



# MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida



## PUBLIC HEARING

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

The Miami Springs City Council will conduct a public hearing at their regular meeting on Monday, August 22, 2011, at 7:00 p.m. in the Council Chambers at City Hall, 201 Westward Drive, Miami Springs, Florida regarding the following proposed ordinances:

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

**ORDINANCE NO. 1023-2011 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 31-11, PURCHASING, PROCUREMENT AND SALE PROCEDURES; BY ADDING THERETO A PROVISION TO PERMIT CITY "PIGGYBACKING" PURCHASING FROM PRIVATE SECTOR COOPERATIVE PURCHASING AND NOT-FOR-PROFIT COMPANIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE.**

CITY OF MIAMI SPRINGS  
PUBLIC HEARING - AUGUST 22, 2011

**ORDINANCE NO. 1024-2011 - ORDINANCE NO. 1024-2011 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS REPEALING CHAPTER 33, CONFLICT OF INTEREST; CODE OF ETHICS; LOBBYING OF THE CODE OF ORDINANCES OF THE CITY OF MIAMI SPRINGS, CONTAINING CODE SECTIONS 33-01 THROUGH 33-20; ENACTING NEW CHAPTER 33, CONFLICT OF INTEREST AND CODE OF ETHICS; ENACTING CODE OF ORDINANCE SECTION 33-01, ADOPTION OF CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE OF MIAMI-DADE COUNTY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; DIRECTIONS TO CODIFIERS; EFFECTIVE DATES**

in the XXXX Court,  
was published in said newspaper in the issues of

**ORDINANCE NO. 1025-2011 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS REPEALING CODE OF ORDINANCE SECTION 150-005, ALCOHOLIC BEVERAGES; BY REPEALING THE CURRENT ORDINANCE PROVISIONS AND ENACTING NEW CODE OF ORDINANCE SECTION 150-005, AUTHORIZATION FOR ENDORSEMENT OF APPLICATIONS FOR STATE OF FLORIDA ALCOHOLIC BEVERAGE LICENSES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; DIRECTIONS TO CODIFIERS; EFFECTIVE DATE**

08/05/2011

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Anyone wishing to offer verbal or written comment regarding the proposed ordinances may do so at the public hearing. Copies of the proposed ordinances are posted for public review on the bulletin board located next to the elevator on the first floor at City Hall.

Magali Valls, CMC, City Clerk

Sworn to and subscribed before me this

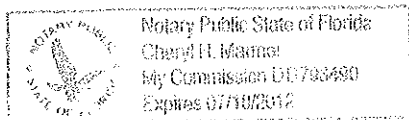
05 day of AUGUST, A.D. 2011

If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made (F. S. §286.0105).

(SEAL)

MARIA MESA personally known to me

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 201 Westward Drive, Miami Springs, Florida 33166. Telephone: 305.805.5006, no later than seven days prior to the proceeding.



8/5

11-3-137/1737308M

#132.40

City Council Meeting of:

ORDINANCE NO. 1023-2011

8-22-2011

SECOND  
READING

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 31-11, PURCHASING, PROCUREMENT AND SALE PROCEDURES; BY ADDING THERETO A PROVISION TO PERMIT CITY "PIGGYBACKING" PURCHASING FROM PRIVATE SECTOR COOPERATIVE PURCHASING AND NOT-FOR-PROFIT COMPANIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE.**

**WHEREAS**, the current City Purchasing Ordinance has always permitted the City to make purchases by "piggybacking" on the bids or contracts of the state or other local governments; and,

**WHEREAS**, as a result of recent economic conditions and the need to secure goods and services at the lowest possible prices, the idea of securing bargains through the volume purchasing of governmental entities has expanded into the private sector; and,

**WHEREAS**, by including private sector Cooperative Purchasing and Not-For-Profit Companies within the purchasing authority of the City's Ordinance, many additional procurement opportunities will be available to the City; and,

**WHEREAS**, purchasing by "piggybacking" continues to eliminate the time consuming tasks of duplicating research and administrative paperwork, while reducing lead times on purchases and providing a greater availability of products and services on demand; and,

**WHEREAS**, many governmental entities have authorized the use of these "Private Sector Companies" in order to take advantage of lower costs, reduced administrative time, and the virtual elimination of bid protests by vendors; and,

**WHEREAS**, in the final analysis, the addition of this authorized method of purchasing for the City is simply another tool that may be utilized by the City Staff in the acquisition of required goods and services for the City; and,

**WHEREAS**, the City Council has determined that it is both proper and appropriate, and in the best interests of the City and its citizens, to authorize "piggybacking" purchasing from private sector companies for the City:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:**

**Section 1:** That Code of Ordinance Section 31-11, Purchasing, Procurement and Sale Procedures, is hereby amended as follows:

Section 31-11. Purchasing, Procurement and Sale Procedures.

- (A) ...
- (B) ...
- (C) ...
- (D) ...

(1) The City Purchasing Agent shall have the following duties, responsibilities and authority:

- (a) ...
- (b) ...
- (c) ...

(d) To join with other governmental entities and private sector Cooperative Purchasing and Not-For-Profit Companies in cooperative purchasing plans when the best interests of the City would be served thereby.

- (e) ...
- (f) ...
- (g) ...
- (h) ...
- (i) ...
- (j) ...

(2) ...

(E) Methods of Competitive Purchasing and Procurement; Exceptions.

- (1) ...
- (2) ...
- (3) ...
- (4) ...

(5) All purchases of supplies, materials, or contractual services under the provisions of state or local government, or private sector Cooperative Purchasing or Not-For-Profit Companies, bids or contracts shall be exempt from the competitive bid requirements otherwise applicable to such purchases, provided that:

- (a) ...
- (b) ...
- (c) ...

(6) ...

- (F) ...
- (G) ...
- (H) ...
- (I) ...

**Section 2:** That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

**Section 3:** That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

**PASSED AND ADOPTED** by the City Council of the City of Miami Springs,

Florida this 22<sup>nd</sup> day of August, 2011.

The motion to adopt the foregoing ordinance was offered on  
second reading by \_\_\_\_\_, seconded by \_\_\_\_\_,  
and on roll call the following vote ensued:

Vice Mayor Best	" _____ "
Councilman Espino	" _____ "
Councilman Lob	" _____ "
Councilwoman Ator	" _____ "
Mayor Garcia	" _____ "

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Zavier M. Garcia  
Mayor

**ATTEST:**

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Magali Valls, CMC  
City Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**



Jan K. Seiden, Esquire  
City Attorney

First reading: 06/27/2011  
Second reading: 08/22/2011

Words ~~-stricken through-~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.



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08/05/2011

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Sworn to and subscribed before me this

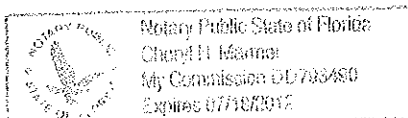
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ORDINANCE NO. 1024-2011

8-22-2011

SECOND  
READING

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**WHEREAS**, upon reviewing Chapter 33 of the Code of Ordinances, it has become apparent that the entire Chapter, with the exception of Ordinance Section 33-20, was enacted in 1973 and never further amended; and,

**WHEREAS**, many of the provisions of the current City Chapter 33 are confusing, out of date, duplications of other county or state ethics provisions, and have never, to the best of anyone's knowledge, served as the basis of an enforcement action or prosecution; and,

**WHEREAS**, both the State of Florida and Miami-Dade County have enacted Conflict of Interest and Code of Ethics legislation; and,

**WHEREAS**, some of the provisions of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance are already applicable to the City of Miami Springs; and,

**WHEREAS** the City Council of the City of Miami Springs has determined that it is both proper and appropriate, and in the best interests of the City and its citizens, to repeal Code of Ordinance Chapter 33, related to conflicts of interest and ethics, and to adopt the

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance for applicability within the City:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:**

**Section 1:** That Code of Ordinance Chapter 33, Conflict of Interest; Code of Ethics; Lobbying, containing Code of Ordinance Section 33-01 through 33-20, is hereby repealed as follows:

~~Sec. 33-01. Designation; applicability.~~

~~This chapter shall be designated and known as the "City of Miami Springs Conflict of Interest and Code of Ethics Ordinance." This chapter shall be applicable to all City personnel as defined herein, and shall also constitute a minimum standard of ethical conduct and behavior for all City officials and officers, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel, and employees of the City, insofar as their individual relationships with the City are concerned. (Ord. 541, passed 5-14-73)~~

