in the swale area was an explicit directive in DCP).

As was shown above, within two months of the first discussions of the permit modification in March 2018 there was a letter submitted to DERM making them aware of the changes. If the City was truly trying to conceal information or keep these potential private connections quiet, why were they repeatedly discussed in public meetings, submitted in writing to DERM and extended 6" to 18" above the ground so that they stick out like a sore thumb. Which is more likely, that there was some elaborate deception or there was a reasonable evolution of an emerging solution to sea level rise that was new and uncharted territory for all three entities, the City, the Design/Builder, and the regulatory agencies.

The incorporation of the secondary drainage system on west Palm Island evolved over time. The initial modification was only the inclusion of stub out pipes from the existing primary drainage system that remained unchanged. Despite the reference in the OIG report that the original stub out pipes included tee connections with inlets, the plans by Wade Trim, as included in the report, only differ from the CAS plans in roadway elevation and the inclusion of pipes with no tee connection or inlet. Since these stub outs were not connected to anything there was no additional water entering the system and no change to the resulting operation of the system. Subsequently the Design/Build team used some of these stub outs as temporary construction drains within the right of way during the construction activities (see attached photos from October 2019 Exhibit B). It is clear when you look at these temporary drainage inlets that under no circumstances could they remain in current condition as it sticks up out of the ground anywhere from 6" to 18". Despite the multiple attempts in the report to claim that the characterization of these as temporary construction drains is a misrepresentation, the pictures clearly illustrate that there is a significant difference between temporary and permanent drainage inlets. Each and every one of these temporary inlets will be either removed or converted to a permanent inlet under a separate permit by the completion of the project.

The impacts of this real time development of solutions created modifications to the Palm and Hibiscus Island Neighborhood Improvement project that could have been handled better, had there been unlimited time to evaluate. The City Administration and I personally acknowledged these shortcomings of making changes mid-project in our presentation in the Commission Workshop on Resilience held January 27, 2020.

There were many decisions made that created an evolution of the Palm and Hibiscus Neighborhood Improvement project. All of those decisions were made with the best interest of the City, and with the clear direction and approval of the appropriate authorities within the City. There were decisions made by the contracted Design/Build firm, which are now being questioned by the regulatory authorities, that are open to debate. However, there was no ill intent, nor any intentional omissions, as can be demonstrated by the lack of clear evidence to the contrary, despite a year of investigation.

Exhibit A



Wade Trim, Inc  
2100 Ponce de Leon Boulevard, Suite 940 • Coral Gables, FL 33134  
786.361.1645 • www.wadetrim.com

May 10, 2018

Department of Regulatory and Economic Resources  
701 NW 1st Court, 5th Floor Miami, FL 33136-3912

Attention: Mayra de Torres, Engineer

Re: City of Miami Beach Neighborhood 13A Infrastructure Improvements  
Palm and Hibiscus Islands  
Class II Permit Renewal

Dear Ms. De Torres:

We are submitting the attached application for the above-referenced project, in lieu of a Time Extension Request. In order to assist in your review of this, as it relates to the original Class II Permit Application for this project (Permit No. 20150058), we are providing the following narrative:

1. Has the above-referenced permit previously extended? If so, list the permit extension date(s).

*No.*

2. Describe the work, as authorized by the above-referenced permit that has not been completed up to date.

*Swale area grading, pump stations, private-side yard drains, lighting, final lift of asphalt, pavement and marking.*

3. Has the work performed to date as authorized by the above-referenced permit, been conducted in accordance with the permit description, approved plans and restrictions, limitations or conditions of the permit? If not, describe in detail work that has been conducted that is not in accordance with the permit.

*City provided a change in directive requiring installation of private-side yard drains for properties that have finished floor elevations below the adjacent crown of road. The original stormwater design criteria required that the drainage area be sized to account for and reflect the actual contributory area at a minimum all road rights-of-way, 100% of interior (landlocked) lots and 50% of waterfront lots. Thusly there is enough capacity in the system to account for this additional stormwater load, particularly in light of the fact that few of the properties fall within this new City criteria.*

*Additional City-directed changes will be submitted via revised plans for Palm Island and Hibiscus Islands during permit certification submittals; these mainly relate to change of pipe alignments to reduce impact to existing vegetation, addition of a secondary drainage system to reduce potential flooding in isolated areas, and lowering of proposed elevation of roads to reduce harmonization impacts to private properties.*

4. Describe any substantial changes in the environment that have occurred at or adjacent to the subject location since the date of issuance of the above-referenced permit or prior extension time.

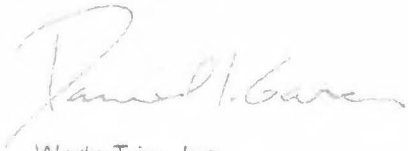
*None.*

5. Describe any adverse environmental impact(s) or cumulative environmental impact(s) that may occur if a permit extension is granted.

*None.*

For all required documentation as outlined in Section 2 and Attachment B, please refer to original permit application for Permit No. 20150058, as a reference. Please do not hesitate in contacting me should require additional information or have any additional questions.

Very truly yours,



Wade Trim, Inc.

Daniel Garcia, PE  
Project Manager

LNZ2003.02S

cc: Olga Sanchez (City of Miami Beach)  
Pablo Riano (Lanzo Construction)  
Holly Kremers, PE (Wade Trim)

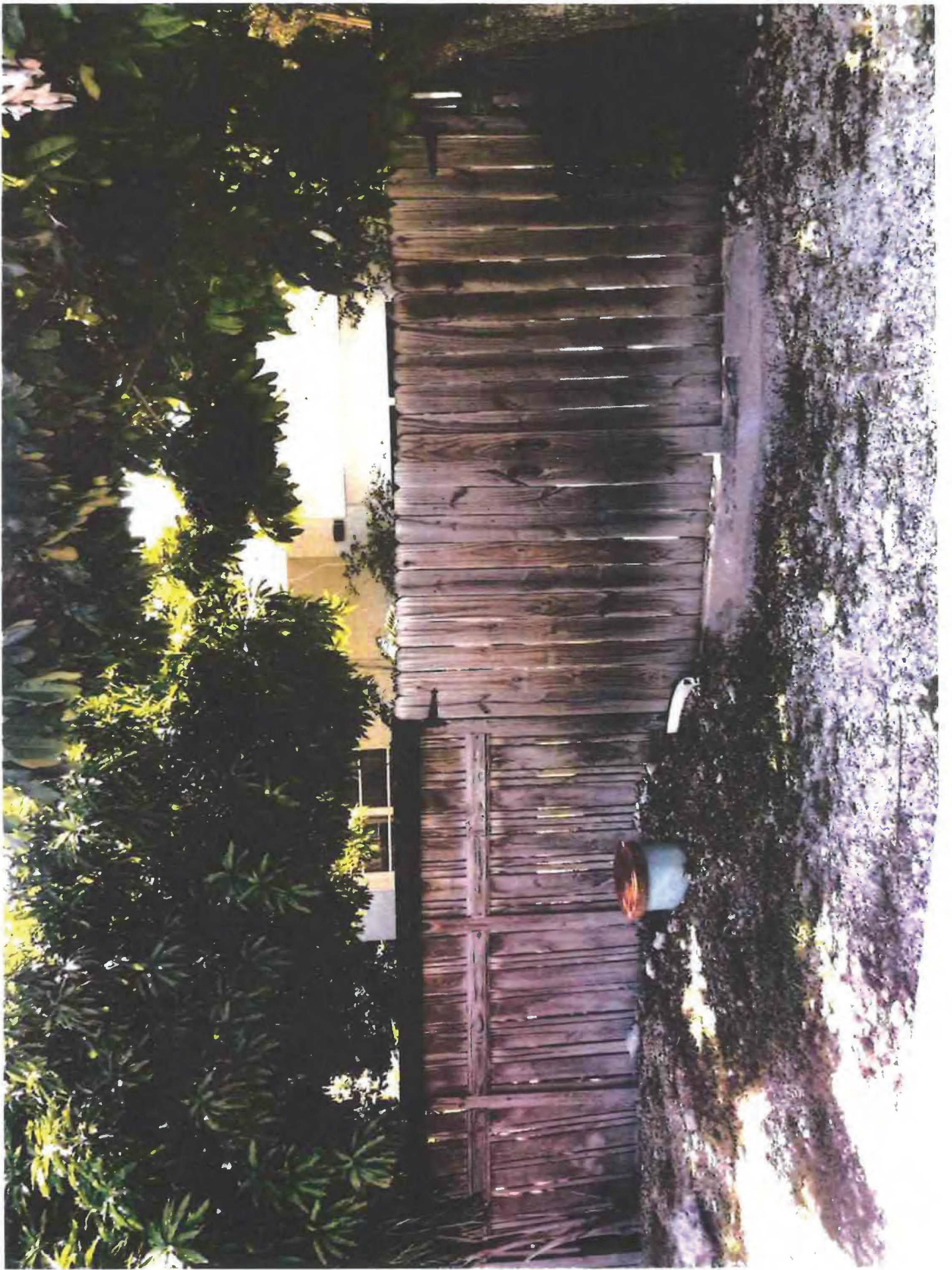
Exhibit B













# MIAMIBEACH

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

## MEMORANDUM

TO: Joseph M. Centorino, Inspector General

FROM: David Martinez, PE, Director, Office of Capital Improvement Projects 

DATE: January 21, 2021

SUBJECT: Response to Office of Inspector General Draft Report of Investigation on the Management of the Palm and Hibiscus Islands Neighborhood Infrastructure Improvement Project OIG No. 20-07

The purpose of this memorandum is to provide a brief response to the report referenced above received on December 4, 2020. I will only be able to address "some" of the baseless allegations due to the extremely short timeframe available. After all, responding to this document is not my full-time job. The OIG has provided an insufficient thirty (30) working days to respond to this extensive document, given the fact that it took over one year and enumerable resources for the OIG to produce and deliver this document. The OIG rejected Administration's request to extend the response timeframe.

