

Coley, Roy

From: Jeffrey Gale <jeffgalelaw@me.com>
Sent: Thursday, January 25, 2018 11:48 PM
To: Coley, Roy
Cc: Morales, Jimmy; Aleman, John; Carpenter, Eric; ICE (Kelly Gale); Mowry, Bruce; Payne, Stanley; Gershon Fink; Soto, Luis; Samuelian, Mark; Arriola, Ricky; De La Torre, Rodolfo; Bain, Tiffany; dan@gelberformayor.com; Steinberg, Micky; Sara Botach
Subject: 44th Street (Orchard Park)

Thank you.

Jeff Gale
Jeffrey P. Gale, P.A.
9999 NE 2nd Avenue, Suite 304
Miami Shores, FL 33138
Personal Injury/Workers' Compensation/
Property Insurance Claims (Residential & Commercial)
Tel. (305) 758-4900
Cell: (305) 904-5637
Fax: (305) 758-4949
Email: jeffgalelaw@bellsouth.net
Website: www.jeffgalelaw.com

Sent from my iPhone

On Jan 25, 2018, at 9:49 AM, Coley, Roy <RoyColey@miamibeachfl.gov> wrote:

Mr. Gale,

You are correct; lining the French Drain will prevent rainwater from draining into the soil. When the tides are high, the French Drain does not work very well, and when the tides are low the rainwater drains to the canal much better. Therefore it may be better to have the pipe lining versus having the tide water inundate the French Drain at high tides. This is a matter under consideration to determine the best possible solution.

The back flow prevention device could be better described as a one way flow control device. This device allows water to drain to the canal when the tides are lower than the street and stop the canal from flowing into the stormwater draining system at times when the tides are higher than the system. The vulnerability will remain when tides are high and it rains significantly.

Again, you are correct in your position that the ideal solution includes a permanent pumping system. Our team has been tasked to further evaluate that possibility to possibly expedite the design and installation. I will keep you informed as information comes available.

Best Regards,

Roy Coley, MBA
Assistant Department Director/Infrastructure Director
PUBLIC WORKS DEPARTMENT
MIAMI BEACH
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305.673.7380 www.miamibeachfl.gov

From: Jeffrey Gale [<mailto:jeffgalelaw@me.com>]
Sent: Tuesday, January 23, 2018 11:06 PM
To: Coley, Roy
Cc: Morales, Jimmy; Aleman, John; Carpenter, Eric; ICE (Kelly Gale); Mowry, Bruce; Payne, Stanley; Gershon Fink; Soto, Luis; Samuelian, Mark; Arriola, Ricky; De La Torre, Rodolfo; Bain, Tiffany; dan@gelberformayor.com; Steinberg, Micky; Sara Botach
Subject: Re: 44th Street — Jan 3, 2018

Dear Mr. Coley,

Won't lining the French Drain prevent rainwater from draining into the soil? And a back flow prevention device won't prevent rainfall flooding. Both may help with the King Tide, but neither addresses the rain flooding and may even make it worse.

I'm afraid that the only solution for rain flooding is a pump system, which also helps with the King Tide.

The ideal would be all of the above (with the pump system being a permanent station) and elevated streets.

Yours truly,

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On Jan 16, 2018, at 2:23 PM, Coley, Roy <RoyColey@miamibeachfl.gov> wrote:

Mr. Gale,

We do have a proposal for a backflow prevention device proposed to be located near the seawall inside the outfall pipe. The proposal is being considered by the City's engineers along with the possibility of installing some type of lining in the French Drain, which is an equal source of water during high tides. At this time, a decision has not been finalized on how we will proceed.

Best Regards,

Roy Coley, MBA

Assistant Department Director/Infrastructure Director
PUBLIC WORKS DEPARTMENT

MIAMIBEACH

1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305.673.7380 www.miamibeachfl.gov

From: Jeffrey Gale [<mailto:jeffgalelaw@me.com>]

Sent: Monday, January 15, 2018 6:12 PM

To: Coley, Roy

Cc: Morales, Jimmy; Aleman, John; Carpenter, Eric; Coley, Roy; ICE (Kelly Gale); Mowry, Bruce; Payne, Stanley; Gershon Fink; Soto, Luis; Samuelian, Mark; Arriola, Ricky; De La Torre, Rodolfo; Bain, Tiffany; dan@gelberformayor.com; Steinberg, Micky; Steinberg, Micky; Sara Botach

Subject: Re: 44th Street — Jan 3, 2018

Dear Mr. Coley:

While preparing for the 1/17/2018 City Commission Meeting, I came across your 11/28/2017 email (pasted below) referencing a strategy to provide additional relief and talks with a contractor to implement same.