~~Sec. 33-02. Definitions.~~

~~For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively:~~

~~(A) Advisory personnel. The members of the Zoning and Planning Board and advisory boards and agencies whose sole or primary responsibility is to recommend legislation or give advice to the City Council.~~

~~(B) Autonomous personnel. The members of authorities, boards, and agencies as are entrusted with the day-to-day policy setting, operation and management of certain defined City functions or areas of responsibility, even though the ultimate responsibility for such functions or areas rests with the City Council.~~

~~(C) City Council. The Mayor and the members of the City Council, as duly constituted from  
time to time.~~

~~(D) Compensation. Any money, gift, favor, thing of value, or financial benefit conferred in  
return for services rendered or to be rendered.~~

~~(E) Controlling financial interest. Ownership, directly or indirectly, of ten percent or~~

more

~~of the outstanding capital stock in any corporation, or a direct or indirect interest of ten percent or more in a firm, partnership, or other business entity:~~

~~(F) Departmental personnel. The City administrator, his department heads, the City Attorney, and all Assistant City Attorneys:~~

~~(G) Employees. All other salaried personnel employed by the City:~~

~~(H) Immediate family. The spouse, parents, and children of the person involved who, at the time in question, reside with the person within a single household:~~

~~(I) Quasi-judicial personnel. The members of the Board of Adjustment, and other boards and agencies of the City as perform quasi-judicial functions:~~

~~(J) Transact any business. The purchase or sale by the City of specific goods or services for a consideration:~~

~~Sec. 33-03. Prohibition on transacting business with the City:~~

~~(A) No person included in the terms defined in § 33-02(A), (B), (C), (F), (G), and (I) shall enter into any contract or transact any business in which he or a member of his immediate family has a financial interest, direct or indirect, with the City or any person or agency acting for the City, and any contract, agreement, or business engagement entered in violation of this section shall render the transaction voidable. Willful violation of this section shall constitute malfeasance in office, and shall effect forfeiture of office or position:~~

~~(B) Waiver:~~

~~(1) The requirements of this section may be waived for a particular transaction only by affirmative vote of two-thirds of the entire City Council, after public hearing. The waiver may be effected only after findings by two-thirds of the entire council that:~~

~~(a) An open-to-all sealed competitive bid has been submitted by a City person as defined in § 33-02(A), (B), and (I); or~~

~~(b) The property or services to be involved in the proposed transaction are unique; and the City cannot avail itself of the property or services without entering a transaction which would violate this section, but for waiver of its requirements; and~~

~~(c) The proposed transaction will be to the best interests of the City:~~

~~(2) These findings shall be spread on the minutes of the council. This section shall be applicable only to prospective transactions, and the council may in no case ratify a transaction entered in violation of this section.~~

~~(C) Provisions cumulative. This section shall be taken to be cumulative, and shall not be construed to amend or repeal any other law pertaining to the same subject matter. (Ord. 541, passed 5-14-73).~~

~~Sec. 33-04. Further prohibition on transacting business with the City.~~

~~No person included in the terms defined in § 33-02(A), (B), (C), (F), (G), and (I) shall enter into any contract or transact any business through a firm, corporation, partnership, or business entity in which he or any member of his immediate family has a controlling financial interest, direct or indirect, with the City or any person or agency acting for the City, and any such contract, agreement or business engagement entered in violation of this section shall render the transaction voidable. The remaining provisions of § 33-03 will also be applicable to this section as though incorporated herein by recitation. (Ord. 541, passed 5-14-73).~~

~~Sec. 33-05. Gifts prohibited.~~

~~No person included in the terms defined in § 33-02(A), (B), (C), (F), (G), and (I) shall, directly or indirectly, solicit, accept, or receive any gift having a value of \$25.00 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties, or was intended as a reward for any official action on his part. No person shall, directly or indirectly, offer or make any gift to any person included in the terms defined in § 33-02, or to any member of his immediate family. (Ord. 541, passed 5-14-73).~~

~~Sec. 33-06. Political contributions.~~

~~No person shall accept as a political contribution a sum in excess of \$50.00 from any one person or organization. (Ord. 541, passed 5-14-73).~~

~~Sec. 33-07. Compulsory disclosure by employees of firms doing business with the City.~~

~~Should any person included in the terms defined in § 33-02(A), (B), (C), (F), (G), and (I) be employed by a corporation, firm, partnership, or business entity in which he does not have a controlling financial interest, either himself or through a member of his immediate family, and should the corporation, firm, partnership, or business entity have substantial business commitments to or from the City or any City agency, or be subject to direct regulation by the City or a City agency, then the person shall file a~~

~~sworn statement disclosing his employment and interest with the Clerk of the City Council. (Ord. 541, passed 5-14-73).~~

~~Sec. 33-08. Exploitation of official position prohibited.~~

~~No person included in the terms defined in § 33-02(A), (B), (C), (F), (G), and (I) shall use or attempt to use his official position to secure special privileges or exemptions for himself or others, except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted, or hereafter to be ordained or adopted, by the City Council. (Ord. 541, passed 5-14-73).~~

~~Sec. 33-09. Prohibition on use of confidential information.~~

~~No person included in the terms defined in § 33-02(A), (B), (C), (F), (G), and (I) shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position, nor shall he in fact ever disclose confidential information gained through his official position with the City, nor shall he ever use such information, directly or indirectly, for his personal gain or benefit.~~

~~Sec. 33-10. Conflicting employment prohibited.~~

~~No person included in the terms defined in § 33-02(A), (B), (C), (F), (G), and (I) shall accept other employment which would impair his independence of judgment in the performance of his public duties.  
(Ord. 541, passed 5-14-73).~~

~~Sec. 33-11. Prohibition on outside employment.~~

~~No person included in the terms defined in § 33-02(F) (departmental personnel) and (G) (employees), shall receive any compensation for his services as an officer or employee of the City from any source other than the City with the following exceptions:~~

~~(A) A full-time City employee may accept incidental or occasional outside employment so~~

~~long as the employment is not contrary, detrimental, or adverse to the interest of the City or any of its departments, and the approval required in the following exception is obtained.~~

~~(B) Any outside employment by any full-time City employee must be approved in writing~~

~~by the employee's department head, who shall maintain a complete record of the employment.~~

~~(Ord. 541, passed 5-14-73).~~

~~Sec. 33-12. Prohibited investments:~~

~~No person included in the terms defined in § 33-02(A), (B), (C), (F), (G), and (I) shall have personal investments in any enterprise, either himself or through a member of his immediate family, which will create a substantial conflict between his private interests and the public interest.~~

~~(Ord. 541, passed 5-14-73).~~

~~Sec. 33-13. Certain appearances and payments prohibited:~~

~~No person included in the terms defined in § 33-02(A), (B), (C), (F), (G), and (I) shall appear before any City board or agency, and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly, or in any form, for services rendered to a third person who has applied for or is seeking some benefit from the City or a City agency, in connection with the particular benefit sought by the third person. Nor shall such person appear in any court or before any administrative tribunal as counsel or legal advisor to a party who seeks relief from the City or a City agency through the suit in question. (Ord. 541, passed 5-14-73).~~

~~Sec. 33-14. Actions prohibited when financial interests involved:~~

~~No person included in the terms defined in § 33-02(A), (B), (C), (F), (G), and (I) shall participate in any official action directly or indirectly affecting a business in which he or a~~

~~member of his immediate family has a financial interest. A financial interest is defined as a special financial interest, direct or indirect, or as a financial interest as defined in § 769 of the restatement of the law of torts as an investment or something in the nature of an investment. (Ord. 541, passed 5-14-73)~~

~~Sec. 33-15. Acquiring financial interests:~~

~~No person included in the terms defined in § 33-02(A), (B), (C), (F), (G), and (I) shall acquire a financial interest in a project, business entity, or property at a time when he believes or has reason to believe that the financial interest will be directly affected by his official actions, or by official actions of the City or City agency of which he is an official, officer, or employee. (Ord. 541, passed 5-14-73).~~

~~Sec. 33-16. Recommending professional services:~~

~~No person included in the terms defined in § 33-02(A), (B), (C), (F), (G), and (I) may recommend the services of any lawyer or law firm, architect or architectural firm, public relations firm, or any other person or firm, professional or otherwise, to assist in any transaction involving the City or any of its agencies, provided a recommendation may properly be made when required to be made by the duties of office, and is advanced at a public meeting attended by other City officials, officers, or employees. (Ord. 541,~~

passed 5-14-73).