I have worked and been an active participant in the engineering and construction industry for over 34 years. I have held positions in both the public and private sectors. I am well regarded by my peers and have established an impeccable reputation centered on integrity, honesty, and fairness. The OIG's findings, as presented in this document, are slanderous, flawed, biased and unfounded.

The Office of Capital Improvement Projects (CIP) is tasked with managing and developing many of the City's large capital projects. Projects in our program include unparalleled investments in quality of life infrastructure including prioritization of sea level rise with storm water and neighborhood improvement projects, parking facilities, park improvements and sustainability & resiliency projects, to name a few. These projects are necessary to improve, enhance, and maintain facilities and infrastructure to meet the exceptional service demands of our residents and visitors. The CIP staff is composed of senior management, project managers, financial managers, field inspectors and other support staff. At any given time, CIP manages 50-60 projects all in the planning, design, construction, or close-out phases. The expectation on the delivery of these projects by the City Commission and its constituents is extraordinarily high.

### **Delivery of Large Capital Projects**

Anyone who has any knowledge of the construction industry understands the complexities and challenges of delivering any project within the proverbial "on time, and on budget." The delivery of large capital improvement projects involves a myriad of processes and requires a high level of coordination among stakeholders which include residents, business owners, community organizations, activists, media outlets, franchise utilities, city committees, elected officials, internal city departments, regulatory

agencies, and city administration, to name a few. These stakeholders play a significant role in the definition of these projects. Most of the time, this definition fluctuates and changes during the lifecycle of these projects, even during construction. This is ultimately detrimental to the success of any project.

Public sector agencies and private sector businesses rely on the expertise of consultants and contractors for the delivery of projects. Entities such as FDOT, Miami-Dade County, any municipality and the Federal Government hire thousands of consultants and contractors to carry out the multitude of tasks associated with project development.

The Palm & Hibiscus Islands (P & H) Neighborhood Improvement project, like any of our projects, includes an extensive list of improvements in its scope of work. It was not just a storm water improvement project. It included replacement of the water distribution system and water services; rehabilitation of the sanitary sewer system; replacement of all streetlights; reconstruction of all roads and sidewalks; roadway striping/signage; new landscaping; and undergrounding of franchise utilities. All these elements were to be coordinated with all the stakeholders previously listed throughout the life cycle of the project. That is a daunting task for anyone who knows this business. It is doubtful that the OIG could have contemplated this perspective. And this is only one project of dozens that CIP manages.

To efficiently deliver the P & H project, the City engaged several entities. These included a Design Criteria Professional consultant, a Construction Engineering and Inspection consultant, and a Design-Build Firm (Design-Builder). All these entities were vetted through the city's qualifications and selection processes, and ultimately approved by City Commission. All these entities have contractual, fiduciary, and legal responsibilities and obligations to deliver these projects, including regulatory compliance and to protect the City in all respects.

For example, the Design-Build Firm's agreement with the City includes the following terms:

Page 1 – *Collaborate with the City during the design process to ensure that design solutions reflect the most efficient construction means and methods and that the Project will meet the schedule, quality, **permitting**, and safety requirements.*

Page 3 – Article 1.9, *The Design-Builder will be responsible for the professional services, design, supply, provision, construction, installation, and performance of all equipment, materials and systems offered, and shall in no way be relieved of the responsibility for the performance of the Project.*

Page 6 – Article 1.27, *“Services” means the professional services to be provided by Design-Builder that include, but are not limited to, full architectural and engineering design and construction services necessary to prepare the design, **including the approved and permitted Plans and Specifications**, of the Project.*

Page 7 – Article 1.35.1, *The City (or Owner) shall mean the City of Miami Beach..., which is a party hereto and/or for which this Agreement is to be performed. In all respects hereunder, **City's performance is pursuant to City's position as the owner of a construction project.***

Page 8 – Article 1.35.11, *Project Manager: The authorized individual or firm who/which is the representative of Design-Builder who/which will administer/manage the design and construction effort...*

Page 10 – Article 2.1, *The Design-Builder shall perform the design and construction of the Project..., including, without limitation, the Design Criteria Package. In summary, the Services include, but are not limited to, **providing all resources and professional services to perform the design and***

construction of the Project such as planning, technical investigations, engineering, design, **permitting**...

Page 10-11 – Article 2.3, The Project includes **furnishing all planning, engineering, design and permitting services**, as well as all construction labor, materials and equipment, services and incidentals necessary to design and build the Project...**Work and Services shall be in compliance with design and construction standards required by the RFQ, the Florida Accessibility Code, the Florida Building Code, all environmental and fire codes, and any other Applicable Laws. It will be the sole responsibility of the Design-Builder to secure all permits** not provided by the City, and to provide signed and sealed design documents for construction and installation which comply with all regulatory requirements, Applicable Laws, and the Contract Documents.

Page 13 – Article 3.6.2, The Design-Builder **shall be** responsible for obtaining all necessary licenses and permits not being provided by the City, and for complying with Applicable Laws in connection with the prosecution of the Work...**The Design-Builder shall protect, indemnify and hold harmless the federal, State, County and municipal governments, and their members, officers, agents and employees against claims and liabilities arising from or based on the violation of requirements of laws or permits**...

Page 14 – Article 3.6.5, Neither the City's inspection, review, approval or acceptance of, nor payment for, any of the Services of Work required... shall be construed to relieve Design-Builder (or any sub-consultant or subcontractor) of its obligations...

Page 34 – Article 7.3.2, The City shall not be responsible for discovering deficiencies in the technical accuracy of Design-Builder's Services or Work.

Page 35 – Article 7.4.1, Design-Builder agrees to indemnify and save harmless City against any Federal, State, County or City laws...

Page 36 – Article 7.5.2.1, Design-Builder shall supervise the (design) Services undertaken...Design consultants shall exercise a standard of care used by members of the architecture and/or engineering profession... practicing under similar conditions...

Page 40 – Article 7.5.11, **Design-Builder shall secure and pay for the building permit and other permits**... for the proper execution and completion of the Work...

### **City's Efforts to Address Climate Change and Combat Sea Level Rise**

Since 2014, the City embarked on an unprecedented and aggressive path to protect itself from the effects of climate change, specifically, rising sea levels and king tides. As part of this endeavor, the City created a Blue Ribbon Panel whose purpose was to monitor the progress of the City's Stormwater Management Program and Comprehensive Flood management Plan and ultimately provide solutions, options and suggest policies to the City Commission on how to adapt to the impending sea level rise.

It is no secret that CIP participated and sat at the table during the panel's deliberations. Our role as executor of many of these projects was to stay informed, and provide feedback and expertise to the group. For nearly four years the panel deliberated on many elements associated with protecting the City from sea level rise. The topic of raising elevations on public and private properties was a recurring theme. The challenges and opportunities of raising city streets was often discussed. There was no play book on how to address the challenges. There were no instructions, or codes, or standards specifying how to address elevation changes or harmonization of private properties. Ideas, solutions, policies and ultimately directives from the City Commission, evolved through this period. During this evolution, CIP was responsible for moving this project, and all other projects forward. Yes, there was abundant



pressure from all stakeholders, but doing nothing was not an option. That is what makes this city so great.

### **Project Budget and Status**

The design and construction cost was established initially and approved by the City Commission at \$38,500,000. After all is said and done, our total cost is \$40,965,000 despite the evolution that made a complex, multi-faceted project increasingly more difficult, including multiple scope changes and other challenges. The increase of \$2,465,000 represents just over 6% of the original project cost. Of this increased cost, \$1,615,000 represents the portion attributed to addressing the private property additional inlets and related harmonization. This translates to just over 4% of the original cost, an inconsequential amount given the magnitude and complexity of this project.