I did not hear anything further from you on this and am hoping you can share the information in advance of the meeting.

"Mr. Gale,

Thank you for your emails, as always the pictures are helpful. In short to answer your question concerning short term solutions, I am pleased to report to you that our team has developed a strategy to provide additional relief. We have met with a contractor and are waiting for a proposal from them for the improvements. I expect to have the proposal from them this week and then will be in a position to share what could be expected. Until then our stormwater operators will continue to operate the temporary pump(s) and provide the type of service you experienced earlier this morning.

Best Regards,

Roy Coley, MBA

Assistant Department Director/Infrastructure Director

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Yours truly,

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Coley, Roy

From: Morales, Jimmy
Sent: Wednesday, January 24, 2018 1:25 PM
To: Aleman, John; Coley, Roy; Mowry, Bruce; Carpenter, Eric
Subject: RE: 44th Street — Jan 3, 2018

Categories: Red Category

As per the discussion at Commission last week, this is one of the communities we are looking at to possibly expedite. Eric, I assume we would need to come back to Commission to modify the master plan?

From: Aleman, John
Sent: Wednesday, January 24, 2018 12:45 PM
To: Coley, Roy <RoyColey@miamibeachfl.gov>; Mowry, Bruce <BruceMowry@miamibeachfl.gov>; Carpenter, Eric <EricCarpenter@miamibeachfl.gov>
Cc: Morales, Jimmy <JimmyMorales@miamibeachfl.gov>
Subject: RE: 44th Street — Jan 3, 2018

Gentlemen,

I would really like to see you all hash out a plan for the earliest date we can put in a permanent pump here. Can that be done?

MIAMI BEACH

Commissioner John Elizabeth Alemán

OFFICE OF MAYOR AND COMMISSION

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7102 / Fax: 305-673-7096 / www.miamibeachfl.gov

From: Jeffrey Gale [<mailto:jeffgalelaw@me.com>]

Sent: Tuesday, January 23, 2018 11:06 PM

To: Coley, Roy

Cc: Morales, Jimmy; Aleman, John; Carpenter, Eric; ICE (Kelly Gale); Mowry, Bruce; Payne, Stanley; Gershon Fink; Soto, Luis; Samuelian, Mark; Arriola, Ricky; De La Torre, Rodolfo; Bain, Tiffany; dan@gelberformayor.com; Steinberg, Micky; Sara Botach

Subject: Re: 44th Street — Jan 3, 2018

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Mr. Gale,

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Best Regards,

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Assistant Department Director/Infrastructure Director
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From: Jeffrey Gale [<mailto:jeffgalelaw@me.com>]

Sent: Monday, January 15, 2018 6:12 PM

To: Coley, Roy

Cc: Morales, Jimmy; Aleman, John; Carpenter, Eric; Coley, Roy; ICE (Kelly Gale); Mowry, Bruce; Payne, Stanley; Gershon Fink; Soto, Luis; Samuelian, Mark; Arriola, Ricky; De La Torre, Rodolfo; Bain, Tiffany; dan@gelberformayor.com; Steinberg, Micky; Steinberg, Micky; Sara Botach

Subject: Re: 44th Street — Jan 3, 2018

Dear Mr. Coley:

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I did not hear anything further from you on this and am hoping you can share the information in advance of the meeting.

"Mr. Gale,

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strategy to provide additional relief. We have met with a contractor and are waiting for a proposal from them for the improvements. I expect to have the proposal from them this week and then will be in a position to share what could be expected. Until then our stormwater operators will continue to operate the temporary pump(s) and provide the type of service you experienced earlier this morning.