~~Sec. 33-17. Continuing application for two years after City service.~~

~~No person included in the terms defined in § 33-02(C), (F), and (G) (commissioners; departmental personnel and employees) shall, for a period of two years after his City service or employment has ceased, act as agent or attorney for anyone other than the City in connection with any judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the City or one of its agencies is a party, or has a direct and substantial interest, and in which he participated personally and substantially as an official, officer, or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed in City service. (Ord. 541, passed 5-14-73).~~

~~Sec. 33-18. City Attorney to render opinions on request.~~

~~Whenever any person included in the terms defined in § 33-02(A), (B), (C), (F), (G), (H), and (I) is in doubt as to the proper interpretation or application of this chapter to himself, or whenever any person who renders services to the City is in doubt as to the applicability of this chapter to himself, he may submit to the City Attorney a full written statement of the facts and questions he has. The City Attorney shall then render an opinion to the person, and shall publish these opinions without use of the name of the person advised unless the person requests the use of his name.~~

~~Sec. 33-19. Retroactivity:~~

~~No section or division of this chapter, save and except for those enacted and in effect prior to the date of the enactment of this chapter, shall have applicability to persons included in the terms defined in § 33-02 who were no longer in the service of the City on the effective date of this chapter. (Ord. 541, passed 5-14-73)~~

~~Sec. 33-20. Lobbying ordinance adopted.~~

~~By this provision, the City of Miami Springs hereby adopts in full, the Miami-Dade County Lobbying Ordinance, and all future amendments thereto, contained in County Code of Ordinance § 2-11.1(s):~~

~~For the purposes of this section, all references contained in the aforesaid County Code of Ordinance Section to Miami-Dade County, its ordinances, procedures, personnel, and all other references to the County, are hereby intended and interpreted to mean the City of Miami Springs, its ordinances, procedures and personnel, if applicable. (Ord. 917-04, passed 10-11-04):~~

**Section 2:** That Chapter 33, Conflicts of Interest and Code of Ethics, and Code

of Ordinance Section 33-01, Adoption of Conflict of Interest and Code of Ethics Ordinance of Miami-Dade County, is hereby enacted as follows:

### **CHAPTER 33**

#### **Conflicts of Interest and Code of Ethics**

**33.01. Adoption of Conflict of Interest and Code of Ethics Ordinance of Miami-Dade County.**

- (A) By and through the enactment of this Ordinance, the City of Miami Springs hereby adopts the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, designated as Miami-Dade County Ordinance Section 2-11.1, and all future amendments thereto, for applicability within the City.
- (B) For the purposes of this Ordinance, all references contained in the adopted Miami-Dade County Ordinance to the county, its Ordinances, procedures, personnel and other related matters, are hereby declared to be intended and interpreted to refer to the City of Miami Springs, its Ordinances, procedures, personnel and other related matters, as may be applicable and necessary to accomplish the purpose of this Ordinance.

**Section 3:** That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

**Section 4:** That the codifiers are hereby directed to codify this Ordinance in the proper manner and format of the City of Miami Springs Code of Ordinances

**Section 5:** That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

**PASSED AND ADOPTED** by the City Council of the City of Miami Springs, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

The motion to adopt the foregoing Ordinance was offered by

\_\_\_\_\_



seconded by \_\_\_\_\_

and on roll call the following vote ensued:

Vice Mayor Best : \_\_\_\_\_

Councilwoman Ator: \_\_\_\_\_

Councilman Espino : \_\_\_\_\_

Councilman Lob : \_\_\_\_\_

Mayor Garcia: : \_\_\_\_\_

\_\_\_\_\_  
ZAVIER GARCIA, MAYOR

ATTEST:

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
MAGALI VALLS, CMC  
City Clerk

\_\_\_\_\_  
CITY ATTORNEY

*Words stricken through shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.*



# MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida



## PUBLIC HEARING

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review t/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF MIAMI SPRINGS  
PUBLIC HEARING - AUGUST 22, 2011

in the XXXX Court,  
was published in said newspaper in the issues of

08/05/2011

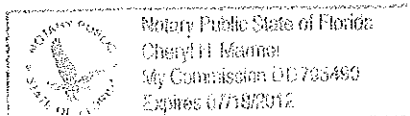
Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this

05 day of AUGUST, A.D. 2011

(SEAL)

MARIA MESA personally known to me



The Miami Springs City Council will conduct a public hearing at their regular meeting on Monday, August 22, 2011, at 7:00 p.m. in the Council Chambers at City Hall, 201 Westward Drive, Miami Springs, Florida regarding the following proposed ordinances:

**ORDINANCE NO. 1023-2011 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 31-11; PURCHASING, PROCUREMENT AND SALE PROCEDURES; BY ADDING THERETO A PROVISION TO PERMIT CITY "PIGGYBACKING" PURCHASING FROM PRIVATE SECTOR COOPERATIVE PURCHASING AND NOT-FOR-PROFIT COMPANIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE.**

**ORDINANCE NO. 1024-2011 - ORDINANCE NO. 1024-2011 -- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS REPEALING CHAPTER 33, CONFLICT OF INTEREST; CODE OF ETHICS; LOBBYING OF THE CODE OF ORDINANCES OF THE CITY OF MIAMI SPRINGS, CONTAINING CODE SECTIONS 33-01 THROUGH 33-20; ENACTING NEW CHAPTER 33, CONFLICT OF INTEREST AND CODE OF ETHICS; ENACTING CODE OF ORDINANCE SECTION 33-01, ADOPTION OF CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE OF MIAMI-DADE COUNTY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; DIRECTIONS TO CODIFIERS; EFFECTIVE DATES**

**ORDINANCE NO. 1025-2011 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS REPEALING CODE OF ORDINANCE SECTION 150-005, ALCOHOLIC BEVERAGES; BY REPEALING THE CURRENT ORDINANCE PROVISIONS AND ENACTING NEW CODE OF ORDINANCE SECTION 150-005, AUTHORIZATION FOR ENDORSEMENT OF APPLICATIONS FOR STATE OF FLORIDA ALCOHOLIC BEVERAGE LICENSES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; DIRECTIONS TO CODIFIERS; EFFECTIVE DATE**

Anyone wishing to offer verbal or written comment regarding the proposed ordinances may do so at the public hearing. Copies of the proposed ordinances are posted for public review on the bulletin board located next to the elevator on the first floor at City Hall.

Magali Valls, CMC, City Clerk

If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made (F. S. §286.0105).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 201 Westward Drive, Miami Springs, Florida 33166. Telephone: 305.805.5006, no later than seven days prior to the proceeding.

8/5

11-3-137/1737308M

#132.40

City Council Meeting of:

ORDINANCE NO. 1025-2011

8-22-2011

SECOND  
READING

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS REPEALING CODE OF ORDINANCE SECTION 150-005, ALCOHOLIC BEVERAGES; BY REPEALING THE CURRENT ORDINANCE PROVISIONS AND ENACTING NEW CODE OF ORDINANCE SECTION 150-005, AUTHORIZATION FOR ENDORSEMENT OF APPLICATIONS FOR STATE OF FLORIDA ALCOHOLIC BEVERAGE LICENSES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; DIRECTIONS TO CODIFIERS; EFFECTIVE DATE.**

**WHEREAS**, the limitations and restrictions related to the approval of State of Florida Alcoholic Beverage License applications by the City have existed for many years; and,

**WHEREAS**, up to the present time, virtually every application for the issuance of an Alcoholic Beverage License has required the granting of a variance by the City Board of Adjustment; and,

**WHEREAS**, as the years have passed, the variance approval process has become an unnecessary burden to the business community and the City; and,

**WHEREAS**, in many cases, the license application approval process has been sought numerous times for the same location; and,

**WHEREAS**, the current policy of the City Council is to encourage and assist business owners in the revitalization and redevelopment of the City business districts; and,

**WHEREAS**, the removal of the antiquated and unnecessary limitations and restrictions applicable to the issuance of zoning approvals for State of Florida Alcoholic Beverage Licenses in the City is consistent with the current "business friendly" policy of the City; and,

**WHEREAS**, the City Council has determined that it is both proper and appropriate, and in the best interests of the City and its citizens, to repeal the current ordinance provisions which limit and restrict the issuance of State of Florida Alcoholic Beverage Licenses in the City, and to replace the ordinance provisions with updated and more appropriate legislation:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:**