Today, the project is nearly complete. The Design-Builder has less than a dozen private property inlets left to complete and is gearing up to begin final paving of the roads. The stormwater system has been completed and has been functioning for quite some time and has provided the expected protection against rain events. The City has continued working with Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM) to obtain all new Class II permits for the added inlets and in closing out the original Class II permits. In my opinion, this ultimately transpired into a successful project despite all the challenges. The P & H Homeowners Association voiced their opinions to the City Manager in a January 2020 email (Exhibit 1). The email, from two of their board members, states the following:

*From Ian Kaplan – “Overall, given sea level rise and the uncertainties of the escalation of higher tides in the future, we believe raising our roads on Palm and Hibiscus Islands where needed and adding pump stations (with backup generators) for our Islands was a prudent and good decision. As we live on Island communities it is critical for the future that our roadway infrastructure remains above sea level and storm water has a well-planned and environmentally safe method to be removed from our Islands without being trapped. Once our project is finally completed, we remain confident that our Islands will be significantly more resilient for the future while protecting our property values and our waterfront environment.”*

*From Neil Fairman – “I concur with our Chairman Ian Kaplan and would like to emphasize the resident's sacrifice during the extended work timeline was well worth the security afforded by creating a sustainable infrastructure for our islands for the future. We must consider the future threats of unimpeded flooding in comparison to an extended inconvenience. Being the pioneer in raising our roads only the uninformed would believe that this would be a perfect process, hopefully our sacrifice will help other communities have a more efficient schedule.*

*“I would like to thank your CIP staff for the professional work ethic and facing a a staged project with constantly changing scope. It was a learning exercise for all, which should now allow more complete planning and engineering giving staff the documents which will allow staff the tools to keep contractors on time and save funds on change orders.”*

*“The raised roads will bring security to our neighborhood during high water events for years to come and the beautiful landscape plan the City is implementing will bring gratification and pride to all of our residents.”*

### **Private Yard Drains – Clarification**

The OIG's makes reference throughout the document of the, so called, "private yard drains." I believe this term might have been originally coined by the Design-Builder's consultant. The term, as applied, implies that these drains, or inlets, are installed within private properties. All of these, with few exceptions, were (and are) installed within the City's public right-of-way. This terminology is very misleading to the reader and should be corrected or addressed accordingly. As a matter of fact, DERM asked that this terminology be amended.

### **Design-Builder's Consultant Allegations**

The Design-Builder's Prime Design Consultant was the firm Wade Trim. The OIG's documents make several mentions of attempts by their representative, Daniel Garcia, a project manager with the firm, that DERM should be advised of the project changes. The OIG places great emphasis on these alleged claims. Barring the Design-Builder's obligations discussed earlier in this memorandum, if Wade Trim (and the OIG) thought that this was such a big deal, why wouldn't an executive or principal of the firm make this known to me or the City Manager's office? In addition, no evidence is provided in the OIG document to substantiate these claims. It is strictly hearsay.

### **Re-Issue of Class II DERM Permits**

The OIG alleges that DERM was not advised or notified of any stormwater system modifications. In fact, in a letter prepared by Wade Trim dated May 10, 2018 (Exhibit 2), and submitted to DERM at that time, reads as follows:

Question 2 – *Describe the work, as authorized by the above-referenced permit that has not been completed up to date. ANSWER – Swale area grading, pump stations, **private-side yards drains**, lighting, final lift of asphalt, pavement and marking.*

Question 3 – *Has the work performed to date as authorized by the above-referenced permit, been conducted in accordance with the permit description, approved plans and restrictions, limitations or conditions of the permit? If not, describe in detail work that has been conducted that is not in accordance with the permit. ANSWER – **City provided a change in directive requiring installation of private-side yard drains for properties that have finished floor elevations below the adjacent crown of road.** The original stormwater design criteria required that the drainage area be sized to account for and reflect the actual contributory area at a minimum all road rights-of-way, 100% of interior (landlocked) lots and 50% of waterfront lots. Thusly there is enough capacity in the system to account for this additional stormwater load, particularly in light of the fact that few of the properties fall within this new Criteria.*

Question 3 (continued) - *Additionally City-directed changes will be submitted via revised plans for Palm Island and Hibiscus Islands during permit certification submittals; these mainly relate to change in pipe alignments to reduce impact to existing vegetation, **addition of a secondary drainage system to reduce potential flooding in isolated areas**, and lowering of proposed elevation of roads to reduce harmonization impacts to private properties.*

Clearly, DERM was advised by the consultant of the minor changes in the project as described in the May 10, 2018 letter.

## **Explanation of Additional Inlets as explained by Wade Trim**

The installation of temporary inlets, that could be converted to permanent inlets, or points of connection, were always considered by the Design-Builder and Wade Trim as minor modifications to the original plans and as permitted by DERM. At a City Commission meeting on October 30, 2019, Holly Kremers, Vice-President for Wade Trim (representing the Design-Builder), explained to the City Commission the process of permitting and the purpose of the additional inlets that were a point of contention. See attached after action report from the City Clerk's office (Exhibit 3).

During the meeting, Ms. Kremers explained the following:

*"As construction projects go through there are some field adjustments that take place in any infrastructure system; many times, those are addressed as as-built and permits are closed out...The 88 drains are temporary construction drains, one of which was installed in the right-of-way in front of each property...and they were put there because they (Wade Trim) knew that with a smaller right-of-way in that area, during construction and before they had a chance to do the final harmonization drainage, they would have a way to transmit that water away. The intent was that when the project was complete and before the stormwater system was placed in service, those drains would be abandoned, and the permitted drainage system would be in place at that time. And for that reason, they did not include those 88 temporary construction drains on the permit documents."*

This explanation is consistent with Wade Trim's, May 10, 2018, letter that was submitted to DERM.

## **October 17, 2018 Commission Meeting**

The OIG alleges that the presentation to the City Commission on October 17, 2018 of the Design-Builder's Amendment No. 5 was a reaction to a DERM warning issued to the City one week prior. The OIG claims that the warning was a result of an email sent to DERM by a whistle blower with photographs of the installation of a private-side yard drain on a residential lot on Palm Island that was connected to an unpermitted drainpipe in the right-of-way. Records show that the whistle blower email was also sent to the City on September 19, 2018 (Exhibit 4).

The evidence shows that on that day, Item C4E, which was part of the consent agenda, requested a referral to the Finance and Citywide Projects Committee meeting later that month to discuss Amendment No. 5 between the City and Lanzo construction for Design-Build Services for the Palm and Hibiscus project. The amendment included additional design services and construction associated with the new drainage policy; and for installation of additional drains and associated harmonization in private properties in the amount of \$775,000 plus contingency.

The item was separated from the consent agenda for discussion. After much discussion, it was determined that time was of the essence and it was clear that the item should be taken up for consideration at this time, with the full commission, and not referred to a committee. The City Commission voted unanimously in favor of adopting a resolution approving amendment No. 5.

It should be noted that CIP had been working on putting together that item, Amendment No. 5, for several months prior to the October 17, 2018 commission meeting. Please refer to the following exhibits.

Exhibit 5 – April 4, 2018 email exchange between Design-Builder and Senior Capital Projects Coordinator, Mina Samadi. Ms. Samadi requested that the Design-Builder start implementing the new drainage policy. The Design-Builder informs that this could have an impact to the project's time and cost.

Exhibit 6 – June 22, 2018 email exchange between Design-Builder and Senior Capital Projects Coordinator, Mina Samadi. Design-Builder provides preliminary pricing to implement the new drainage policy that would become Amendment No. 5.

Exhibit 7 – August 14, 2018 email from Senior Capital Projects Coordinator, Mina Samadi, to Design-Builder asking the Design-Builder to provide a request for change order for the new drainage directive by August 20, 2018 with the intent of presenting it (Amendment No. 5) to the City Commission at its September 2018 meeting.

Exhibit 8 – September 18, 2018 email from CIP's Administrative Support Manager, Christina Baguer, to CIP staff asking to review Commission item titles to be included in the October 17, 2018 Commission meeting agenda. Included is P & H Amendment No. 5.

Clearly, the evidence shows that CIP staff had been working and preparing on bringing Amendment No. 5 to the City Commission for consideration well in advance of the September 19, 2018 date when the alleged whistleblower sent emails to DERM and the City. The whistleblower's emails and DERM's alleged discoveries did not change the project's trajectory as suggested by the OIG.

## **Conclusion**

Insufficient time has been provided in order to properly respond to the unfounded and baseless allegations represented in the OIG's report. However, it is clear to me that these allegations are based on misinformation, opinions, hearsay, and conjecture. Evidence has been ignored or avoided to establish their findings. All exhibits attached hereto, and referenced above, were available to the OIG for review. The OIG was clearly focused on finding a "smoking gun" that did not exist. Even after spending more than a year conducting "deposition" style, "hostile" interrogations, there is nothing material or of substance represented in their document.

Neither the City Administration, Office of Capital Improvement Projects, nor I, have violated the laws of Miami-Dade County regarding the construction of stormwater drainage systems. There has been no miss-management, deception, negligence, or serious misrepresentations. All decisions by City officials were made with full transparency and with the support of the City Commission. There was no serious override of internal controls. The OIG simply does not understand the complexity and processes involved in managing large capital improvement projects. At the end of the day, where is the damage? This has not been shown or proven.

