

CITY OF MIAMI SPRINGS



Agenda Item No.

City Council Meeting of:

10-22-2012

Finance Department
201 Westward Drive
Miami Springs, FL 33166-5289
Phone: (305) 805-5014
Fax: (305) 805-5037

To: Honorable Mayor and Members of the City Council

Via: Ron Gorland, City Manager

From: William Alonso, Assistant City Manager/Finance Director

Date: October 10, 2012

Subject: Approval of budget transfers within departments

Section 9.04(1) of the City Charter states that "Upon request of the City Manager, the City Council by a 3/5 vote may at any time transfer any part of the unencumbered appropriation balance between general classifications of expenditures within an office or department"

In accordance with the above stated section of the City charter, we are attaching six budget transfers that require Council approval. These transfers are from August 17, 2012 thru September 30, 2012.

<u>Transfer #</u>	<u>Department</u>	<u>Description</u>
11-003	Public Works	Replacement computers, and pavers on Westward
12-001	City Clerk	New computers
12-002	Building & Code	Plans for new room cabinet



CITY OF MIAMI SPRINGS
 Police Department
 201 Westward Drive
 Miami Springs, FL 33166-5259
 Phone: (305) 887-1444
 Fax: (305) 884-2384

Agenda Item No.

City Council Meeting of:

10-22-2012

TO: Honorable Mayor Garcia and Members of the City Council
VIA: Ronald Gorland, City Manager
FROM: Peter G. Baan, Chief of Police
DATE: October 17, 2012

RECOMMENDATION: Recommendation that Council approve an expenditure to CDW-G Computer Centers, Inc., utilizing GSA Schedule Contract #GS-35F-0195J, in the amount of \$ 1,403.65 for Microsoft Windows Server software, and \$1,617.44 for Microsoft Sequel Server software, pursuant to Section §31.11(E)(5) of the City Code.

Recommendation that Council approve an expenditure to Dell Marketing, L.P., utilizing Florida Contract #250-WSCA-10ACS; B27160, in the amount of \$1,723.76, for Dell SonicWall hardware (firewall) and licensing software, pursuant to Section §31.11(E)(5) of the City Code.

Recommendation that Council approve an expenditure of \$600.00, to USA Software, Inc. for USA Software-v7 upgrade, and an expenditure of \$300.00 for three years of annual maintenance, as a sole source provider, pursuant to Section §31.11(E)(6)(c) of the City Code.

DISCUSSION: Purchase computer hardware and software needed to upgrade the Police LAN Server Operating System, the Police CAD (computer aided dispatch), and firewall. See attached documentation: 1) Memo from P. Baan, 2) Memo from L. Bosque, 3) Quote CZTM232 from CDW-G, 4) Quote CZTM293 from CDW-G, 5) Quote 634527186 from Dell Marketing, 6) email from USA Software dated 4/17/12

COST:	CDW-G (Microsoft Windows Server software)	\$1,403.65
	CDW-G (Microsoft Sequel Server software)	\$1,617.44
	Dell Marketing, L.P. (SonicWall and licensing)	\$1,723.76
	USA Software, Inc. (CAD one-time upgrade fee)	\$ 600.00
	USA Software, Inc. (\$100/yr annual support for 3 yrs)	\$ 300.00
		<u>\$5,644.85</u>

FUNDING: Department/ Description: LETF/Police Operating Supplies
 Account Number & Amount: 650-2010-521.52-00

FEDERAL STATUTE: Civil Asset Forfeiture Reform Act, PL 106-185

PROFESSIONAL SERVICES APPROVAL:



Miami Springs
Police Department

Memorandum

To: Ronald K. Gorland, City Manager

From: Peter G. Baan, Chief of Police

A handwritten signature in cursive script, appearing to read "Peter G. Baan".

Subject: Police File Server Software Upgrade

Date: 10/17/2012

The Police Department currently maintains an in-house file server and data network to support its records management system, CAD (computer aided dispatch) system and mobile data terminals. In order to maximize the efficiency of this system and ensure compatibility with the various information systems that it interfaces with, an operation system software upgrade is necessary. An upgraded/improved firewall is also necessary to ensure system security. The components of the recommended upgrade to the system are:

- Microsoft Windows Server Software upgrade
- Microsoft SQL Server Software upgrade
- USA Software RMS upgrade
- Firewall upgrade

The total cost for these items is \$5,644.85, and since all of them are upgrades to the system, this expenditure is eligible for funding from the Law Enforcement Trust Fund. I recommend that this item be placed on the next regular Council Meeting Agenda for approval.