**Section 1:** That Code of Ordinance Section 150-005, Alcoholic Beverages, is hereby repealed and replaced by new Code of Ordinance Section 150-005, Authorization for Endorsement of Applications for State of Florida Alcoholic Beverage Licenses, as follows:

~~Sec. 150-005. - Alcoholic beverages:~~

- ~~(A) Any of the following license categories allow the sale or consumption, on or off premises, of alcoholic beverages within specific area limitations:~~
- ~~(1) 1-APS-State of Florida License to sell beer only in sealed containers, only for consumption off premises:~~
  - ~~(2) 1-GOP-State of Florida license to sell beer only for consumption on premises, and in sealed containers for consumption off premises:~~
  - ~~(3) 2-APS-State of Florida license to sell beer and wine in sealed containers, only for consumption off premises:~~
  - ~~(4) 2-GOP-State of Florida license to sell beer and wine for consumption on premises, and in sealed containers for consumption off premises:~~
  - ~~(5) 3-PS-State of Florida license to sell beer, wine, and liquor in sealed containers only for consumption off premises:~~
  - ~~(6) 4-GOP-(commonly referred to as "quota licenses" issued in accordance with the population within Dade County) State of Florida license to sell beer, wine, and liquor for consumption on premises, and in sealed containers for consumption off premises:~~

- ~~(7) 4-GOP-S, 4-GOP-SR, 4-GOP-SRX State of Florida license to sell beer, wine, and liquor for consumption on premises in conjunction with the operation of a bona fide restaurant, and to sell beer, wine, and liquor for consumption on premises in conjunction with the operation of a bona fide hotel, motel, or motor court.~~
- ~~(8) 11-C (club license) State of Florida license to subordinate lodges or clubs of national fraternal or benevolent associations; golf clubs municipally or privately owned or leased; nonprofit corporations or clubs devoted to promoting community, municipal, or county development, or any phase of community, municipal, or county development; clubs fostering and promoting the general welfare and prosperity of members of showmen and amusement enterprises; clubs assisting, promoting, and developing subordinate lodges or clubs of national fraternal or benevolent associations; and clubs promoting, developing, and maintaining cultural relations of people of the same nationality:~~
- ~~(B) It shall be unlawful to use any premises for the sale or consumption of alcoholic beverages, on or off premises, when operating under a 1-APS, 1-GOP, 2-GOP, or 2-APS State of Florida alcoholic beverage license in any district within 300 feet of any R district or within 500 feet of any church or public school.~~
- ~~(C) It shall be unlawful to use any premises for the sale or consumption of alcoholic beverages, on or off premises, when operating under a 3-PS, 4-GOP (quota license), 4-GOP-S, 4-GOP-SR, 4-GOP-SRX, or 11-C State of Florida alcoholic beverage license in any district within 800 feet of any R district, or within 1,000 feet of any church or public school.~~
- ~~(D) It shall be unlawful to use any premises for the sale or consumption of alcoholic beverages, on or off premises, when operating under any State of Florida alcoholic beverage license if the premises is located within 1,000 feet of any other licensed premises already in operation.~~
- ~~(E) The distances shall be measured in a direct air line between the nearest point on the boundary of the premises involved and the nearest point on the boundary of the district, school, church, or licensed premises.~~
- ~~(F) Should the City grant its zoning approval either by variance or otherwise, for the issuance of any State of Florida liquor license in any location within the City, the approval shall continue for the approved location as long as the use of the premises remains substantially the same as when the approval is granted. Should the approved premises change its use, either through change of ownership or otherwise, the zoning approval of the City must again be sought and given by the City within 60 days of the change of use through the appropriate City procedures.~~

- (A) Intent - It is the intent of this Ordinance to authorize the City Manager or Designee of the City to provide the required zoning approval endorsement on applications for the issuance of the State of Florida Alcoholic Beverage Licenses for business establishments in the Commercial Districts of the City.
- (B) Covenant Required - Zoning approval endorsement by the City Manager or Designee of the City shall be specifically conditioned upon the agreement of each license holder that at least fifty-one (51%) percent of all revenues received by the licensed establishment shall be from the sale of food and food products. The aforesaid agreement shall be memorialized in a "Covenant Running with the Land" which shall be recorded in the public records of Miami-Dade County contemporaneously with the City's endorsement of the application for the Alcoholic Beverage License.
- (C) Covenant Exceptions - The execution and recording of a "Covenant Running with the Land" shall not be required from applicants for Alcoholic Beverage Licenses for the following uses:
1. Supermarkets or other retail food sale establishments.
  2. Convenience stores; stand alone or in conjunction with a gas/service station.
  3. Restaurants operating under an SRX State of Florida Alcoholic Beverage License.
  4. Package stores; where permitted by District Boundary Regulations.
  5. Bars; where permitted by District Boundary Regulations.
  6. Entertainment establishments and private clubs; where permitted by District Boundary Regulations.
- (D) Review and Approval Process - All applicants seeking zoning approval endorsement by the City shall provide the City Manager's office with a sworn letter of intent/explanation of the business venture seeking the issuance of a beverage license and the State of Florida Alcoholic Beverage application requiring endorsement. The City Manager or Designee of the City shall review the documentation submitted and advise the applicant of the decision of the City within ten (10) business days.
- (E) Elimination of Prior Restrictions and Limitations. The enactment of this Ordinance will eliminate all the prior distance restrictions and limitations previously utilized by the City to withhold or condition the City's endorsement



of zoning approval application provisions for the issuance of State of Florida Alcoholic Beverage Licenses in the City.

**Section 2:** That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

**Section 3:** That the codifiers are hereby directed to codify this Ordinance in the proper manner and format of the City of Miami Springs Code of Ordinances

**Section 4:** That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

**PASSED AND ADOPTED** by the City Council of the City of Miami Springs,  
Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

The motion to adopt the foregoing Ordinance was offered by

\_\_\_\_\_

seconded by \_\_\_\_\_  
and on roll call the following vote ensued:

- Vice Mayor Best : \_\_\_\_\_
- Councilwoman Ator: \_\_\_\_\_
- Councilman Espino : \_\_\_\_\_
- Councilman Lob : \_\_\_\_\_
- Mayor Garcia: : \_\_\_\_\_

\_\_\_\_\_  
ZAVIER GARCIA, MAYOR

ATTEST:

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
MAGALI VALLS, CMC  
City Clerk

\_\_\_\_\_  
CITY ATTORNEY

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# CITY OF MIAMI SPRINGS


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Finance Department  
201 Westward Drive  
Miami Springs, FL 33166-5289  
Phone: (305) 805-5035  
Fax: (305) 805-5018

TO: Honorable Mayor Garcia and Members of the City Council

VIA: James R. Borgmann, City Manager  
William Alonso, Finance Director 

FROM: Tammy Romero, Procurement Specialist 

DATE: August 9, 2011

Recommendation that Council waive the competitive bid process and approve an expenditure of approximately \$1,168,00.00 to Aetna for Group Medical Coverage for Employees and their Dependents, pursuant to Section §31.11 (E)(6)(g) of the City Code and pursuant to the contract renewal option provided by the City's existing contract/contract vendor for an additional one (1) year period.

REASON: Renewal option year one with Aetna for Fy2012 at an 8% increase over FY2011 rates. The approximate year-to-date expected to be spent for FY10/11 is \$1,081,130.00.

COST: Gross \$ 1,168,000.00, Net cost to the City after employee deductions is \$840,340.00

FUNDING: Department/ Description: Medical Insurance (All Departments)  
Account Number: 802-0000-218-03-00

Agenda Item No.

City Council Meeting of:

AUG 22, 2011



August 15, 2011

James R. Borgmann  
City Manager  
City of Miami Springs  
201 Westward Drive  
Miami Springs, FL 33166-5259

Re: Aetna  
Renewal – October 1, 2011

Dear Jim,

We have received the renewal premium figures from Aetna for their group insurance program that renews on October 1, 2011. The final negotiated increase for the City is +8%, which is reflected below. These premiums will be effective on October 1 and are guaranteed for 12 months.

	<u>HNO Only</u>	<u>HNO Option</u>
Employee Only	\$ 480.27	\$ 503.39
Employee & Spouse	1,066.22	1,117.57
Employee & Child(ren)	898.13	941.38
Family	1,402.40	1,469.94

Since we have sent these coverages out for RFP the last several years, and know that the market has not eased, I feel confident that this renewal is in the best interest of the City to accept.