Exhibits 1-8 attached

**From:** Morales, Jimmy <[JimmyMorales@miamibeachfl.gov](mailto:JimmyMorales@miamibeachfl.gov)>  
**Sent:** Tuesday, January 21, 2020 7:45 PM  
**To:** Carpenter, Eric <[EricCarpenter@miamibeachfl.gov](mailto:EricCarpenter@miamibeachfl.gov)>; Coley, Roy <[RoyColey@miamibeachfl.gov](mailto:RoyColey@miamibeachfl.gov)>; Knowles, Amy <[AmyKnowles@miamibeachfl.gov](mailto:AmyKnowles@miamibeachfl.gov)>; Martinez, David - CIP <[DavidMartinez@miamibeachfl.gov](mailto:DavidMartinez@miamibeachfl.gov)>  
**Subject:** FW: Palm Hibiscus Star Islands HOA input in reference to the City of Miami Beach Road Elevation Policy

FYI A very nice message.

**From:** Neil Fairman <[nfairman@plazaequity.com](mailto:nfairman@plazaequity.com)>  
**Sent:** Tuesday, January 21, 2020 7:15 PM  
**To:** Ian Kaplan <[ik@kaplangroup.com](mailto:ik@kaplangroup.com)>  
**Cc:** Morales, Jimmy <[JimmyMorales@miamibeachfl.gov](mailto:JimmyMorales@miamibeachfl.gov)>; Pierre De Agostini <[deagostini@aol.com](mailto:deagostini@aol.com)>; Gelber, Dan

<[DanGelber@miamibeachfl.gov](mailto:DanGelber@miamibeachfl.gov)>; Steinberg, Micky <[MickySteinberg@miamibeachfl.gov](mailto:MickySteinberg@miamibeachfl.gov)>; Samuelian, Mark <[Mark@miamibeachfl.gov](mailto:Mark@miamibeachfl.gov)>; Gongora, Michael <[Michael@miamibeachfl.gov](mailto:Michael@miamibeachfl.gov)>; Meiner, Steven <[StevenMeiner@miamibeachfl.gov](mailto:StevenMeiner@miamibeachfl.gov)>; Arriola, Ricky <[RickyArriola@miamibeachfl.gov](mailto:RickyArriola@miamibeachfl.gov)>; Richardson, David <[DavidRichardson@miamibeachfl.gov](mailto:DavidRichardson@miamibeachfl.gov)>; [rosenstep@gmail.com](mailto:rosenstep@gmail.com); [k@claramonte.com](mailto:k@claramonte.com); [sk4inc@gmail.com](mailto:sk4inc@gmail.com); [pierre@palmhibiscusstarislands.org](mailto:pierre@palmhibiscusstarislands.org)

**Subject:** Re: Palm Hibiscus Star Islands HOA input in reference to the City of Miami Beach Road Elevation Policy

[ THIS MESSAGE COMES FROM AN EXTERNAL EMAIL - USE CAUTION WHEN REPLYING AND OPENING LINKS OR ATTACHMENTS ]

Jimmy,

I concur with our Chairman Ian Kaplan and would like to emphasize the resident's sacrifice during the extended work timeline was well worth the security afforded by creating a sustainable infrastructure for our islands for the future. We must consider the future threats of unimpeded flooding in comparison to an extended inconvenience. Being the pioneer in raising our roads only the uninformed would believe that this would be a perfect process, hopefully our sacrifice will help other communities have a more efficient schedule.

I would like to thank your CIP staff for the professional work ethic and facing a a staged project with constantly changing scope. It was a learning exercise for all, which should now allow more complete planning and engineering giving staff the documents which will allow staff the tools to keep contractors on time and save funds on change orders. The raised roads will bring security to our neighborhood during high water events for years to come and the beautiful landscape plan the City is implementing will bring gratification and pride to all of our residents.

Any help you could provide expediting our electrical under grounding would be greatly appreciated.

Thanks

**Neil Fairman**

**Board Member**

**Palm Hibiscus Star Island Homeowners Association**

On Jan 21, 2020, at 11:52 AM, Ian Kaplan <[ik@kaplangroup.com](mailto:ik@kaplangroup.com)> wrote:

Jimmy,

Good morning.

Overall, given sea level rise and the uncertainties of the escalation of higher tides in the future, we believe raising our roads on Palm and Hibiscus Islands where needed and adding pump stations (with back up generators) for our Islands was a prudent and good decision. As we live on Island communities

it is critical for the future that our roadway infrastructure remains above sea level and storm water has a well planned and environmentally safe method to be removed from our Islands without being trapped. Once our project is finally completed we remain confident that our Islands will be significantly more resilient for the future while protecting our property values and our waterfront environment.

However and unfortunately, for the homes/properties that are now below the new roadway elevation there was lack of foresight, planned policy, good communication and execution for these homeowners to properly understand their options and how to best interconnect their properties into the new storm water system. No doubt several properties are currently faced with hardships and we are counting on the City to collaborate with these homeowners for the optimum and timely result for all involved.

2

Please feel free to reach out if you have any further questions or require any clarifications.

We are counting on you to assist in finally completing our overall infrastructure projects including the undergrounding of our utilities, which we have literally been working on for over 20 years!

All the best, Ian

Kaplan  
Palm Hibiscus Star Islands Assoc. Board Chair

On Jan 21, 2020, at 10:34 AM, Morales, Jimmy <[JimmyMorales@miamibeachfl.gov](mailto:JimmyMorales@miamibeachfl.gov)> wrote:

Pierre,

Thank you for the input. I am curious if the Board of Directors had an opinion as to the merits of road raising on Palm and Hibiscus. Many other single family neighborhoods will look to the experience of Palm and Hibiscus since this was the first single family home area where road raising was significantly implemented. We obviously did that due to the very low lying nature of the islands. Clearly, we can do a better job of implementation. But the more fundamental question is whether you and your neighbors feel that the raising of the roads has made a positive long term impact on the neighborhood or not. I have seen before and after pictures that lead me to believe that significant flooding has been prevented, but I would welcome the firsthand experience of those who live there. Thanks

Jimmy

**From:** Pierre De Agostini <[deagostini@aol.com](mailto:deagostini@aol.com)>

**Sent:** Monday, January 20, 2020 10:10 PM

**To:** Gelber, Dan <[DanGelber@miamibeachfl.gov](mailto:DanGelber@miamibeachfl.gov)>; Steinberg, Micky

<[MickySteinberg@miamibeachfl.gov](mailto:MickySteinberg@miamibeachfl.gov)>; Samuelian, Mark <[Mark@miamibeachfl.gov](mailto:Mark@miamibeachfl.gov)>; Gongora, Michael

<[Michael@miamibeachfl.gov](mailto:Michael@miamibeachfl.gov)>; Meiner, Steven <[StevenMeiner@miamibeachfl.gov](mailto:StevenMeiner@miamibeachfl.gov)>; Arriola, Ricky

<[RickyArriola@miamibeachfl.gov](mailto:RickyArriola@miamibeachfl.gov)>; Richardson, David <[DavidRichardson@miamibeachfl.gov](mailto:DavidRichardson@miamibeachfl.gov)>; Morales,

Jimmy <[JimmyMorales@miamibeachfl.gov](mailto:JimmyMorales@miamibeachfl.gov)>

**Cc:** [ik@kaplangroup.com](mailto:ik@kaplangroup.com); [rosenstep@gmail.com](mailto:rosenstep@gmail.com); [k@claramonte.com](mailto:k@claramonte.com); [nfairman@plaza-group.com](mailto:nfairman@plaza-group.com);

[sk4inc@gmail.com](mailto:sk4inc@gmail.com); [pierre@palmhibiscusstarislands.org](mailto:pierre@palmhibiscusstarislands.org)

**Subject:** Palm Hibiscus Star Islands HOA input in reference to the City of Miami Beach Road Elevation Policy

[ THIS MESSAGE COMES FROM AN EXTERNAL EMAIL - USE CAUTION WHEN REPLYING AND OPENING LINKS OR ATTACHMENTS ]

Dear Mayor , Commissioners , City Manager ,

It is our understanding that the City of Miami Beach and Jacobs Engineering are asking for public input in reference to the City of Miami Beach Road Elevation Policy .

3  
4

Please find below a statement from the Board of Directors of our Palm , Hibiscus and Star Island Homeowners Association :

"

The Roadway Project for Palm and Hibiscus Islands started back in 2016, over 4 years ago.

After many adjustments, change orders and numerous delays it seems that the project should be completed either this year or maybe even next year.

The Board is delighted that the end is in sight and would like to seize this opportunity to thank all parties who are helping achieve this result.

That said, we strongly believe that a more global vision to the project, a better analysis of all the relevant parameters and significantly better execution and communication would have avoided all the grievances with which the homeowners are still trying to resolve and complete. Better foresight and management would have led to a faster, smoother and less expensive execution.

We look forward to our project's completion as expediently as possible

"

Pierre De Agostini . PHS HOA  
Executive Director  
Managed by Florida Estate Inv nts .



Wade Trim, Inc.

