

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SUPPORTING THE EXPANSION OF THE INSPECTOR GENERAL'S INDEPENDENT REVIEW OF THE INDIAN CREEK FLOOD MITIGATION PROJECT (THE INDIAN CREEK PROJECT) AND ENCOURAGING THE OFFICE OF THE INSPECTOR GENERAL TO TAKE ALL NECESSARY STEPS TO CONCLUDE THE FINAL REPORT ON THE INDIAN CREEK PROJECT IN ORDER TO ASSIST THE CITY COMMISSION AND ADMINISTRATION IN NEAR-TERM DECISIONS REGARDING THE PROCUREMENT AND IMPLEMENTATION OF SIMILAR CAPITAL PROJECTS.

WHEREAS, on or about October 30, 2019, City Commissioners requested that the Office of the Inspector General (OIG) conduct a review of permitting and contract issues pertaining to the Palm Island and Hibiscus Island Infrastructure Project (the Palm and Hibiscus Project), as well as the Indian Creek Flood Mitigation Project (the Indian Creek Project); and

WHEREAS, on or about April 2021, the Inspector General completed its final report and recommendations relating to the Palm and Hibiscus Project that included a finding that pressure to accelerate work on the project resulted in a sequence of decisions that disrupted the management of the project and resulted in an override of internal controls, policies and procedures designed to protect the City's interests; and

WHEREAS, the Inspector General's findings and recommendations in the Palm and Hibiscus report has informed subsequent action by the Administration and City Commission in approving a Citywide policy, formulated jointly by City and OIG staff, for an enhanced system of internal controls for the management of major construction projects in the City; and

WHEREAS, the pending Inspector General report on the Indian Creek project may assist the City Commission in its consideration of risks and project management challenges that are inherent in the planning, permitting, engineering, procurement, contracting and construction of stormwater drainage systems in neighborhoods with existing elevations below the City's tailwater boundary condition of 2.7 feet NAVD; and

WHEREAS, the West Avenue Phase II Improvements Project is one of several pending capital projects in flood-prone neighborhoods with lower elevations that could benefit from findings and recommendations in the Inspector General's report on the Indian Creek Project.

WHEREAS, residents West Avenue neighborhood and members of the City Commission have expressed concerns and differing policy views about harmonization elements for Segment 2 of the West Avenue Project (a segment which includes several streets east of Alton Road between Lincoln Road and Dade Boulevard, including Lincoln Road, Lincoln Court, Bay Road, and a small portion of West Avenue); and

WHEREAS, given that a Special Meeting of the City Commission has been scheduled for May 18, 2022 to address the challenges and concerns with harmonization for Segment 2 of the West Avenue Project, it is critical that the entire City Commission, and the community, have the best information possible prior to that meeting, including any pertinent findings and recommendations based on the Inspector General's investigation of the Indian Creek Project; and

WHEREAS, on Sept. 30, 2016, the City Commission approved a joint agreement with the Florida Department of Transportation (FDOT) for a \$25,408,493 roadway and stormwater drainage construction project on Indian Creek Drive between West 26th St. and West 41st St.; and, thereafter, over a period of more than five years, approved resolutions, change orders, and expenditures for direct and indirect costs that have increased the Indian Creek Project's estimated total budget to \$50,558,925;

WHEREAS, during 2020 and 2021 the scope and complexity of the Indian Creek project expanded significantly in ways that created additional oversight issues that merited investigation by the Inspector General including, but not limited to, those associated with increases totaling \$7,213,015 for construction costs, engineering costs, and soft costs associated with scope changes including those associated with the design and construction of the project's pumping station at 32nd St and the discovery of sinkholes along sections of the seawall that required immediate and costly remediation; and

WHEREAS, it is essential that acquisition planning, engineering design, procurement, and construction of high-value stormwater drainage and neighborhood improvement projects be effective and efficient, comply with all applicable laws, regulations, and standards, and be delivered using the construction industry's best practices for delivering major construction projects; and

WHEREAS, the City's ongoing efforts to replace its outdated gravity-based stormwater systems and create a new system designed to reduce flooding and help counter the existential threat of sea level rise in the future must proceed with all deliberate speed; and

WHEREAS, given the history of the Palm and Hibiscus and the Indian Creek projects, and the public controversy associated with the West Avenue project, it is essential that the Commission and City Administration continue to have the benefit of findings and recommendations by the Inspector General based on investigations that are rigorous, comprehensive and independent; and

WHEREAS, a Special Meeting of the City Commission has been scheduled for May 18, 2022 to address the challenges and concerns with harmonization for Segment 2 of the West Avenue Project, it is important that the City Commission and the community have the best information possible in advance of that meeting, including recommendations, observations and/or lessons learned in both the anticipated report from the Inspector General on the West Avenue project as well as the full report from the Inspector General on the expanded Indian Creek investigation;

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby request that the Office of the Inspector General take whatever steps it deems necessary or appropriate to expedite its expanded independent review of the Indian Creek Flood Mitigation Project (the Indian Creek Project) in order to assist the City Commission and Administration in near-term decisions regarding the procurement and implementation of similar capital projects, and, particularly, the West Avenue project.

PASSED and **ADOPTED** this _____ day of _____, 2022.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

Sponsored by Commissioner Mark Samuelian

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

PAR

3-1-22

Date