Thank you for the opportunity to be of service to you. Should you have questions or require additional information, please don't hesitate to contact me.

Sincerely,

Robert J. Shafer, Jr., CEBS

enclosures

Agenda Item No.

City Council Meeting of:

AUG 22, 2011



Valued Customer:	CITY OF MIAMI SPRINGS
Group Number(s):	HN474536
Renewal Date:	10/1/2011

### Current Rates and Premium

	Employee Only	Employee & Spouse	Employee & Child(ren)	Family	Monthly Premium
<b>Medical</b>					
1) HNO ONLY	\$444.69	\$987.24	\$831.60	\$1,298.52	\$77,186
2) HNO OPTION	\$466.10	\$1,034.79	\$871.65	\$1,361.06	\$7,201
<b>Total Medical Premium</b>					<b>\$84,388</b>

<b>Total Current Monthly Premium</b>	<b>\$84,388</b>
--------------------------------------	-----------------

### Renewal Rates and Amount Due\*

		Employee Only	Employee & Spouse	Employee & Child(ren)	Family	Monthly Amount Due*	% Change
<b>Medical Renewal Proposal</b>							
1) HNO Only	Rates	\$480.27	\$1,066.22	\$898.13	\$1,402.40	<b>\$83,361</b>	<b>8.0%</b>
Florida	Enrollment	69	8	23	15	115	
2) HNO Option	Rates	\$503.39	\$1,117.57	\$941.38	\$1,469.94	<b>\$7,778</b>	<b>8.0%</b>
Florida	Enrollment	4	3	1	1	9	
<b>Total Medical Enrollment</b>		<b>73</b>	<b>11</b>	<b>24</b>	<b>16</b>	<b>124</b>	
<b>Total Medical Amount Due*</b>						<b>\$91,139</b>	<b>8.0%</b>

<b>Total Renewal Monthly Amount Due*</b>	<b>\$91,139</b>	<b>8.0%</b>
--	-----------------	-------------

\*Amount Due (Medical only) includes Aetna Premium and Producer Service Fee of 4% as outlined in the Billing & Collection agreement.

Producer Service Fee is not a component of Aetna premium but is included in the total amount due. Producer Service Fee will be removed from Total Amount Due if Policyholder and/or Producer do not elect Aetna to service as billing and collection agent. Total Amount Due will reflect executed Billing & Collection Agreement.

Medical Renewal Plan:

*Confirmation of acceptance of above rates and Underwriting Assumptions & Provisions*

*Changes in your plan may result in reduced coverage for some services. You and your employees should review your plan documentation carefully to understand which changes apply to your plan.*



# CITY OF MIAMI SPRINGS



Recreation Department  
1401 Westward Drive  
Miami Springs, FL 33166-5289  
Phone: (305) 805-5075  
Fax: (305) 805-5077

TO: Honorable Mayor Garcia and Members of the City Council

VIA: James R. Borgmann, City Manager

FROM: Omar Luna, Recreation Director

DATE: August 10, 2011

SUBJECT: Recommendation that Council approve an expenditure to Unlimited Roofing Services, Inc., the lowest responsible proposer, in an amount not to exceed \$6,450.00 for repairs of the roof at the Racquetball Courts, pursuant to Section §31.11 (C) (2) of the City Code.

REASON: The roof currently has a pitch that allows for the water to percolate onto the court. Our recommendation is to repair the roof with a new overlay that allows for the water to percolate away from the courts. This will provide our residents and park patrons with a safe play environment.

Because we are requesting to change the pitch of the roof, we need to also relocate pipes and circuits for the Racquetball Courts. At the present time the pipes and circuits are on the roof top, we are going to relocate them to the side wall of the Racquetball Courts. Computer Electric, Inc., our citywide electrical contractor, will relocate the electrical pipes and conduit at the Racquetball Courts in the amount not to exceed \$1,113.95.

COST:	Unlimited Roofing Services, Inc.	\$6,450.00
	Computer Electric Services, Inc.	<u>\$1,113.95</u>

**Total Expenditure: \$7,563.95**

FUNDING: Department/ Description: Designated fund balance that is left over from the community center

Account Number: 001-5701-572.63-00

Agenda Item No.

Procurement approval:

City Council Meeting of:

AUG 22, 2011



# Unlimited Roofing Services, Inc.

State License #CC-0036954  
7845 NW 66<sup>th</sup> Street, #2 • Miami, Florida 33166  
Tel. (305) 418-8393 • Fax (305) 418-8395  
[www.unlimitedroofing.com](http://www.unlimitedroofing.com)

Member: FRGA  
(Florida Roofing  
Contractors Assoc.)

Member: RCASF  
(Roofing Contractors  
Assoc. of South Florida)

## PROPOSAL - CONTRACT

DATE JULY 28<sup>th</sup>, 2011

OWNER/ MIAMI SPRINGS PUBLIC WORKS DEPT.  
CONTRACTOR C/O MR. TOM NASH

JOB RACQUETBALL COURT ROOF  
NAME REPLACEMENT

ADDRESS \_\_\_\_\_

ADDRESS FLAMINGO CIRCLE & WESTWARD DR.

CITY \_\_\_\_\_

CITY MIAMI SPRINGS, FL

FAX NO. (305) 805-5077

We propose to furnish labor and materials to complete the following scope of work on the racquetball court roof.

- ◆ Remove existing roofing and metal flashing to concrete deck or smooth workable surface. Remove and dispose of all debris.
- ◆ Prime concrete deck as required.
- ◆ Install 1" X 6" and 2" X 6" P.T. wood blocking as required at the building perimeter to accept new insulation.
- ◆ Install 1/8" per foot tapered ISO roof insulation adhered in hot asphalt. Slope to insure water drains off the rear edge.
- ◆ Over insulation install one ply of GAF's Stratavent vented base sheet and one ply of Ruberoid 170 FR Modified Bitumen surfacing sheet in hot asphalt.
- ◆ Install new 24 gauge galvanized drip edge and gravel stop secured to perimeter per Florida Building Code.

Above work to be completed for the sum of six thousand four hundred fifty dollars and no cents (\$6,450.00). Price includes permit fees and job clean up.

**NOTE:** Existing conduit line to be removed and reset by Public Works.

### TERMS & CONDITIONS:

- 1) Unlimited Roofing Services, Inc. is not responsible for damage to shrubs, landscaping, sidewalks, drives and walks. This contract does not include the repair of uneven roof sheathing or rafters, electrical, plumbing, plastering, painting, air conditioning, A.C. supports, A.C. pitch pans or solar heaters unless stated above.
- 2) On all accounts over 30 days past billing date, interest will be charged at the rate of 2% monthly.
- 3) Job clean up is not included in this contract unless otherwise stated.
- 4) Due to frequent increases in both labor and material costs, all contract for over one month duration is subject to revision.
- 5) Upon acceptance, this proposal shall become a contract binding upon both the Owner/Contractor and Unlimited Roofing Services, Inc. and shall be construed according to the laws of the State of Florida and enforced in Miami-Dade County.



# Springs Roofing Corp.

*"A Positive Experience"*

*Since 1988*

Main Office:  
P.O. Box 661305  
Miami Springs, Fl. 33266  
Ph: (305) 638-0029  
Fax: (305) 636-3141

Web Site: [Springsroofing.com](http://Springsroofing.com)  
Email: [sales@springsroofing.com](mailto:sales@springsroofing.com)

Central Office:  
P.O. Box 7095  
Sebring, Fl. 33872  
Ph: 863-471-3364

July 28, 2011

City of Miami springs  
401 Westward Drive  
Re: Racquet ball court/ Attn: Rosita Hernandez

**RE-ROOF EXISTING FLAT ROOF OVER RAQUET BALL COURT WITH A TAPERED INSULATED 3 PLY GRANULATED CAPSHHET SYSTEM.**

- A) Remove existing roof down deck.
- B) Replace any damaged decking as needed at an additional cost (see wood addendum)
- C) Install 2" x 4" wood blocking around rear and side perimeter of the roof as needed for tapering.
- D) Install 2x4 wood mailers along front fascia.
- E) Install a 1/4" tapered insulation system in full mopping of asphalt.
- F) Fully hot mop 2 fiberglasses ply sheets over insulation.
- G) Install appropriate sized eve drip along roof perimeter.
- H) Fully hot mop 1 ply of GAF mineral surface cap sheet over ply sheets.
- I) Flash perimeter as needed with a modified bitumen flashing.
- J) Leave premises clean of work related debris.