2100 Ponce de Leon Boulevard, Suite 940 • Coral Gables, FL 33134  
786.361.1645 • www.wadetrim.com

May 10, 2018

Department of Regulatory and Economic Resources  
701 NW 1st Court, 5th Floor Miami, FL 33136-3912

Attention: Mayra de Torres, Engineer

Re: City of Miami Beach Neighborhood 13A Infrastructure Improvements  
Palm and Hibiscus Islands  
Class II Permit Renewal

Dear Ms. De Torres:

We are submitting the attached application for the above-referenced project, in lieu of a Time Extension Request. In order to assist in your review of this, as it relates to the original Class II Permit Application for this project (Permit No. 20150058), we are providing the following narrative:

1. Has the above-referenced permit previously extended? If so, list the permit extension date(s).

*No.*

2. Describe the work, as authorized by the above-referenced permit that has not been completed up to date.

*Swale area grading, pump stations, private-side yard drains, lighting, final lift of asphalt, pavement and marking.*

3. Has the work performed to date as authorized by the above-referenced permit, been conducted in accordance with the permit description, approved plans and restrictions, limitations or conditions of the permit? If not, describe in detail work that has been conducted that is not in accordance with the permit.

*City provided a change in directive requiring installation of private-side yard drains for properties that have finished floor elevations below the adjacent crown of road. The original stormwater design criteria required that the drainage area be sized to account for and reflect the actual contributory area at a minimum all road rights-of-way, 100% of interior (landlocked) lots and 50% of waterfront lots. Thusly there is enough capacity in the system to account for this additional stormwater load, particularly in light of the fact that few of the properties fall within this new City criteria.*

*Additional City-directed changes will be submitted via revised plans for Palm Island and Hibiscus Islands during permit certification submittals; these mainly relate to change of pipe alignments to reduce impact to existing vegetation, addition of a secondary drainage system to reduce potential flooding in isolated areas, and lowering of proposed elevation of roads to reduce harmonization impacts to private properties.*



4. Describe any substantial changes in the environment that have occurred at or adjacent to the subject location since the date of issuance of the above-referenced permit or prior extension time.

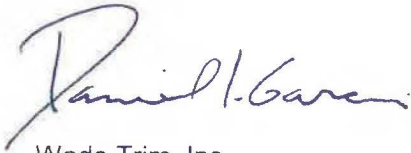
*None.*

5. Describe any adverse environmental impact(s) or cumulative environmental impact(s) that may occur if a permit extension is granted.

*None.*

For all required documentation as outlined in Section 2 and Attachment B, please refer to original permit application for Permit No. 20150058, as a reference. Please do not hesitate in contacting me should require additional information or have any additional questions.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Daniel Garcia".

Wade Trim, Inc.

Daniel Garcia, PE  
Project Manager

LNZ2003.02S

cc: Olga Sanchez (City of Miami Beach)  
Pablo Riano (Lanzo Construction)  
Holly Kremers, PE (Wade Trim)



Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources  
 Environmental Resources Management  
 701 NW 1st Court, 6th Floor  
 Miami, Florida 33136-3912  
 T 305-372-6567 F 305-372-6407

**CLASS II, III, VI  
 PERMIT APPLICATION FORM**

miamidade.gov

**For Departmental Use Only**

Date Received: \_\_\_\_\_ Application #: \_\_\_\_\_ Reviewer: \_\_\_\_\_

Fee Received: \_\_\_\_\_ Tracking #: \_\_\_\_\_

**1. Type of Water Control Permit Application:**

- Class II Permit (Construction of drainage system with overflow or outfall in, on or upon any water body).
- Class III Permit (Construction within county owned or controlled canal right-of-way, reservation, or easement).
- Class VI Permit (Construction of a drainage system for any project that has known soil or groundwater contamination or that uses, generates, handles, disposes of, discharges, or stores hazardous materials).

**2. Checklist: INCOMPLETE APPLICATION PACKAGE WILL NOT BE PROCESSED**

- Application Fee:
  - Construction costs less than \$2,499.00 - fee is **\$215.00**
  - Construction costs more than \$2,500.00 - fee is **\$490.00**
- Note: After-the-Fact permit applications will be twice of the original fee, plus Departmental administrative enforcement costs
- 3 sets of construction plans\*
- 1 set of drainage calculations\*
- 1 copy of topographic or boundary survey
- A vertical aerial photograph or project location map
- Engineer letter of certification (See **ATTACHMENT A**)

Other items may be required depending on the nature of the work (See **ATTACHMENT B**)

\* **Must be signed and sealed by an engineer licensed in the state of Florida.**

**3. Project Information:**

This application is for a(n):  New Permit  After the Fact Permit

Project Name: City of Miami Beach Infrastructure Improvements for Palm & Hibiscus Islands Folio: \_\_\_\_\_

Location: All rights-of-way on Palm Island & Hibiscus Island

Section: 32,4,5 Township: 53/54 Range: 42 Municipality: Miami Beach

Is the proposed work in a contaminated site?  Yes  No  Unknown If yes, refer to **ATTACHMENT C**

Description of proposed work:

Proposed are the infrastructure improvements to serve the City of Miami Beach (CMB) Palm and Hibiscus Islands otherwise known as "Neighborhood No.13: Palm and Hibiscus Islands Right-of-Way Infrastructure Improvement Project" consisting of elevated roadways where possible, installation of new potable water main systems, installation of stormwater collection systems with 3 stormwater pumping stations equipped with water quality treatment units and gravity bypass stormwater outfalls with dissipation structures discharging into Biscayne Bay. Backflow prevention devices will be installed at the outfalls to prevent extreme high tides from backing up into the system.

**3. Project Information (Continuation):**

Date activity is proposed to commence 01/20/2016  
 Cost of project construction\*: \$ 11,028,969.64

Date activity is proposed to be completed: 12/31/2018

Proposed Use

- Residential       Commercial       Recreational       Industrial       Highway or road  
 Agricultural       Institutional       Landfill       Other, Specify: \_\_\_\_\_

**\*Cost of project construction is as follows: Class II & VI – total cost of drainage work ONLY, Class III – total cost or construction work within the canal right-of-way, reservation or easement ONLY.**

**4. Applicant Information:**

This should be the applicant's information for contact purposes.

Name: Eric Carpenter, PE  
 Company: City of Miami Beach  
 Address: 1700 Convention Center Drive  
Miami Beach Zip Code: 33139  
 Phone: 305.673.7080 Fax: 305.673.7028  
 Email: luisoto@miamibeachfl.gov

**5. Applicant's Authorized Permit Agent:**

Agent is authorized to process the application, furnish supplemental information relating to the application and bind the applicant to all requirements of the application.

Name: Daniel Garcia, PE  
 Company: Wade Trim  
 Address: 2100 Ponce de Leon Blvd  
Coral Gables, FL Zip Code: 33134  
 Phone: 786-361-1645 Fax: \_\_\_\_\_  
 Email: dgarcia@wadetrim.com

**6. Contractor Information:**

Name: Bob Beaty, PE License No. (County/State): CGC1519540 Broward/FL  
 Company: Lanzo Construction Companies  
 Address: 125 SE 5th Court Zip Code: 33441-4749  
 Phone: 954.979.0802 Fax: 954.979.9897 Email: BobB@Lanzo.org

**7. Professional Engineer Information:**

Name: Holly Kremers, PE P.E. License No.: 68130  
 Company: Wade Trim  
 Address: One Tampa City Center, 201 North Franklin Street, Suite 1350, Tampa, FL Zip Code: 33602  
 Phone: 813-882-4373 Fax: \_\_\_\_\_ Email: hkremers@wadetrim.com

**8. List all permits or certifications that have been applied for or obtained for the above referenced work:**

- Issuing Agency SFWMD Permit Type ERP ID # 13-06125-P  
 Application Date 10/12/2015 Approval Date 05/05/2016
- Issuing Agency \_\_\_\_\_ Permit Type \_\_\_\_\_ ID # \_\_\_\_\_  
 Application Date \_\_\_\_\_ Approval Date \_\_\_\_\_
- Issuing Agency \_\_\_\_\_ Permit Type \_\_\_\_\_ ID # \_\_\_\_\_  
 Application Date \_\_\_\_\_ Approval Date \_\_\_\_\_

**9. APPLICANT AFFIRMATION:**

Application is hereby made for a Miami-Dade County Class (circle one) **II** , **III** , **VI** permit to authorize the activities described herein. I agree to or affirm the following:

- I possess the authority to authorize the proposed activities at the subject property, and
- I am familiar with the information, date and plans contained in this application, and
- To the best of my knowledge and belief, the information, data and plans submitted are true, complete and accurate, and
- I will apprise the Department of any changes to information provided in this application, and
- I will provide any additional information, evidence or data necessary to provide reasonable assurance that the proposed project will comply with the applicable State and County water quality standards both during construction and after the project is completed, and
- I am authorizing the permit agent listed in Section 5 of this application to process the application, furnish supplemental information relating to this application and bind me to all requirements of this application, and
- I agree to provide entry to the project site to inspectors and authorized representatives of Miami-Dade County, with proper identification or documents as required by law, for the purpose of preliminary analysis, verification, sampling, monitoring, and observation of permitted activities.
- **Class III only:** The Applicant shall indemnify and hold harmless the County and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorney's fees and costs of defense, which the County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from performance of this Class III Permit by the Applicant or its employees, agents, servants, partners, principals, subcontractors, or invitees. The Applicant shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the County, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon. The Applicant expressly understands and agrees that any insurance protection required by this Permit or otherwise provided by the Applicant shall in no way limit the responsibility to indemnify, keep and save harmless and defend the County or its officers, employees, agents and instrumentalities as herein provided.