Attachments

MIAMI SPRINGS POLICE

MEMORANDUM

TO: Chief P. Baan

FROM: Linda Bosque, Communications Supervisor

SUBJECT: Proposal: Upgrade Police LAN Server Operating System and firewall

DATE: October 16, 2012

Purpose:

The purpose of this proposal is to update the operating system of the Police Department LAN server from Microsoft Server 2003 to 2012 and our SQL database Server from 2000 to 2012. This software upgrade is a requirement in order to meet the below listed projects:

- USA Software must update our Records, CAD and mobile software platforms from v6 to v7.
- The upgrade to USA Software v7 must be completed before we can participate in the Miami-Dade County grant funded eArrest Form Project (deadline is Feb 2013).
- We must replace our firewall to allow the mobile laptops to have access to more resources such as FDLE, DAVID, E-mail, E-Notify, Executime and the MDPD eArrest/Jail system as well as our in-house server files and USA Software components, while maintaining the security requirements mandated by FDLE.
- The Police LAN/WAN network must be prepared to implement the FDLE mandated security policy requirement of advanced authentication prior to Oct of 2013.

Purchase Proposal:

I propose that we retain our current server. We recently doubled the hard drive space and once the operating system and SQL licenses are upgraded and the number of licenses increased to accommodate the new network/user configurations, we will be able to proceed with the USA Software version upgrade and then start testing the Miami-Dade County eArrest form software system. It is mandated by FDLE that we comply with their network security policy and implement an advanced authentication solution by Oct 2013; these updates and the enhanced firewall will allow us to be better prepared for these network security changes while providing the officers a wide range of law enforcement tools at their fingertips without having to leave their cars.

Estimation of Cost:

Product Description:

1 – Microsoft Windows Server 2012 Standard-Vendor: CDW-G (GSA Schedule Contract#GS-35F0195J)	\$1,403.65
2 – Microsoft SQL Server 2012 Standard-Vendor: CDW-G (GSA Schedule Contract#GS-35F0195J)	\$1,617.44
3 – Dell-Sonicwall TZ215 appliance-Vendor: Dell (Florida Contract Number 250-WSCA-10ACS;B27160) <ul style="list-style-type: none">• Includes 3yr comprehensive gateway security suite appliance coverage• Additional (15) global VPN client connections	\$1,723.76
4 – USA Software-v7 upgrade-Vendor: USA Software, Inc- (Sole source vendor) This one-time fee is for the Crystal Reports engine license that is packaged as part of the v7 upgrade, all installation and configuration services are covered under our existing maintenance contract with USA Software.	\$ 600.00

Annual Support:

3 – Dell-Sonicwall TZ215 security software can be renewed after the three year service contract expires if necessary; prices are subject to change and services are ‘ala-carte’ so we can pick and choose what kind of service coverage we want at that time	N/A
4 – USA Software: annual maintenance (3 years)	\$ 300.00

=====
Total Minimum Cost Estimate: \$5,644.85



CDWG.com | 800.594.4239

OE400SPS

SALES QUOTATION

CZTM232

8783075

10/12/2012

BILL TO:
LINDA BOSQUE
201 WESTWARD DR

SHIP TO:
MIAMI SPRINGS
Attention To: LINDA BOSQUE
201 WESTWARD DR

Accounts Payable
MIAMI SPRINGS , FL 33166-5259

MIAMI SPRINGS , FL 33166-5259
Contact: LINDA BOSQUE 305.888.9711

Customer Phone #305.888.9711

Customer P.O. # GSA WIN SRV 2012 &
DCALS

ACCOUNT MANAGER		SHIPPING METHOD	TERMS	EXEMPTION CERTIFICATE
SERGIO AGUIRRE 866.229.6699		ELECTRONIC DISTRIBUTION	MasterCard/Visa Govt	GOVT-EXEMPT
QTY	ITEM NO	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1	2802822	MS GSA WIN SRV STD 2012 2PROC Mfg#: P73-05876 Contract: CDW-G GSA Schedule GS-35F-0195J	604.45	604.45
40	2802823	Electronic distribution - NO MEDIA MS GSA WIN SRV DCAL 2012 Mfg#: R18-04301 Contract: CDW-G GSA Schedule GS-35F-0195J Electronic distribution - NO MEDIA	19.98	799.20
SUBTOTAL				1,403.65
FREIGHT				0.00
TAX				0.00
TOTAL				1,403.65