Our price below includes all labor, material, permits, and inspections, insurance and bonds required to complete the job as outlined above.

**This Job will carry a Five (5) year leak free guarantee for the flat rood area from the date of completion.**

**We hereby propose to furnish labor and materials for the sum of \$6,900.00 Six Thousand Nine Hundred Dollars USD. To be paid as follows: 20% upon signing, 30% upon commencement, and the balance upon completion.**

Customer Signature

\_\_\_\_\_  
Springs Roofing Corp. Agent

Your signature constitutes acceptance of this proposal

\_\_\_\_\_  
Date



# ANCHOR ROOFING COMPANY

1083 EAST 23 St. Hialeah, FL 33013  
Phone 305/691-7707

## Contract Proposal

City of Miami Springs  
201 Westward Drive  
Miami Lakes, FL 33143

July 25, 2011  
305-805-5000  
Job: 401 Westward Drive

### Re-roofing flat roof of the racquetball courts

Tear off existing flat roof and haul away debris.

Design and install a tapered roof system to move rainwater to the west side of the building.

Prime the concrete deck, install the nailers and tapered insulation.

Install one ply of GAF Stratovent upon the insulation.

Mop one GAF Ruberoid 20 With hot asphalt.

Mop one GAF Ruberoid 170FR with hot asphalt.

Install custom galvanized drip edge and flashing at the roof perimeter.

Obtain commercial roof engineering, roofing permits and all inspections required.

**Price: \$9,400.00      5-year company leak guarantee**

Note: An electrical conduit that runs across the roof surface will need to be removed and re-routed. Work by others, price not included.

**Exclusions:** Work by others. Painting and any additional work not specified above. Permits or work by other trades.

**Terms:** 10% deposit with a signed contract, 25% upon roof tear-off, 30% upon mop-in, 25% upon tile installation and job clean up, balance due upon completion and final inspection.

NOTE: All rotted wood to be replaced on a time and material basis or as noted in contract. Additional concealed roofs will need to be removed and hauled away, this additional work if necessary will be an extra to the contract price. It is agreed that the owner will pay additional costs to perform this work. Due precaution will be taken when working around roof gutters, however we will not be responsible for any damage to the gutters. It is recommended that they be removed prior to re-roof work commencement. This proposal when accepted shall constitute the entire agreement the parties hereto. We will use precaution during inclement weather when reroofing, however, we shall not be held responsible for any interior damage to building, including plaster, furnishings and personal belongings during progress of work. We shall not be responsible for any damages or delays due to strikes, fire, accidents, or other causes beyond our control, nor for inherent defects in the premises or structure in which work is to be performed on. Due precaution will be taken but contractor must be allowed access to buildings and will not be responsible for any damage to lawns, landscaping, sidewalks, driveways, sprinkler systems, water lines, septic tanks or lines, screen enclosures, pools and patio decks. Please be advised that in the areas where you have open beam ceilings there will be light debris and dust sifting through the sheathing boards. Failure to notify us of open beam ceilings could result in nails penetrating sheathing boards in which we will not be responsible for. Please take precaution in these areas to cover any carpet, or furnishing that you do not want to get soiled, as we cannot be responsible for any damage. Any loose objects should be taken down as vibrations from work could cause damage. This agreement constitutes the entire understanding of the parties and no other understanding shall be binding unless in writing signed by both parties. Any unpaid balance shall bear interest at 18% annum, and all cost incurred in collection including attorney's fees and court cost shall be paid by the Contractee. This quotation is subject to revision if not accepted in 15 days. When this proposal is accepted please sign and return one copy, which will be our order to proceed with the work. All invoices are due upon receipt.

Accepted By \_\_\_\_\_  
Owner or Authorized Agent

Anchor Roofing Company

**Computer Electric, Inc.**

660 Miller Drive  
Miami Springs, FL 33166

EC #13001721

Office (305) 889-0018

Fax No. (305) 889-8088

Website: [www.computerelectricinc.com](http://www.computerelectricinc.com)

Email: [mark@computerelectricinc.com](mailto:mark@computerelectricinc.com)

---

## Proposal

Wednesday August 3, 2011

City of Miami Springs  
Senior Center  
Miami Springs, FL 33166

Attention: Tom Nash

Jobsite: Racquet-Ball Court

**Computer Electric, Inc.** will provide materials and labor to remove conduit running across the roof to feed four light post, and relocate pipes and circuits to the side walls of building

**TOTAL COST OF MATERIALS AND LABOR \$1,113.95**

Accepted this \_\_\_\_\_ Day of \_\_\_\_\_, 2011.

By: \_\_\_\_\_  
\_\_\_\_\_



Please pay by invoice - Due upon receipt, statements will not be rendered. All equipment and materials provided by Computer Electric Inc remains as the property of Computer Electric Inc until full and final payment is received. A service charge of 1-1/2% per month (18% per annum) will be charged on invoices over 90 days. In the event it becomes necessary for Computer Electric, Inc. to engage the services of an attorney to collect any sums due under this invoice, the customer will pay reasonable attorney's fees and all costs in making such collection.



# CITY OF MIAMI SPRINGS



Building & code Compliance Dept.  
201 Westward Drive  
Miami Springs, FL 33166-5289  
Phone: (305) 805-5030  
Fax: (305) 805-5036

To: The Honorable Mayor Garcia and Members of Council  
Via: James Borgmann, City Manager   
From: Ronald Gorland, Assistant City Manager &   
Director of Building & Code Compliance

Date: August 15, 2011

Subject: Recommendation that Council waive the Competitive Bid Process and approve an expenditure in an amount not to exceed \$2,400, on an as needed basis, to Lonsdale Associates for the annual costs of conducting Structural and Civil Engineering Plan Reviews, pursuant to Section §31.11 (E)(6)(g) of the City Code.

Reason/  
Need: Nelson Lonsdale (Structural Engineer)  
Lonsdale Associates  
14740 Shotgun Road  
Davie, FL 33325

This annual contract provides the Structural Engineer to conduct plan reviews in his trade. The previously approved amount of \$15,000.00 has been exceeded due to higher than expected Plan Reviews. This amount is needed to finish out the fiscal year.

Cost: \$2,400.00


Funding: The original expenditure of \$15,000.00 was approved by Council during last year's budget hearings, funds are budgeted under account # 001-2401-524.34-00 Protective Inspections/Other Contractual Service.

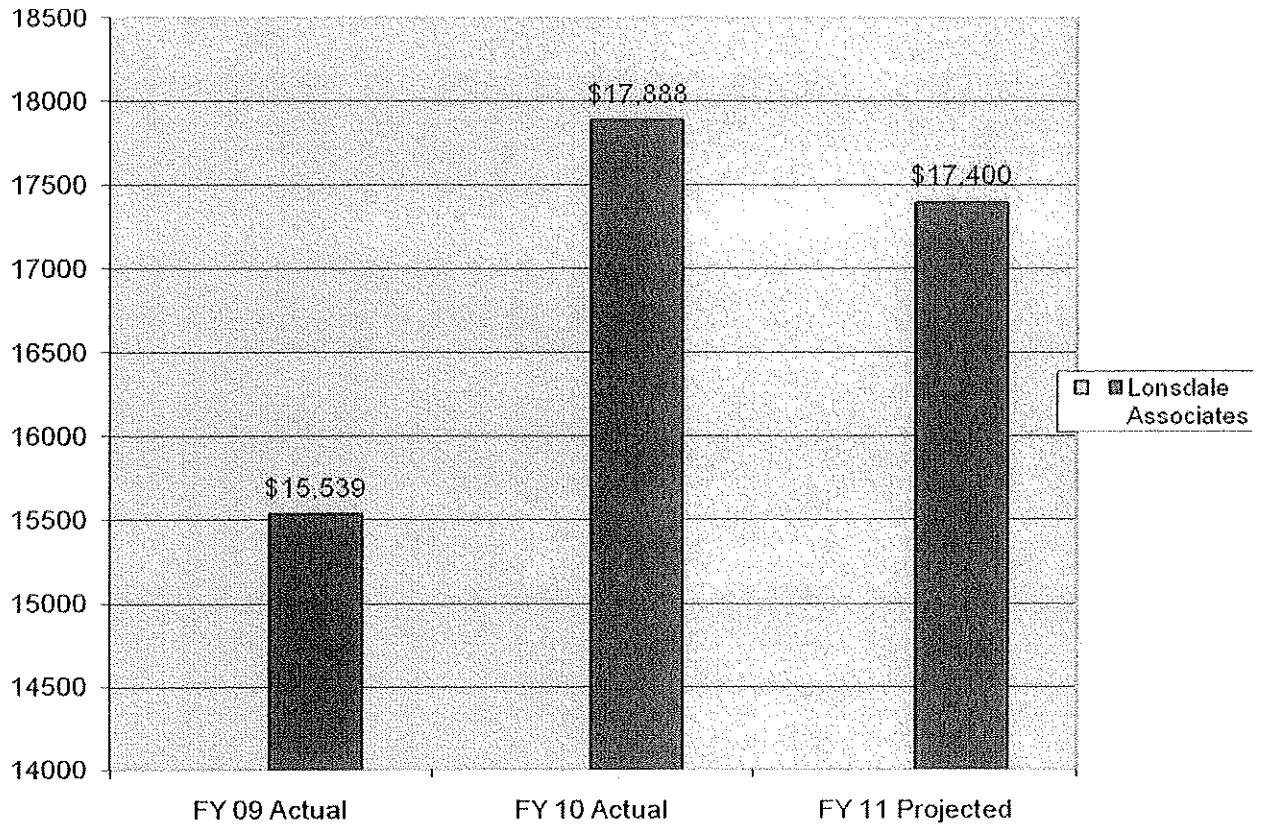
Documentation: Attached to this memo you will find the following backup documentation:  
Chart estimating total amount needed for balance of FY12