**A. IF APPLICANT IS AN INDIVIDUAL**

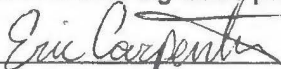
Signature of Applicant	Print Applicant's Name	Date
------------------------	------------------------	------

**B. IF APPLICANT IS OTHER THAN AN INDIVIDUAL OR NATURAL PERSON**

(Examples: Corporation, Partnership, Trust, LLC, LLP, etc.)

City of Miami Beach	Government Entity	FL
Print Name of Applicant (Enter the complete name as registered)	Type (Corp, LLC LLP, etc.)	State of Registration/Incorporation

**Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages (ATTACHMENT D).**

	Eric Carpenter, P.E. Assistant City Manager	5/15/18
Signature of Authorized Representative	Print Authorized Representative's Name	Title
		Date

**C. IF APPLICANT IS A JOINT VENTURE** Each party must sign below (If more than two members, list on attached page)

Print Name of Applicant (Enter the complete name as registered)	Type (Corp, LLC LLP, etc.)	State of Registration/Incorporation
---	----------------------------	-------------------------------------

Print Name of Applicant (Enter the complete name as registered)	Type (Corp, LLC LLP, etc.)	State of Registration/Incorporation
---	----------------------------	-------------------------------------

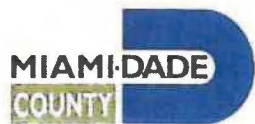
**Under the penalty of perjury, I certify that I have the authority to sign this application on behalf of the Applicant, to bind the Applicant, and if so required to authorize the issuance of a bond on behalf of the Applicant. (If asked, you must provide proof of such authority to the Department). Please Note: If additional signatures are required, pursuant to your governing documents, operating agreements, or other applicable agreements or laws, you must attach additional signature pages (ATTACHMENT D).**



**ATTACHMENT B**

- Substantiating letter from zoning authority of municipality or county  
stating that proposed work does not violate applicable zoning law
- Stormwater pollution prevention plan
- Percolation test (signed and sealed by an engineer, licensed in the state of Florida -  
for Class II & Class VI)
- Manatee grates for outfalls (if applicable)
- Covenant for the requirements of cut and fill or special basin criteria.
- 7-A Covenant for lake excavation in well field protection areas.
- Performance Bond and/or Mitigation Fee: (to be assessed by Water  
Control Section).

Note that based on new information or future submittals, this Department may require additional items prior to the issuance of the permit.



Carlos A. Gimenez, Mayor

**ATTACHMENT C**

Department of Regulatory and Economic Resources

Environmental Resources Management

701 NW 1st Court, 4th Floor

Miami, Florida 33136-3912

T 305-372-6700 F 305-372-6982

miamidade.gov

**RER/ERM  
POLLUTION REMEDIATION SECTION  
TECHNICAL GUIDANCE**

**DRAINAGE PLANS FOR CONTAMINATED SITES**

**MINIMUM REQUIREMENTS**

The appropriate location of drainage structures is essential in preventing the movement of contaminant plumes into previously uncontaminated areas. All drainage installations at contaminated sites shall be reviewed and approved by the RER/ERM's Pollution Remediation Section prior to construction. The scope of work provided by the PRS review is limited to evaluate the location of the proposed drainage system in reference to the contaminated areas. Approval from other departments, and/or sections and other governmental agencies having jurisdiction over the scope of work must be obtained prior to the implementation of the project. The following information is required:

- 1) The location of the contaminant plume(s) in reference to the area of the proposed drainage structures must be included on the site plan. The plume(s) must be delineated both horizontally and vertically to applicable target cleanup levels in the drainage area. Monitoring wells, including identification numbers, must be shown on the plan.
- 2) Groundwater analytical results must be submitted with the plan including copies of laboratory analyses sheets. An updated groundwater sampling event may be required if sample results are greater than nine (9) months old. The sampling event must include all applicable parameters associated with the site's type of contamination.
- 3) The groundwater flow direction must be shown on the plan.
- 4) The location and detailed construction drawings of the proposed drainage structure must be included on the plan (e.g., piping depth, drainage well depth, etc.). Plans must specify the locations of solid and perforated sections of piping. Details of the existing system must be provided if the proposed drainage system ties into the existing drainage system.
- 5) A minimum of two (2) plan sets that include all of the information requested are to be submitted for the review (1 set will be placed in the PRS RER/ERM file). All applicable pages of the drainage plan must be signed and sealed by a Professional Engineer registered in the State of Florida. The appropriate review fee (see below), made out to Miami-Dade County, must be included with the plans.

**PRS REVIEW FEES**

(See Fee Schedule at <http://www.miamidade.gov/development/library/fees/schedule-environmental.pdf>)

- Site under one acre in size - \$300.00
- Sites over one acre in size or projects that encompassed multiple contaminated sites - \$300.00 plus \$100.00 per additional acre or site encompassed by the project

# MIAMI BEACH

**Commission Meeting/Presentations & Awards**  
**City Hall, Commission Chamber, 3rd Floor, 1700 Convention Center Drive**  
**October 30, 2019 – 5:00 PM**

Mayor Dan Gelber  
Commissioner John Elizabeth Alemán  
Commissioner Ricky Arriola  
Commissioner Michael Góngora  
Commissioner Joy Malakoff  
Commissioner Mark Samuelian  
Commissioner Micky Steinberg

City Manager Jimmy L. Morales  
City Attorney Raul J. Aguila  
City Clerk Rafael E. Granado

**Visit us at [www.miamibeachfl.gov](http://www.miamibeachfl.gov) for agendas and video streaming of City Commission Meetings.**

## **ATTENTION ALL LOBBYISTS**

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the Office of the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the Office of the City Clerk. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

*To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service). To ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to an alternate meeting. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

## **AFTER ACTION**

Meeting called to order by Mayor Dan Gelber at 5:08:51 p.m.

Pledge of Allegiance led by Miami Beach Senior Citizens present in the audience.

Mayor Gelber announced that tomorrow is Vice-Mayor Ricky Arriola's birthday and everyone sang Happy Birthday. A birthday cake was presented by his Aide Erick Chiroles.

**6:28:14 p.m.**

### **ANNOUNCEMENT:**

Mayor Gelber announced that this was an Awards and Presentation Commission Meeting, that also included many regular business items. He feels that they should not do business during Presentation and Awards meetings, as this is the time to honor residents, and that is the purpose for it. In the future, these Awards and Presentations meetings will be limited to that only.



**R9 D DISCUSSION ON THE PALM AND HIBISCUS RESILIENCY PROJECT WITH A FOCUS ON PRIVATE PROPERTY HARMONIZATION.**

Commissioner Mark Samuelian

**ACTION:** Discussion held. Lilia Cardillo to place on the Commission Agenda, if received. **Eric Carpenter and David Martinez to handle.**

**DIRECTION:**

- Add this item as a recurring update item each Commission Meeting. Lilia Cardillo to place on the agenda. **Eric Carpenter and David Martinez to handle.**
- Inspector General Centorino to investigate Palm and Hibiscus Islands and Indian Creek and identify what the permitting problem is, why did it cost so much money, and why has it taken so long? Inspector General Joseph M. Centorino to report back to the City Commission with more information. **Joseph M. Centorino to handle.**
- Include a drop-dead date set for the harmonization agreements to be signed. **Eric Carpenter and David Martinez to handle.**

Holly Kremers, Vice-President, Wade Trim, explained the process they have gone through as far as permitting, and clarified that when the project started construction, they did have both systems, Palm and Hibiscus Islands, fully permitted. As construction projects go through there are some field adjustments that take place in any infrastructure system; many times, those are addressed as as-built and permits are closed out. To be clear, the permit modifications are unique to the west end of Palm Island. On the east end of Palm Island, the stormwater system was constructed and installed for the permitted documents without modifications. On Hibiscus Island there was a net difference of one, an 18-inch inland drain in the right of way, and there is an area where they had obstruction and was shifted around so they added one. This is normally something they would take care of during permit closeout. The west end of Palm Avenue has been more challenging during construction, and there are two separate issues that they have been discussing with DERM about how to handle. 1) There are 17 drains that are in the right of way around the west end of Palm Avenue. When they initially designed the project, they planned to clear out more vegetation in the right-of-way by taking out some trees and they would have a grassy swale for the stormwater to collect in the right-of-way and traverse on the swale and be collected on a larger catch basin. During construction they realized there were issues with removing those trees and they decided, to preserve the trees, instead of having the water meander down the swale and going to one basin, they would have to put an intermediate secondary drainage basins through the right-of-way to capture that same water in transit to the larger drain basin. In retrospect, at that point they should have gone to DERM and ask about permit modification process, and certainly at their next project they will do that, but they thought it was something that could be handled during the as built in and they went forward with construction of capturing the same stormwater in the right of way that was already permitted through additional inlets. The 88 drains are temporary construction drains, one of which was installed in the right of way in front of each property on north and south Coconut Lane; and they put them there because they knew that with a smaller right of way in that area, during construction and before they had a chance to do the final harmonization drainage, they wanted to make sure they had that in place; in case of flooding issues were to occur during construction they would have a way to transmit that water away. The intent was that when the project was complete and before the stormwater system was placed in the service, those drains would be abandoned, and the permitting drainage system would be in place at that time. And for that reason, they did not include those 88 temporary constructions drains on the permit documents. They have resolution on how DERM wants to see those and they are going to add them as temporary drains to the temporary modification. They are also adding the 17 drains as part of the permanent permit modification; that piece was already done. They have enough treatment capacity to handle those areas, and they think they have all the pieces in place to move towards a resolution with all parties.

