



Joseph M. Centorino, Inspector General

FINAL REPORT

TO: Honorable Mayor and Members of the City Commission
FROM: Joseph Centorino, Inspector General

DATE: August 17, 2020
RE: West Avenue Improvement Project, Phase II
OIG No. 20-17

Introduction:

This review was opened at the request of Commissioner Mark Samuelian after he received complaints from residents regarding Phase II of the West Avenue Improvement Project (hereinafter the “Project”) and, specifically, the proposed location of a stormwater pump station and above ground components. The residents involved reside in various buildings at the west end of Lincoln Road. The pump station’s above ground components include an electrical panel platform, FPL electrical vault and a permanent emergency generator. The proposed location for the above ground components is in the median at the west end of Lincoln Road. The residents reside in the buildings on the perimeter of this proposed location and will be the most affected. One resident owns a hotel directly in front of the proposed site.

The residents want the City to consider a different location for the above ground components, if not the entire pump station. They have complained that City staff has been unresponsive and unprofessional and that the process has lacked transparency. While it is not the role of the Inspector General to opine on the location of the proposed pump station and above ground components, the preamble to the IG enabling ordinance states, in part, that the City of Miami Beach is committed to high standards of ethics, transparency, and accountability, and it is towards this goal that these limited findings are presented.

Additionally, it is not within the scope of this review to examine each individual’s interaction with City staff. Rather, the review focuses on the specific time period from the proposed decision to site the above ground components in the median at the west end of Lincoln Road to the present and the performance of City staff interacting with those most affected in terms of responsiveness, efficiency and transparency.

A draft copy of this report was provided to each resident and staff member named in the document. Three of the staff members, Ms. Lauren Firtel, Mr. Kevin Pulido and Mr. Nelson

Perez-Jacome, responded in writing with extensive comments, as did the City's contracted Public Information Liason, Ms. Heather Leslie. The final report takes their comments into consideration to the extent that they are relevant and within the parameters of this review. They all thought that limiting the time frame was not a fair or complete picture of their overall work given the number of years this project has been ongoing. However, this inquiry was never intended to be an assessment of the City's communications efforts and public outreach since the project's inception in 2017, nor an evaluation of their overall efforts on projects throughout the City.

The OIG notes that the effectiveness of the City's community outreach was recently addressed at the July 24th Commission meeting during a discussion about the location of a pump station in South Pointe Park. As in this case, some residents within the South Pointe Community believe they have been excluded from the City's outreach efforts. Commissioner Richardson stated that he had concerns about process and outreach and was troubled by the process he had seen on the West Avenue Project, as well as the South Pointe Project. Commissioner Meiner shared his concerns about the notification process and indicated that he has sponsored an item regarding notification to residents. Commissioner Richardson stated that he intended to bring an item to the September Commission meeting that would address minimum standards and protocols to be followed for effective community outreach.

The City Commission is scheduled to vote on the location of the pump station for West Avenue at its September 2020 meeting.

The OIG appreciates the comments from the staff. All responses have been made part of the OIG file.

BACKGROUND:

When the Project was originally planned, the stormwater pump station was designed to be smaller and with limited electrical needs. The components fit easily at the seawall on the west end of Lincoln Road. As a result of the City's engagement with the Urban Land Institute and Resilience Accelerator in 2018, as well as its findings after examining the Project, the Commission asked the design builder to redesign the pump station so it could manage a ten-year storm event, rather than the previously planned for five-year storm event. The original design did not include an emergency generator.

The first public meeting after the redesign took place was on May 2, 2019. The City sent emails, made phone calls, advertised in the Miami Herald, utilized social media and briefed two neighborhood associations prior to the meeting. There was a PowerPoint presentation and a question/answer opportunity for residents. Approximately seventy people came to the meeting. At the May 2nd meeting, the City team proposed locating all the components of the pump station at the west end of Lincoln Road in the cul-de-sac. Many residents objected strongly to this decision, preferring that the pump station and above ground components go into a nearby commercial area or, at the minimum, in the median immediately west of Alton Road, which is similarly commercial. The most affected buildings were 1450 and 1441 Lincoln Road. When those residents objected, the design build team explored other

possibilities, ultimately proposing to place the above ground components in the median of the residential area at the west end of Lincoln Road.