Procurement Approval 

Agenda Item No.

City Council Meeting of:

8-22-2011 







OFFICE OF THE CITY CLERK  
MEMORANDUM

TO: Honorable Mayor Garcia and Members of the City Council  
FROM: Magali Valls, City Clerk *M. Valls*  
DATE: August 16, 2011  
SUBJECT: PENDING BOARD APPOINTMENTS

\*\*\*\*\*

The following appointments are pending:

APPOINTING COUNCILMEMBER	CURRENT MEMBER	TERM EXPIRES	ORIGINAL APPOINTMENT DATE	LAST APPOINTMENT DATE
<b><u>Architectural Review Board</u></b>				
Mayor Xavier Garcia	Kathy Fleischman*	10-31-2012	VACANT	VACANT
Councilwoman Ator – Group IV	Mark Trowbridge*	10-31-2012	VACANT	VACANT
<b><u>Code Review Board</u></b>				
Mayor Xavier Garcia	Connie Kostyra*	04-30-2012	VACANT	VACANT
<b><u>Disability Advisory Board</u></b>				
Mayor Xavier Garcia	Charlene Anderson*	12-31-2013	VACANT	VACANT
Councilman Espino – Group II	Peter Newman*	12-31-2013	VACANT	VACANT
Councilwoman Ator – Group IV	Roxana Garciga	12-31-2013	08-12-2002	12-10-2007
<b><u>Ecology Board</u></b>				
Councilman Lob – Group III	Dr. Mara Zapata*	04-30-2013	VACANT	VACANT
<b><u>Education Advisory Board</u></b>				
Mayor Xavier Garcia	Mindy McNichols*	05-31-2013	VACANT	VACANT
<b><u>Golf and Country Club Advisory Board</u></b>				
Mayor Xavier Garcia	Michael Dominguez	07-31-2013	04-12-2010	04-12-2010
Councilman Lob – Group III	Phyllis Causey	07-31-2013	11-10-2003	10-12-2009
Councilwoman Ator – Group IV	Ken Amendola	07-31-2013	02-09-2004	08-24-2009



**Historic Preservation Board**

Councilman Espino (Group II)	Yvonne Shonberger	02-28-2014	06-13-2005	02-11-2008
Councilwoman Ator – Group IV	M.A. Goodlett-Taylor**	01-31-2013	01-24-1983	01-22-2007

**Recreation Commission**

Councilman Espino – Group II	Dr. Stephanie Kondy	04-30-2014	06-13-2005	04-14-2008
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\* Kathy Fleischman resigned on April 19, 2011.  
Mark Trowbridge resigned on May 25, 2011.  
Connie Kostyra resigned on April 28, 2011.  
Peter Newman resigned on August 1, 2009.  
Mindy McNichols resigned on June 1, 2011.  
Charlene Anderson resigned on June 6, 2011.  
Dr. Mara Zapata resigned from the Ecology Board to become a member of the Education Advisory Board.

\*\* Council confirmation required per §153.11 of the City Code of Ordinances: “..... No board member who shall have served three consecutive terms of office shall be eligible to serve an additional term of office for 2 years thereafter, unless the appointment for any additional term shall be confirmed by a majority of the council.....”

cc: City Manager  
Assistant City Manager  
City Attorney  
Affected Board Members



# Strategic Planning... ...A Consensus Building Process



**Writing the strategic plan is easy...**

**The challenge is turning it into a  
blueprint for service delivery**

**This can only be achieved through  
consensus:**

- **within your organization, and**
- **among your residents**

**STRATEGIC**

*Plan*



# How Do You Build Consensus?

- Community Input:
  - Community Forums/Focus Groups
  - A Special Business Community Forum
  - Community Survey
- Internal Input:
  - Elected Officials
  - Professional Staff

# STRATEGIC

*Plan*



# What Kind of Input Are We Talking About...???

- The City's Primary Purpose
- The Future...How will we look \_\_\_ years from now...???
- The City's Major Challenges
- Prioritization of City Services
- Other Community Concerns

# STRATEGIC *Plan*



# The Keys to Achieving Community-Wide Consensus...

- Active Listening
- Skillful Facilitation:
  - Ensuring Active Participation
  - Objective Consolidation of Data
  - Distinguishing Consensus From Unanimity



## To Summarize... Here are the Typical Steps:

- Reach out to the community
- Obtain input from elected officials and professional staff
- Write a “draft” strategic plan
- Obtain input on the “draft” from the community, elected officials, and professional staff
- Finalize the strategic plan
- Update the plan every \_\_\_ years

# STRATEGIC *Plan*





**Thank You!**

**STRATEGIC** *Plan*





**Attorneys at Law**

Robert D. Orshan  
Robert P. Lithman  
Jan K. Seiden  
Jorge H. Ramos  
David L. Hatton  
Nicole J. Huesmann  
Ariana Fajardo

Jamie Segal Davis  
Rachel Klastorin Samek  
Jeffrey M. Seiden  
Steven P. Spann

**M E M O R A N D U M**

**TO: MAYOR AND CITY COUNCIL; CITY MANAGER,  
ASSISTANT CITY MANAGER, CITY PLANNER  
AND CODE DEPARTMENT DIRECTOR**

**FROM: CITY ATTORNEY**

**DATE: JULY 18, 2011**

**RE: PROPOSED AMENDMENT TO CODE SECTION 102-01,  
RE-OCCUPANCY CERTIFICATION**

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During a recent discussion regarding the upcoming Board of Adjustment agenda, Councilwoman Ator asked if there was anything else the City could do to prevent the long-standing comment made by many "second owners" of property that they didn't know that a particular code violation existed on their property because it was created by a prior owner.

In response to her question we must first remember that Code Section 102-01 only permits/requires code inspections for the express purpose of "...determining that the subject premises is in compliance with the single-family residential occupancy regulation of the City Code of Ordinances..." (Section 102-01(C)(1), and that "...information gained or conditions observed in the course of any inspection conducted pursuant to the authority of this Ordinance shall not be utilized by the Code Enforcement Department as the basis for the issuance of new Citations or Notices of Violation..." (Section 102-01(E).

However, while it may not be permissible to issue "new Citations or Notices of Violation", it is possible to provide "*information*" regarding existing violations if the buyer is advised that a process exists to secure such information by the real estate broker/agent/salesperson or the current owner/seller, and the additional review is then requested by the buyer as part of the due diligence process of the transaction.

As envisioned, the process would only be cursory in nature, and meant only to provide information on existing code violations that are readily observable during the re-occupancy certification and property survey review processes already being conducted.

MEMO/Page Two  
July 18, 2011

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The additional reviews could be provided at little or no additional cost with the proviso and understanding that such reviews do not constitute warranties or guaranties that other "*undiscovered*" code violations may exist on the property.