**From:** Michael Alvarez <[malvarez@balharbourfl.gov](mailto:malvarez@balharbourfl.gov)>  
**Date:** September 19, 2018 at 3:03:00 PM EDT  
**To:** "Morales, Jimmy" <[JimmyMorales@miamibeachfl.gov](mailto:JimmyMorales@miamibeachfl.gov)>, "Wheaton, Elizabeth" <[ElizabethWheaton@miamibeachfl.gov](mailto:ElizabethWheaton@miamibeachfl.gov)>  
**Subject:** FW:

Good afternoon Jimmy,

A friend of mine that lives several houses from 253 North Coconut Lane, Palm Island sent me the pictures attached. Could not been a better time to raise my point of views as well as concerns, on the City allowing private properties to connect to the storm water system.

Look and zoom into the garage and see the pipe heading inside the garage. This resident can pour anything he wants without no one noticing and such liquids such as chemical pollutants ending / polluting Biscayne Bay.

I hope now you understand my point. The City SHOULD NOT implement or allowed private properties to connect to the City stormwater system.

2

Sincerely,

MIKE ALVAREZ -- CGC, PWLF  
Utility Compliance Officer  
Bal Harbour Village  
PARKS AND PUBLIC SPACES DEPARTMENT  
655 - 96th Street  
Bal Harbour , FL 33154 Office: 305-  
993-7361 Ext: 361  
Cell: 786-566-3462

[malvarez@balharbourfl.gov](mailto:malvarez@balharbourfl.gov)

\*\*\*\*\* Please be advised that Bal Harbour Village has transitioned to a new .GOV e-mail domain. Please send all future correspondence to Village contacts using the new domain as specified above. Thank you. \*\*\*\*\*



**From:** Pablo Riano [<mailto:PabloR@Lanzo.org>]  
**Sent:** Wednesday, April 04, 2018 2:55 PM  
**To:** Samadi, Mina; Joe D'Alessandro Jr.; 'Garcia, Daniel'; Victor Serrano  
**Cc:** Sanchez, Olga; Soto, Luis; Rivas, Jose  
**Subject:** RE: P & H- New drainage directive

**NCC 005 - Revised**

Mina,

At this moment, we are in the process of assessing the impact(s) of these new changes. We will forward more specific documentation to you as soon as it is available. Please, note this new directive has the potential to impact the project's cost and duration, and requires a careful approach; not to mention the fact the potential additional work may impact work that has already been completed. It is necessary to agree on the impacts before we proceed.

Please, let us know if you have any questions, comments, and/or concerns.

Respectfully,

LANZO CONSTRUCTION CO., FL.

**Pablo C. Riaño**  
**Sr. Project Manager**

LANZO COMPANIES  
407 Lincoln Road, Suite 10R  
Miami Beach, FL 33139  
(305) 548-8765 Office  
(954) 931-0804 Mobile

[www.lanzo.net](http://www.lanzo.net)

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**From:** Samadi, Mina [<mailto:MinaSamadi@miamibeachfl.gov>]  
**Sent:** Wednesday, April 04, 2018 11:49 AM  
**To:** Samadi, Mina; Pablo Riano; Joe D'Alessandro Jr.; 'Garcia, Daniel'; Victor Serrano  
**Cc:** Sanchez, Olga; Soto, Luis; Rivas, Jose  
**Subject:** RE: P & H- New drainage directive  
**Importance:** High

Please start implementing the below directive immediately.

Thank you,

**Mina Samadi, P.E., LEED® AP,**  
*Senior Capital Project Coordinator*  
CAPITAL IMPROVEMENT PROJECTS OFFICE  
1700 Convention Center Drive, Miami Beach, FL 33139  
Tel: 305-673-7071 ext 2581 Fax: 305-673-7073 [minasamadi@miamibeachfl.gov](mailto:minasamadi@miamibeachfl.gov)

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**From:** Samadi, Mina  
**Sent:** Wednesday, April 04, 2018 10:21 AM  
**To:** Pablo Riano; Joe D'Alessandro Jr.; 'Garcia, Daniel'; 'Victor Serrano'  
**Cc:** Sanchez, Olga; Soto, Luis; Rivas, Jose  
**Subject:** P & H- New drainage directive  
**Importance:** High

Hello Lanzo team,

Below is the directive for the drainage system modification as it relates to final Harmonization for Palm and Hibiscus project

1. Any Property that has signed the Harmonization Agreement and has FFE at or below the new crown of the road shall receive a yard drain/catch basin inside the private property, at the low point, referred to as the "connection point" with a plug that can be removed and connected to.
2. All properties that elect to construct additional drainage components and connect to the City's system must obtain a building permit to perform their work. *(please provide any property that would like to obtain a permit, a copy of the project design plan for their specific area, so that they may include with their package and identify in their package the City's project in their area)*
3. Properties that have not signed the Harmonization Agreements will be harmonized to the ROW line.
4. There are a couple of special location where we have met with the property owners, identified the harmonization method and will implement the discussed method.

Thank you,

<< OLE Object: Picture (Device Independent Bitmap) >>

**Mina Samadi, P.E., LEED® AP,**

*Senior Capital Project Coordinator*

CAPITAL IMPROVEMENT PROJECTS OFFICE

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7071 ext 2581 Fax:305-673-7073 [minasamadi@miamibeachfl.gov](mailto:minasamadi@miamibeachfl.gov)

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**From:** Samadi, Mina  
**Sent:** Friday, June 22, 2018 5:29 PM  
**To:** 'Albert Dominguez' <[AlbertD@Lanzo.org](mailto:AlbertD@Lanzo.org)>; Victor Serrano <[VictorS@Lanzo.org](mailto:VictorS@Lanzo.org)>; Joe D'Alessandro Jr . <[JoeJr@Lanzo.org](mailto:JoeJr@Lanzo.org)>; Pablo Riano <[PabloR@Lanzo.org](mailto:PabloR@Lanzo.org)>  
**Cc:** Sanchez, Olga <[OlgaSanchez@miamibeachfl.gov](mailto:OlgaSanchez@miamibeachfl.gov)>; 'Compel, Sean([sean.compel@stantec.com](mailto:sean.compel@stantec.com))' <[sean.compel@stantec.com](mailto:sean.compel@stantec.com)>; 'Vargas, Fernando' <[fernando.vargas@stantec.com](mailto:fernando.vargas@stantec.com)>  
**Subject:** RE: Private Property Yard Drain Installation - North Coconut Lane

Hello Albert,  
Thank you for sending the list of location, work and prices.

As per our previous conversation, as you are scheduling and performing the work we will review the prices and tally them for the change order. Also that you will continue with scheduling these work till all the harmonization and the new drainage criteria are complete.

We will schedule a meeting next week to complete the walk through and review the cost proposals.

Thank you,

MIAMIBEACH

**Mina Samadi, P.E., LEED® AP,**

*Senior Capital Project Coordinator*

CAPITAL IMPROVEMENT PROJECTS OFFICE

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7071 ext 2581 Fax:305-673-7073 [minasamadi@miamibeachfl.gov](mailto:minasamadi@miamibeachfl.gov)

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**From:** Albert Dominguez [<mailto:AlbertD@Lanzo.org>]  
**Sent:** Friday, June 22, 2018 4:41 PM  
**To:** Samadi, Mina  
**Cc:** Joe D'Alessandro Jr.; Pablo Riano; Victor Serrano; Sanchez, Olga  
**Subject:** RE: Private Property Yard Drain Installation - North Coconut Lane

Mina,

In continuing coordinated effort between Lanzo and the CMB CIP office, to expedite the implementation of the New Private Yard Drain Directive in certain priority locations, and after several mutual site visits, Lanzo is hereby providing you with the proposed work plan and proposal for the listed properties to begin work on June 25<sup>th</sup>, and estimated for completion by July 6<sup>th</sup>.

If you agree with this work plan and proposal, we will order materials immediately and initiate the work as proposed.

Please see that work on three (3) of the 11 properties are pending action by your staff, before we can provide a proposal and schedule the work.

Please advise us at your earliest convenience if you approve this work plan for scope and cost.

Thank you,  
Albert Dominguez, PE



1968-2018

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**From:** Albert Dominguez  
**Sent:** Friday, June 8, 2018 3:00 PM  
**To:** 'Samadi, Mina' <[MinaSamadi@miamibeachfl.gov](mailto:MinaSamadi@miamibeachfl.gov)>  
**Cc:** Joe D'Alessandro Jr. <[JoeJr@Lanzo.org](mailto:JoeJr@Lanzo.org)>  
**Subject:** Private Property Yard Drain Installation - 195 North Coconut Lane

Mina,

In a coordinated effort between Lanzo and the CMP CIP Office, to expedite the implementation of the New Private Yard Drain Directive in certain priority locations, Lanzo completed the installation of the private property yard Drain at the subject location.