There was not a single publicly noticed meeting to explain this change. According to Mr. Raul Aguila, the City Attorney, neither the West Avenue Project nor the location of the pump station for West Avenue requires a public hearing prior to the deliberation and decision-making process. The lack of legal necessity has been echoed by Mr. Kevin Pulido, who served as the City's Community Resource Coordinator during the time frame considered in this report and is now the Neighborhood Affairs Manager. Nevertheless, they both stated that the City does try to build consensus.

To that end, there was a meeting with the City Manager scheduled in October, 2019 for residents who live on the perimeter of the median location, which was cancelled at the last minute. There was also a meeting at the Gaythering Hotel, a perimeter property, in November 2019, to which the City team was invited. At this meeting, the City team showed a PowerPoint presentation and answered questions. According to the owner of the hotel, approximately thirty-five residents attended. The minutes from this meeting reflect that the residents requested the Project team reassess the other potential locations and provide a different area for the pump station. The Project team asserted that they would internally discuss additional solutions and the concerns heard at the meeting and provide follow-up. On December 6th and 13th, the Project team members met with representatives from 1400 and 1409 Lincoln Road to discuss the proposed median concepts of the pump station generator and above ground features. A review of the meeting summaries shows that a representative from 1400 Lincoln and Stephan Ginez attended. The residents again asked for the City to provide documentation to show that other alternative locations were not feasible. They were told that the team was working on a memo from the Engineer of Record. It was not until April 13, 2020, in a Letter to the Commission, that the residents first learned about the analysis of other sites. The letter of opinion, which discussed alternative locations, was dated February 24, 2020 and had never been shared with the residents.

In his Letter to Commission dated April 13, 2020, the City Manager explained how the new size of the above ground components resulted from the redesign after the Resilience Accelerator. The larger components, he said, are grouped into three main systems: pump station controls (approx. 30.5' L x 20.5' W x 13' H); an auxiliary power generator (approx. 34' L x 14' W x 15' H); and an FPL Vault (approx. 34' L x 20' W x 13.1H). In light of these changes, it was determined that the original location at the seawall end of Lincoln Road was problematic. The Engineer of Record opined that locating the pump station in the median at the west end of Lincoln Road with the above ground components was the best alternative. The residents who complained to Commissioner Samuelian claimed that this decision was made without their involvement, and was forced upon them without their input even though they had regularly reached out to members of the City team and requested design plans, renderings and analysis of other locations. Some claimed they needed the information to hire their own engineers to support their request to relocate the above ground components, and that they were not afforded this opportunity.

In her response to the OIG draft report, Ms. Heather Leslie, a contracted Public Information Liaison who has been on the West Avenue Project since its inception, stated that "the

presentation itself (at the Gaythering in November) was the analysis performed by the design-build team and was emailed on November 25, 2019 to the representative of the Lincoln Road Neighborhood Association as requested. Additionally, the presentation was emailed to the West Avenue Neighborhood Association and Mr. Stephan Ginez also on November 25, 2019, for their use as requested.” The minutes from the meeting show that the Engineer of Record explained that there were complications with the alternative locations, identified in a series of bullet points, but there was not an analysis as requested by the residents. The lack of analysis was also raised by Commissioners Samuelian and Gongora at the May 6th Land Use and Sustainability Committee meeting. At this meeting, the residents had an opportunity to publicly react to the proposed location of the generator in the median of their neighborhood. As a result of their objections, the Committee voted to have the design-build team perform a feasibility study for an alternative location. Commissioner Samuelian asked for a thorough vetting of options. The results of the feasibility study are currently scheduled to be heard at the September 2020 Commission meeting.