Best Regards,

Roy Coley, MBA

Assistant Department Director/Infrastructure Director

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/

Yours truly,

Jeff Gale

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Coley, Roy

From: Jeffrey Gale <jeffgalelaw@me.com>
Sent: Friday, January 05, 2018 1:57 PM
To: Coley, Roy
Cc: Payne, Stanley; Morales, Jimmy; Aleman, John; Carpenter, Eric; ICE (Kelly Gale); Mowry, Bruce; Soto, Luis; Gershon Fink; Sara Botach; Dan Gelber; De La Torre, Rodolfo; Bain, Tiffany; Samuelian, Mark; Arriola, Ricky; Steinberg, Micky; Gelber, Dan; Gongora, Michael
Subject: Re: 44th Street & Post Avenue (Jan. 2, 2018)

*conscientious

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Sent from my iPhone

On Jan 5, 2018, at 1:06 PM, Jeffrey Gale <jeffgalelaw@me.com> wrote:

Dear Mr. Coley,

Thank you kindly for your conscience and informative response. After reading your explanation, I fully agree that Mr. Payne was not being rude. My apologies for suggesting otherwise.

We the residents of 44th Street are greatly appreciative of having competent and attentive civil servants addressing our issues. We also appreciate the cost concerns associated with the temporary pumps and would fully agree with your assessment if the predictable high tides were the only issue. As you have explained, high tide flooding alone is manageable. Unfortunately, the primary threat to property and property values is RAIN-related flash flooding. This, of course, is not nearly as predictable or as manageable as the tides. It is an ever present danger that, in the short term, can only be managed by temporary pumps.

Yours truly,

Jeff Gale
4360 Royal Palm Avenue
MB

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Sent from my iPhone

On Jan 5, 2018, at 12:36 PM, Coley, Roy <RoyColey@miamibeachfl.gov> wrote:

Mr. Gale,

I sincerely apologize for you feeling like Mr. Payne questioned the veracity of your photographs; I assure you it was not his intent. Mr. Payne reports to me, and I am able to verify his character is far above reproach, or intent to insult you in any way. The misunderstanding is likely a nomenclature issue. In your email to us all on January 2, 2018, you stated "it is backed-up sewer water." Mr. Payne interpreted your statement as sanitary sewer, or domestic sewerage, verses stormwater, or tidal waters, as we normally term what you saw. The intent of Mr. Payne's statement was to verify that there was no domestic sewerage overflowing, and the stormwater system was not experiencing any blockage.

In response to your request to have long term and short term solutions I will share with you my recommendations. Recognizing, as I have previously described to you and for the benefit of others copied on this email, your neighborhood suffers from a failed drainage system installed in 2011. The stormwater drainage inlets are as low as 1.04 NAVD and are designed to drain into a "French Drain" (exfiltration trench). The geology and hydrology of our barrier island doomed this design from the very start, and in my opinion was a complete waste of significant resources. As a State of Florida licensed water and wastewater operator, I can attest that no drainage system will work in Miami Beach when the tidal elevations exceed your inlet elevations unless a design engineer takes that into account and sets future street elevations and pumping capacity to better manage the water. I recommend that your neighborhood's drainage system be redesigned from the 2011 failed design and programmed into the stormwater master plan improvements as soon as practical.

I further recommend that temporary portable pumps be used only when risk of damage to property or safety is high. The cost of temporary portable pumps is not sustainable with the City's current revenue stream from stormwater fees, and in my opinion not a responsible use of resources. Just to note, recently the City spent about \$130,000 monthly on temporary generators and pumping operations. The king tides come for about two (2) months in the spring and about three (3) months in the fall. During king tides, I recommend using temporary pumps in the City's most vulnerable locations only. During other times of the year, NOAA's tidal

prediction's suggests that such risk is too low to just justify the unfunded expenditure.

I hope my explanation further clarified your concerns.

Best Regards,

Roy Coley, MBA

Assistant Department Director/Infrastructure Director
PUBLIC WORKS DEPARTMENT

MIAMI BEACH

1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305.673.7380 www.miamibeachfl.gov

From: Jeffrey Gale [<mailto:jeffgalelaw@me.com>]

Sent: Thursday, January 04, 2018 7:35 PM

To: Payne, Stanley

Cc: Morales, Jimmy; Aleman, John; Carpenter, Eric; Coley, Roy; ICE (Kelly Gale); Mowry, Bruce; Soto, Luis; Gershon Fink; Sara Botach; Dan Gelber; De La Torre, Rodolfo; Bain, Tiffany; Samuelian, Mark; Arriola, Ricky; Steinberg, Micky; Gelber, Dan; Gongora, Michael

Subject: Re: 44th Street & Post Avenue (Jan. 2, 2018)

Dear Mr. Payne:

On Tuesday, January 2, 2018, I sent the group a photograph taken at 10:00 a.m. showing backed up water. You responded by sending me two photographs taken by your crew at 11:46 a.m., along with comments I interpreted as questioning the veracity of when my photograph was taken. Not only, in my view, were those comments out of line, but your response otherwise failed to address any of the longstanding flood related issues. (If not to challenge my photograph, what was the point of your response? Were you suggesting that my concerns are overblown?)