CDW Government
230 North Milwaukee Ave.
Vernon Hills, IL 60061

Fax: 312.705.8291

Please remit payment to:
CDW Government
75 Remittance Drive
Suite 1515
Chicago, IL 60675-1515

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CDWG.com | 800.594.4239

OE400SPS

SALES QUOTATION

CZTM293

8783075

10/12/2012

BILL TO:
LINDA BOSQUE
201 WESTWARD DR

SHIP TO:
MIAMI SPRINGS
Attention To: LINDA BOSQUE
201 WESTWARD DR

Accounts Payable
MIAMI SPRINGS , FL 33166-5259

MIAMI SPRINGS , FL 33166-5259
Contact: LINDA BOSQUE 305.888.9711

Customer Phone #305.888.9711

Customer P.O. # SQL SERVER STD 2012
& CALS

ACCOUNT MANAGER		SHIPPING METHOD	TERMS	EXEMPTION CERTIFICATE
SERGIO AGUIRE 866.229.6699		ELECTRONIC DISTRIBUTION	MasterCard/Visa Govt	GOVT-EXEMPT
QTY	ITEM NO	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1	2669153	MS GSA SQL SRV STO 2012 Mfg#: 228-09904 Contract: CDW-G GSA Schedule GS-35F-0195J	614.64	614.64
40	2669125	Electronic distribution - NO MEDIA MS GSA SQL SRV DEV 2012 Mfg#: E32-00974 Contract: CDW-G GSA Schedule GS-35F-0195J Electronic distribution - NO MEDIA	25.07	1,002.80
			SUBTOTAL	1,617.44
			FREIGHT	0.00
			TAX	0.00
				US Currency
TOTAL				1,617.44

CDW Government
230 North Milwaukee Ave.
Vernon Hills, IL 60061

Fax: 312.705.8291

Please remit payment to:
CDW Government
75 Remittance Drive
Suite 1515
Chicago, IL 60675-1515

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**QUOTATION**

Quote #: 634527186
Customer #: 059504465
Contract #: WN05ACA
Customer Agreement #: 250WSCA10ACS;B27160
Quote Date: 10/16/2012
Date: 10/16/2012
Customer Name: MIAMI SPRINGS POLICE DEPARTMEN

Thanks for choosing Dell! Your quote is detailed below; please review the quote for product and informational accuracy. If you find errors or desire certain changes please contact your sales professional as soon as possible.

Sales Professional Information

SALES REP: BLAIR A FOOSE **PHONE:** 1800 - 4563355
Email Address: blair_foose@dell.com **Phone Ext:** 80000

SOFTWARE & ACCESSORIES**GROUP TOTAL: \$1,723.76**

Product	Quantity	Unit Price	Total
SonicWALL Global VPN Client Windows - 5 Licenses Software (A0244800)	1	\$194.03	\$194.03
SonicWALL Global VPN Client Windows - 10 Licenses Software (A0399096)	1	\$311.35	\$311.35
SonicWall TZ 215 Network Security Appliance with 3-Year Secure Upgrade (A5860113)	1	\$1,218.38	\$1,218.38

Total Purchase Price:*\$1,723.76**

Product Subtotal: \$1,723.76
Tax: \$0.00
Shipping & Handling: \$0.00
State Environmental Fee: \$0.00
Shipping Method: UNAUTHORIZED

(* Amount denoted in \$)

Statement of Conditions

The information in this document is believed to be accurate. However, Dell assumes no responsibility for inaccuracies, errors, or omissions, and shall not be liable for direct, indirect, special, incidental, or consequential damages resulting from any such error or omission. Dell is not responsible for pricing or other errors, and reserves the right to cancel orders arising from such errors.

Dell may make changes to this proposal including changes or updates to the products and services described, including pricing, without notice or obligation.