While some of the residents in the area believed the City was being non-responsive, others were actively engaged with members of the project’s team on issues of green space and creative coverings for the generator. Ms. Leslie explained that their strategy was to build consensus with the buildings most impacted by the median location and then approach the rest of the residents. However, she noted, if there were another resident or building representative with questions regarding the proposed location of the pump station generator and above ground components, those questions were addressed. “This was not a design to keep residents in the dark, but there needed to be an approach to try and build consensus” she said.

The City did offer office hours on Fridays from 10:00 AM to 12:00 PM starting in December 2019, at which Project team members were present and ready to answer questions. However, the meetings were poorly attended by residents. Ultimately, the meetings were held by appointment only. Ms. Leslie was directed to attend the Friday meetings to answer questions if residents appeared. Ms. Leslie told Special Agent Singer that if a resident did appear, she would find the staff member who could provide an answer if there were something she did not know. Many of the questions were technical and required engineering details that she could not provide. Consequently, Ms. Leslie would email the project team and wait until a response was provided and approved for release. According to Mr. Pulido, the delay was a result of the Project team’s attempt to answer each question and scenario proposed by the public, some of which required detailed analysis. This dynamic seems to have added to the frustration felt by residents. There was not a single designated person with the knowledge and expertise available to answer their questions directly.

While the City has done extensive outreach with this project since its inception in 2017, it has ebbed and flowed due to various studies over time according to Ms. Firtel. From November 14, 2017 through October 1, 2019, public meetings were held with the community, including the West Avenue Neighborhood Association (WAVNA), the North of Fifth Neighborhood Association (NOFNA), Lincoln Court Neighborhood Association, to present the findings of the Resilience Accelerator Workshop as well as numerous one-on-one meetings with residents wishing to discuss harmonization. However, as stated previously, this review pertains to the outreach done after October 2019, when it was proposed that the above

ground components be placed in the median of the residential neighborhood located at the west end of Lincoln Road. Ms. Firtel, the former Public Information Specialist in the Office of Capital Improvements, in her response to the OIG draft report, stated that it is important to note that the project impact and benefits affect the entire West Avenue corridor and side streets. She raised a concern that “if/when the pump station location is altered by current neighborhood objections and “not in my backyard” resident views, we may end up having the same debate about whatever the next location is with a different group of residents.”

Review:

Special Agent Singer spoke with each of the residents who emailed Commissioner Samuelian, as well as community activists who reached out when they learned of the review. Special Agent Singer also met in person with members of the board at 1450 Lincoln Road, the original location of the above ground components, and Stephan Ginez, the owner of the Gaythering Hotel, the property most affected by the above ground components being placed in the median. According to the residents, the first time they learned about the increase in the size of the above ground components was at the one and only publicly noticed meeting on May 2, 2019.

A representative from RIC-Man Construction (the contractor), the Senior Capital Projects Coordinator from the Office of Capital Improvements and the Director of Environment and Sustainability Department were all present at the May 2nd meeting to answer questions. Approximately 70 residents signed in for the meeting according to the sign-in sheet. During the presentation, it was represented that the Lincoln Road pump station was still in the design development phase, but it was clear that it would be located at the west end of Lincoln Road. Special Agent Singer reviewed the minutes of the meeting. Highlighted in the meeting minutes is the following statement, “Need to elaborate based on our conversation re: this is the only area feasible, feasibility study already happened, other areas already pulling their weight.” The note was written by Ms. Firtel, who is currently the Neighborhood Affairs Coordinator for the Communications Department. Special Agent Singer asked Ms. Firtel the meaning and context of this note. Ms. Firtel stated that the communications team was compiling information for an FAQ (Frequently Asked Questions) brochure they were developing for residents. The note was intended to encourage the project team to elaborate/provide more information so that the FAQs could be answered more thoroughly.