On Wednesday, I sent the group two photographs taken that morning showing even greater flooding than the day before. Neither you nor anyone else responded (just as nobody, as far as I know, bothered to respond to Sara Botach's Tuesday email)

While I appreciate the financial costs associated with addressing the problem, it is a fundamental infrastructure issue that must be made a priority for Miami Beach to be a world class city. The quality of a city is judged from the bottom up, not from the top down. Flooded streets are not a good thing.

Jeff Gale
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Miami Beach, FL

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Sent from my iPhone

On Jan 2, 2018, at 12:38 PM, Jeffrey Gale <jeffgalelaw@me.com> wrote:

A bullet dodged. High tide today was at 8:09 a.m. The city's photos were taken closer to low tide (2:19 p.m.) than high tide. Nevertheless, a peak into the drain would have shown the water level to be just below the drain grill.

Water backing up is not acceptable, and photos showing that the water has receded do not comfort me. Moreover, high tide or low tide, if it rains hard today or any day, for that matter, there will be street flooding. This is the bigger point.

We know that the area is low lying. We know that something long term needs to be done and we know that the short term solution of temporary pumps works.

Catastrophe can strike at any moment. With the backed up water, today could have been that moment. Backed-up water + heavy rain = catastrophe.

44th Street needs a life preserver now. Throw the damn thing already!

Yours truly,

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Sent from my iPhone

On Jan 2, 2018, at 11:58 AM, Payne, Stanley
<StanleyPayne@miamibeachfl.gov> wrote:

We had a team member go by and check this location.
As you can see in the pictures, the area is dry. There is
no backed-up sewer water at this location

<image001.jpg> <image002.jpg>

MIAMIBEACH

Stanley Payne Storm Water Superintendent
PUBLIC WORKS DEPARTMENT
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305-673-7000 x2343 / Fax: 305-673-7028 /
www.miamibeachfl.gov

From: Jeffrey Gale [<mailto:jeffgalelaw@me.com>]
Sent: Tuesday, January 02, 2018 11:11 AM
To: Morales, Jimmy; Aleman, John; Carpenter, Eric;
Coley, Roy; ICE (Kelly Gale); Mowry, Bruce; Payne,
Stanley; Soto, Luis; Gershon Fink; Sara Botach
Cc: Dan Gelber; De La Torre, Rodolfo; Bain, Tiffany;
Samuelian, Mark; Arriola, Ricky; Steinberg, Micky
Subject: 44th Street & Post Avenue (Jan. 2, 2018)

This photograph was taken at 10 a.m. today. In case
you don't know the subject of the photo, IT IS
BACKED-UP SEWER WATER!

This happens to be unrelated to rain, with only light
drizzles before the photo was taken. It is now a little
after 11 a.m., and I am sitting in my office in Miami
Shores worried about home and property (cars)
damage as heavier rains move in with the
approaching cold front.

What is going to be done to alleviate and remedy
this acute problem and when?

Happy New Year.

Jeff Gale

<image003.jpg>

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Sent from my iPhone

Coley, Roy

From: Jeffrey Gale <jeffgalelaw@me.com>
Sent: Friday, December 15, 2017 2:30 PM
To: Coley, Roy
Cc: Aleman, John; Carpenter, Eric; Morales, Jimmy; Soto, Luis; ICE (Kelly Gale); Sara Botach; Gershon Fink
Subject: Re: 44th Street & Royal Palm

Dear Mr. Coley,

Thank you for the informative and on-point response. I hope you are right about there being an adequate differential between our street and the bay for drainage. Unfortunately, from years of contrary events I am not getting my hopes up. I will keep you posted of both positive and negative events.

One reason for our acute rain drainage problem is the result of water from the higher surrounding areas naturally flowing to the low point. This quickly overwhelms the existing system. The only relief we've ever seen has come from the temporary pumps.

Other MB neighborhoods have gotten permanent pumps. Orchard Park has patiently waited its turn. We should be up soon.

P.S. Mr. Soto was very pleasant and helpful to me yesterday.