This proposal is not intended to create a contractual relationship. Unless expressly agreed otherwise in a writing signed by the parties, all orders by MIAMI SPRINGS POLICE DEPARTMEN for Dell products and services shall be subject to Dell's Terms and Conditions of Sale-Direct, which can be found at www.dell.com/terms, and which incorporate Dell's U.S. Return Policy, at www.dell.com/returnpolicy#total. Please read those terms carefully and in their entirety, and note in particular that Dell EqualLogic and EqualLogic-branded products, DellEMC and EMC-branded products, PowerVault ML6000 tape libraries, non-Dell-branded enterprise products, enterprise software, and customized hardware or software products may not be returned at any time. Orders also shall be subject to the terms of any applicable service contract(s), which can be found at www.dell.com/servicecontracts.

All information supplied to MIAMI SPRINGS POLICE DEPARTMEN for the purpose of this proposal is to be considered confidential information belonging to Dell.

About Dell

Dell Inc. (NASDAQ: DELL) listens to customers and delivers innovative technology and services they trust and value. Uniquely enabled by its direct business model, Dell is a leading global systems and services company and No. 34 on the Fortune 500. For more information, visit www.dell.com.

Privacy Policy

Dell respects your privacy. Across our business, around the world, Dell will collect, store, and use customer information only to support and enhance our relationship with your organization, for example, to process your purchase, provide service and support, and share product, service, and company news and offerings with you. Dell does not sell your personal information. For a complete statement of our Global Privacy Policy, please visit dell.com/privacy.

(4)

Subject: FW: Upcoming Software Enhancement
From: USA Software Technical Support <support@usa-software.com>
Date: 05/22/2012 10:31 AM
To: 'Linda Bosque' <LBosque@miamispringspolice.com>

From: USA Software Technical Support [mailto:support@usa-software.com]
Sent: Tuesday, April 17, 2012 9:23 AM
To: 'Linda Bosque'
Subject: Upcoming Software Enhancement

Good Morning Linda,

As we previously discussed, below is the detailed information on the upcoming software enhancement. Please let us know if you have any questions.

In an effort to keep pace with current and soon to be released technology, USA Software, Inc. has begun transitioning the standard, embedded reports within our catalog of modules to use the Crystal Reports print engine. These reports will be fully compatible with Microsoft Windows 7. This application development decision is in response to changes made within the Windows operating system as well as the technology behind our software. These changes, which are outside of our control, make Crystal Reports the best solution to provide the informational reports our customers desire, as can be seen from the embedded Crystal Reports in the current version (Version 7) of USA Software's product line.


In order to keep your system in step with current technology and also to be prepared for future advances, your agency will need to budget now for the purchase of the application drivers necessary to conform to these changes. As you recall, your support agreement includes a provision for chargeable upgrades in order to keep your system up to date with current technology. This is such an event. The cost for this upgrade is a one-time charge of \$600.00 plus an additional \$100.00 increase to your annual support contract.

It's important to note the software enhancements mentioned in this document only apply to Version 7 or higher of USA Software products. If you are currently running Version 6 you should keep in mind that it is not fully compatible with Windows 7 or higher. You should also upgrade prior to any acquisition of new hardware or upgrading the operating system on existing hardware. This software upgrade to v7 is free of charge if you have a valid, up to date Software Support Agreement. Also, we will be implementing these software enhancements into our Microsoft SQL Server development suite of products only. We have been encouraging our customers to migrate to Microsoft SQL Server for the past 10 years due to the many benefits it offers. If your agency has not yet enhanced your system to take advantage of the power and security of the Microsoft SQL Server database, now is the time. Please contact your sales representative to discuss this upgrade.

Regards,
USA Software, Inc.



**OFFICE OF THE CITY CLERK
MEMORANDUM**

TO: Honorable Mayor Garcia and Members of the City Council
FROM: Magalí Valls, City Clerk 
DATE: October 12, 2012
SUBJECT: PENDING BOARD APPOINTMENTS

The following appointments are pending:

APPOINTMENT COUNCILMEMBER	CURRENT MEMBER	NEW TERM EXPIRES	ORIGINAL APPOINTMENT DATE	LAST APPOINTMENT DATE
<u>Board of Adjustment</u>				
Mayor Zavier M. Garcia	Francisco Fernández	04-30-2015	10-14-1991	11-28-2011
Vice Mayor Ator – Group IV	Vacant – Alternate	10-31-2012	VACANT	VACANT
<u>Architectural Review Board</u>				
Councilman Best – Group I	Bob Calvert*	10-31-2015	VACANT	VACANT
Councilwoman Bain - Group II	Joe Valencia	10-31-2015	02-27-2012	02-27-2012
Councilman Lob– Group III	Fredy Albiza	10-31-2015	08-27-2012	08-27-2012
<u>Civil Service Board</u>				
Councilwoman Bain - Group II	Carrie Figueredo	06-30-2015	08-24-2009	08-24-2009
Councilman Best – Group I	Rob Youngs	06-30-2015	01-11-2010	01-11-2010
<u>Code Enforcement Board</u>				
Councilman Lob– Group III	J. Martínez-Regueira	09-30-2015	06-09-2003	10-12-2009
<u>Code Review Board</u>				
Mayor Zavier M. Garcia	Connie Kostyra*	04-30-2015	VACANT	VACANT
<u>Disability Advisory Board</u>				
Mayor Zavier M. Garcia	Charlene Anderson*	12-31-2013	VACANT	VACANT
Councilwoman Bain - Group II	Peter Newman*	12-31-2013	VACANT	VACANT

APPOINTMENT COUNCILMEMBER	CURRENT MEMBER	NEW TERM EXPIRES	ORIGINAL APPOINTMENT DATE	LAST APPOINTMENT DATE
<u>Ecology Board</u>				
Councilman Lob– Group III	Dr. Mara Zapata*	04-30-2013	VACANT	VACANT
<u>Education Advisory Board</u>				
Vice Mayor Ator – Group IV	Robert J. Gordon*	05-31-2013	VACANT	VACANT
<u>Golf and Country Club</u>				
Vice Mayor Ator – Group IV	Mark Trowbridge*	07-31-2013	VACANT	VACANT

* Bob Calvert resigned on January 31, 2012.
Connie Kostyra resigned on April 28, 2011.
Charlene Anderson resigned on June 6, 2011.
Peter Newman resigned on August 1, 2009.
Dr. Mara Zapata resigned from the Ecology Board to become a member of the Education Advisory Board.
Robert J. Gordon resigned on July 20, 2012.
Mark Trowbridge resigned on August 20, 2012.

cc: City Manager
Assistant City Manager/Finance Director
City Attorney
Affected Board Members



**OFFICE OF THE CITY CLERK
MEMORANDUM**

TO: Honorable Mayor Garcia and Members of the City Council

FROM: Magali Valls, City Clerk

DATE: October 17, 2012

SUBJECT: APPOINTMENT TO THE EDUCATION ADVISORY BOARD

Vice Mayor Ator (Group IV) has notified me that she has appointed Kim Werner to the Education Advisory Board for an unexpired term ending on May 31, 2013.

The official appointment will be scheduled for the October 22, 2012 Regular Meeting.

cc: City Manager
Assistant City Manager/Finance Director
City Attorney
Affected Board Member
Education Advisory Board Members



**OFFICE OF THE CITY CLERK
MEMORANDUM**

TO: Honorable Mayor Garcia and Members of the City Council

FROM: Magalí Valls, City Clerk

Magalí Valls

DATE: October 17, 2012

SUBJECT: Appointment to the Golf and Country Club Advisory Board

Vice Mayor Ator (Group IV) has notified me that she has appointed Arturo Rabade to the Golf and Country Club Advisory Board for an unexpired term ending on July 31, 2013.

The official appointment will be scheduled for the October 22, 2012 Regular Meeting.

cc: City Manager
Assistant City Manager/Finance Director
City Attorney
Affected Board Member
Golf and Country Club Advisory Board Members



Office of the City Clerk
Advisory Boards Membership Roster

POLICE & FIRE RETIREMENT SYSTEM BOARD OF TRUSTEES (\$35.50) – Meets on Call of Chairman, at Least Quarterly

Established by Ordinance 595-76, amended by Ordinance 644-80 and Ordinance 715-86 (as mandated by State law, effective Oct. 1, 1986), Board consists of five members: two city residents appointed by City Council, two elected employee members of the Police Department and one member-at-large appointed by the other four members and confirmed by Council. All terms of office are two years. General provisions contained in Ordinance 731-88 and provisions for removal with or without cause (Ordinance 732-88) also apply.

Section 35.56 (A) (3) – Fifth member to be confirmed by Council as a ministerial duty.