After the May 2019 meeting, residents in the 1450 and 1441 Lincoln Road buildings objected to the location of the pump station in the roundabout at the west end of their street. According to Sabrina Baglieri, the Senior Capital Projects Coordinator, in June and July 2019 they started to look at the feasibility of placing the above ground components in the median. The City proposed moving them to the median and started to refine the concept. In September 2019, the team had meetings with the residents from 1400 Lincoln Road and Mr. Ginez. The Project team explained the need for the pump station, generator and FPL vault to be located nearby for safety reasons. The residents were told that a breakdown of alternative locations was being developed to show the pros and cons of each possibility. Renderings were also being developed so that residents could visualize the median. Residents were given the opportunity to voice their objections. The City also met again with residents of these properties in December 2019 to continue their discussion about the proposed median concept

for the generator. The complaining residents stated that, as the design progressed to near completion, with the above ground components in the center of the median, the communication with the City became one-sided and no other feasible options were discussed.

In addition to complaints about the community outreach efforts, Commissioner Samuelian also received a specific complaint regarding the City Engineer, Mr. Nelson Perez-Jacome, and asked the OIG to review the matter. The complaint came from a resident who lives at 1400 Lincoln Road. She reported that the City Engineer attended a meeting with other City employees at her building in September 2019 to discuss harmonization. During the meeting, a number of the residents expressed their opposition to the location of the generator in their neighborhood. It was reported that Mr. Perez-Jacome became very irate and stated that he already considered another location, that he personally disapproved, and there were no other feasible sites. He was heard saying, "I am not signing off on any location but here" and "it's gonna happen here whether we like it or not." This was corroborated by two other people who were present at the time.

Special Agent Singer discussed this over the phone with the City Engineer in May and again in June. Additionally, Special Agent Singer and the Inspector General, Mr. Joseph Centorino, met with Mr. Jacome-Perez in person in July. At all times, Mr. Perez-Jacome stated that he unequivocally disagreed with the accuracy of the statements. In his written response to the OIG draft report, Mr. Perez-Jacome stated:

"I am by no means personally vested in the location of the pump station. My duty as a City official is to provide all of the City's constituents with the highest level of service. In discharging this duty as the City Engineer, I neither became irate nor personally disapproved of the location...the designer of record, at the time, recommended the location of the pump station. As a City official my job is to ensure that the engineering behind the recommendation is sound. As such, what I stated at the meeting, was that the designer of record recommended this as the best location from an engineering perspective and the City's engineering department concurred with the recommendation. I also stated that the designer of record reviewed other sites prior to making this determination and those sites were not chosen due to various feasibility concerns."

He stated that he told the residents,

"...the current recommendation was to site the pump station at the Lincoln Road street end and to site the above components along the 1400 block of Lincoln Road. I also invited the residents to share their opinion regarding the pump station site with their representatives and with City staff when the project is discussed at a committee or commission meeting."

With respect to the November 2019 meeting, Mr. Perez-Jacome stated that,

"During the meeting at the Gaythering Hotel, there were many City personnel, contractors, and consultants present. I personally did not state we would consider other siting options. Other options, such as, moving of the above ground control panels were considered and for safety reasons were not pursued."

The OIG presented both sides of the complaint. It is always important for City staff to engage with residents in a professional manner to avoid these situations.

CONCLUSION:

It is clear that a number of residents in the Lincoln Road corridor did not have any information about the pump station and proposal for the above ground components. Part of the City's strategy relies on residents, including board Presidents/representatives, property managers and with homeowner or neighborhood associations, to disseminate accurate information to others in the community. However, a number of the residents in the directly affected buildings received no information at all about the proposed location of the above ground components or had inaccurate information based on rumors. Kevin Pulido, the Neighborhood Affairs Manager, as well as Ms. Leslie and Ms. Firtel, told Special Agent Singer that there was significant misinformation among the residents of the buildings. Much of the misinformation revolved around the design and functioning of the pump station and how the components all work together.