Yours truly,

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Sent from my iPhone

On Dec 15, 2017, at 10:42 AM, Coley, Roy <RoyColey@miamibeachfl.gov> wrote:

Mr. Gale,

Your frustration is understood, I can only imagine how inconvenient it is to have a drainage system that was completed in 2011 to be failing. Just to recapitulate; in summary the issue is your stormwater drains are at an elevation of between 1.04 NAVD and 1.63 NAVD, are designed to drain into a "French Drain" (exfiltration trench), and into the bay by gravity. Regretfully the French Drain does not work as intended due to sea level rise, and is actually artesian at times

with ground water flowing in reverse, and coming into the streets from the system. When the tidal elevations exceed the levels of your drain inlets ground water flows upwards, into the streets, and any rainfall does not have adequate drainage to prevent pooling of water in the streets.

During King Tide season when the tidal elevations exceeded your stormwater system heights the city installed a plug into the pipe going to the bay to prevent the bay water from backing up into the street. With the plug installed the rainwater had nowhere to go except to the French Drain that was not draining. To remove the rain water the city located temporary diesel powered pumps upstream from the plugged pipe to pump rain water into the bay. The diesel powered temporary pumps were a good solution for the short term although they had to operate 24 hours a day in order to provide relief from unexpected rains.

King Tide season has passed, and the tidal elevations remain low enough to allow gravity drainage from your street. The city's stormwater operators removed the plug from the pipe to the bay allowing gravity to drain the area. I have attached a graphic of the tide level predictions by NOAA. You can see the tides are expected to be a maximum of .2 NAVD for the near future. This provides adequate differential between your streets and the bay for drainage.

The city this week has been removing from all over the community rented temporary equipment. The tidal conditions make this a reasonable action considering flooding is much less likely, and the cost of the rented equipment is considerable. Just as a point of information the city has been spending more than \$100,000 monthly on rental fees plus additional labor, and fuel cost for operations.

Best Regards,

Roy Coley, MBA

Assistant Department Director/Infrastructure Director
PUBLIC WORKS DEPARTMENT

MIAMIBEACH

1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305.673.7380 www.miamibeachfl.gov

From: Jeffrey Gale [<mailto:jeffgalelaw@me.com>]

Sent: Thursday, December 14, 2017 8:45 PM

To: Coley, Roy

Cc: Aleman, John; Carpenter, Eric; Morales, Jimmy; Soto, Luis; ICE (Kelly Gale)

Subject: Re: 44th Street & Royal Palm

P.S. I mistakenly said that I was annoyed. I'm actually angry. It's outrageous that the city would remove a proven remedy and leave its taxpaying homeowners exposed to harm. Not good.

Jeff Gale

Jeffrey P. Gale, P.A.

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Sent from my iPhone

On Dec 14, 2017, at 8:29 PM, Jeffrey Gale <jeffgalelaw@me.com> wrote:

Kindly accept my apologies for the tone of this email, but I am annoyed. Driving past Muss Park this evening on my way home from work and seeing an empty space where the two pumps had been working tirelessly and effectively until yesterday, has gotten under my craw. In essence, the city has made the unilateral decision to leave 44th Street defenseless from rain events.

I have explained and documented for more than 10 years the rainstorm-related flooding issues on 44th Street. While the King Tide presents its own unique set of issues, the rain-related flooding is the ever-present and more threatening issue.

Not only did the temporary pumps limit the worst effects of the King Tide, they provided nearly instantaneous relief from flash flooding. I witnessed this with pleasure with my own eyes some three weeks ago during a heavy downpour. Although the street flooded — which only takes 15 minutes during a normal heavy rain — all of a sudden the water began to rush down the drains, and within 15-20 minutes the flooding was gone. This is the first time I had seen this happen in our 24 years in our home. Typically, it would have taken 2-3 hours for the level to recede, from up to 24-36 inches of sitting water, and had the rain continued, our homes and cars would have been threatened. I informed all of you of this event, with relief, shortly after it happened.

It is therefore inexplicable and upsetting that the city would remove the pumps. We understand that bigger remedies are in the works, but those plans do not address the immediate problem. Downpours, which will come, threaten to destroy our homes and our property, not to mention the health hazard of standing filthy water. It is shameful and below the standards of a city that touts itself as being world class.

I beseech you to get the temporary pumps back in place ASAP. Frankly, given resident concerns and the well documented history of problems, it is outrageous that the city removed them in the first place!

Yours truly,

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<Tide Predictions 12.15.17,12.21.17.PNG>