We are now ready to complete the restoration for the private driveway area and are providing you with the cost proposal for your review and approval.

Please expedite this review and approval so that we can proceed with the work next week.

The proposed work is as follows:

Items		Cost
Furnish and Install new yard Drain in Private Property		\$ 3,780.00
Core and connect to existing inlet		\$ 750.00
Furnish and install check Valve		\$ 700.00
Demo and prepare Private area for Concrete Restoration		\$ 4,900.00
Furnish and install approx. 160 Sy of 6" Concrete Driveway		\$ 6,300.00
		\$ 16,430.00
Overhead and Profit	7.50%	\$ 1,232.25
Bond and Insurance	2.50%	\$ 441.56
		\$ 18,103.81
<b>Total Proposed Change Order</b>		<b>\$ 18,103.81</b>

Thank you for your prompt attention.  
 Albert Dominguez, PE



1968-2018

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EXHIBIT 6

**Proposed Work on North Coconut For the Weeks 6-25-18 through 7-7-18**

House #	Street	Work	Issue	Resp. Party
195	N. Coconut	Work Completed -	LC to revise Estimate	LC
199	N. Coconut	Grade/SOD/ Cap Edge Drain & Add Clean-out Box		LC
199	Palm	Grade/SOD		LC
201	N. Coconut	T. Drain across Drwy, yard drain, Check valve in 36x36 Str.		LC
201	Palm	Cap Edge Drain & Add Clean-out Box.		LC
205	N. Coconut	New yard Drain, check valve in 36" Str., Grade/SOD	CIP to advise LC about Parking at this location since there is a conflict with Visibility Triangle	CMB
205	Palm		City to Provide Direction with Owner	CMB
210	Palm		No Agreement	CMB
211	N. Coconut	New Yard drain/ Check valve in 36" Str.	City to provide new owner Agreement	CMB
215	Palm	Install Check Valve in inlet, Eliminate ED		LC
215	N. Coconut	Cap Two Edge Drain & Two Add Clean-out Box.		LC

check valve	yard drain	36" Str	T Drain (ft)	CO / Box	Core Inlet	Restoration	cost total	7.5 % OP	2.5% B&I	
\$ 3,700.00	\$ 3,780.00	\$ 3,800.00	\$ 375.00	\$ 1,500.00	\$ 750.00	\$ 5,600.00	\$ 13,830.00	\$ 1,037.25	371.68125	\$ 15,238.93
				\$ 1,500.00			\$ 1,500.00	\$ 112.50	\$ 40.31	\$ 1,652.81
\$ 3,700.00	\$ 3,780.00	\$ 3,800.00	\$ 3,000.00				\$ 14,280.00	\$ 1,071.00	\$ 383.78	\$ 15,734.78
				\$ 1,500.00			\$ 1,500.00	\$ 112.50	\$ 40.31	\$ 1,652.81
\$ 3,700.00	\$ 3,780.00	\$ 3,800.00					\$ 11,280.00	\$ 846.00	\$ 303.15	\$ 12,429.15
\$ 3,700.00					\$ 750.00		\$ 4,450.00	\$ 333.75	\$ 119.59	\$ 4,903.34
				\$ 3,000.00			\$ 3,000.00	\$ 225.00	\$ 80.63	\$ 3,305.63
							\$ 49,840.00	\$ 3,738.00	\$ 1,339.45	\$ 54,917.45

**From:** Samadi, Mina [<mailto:MinaSamadi@miamibeachfl.gov>]  
**Sent:** Tuesday, August 14, 2018 11:03 AM  
**To:** Albert Dominguez; Joe D'Alessandro Jr.; Pablo Riano; Victor Serrano  
**Cc:** Sanchez, Olga; 'Compel, Sean'; Crews, Jeff  
**Subject:** P & H - new drainage directive harmonization  
**Importance:** High

EXHIBIT 7

Hello Albert,

We had a walk through last Thursday to review the harmonization needed as a result of the new drainage directive (FFE<crow of road = yard drain in private properties). This was the last phase of coordination to determine the scope of work per joint understanding. Please provide a **comprehensive(design/build)** change order request for this work so that we can prepare a change order that will be presented at the September commission meeting. Please provide the request for change order with the spread sheet that explains the work and cost by Monday August 20, 2018.

Thank you,

**Mina Samadi, P.E., LEED® AP,**  
*Senior Capital Project Coordinator*  
Office of Capital Improvement Projects  
1700 Convention Center Drive, Miami Beach, FL 33139  
Tel 305-673-7071 ext 2581 Fax:305-673-7073 [minasamadi@miamibeachfl.gov](mailto:minasamadi@miamibeachfl.gov)

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**From:** [ChristinaBaqer@miamibeachfl.gov](mailto:ChristinaBaqer@miamibeachfl.gov) <[ChristinaBaqer@miamibeachfl.gov](mailto:ChristinaBaqer@miamibeachfl.gov)>  
**Sent:** Tuesday, September 18, 2018 12:35 PM  
**To:** [CapitalProjectsSeniorCoordinator@miamibeachfl.gov](mailto:CapitalProjectsSeniorCoordinator@miamibeachfl.gov)  
**Cc:** [DavidMartinez@miamibeachfl.gov](mailto:DavidMartinez@miamibeachfl.gov); [MariaCerna@miamibeachfl.gov](mailto:MariaCerna@miamibeachfl.gov)  
**Subject:** Agenda Titles for October Commission Meeting

Seniors,

Please see attached, the agenda titles I have, as of today, for the October 17<sup>th</sup> Commission meeting.

These titles have not been approved yet. If you have any revisions or any additional titles, please send to me as soon as possible.

Thank you.  
Christina

MIAMIBEACH

**Christina Baquer**, Administrative Support Manager  
OFFICE of CAPITAL IMPROVEMENT PROJECTS (CIP)  
1700 Convention Center Drive, Miami Beach, FL 33139  
Tel: 305-673-7071 Ext 6767 / Fax: 305-673-7073  
[ChristinaBaqer@miamibeachfl.gov](mailto:ChristinaBaqer@miamibeachfl.gov) / [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

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MIAMIBEACH

Office of Capital Improvement Projects  
October 17, 2018 Commission Agenda Items

**PALM AND HIBISCUS AMENDMENT NO. 5**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 5 TO THE DESIGN-BUILD AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA, AND LANZO CONSTRUCTION CO., FLORIDA, FOR DESIGN-BUILD SERVICES FOR NEIGHBORHOOD NO. 13: PALM AND HIBISCUS ISLANDS RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENTS (THE PROJECT), DATED SEPTEMBER 18, 2014 (THE CONTRACT); THE AMENDMENT INCLUDES ADDITIONAL DESIGN SERVICES AND CONSTRUCTION ASSOCIATED WITH THE RECENTLY ADOPTED DRAINAGE DIRECTIVE AND NECESSARY WORK IN ORDER TO MAINTAIN EXISTING OUTFALLS OPERATIONAL IN THE NOT-TO-EXCEED AMOUNT OF \$800,000 WITH **XXXXXX FUNDING**.

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

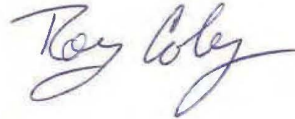
Public Works Department

Tel: 305-673-7080

## MEMORANDUM

TO: Joseph M. Centorino, Inspector General

FROM: Roy Coley, Public Works Director



DATE: January 22, 2021

SUBJECT: OIG Palm & Hibiscus Islands Response

On December 4, 2020, the Office of Inspector General released a draft report titled: General Report of its investigation of the management of the Palm and Hibiscus Islands Neighborhood Infrastructure Improvement Project. The findings within the report are demonstrably prejudice, stretching, or even creating, facts to affirm the apparent desired narrative.

The report generally posed two broad claims: 1) the City's administration knowingly omitted material changes in the Palm and Hibiscus Projects from the regulators; and 2) the elevation of roads within Palm and Hibiscus Islands caused private properties to flood. These claims are patently false. To illustrate this, I only offer the most pressing facts below.

### **Claim 1**

At no point did the city conspire to construct a drainage system that was not properly disclosed to DERM or other regulatory entities. In fact, the plans submitted for permitting established a tributary area that included the private properties. This tributary area did not change throughout the entirety of the project. The addition of the temporary construction inlets only facilitated drainage within the defined tributary area, as did the addition of private side inlets or permanent right-of-way inlets. Akin to adding a second drain to your bathtub. Does it drain faster? Yes, but it's the same water.

Not only did the tributary area not change, but neither did the design storm event or the percent of impervious area. Without harping on the technical, this is a momentous fact that is not acknowledged in the OIG report. The parameters that remained constant constitute the area, runoff coefficient, and the rainfall intensity. The product of these parameters is flow rate – the essence of a drainage design. It stands to reason that from a drainage perspective, and a drainage permitting perspective, if these factors remain constant, other changes would reasonably be considered immaterial.

A testament to immateriality of the change, is the fact that the temporary construction inlets were part of the contractors means and methods. Contractor means or methods are within the