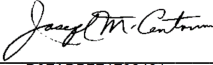
According to Mr. Pulido, the approach of relying on neighborhood and association leaders to disseminate information is challenging and the City risks losing the credibility of its messaging. Ms. Firtel noted in her response to the draft report that the communications team does not rely exclusively onboard presidents, property managers and homeowner associations to convey information. To the contrary, they work to build a project database of residents and business owners in the project corridor. This information supplements Ms. Leslie's three data bases that she utilizes to contact residents. Ms. Firtel said, "The catch is that residents and business owners/managers have to opt in or provide their email addresses or contact information so that we can keep them informed directly."

Ms. Leslie and Mr. Pulido agree that, if the goal is to build consensus, the City should host, notice and control the meetings. Both share the idea that there can never be too much outreach. When the City hosts, it advertises in the city calendar and Miami Herald, sends a citywide email, provides door-to-door distribution, and shares information on the City's social media platforms, as well as the NextDoor app. Phone calls are made to each building's board and property manager, but it is up to them to disseminate to the individual units. All of these efforts provide more opportunity for citizen input, which is notably different from community outreach, and recommended by the Urban Land Institute. Proof of this can be seen from the May 2020 harmonization meeting that the city hosted via Zoom as a result of the Covid-19 pandemic. Approximately 150 residents tuned in to a controlled meeting and were able to ask specific questions about their properties and what to expect as the project moves forward. Mr. Pulido thinks there should be a publicly noticed meeting specifically for the Lincoln Road area to address the project.

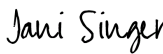
The residents who spoke with Special Agent Singer acknowledge the urgency of this project but want the City to consider better community planning and, consistent with the ULI report, a transparent process with robust two-way communications. Too many of the residents still do not know about the changes occurring near their properties and the costs they will have to incur as the project proceeds.

The City is in the process of implementing communication strategies based on the Urban Land Institute's recommendations which may solve some of the issues raised by this review. On October 16, 2019, the City Commission passed a Resolution approving and accepting a formalized External Communication Plan. The Plan is based on the R.I.S.E. Guide, which is an internal communications guide with models and frameworks derived from the field of community psychology. The plan, recommended by the Urban Land Institute (ULI), serves as a roadmap for City employees to communicate and engage with Miami Beach residents on government resilience infrastructure initiatives. In his Commission Memorandum recommending that the Commission adopt the Resolution, the City Manager acknowledged that there has not been one coordinated plan that every Public Information Specialist follows pertaining to outreach. He noted that this has led to various levels of communication and documentation of those communications for each project. As stated above, Commissioner Richardson intends to discuss standards and protocols at the September Commission meeting.

The External Communications Plan aims to enhance resident communications and engagement activity performance by increasing message consistency, trusting relationships and knowledge-sharing between the local government and the public sector. The Plan is meant to be a living document that is discussed among city team members, modified as needed, and distributed to all project consultants and staff. The Plan includes a regularly updated project website with timely information. The ULI urges two-way communication, but this requires residents to do their part as well. It is hoped that more publicly noticed meetings over Zoom or some other platform will ease community concerns and help, as much as possible, to move the community forward in confronting the challenge of stormwater management.

DocuSigned by:

D0FA0B7F4F92431...
Joseph M. Centorino, Inspector General

8/17/2020 | 4:52 PM EDT
Date

DocuSigned by:

2BEA423009C445E...
Jani Kline Singer, Special Agent

8/17/2020 | 3:04 PM EDT
Date

OFFICE OF THE INSPECTOR GENERAL, City of Miami Beach
1130 Washington Avenue, 6th Floor, Miami Beach, FL 33139
Tel: 305.673.7020 • Fax: 305.587.2401 • **Hotline: 786.897.1111**
Email: CityofMiamiBeachOIG@miamibeachfl.gov
Website: www.mbinspectorgeneral.com