In order to insure compliance with the new process, an Affidavit form would need to be submitted with the application for re-occupancy certification in which either the real estate broker/agent/salesperson or the current property owner/seller would attest that the buyer was advised of the availability of the additional review process, and then the buyer could indicate thereon whether the services were being requested or rejected. While the process cannot guaranty that any existing violations would be corrected, it is possible that such corrective action could become part of the closing conditions of the transaction, or at the very least, the new buyer would be "*on notice*" of all violations that the Code Department discovered during its expanded review of the property prior to closing.

I intend to request that this Memorandum be placed upon a future City Council agenda for discussion. However, as always, please feel free to contact me in advance to discuss this proposed Ordinance amendment.

Sincerely,



JAN K. SEIDEN

JKS:jl

**Sec. 102-01. Re-occupancy certification.**

(A) *Intent.* It is the intent of this chapter to require that all single-family residential properties in the City be inspected and certified for appropriate occupancy and usage prior to any transfer of ownership following the enactment hereof.

(B) *Applicability.* The provisions contained in this chapter shall be applicable to all single-family residentially zoned properties upon which homes have been constructed thereon in the City.

(C) *Compliance or certification.* All single-family residentially zoned homes in the City shall comply with the following provisions:

- (1) It shall be unlawful for any person, firm or corporation to buy, sell, convey, or transfer, any single-family home without first obtaining a Re-occupancy Certificate from the Department of Building, Zoning and Code Enforcement. The Re-occupancy Certificate, if issued, shall state that the City has inspected the subject premises and has determined that the subject premises is in compliance with the single-family residential occupancy regulations of the City Code of Ordinances and that the dwelling is designed, configured, and being used for single-family residential purposes only. No certificate may be issued if the subject premises is not in compliance with the single-family residential occupancy regulations of the City Code of Ordinances, or if it is found to be designed, configured or being used for other than single-family residential purposes. The form of the Certificate shall be prepared by the City and may be amended from time to time as determined to be required by the City.
- (2) It shall be unlawful for any person, firm or corporation to close on the transfer or conveyance of any single-family home owned by such person, firm or corporation, without the owner having first disclosed, by written notice to the buyer, grantee or transferee, the fact that a Re-occupancy Certificate is required by the City in order to properly convey or transfer title to the subject premises. The form of the disclosure notice shall be prepared by the City and may be amended from time to time as determined to be required by the City.
- (3) It shall be the responsibility of the property owner/seller to apply for Re-occupancy Certificate inspection with the Department of Building, Zoning and Code Enforcement. The City shall provide an appropriate application form for this purpose and shall establish the fee for the initial inspection by City Resolution. The form of application and the amount of the fee charged for the initial inspection may be amended from time to time as determined to be required by the City. As part of the application process, the owner/seller shall provide an accurate survey or sketch of the sale premises which sets forth thereon the location, size, and generic identification of each tree located on the property being sold.
- (4) Upon receipt of an application for inspection and the payment of the initial inspection fee, an authorized representative of the Department of Building, Zoning and Code Enforcement shall inspect the subject property within ten days thereof. The appropri-

ate Re-occupancy Certificate shall be issued should the subject premises be determined to be in compliance with the single-family residential occupancy regulation of the City Code of Ordinances and that it is designed, configured and being used for single-family residential purposes only. If, however, the subject property is not in full compliance with the foregoing requirements, the Department shall prepare an itemized list of all code and district regulation violations and notify the owner/seller in writing of all corrective action required to obtain the necessary certificate. The aforesaid notice shall also provide that the determination of property noncompliance by the Department may be appealed by filing a written notice of appeal with the City Manager within five days of receipt of said notice of noncompliance. Upon receipt of a written notice of appeal, the City Manager shall conduct an appeal hearing at the earliest possible time. The written appellate decision of the City Manager shall constitute final City action in regard to the determination of the issuance of a Re-occupancy Certificate. No certificate shall be issued by the Department for any premises until all specified violations have been corrected to the satisfaction of the City.

- (5) As an alternative to appealing the determination of property noncompliance made by the Department when a proposed sale transaction of a subject property is pending, the property owner/seller may request the issuance of a Re-occupancy Certificate on a "conditional" basis. In order to initiate the "conditional" issuance process, the property owner/seller shall be required to pay the fee that has been previously established by City Resolution for the preparation of the "Certificate of Re-occupancy Completion of Work Escrow Agreement" and the efforts to be expended by staff in the administration of the terms and conditions of the escrow agreement (the fee established by the City Resolution shall be included in the "Schedule of Fees" for the Building Department). Although the City is aware of the usual expedited nature of the subject sales transactions, the time of completion for the City evaluation and preparation of the proposed agreement will be on a case-by-case basis. All agreements prepared by the City pursuant to this provision shall not be complete until they include the following:
  - (a) City notice of determination of property noncompliance.
  - (b) Fully executed contract or contracts for the property rehabilitation work required by the City.
  - (c) City Finance Department receipt evidencing the deposit with the City of double the amount required for the completion of the property rehabilitation work required by the City.
  - (d) Execution by the property owner/seller, property buyer, and the City Manager.

Upon compliance with the foregoing requirements, the Department may then issue the requested Re-occupancy Certificate for the subject property and begin the administration of the "Certificate of Re-occupancy Completion of Work Escrow Agreement" in accordance with the terms and conditions contained therein.

- (6) It shall be the responsibility of the owner/seller to apply for the reinspection of any premises that has previously been denied the issuance of a Re-occupancy Certificate. Upon receipt of an application for reinspection and the payment of the reinspection fee, an authorized representative of the Department of Building, Zoning and Code Enforcement shall inspect the subject property within ten days thereof. The City shall provide an appropriate application form for this purpose and shall establish the fee for each reinspection performed on a premises by City Resolution. The form of application and the amount of the fee charged for each reinspection may be amended from time to time as determined to be required by the City.
- (7) Re-occupancy Certificates issued following initial inspections or reinspections shall remain effective for 45 days from issuance. The effective period for such certificates may be extended one time for an additional 45 days upon the payment of an extension fee to be established by City Resolution. If the subject premises is not transferred or conveyed, and the re-occupancy certification recorded, within the effective period of any Re-occupancy Certificate, the owner/seller shall be required to reapply for a new Re-occupancy Certificate. The amount of the fee charged for the extension of the effective period of any Re-occupancy Certificate may be amended from time to time as determined to be required by the City.
- (8) Upon the closing of any transfer or conveyance of title of any single-family residential premises issued a certificate pursuant to the provisions hereof, the City's original Re-occupancy Certificate shall be recorded in the public records of Miami-Dade County, Florida, along with the deed or other title conveyance document for the subject premises.

(D) *Failure to comply.* Any single-family residentially zoned property that is bought, sold, conveyed or transferred without first securing the Re-occupancy Certificate required by this chapter, shall thereafter be considered by the City to be a nonconforming property which shall subject the property to all restrictions, limitations, and penalties provided by the City Code of Ordinances.

(E) *Information secured.* Information gained or conditions observed in the course of any inspection conducted pursuant to the authority of this Ordinance shall not be utilized by the Code Enforcement Department as the basis for the issuance of new citations or notices of violation other than those violations of the residential occupancy and usage regulations of the City Code applicable to the subject premises. However, this provision shall not preclude the initiation or institution of other enforcement actions brought upon the basis of information gained or violations observed by other lawful means.

(F) *Representation and warranty.* A Re-occupancy Certificate shall not constitute any representation or warranty as to the condition, or any aspect of such condition, of the subject premises, for which the Certificate was issued. The City review and investigation made in connection with the issuance of any Re-occupancy Certificate is neither a structural, electrical,

plumbing, mechanical or any other substantive inspection of the structure on any property and does not represent that the premises conforms to the requirements of the Code of Ordinances, including, but not limited to, the building and technical code provisions adopted by the City.

(G) *Notice.* All City responses to requests for lien or estoppel information regarding any single-family residential property in the City shall contain a notice provision therein that Re-occupancy Certificates are required for all real estate transactions involving the transfer or conveyance of title to all single-family residential properties in the City.

(H) *Education and transition.* In order to provide a reasonable period of education and transition in regard to the provisions contained herein, Re-occupancy Certificates shall be required for all applicable real estate closings and other applicable transactions that occur subsequent to September 1, 2002.

(Ord. 880-02, passed 6-10-02; amend. Ord. 893-03, passed 1-27-03; amend. Ord. 926-05, passed 6-13-05; amend. Ord. 995-2010, passed 8-23-10)