Member Appointed by	Current Member	Month/Year Term Expires	Original Appointment Date	Last Appointment Date
Council	Gene Duffy	09-30-2012	09-09-2002	09-14-2010
Council	Peter G. Baan*	09-30-2012	10-28-2008	09-14-2010
Employees	Jimmy Deal	09-30-2014	09-19-2012	09-19-2012
Employees	Oscar Garcia**	09-30-2014	09-20-2010	09-19-2012
Other Members	Jonathan Kahn	09-30-2013	10-31-2002	11-03-2011

- * Chairman
- ** Secretary

Election held on September 19, 2012.



Office of the City Clerk
Advisory Boards Membership Roster

POLICE & FIRE RETIREMENT SYSTEM BOARD OF TRUSTEES (\$35.50) – Meets on Call of Chairman, at Least Quarterly

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Council	Peter G. Baan*	09-30-2012	10-28-2008	09-14-2010
Employees	Jimmy Deal	09-30-2014	09-19-2012	09-19-2012
Employees	Oscar Garcia**	09-30-2014	09-20-2010	09-19-2012
Other Members	Jonathan Kahn	09-30-2013	10-31-2002	11-03-2011

* Chairman

** Secretary

Election held on September 19, 2012.



CITY OF MIAMI SPRINGS
Building and Code Compliance Department
201 Westward Drive
Miami Springs, FL 33166-5259
Phone: (305) 805-5030
Fax: (305) 805-5036

TO: Honorable Mayor Garcia and Members of the City Council
VIA: Ronald Gorland, City Manager *RG*
FROM: Tex Ziadie, Director *TZ*
DATE: September 26, 2012

RECOMMENDATION: Permanently allow Asphalt Shingle Roofs in Miami Springs

DISCUSSION: On January 11, 2011, the City Council voted to approve Ordinance #1002-2010 (**Ordinance copy Exhibit "A" attached**), which allowed for Asphalt Shingle roofs to be installed in Miami Springs.

- The Ordinance had a sunset provision which will expire on January 11, 2013.
- There was extensive discussion of this issue at the City Council meetings of:
 - *December 3, 2010 (**Minutes excerpt Exhibit "B" attached**)
 - *November 22, 2010 (**Minutes excerpt Exhibit "C" attached**)
 - *November 8, 2010 (**Minutes excerpt Exhibit "D" attached**).
- The change has benefited the City and its residents by providing a lower cost alternative to tile roofs.
- Shingle roofs have been certified as safe and approved by the State of Florida and Miami-Dade County.
- There have been at least two periods of time, one in the late 70's and early 80's and the other this most recent time when shingle roofs were allowed to be installed.
- Twenty Two Permits for shingle roofs have been issued since January 2011.
- Based on the damage during hurricanes Wilma and Katrina, older tile roofs are more susceptible to damage during storms than older shingle roofs.
- Homeowners with tile roofs tend to store extra tiles on their property. These can also become a windborne hazard during a storm.

Based on the above, it is the recommendation of the Building and Code Compliance Department that this provision in the Code to allow shingle roofs be made permanent.

ORDINANCE NO.1002-2010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-010, ROOF MATERIALS, REQUIREMENTS, AND RE-ROOFS, BY PERMITTING THE USE OF FLORIDA BUILDING CODE AND MIAMI-DADE COUNTY N.O.A. APPROVED ASPHALT SHINGLES FOR NEW ROOFS AND RE-ROOFS FOR A TWO-YEAR SUNSET PERIOD; REPEALING ALL ORDINANCE OR PARTS OF ORDINANCE IN CONFLICT; EFFECTIVE DATE.

WHEREAS, the City Council has conducted public discussion and debate regarding authorizing homeowners to use shingles for new roofs and re-roofs in the City; and,

WHEREAS, the City Council has considered the current economic conditions being experienced by all citizens and the extra costs that will be incurred by homeowners who are required to install cement or clay tile or metal new roofs or re-roofs; and,

WHEREAS, the City Council received a presentation from the City Building Official regarding the various issues related to the use of the currently approved roofing materials and the various types of shingles under discussion for approval; and,

WHEREAS, the City Council has determined that it is in the best interests of the City and its citizens to approve the use of Florida Building Code and Miami-Dade County N.O.A. approved asphalt shingles for new roofs and re-roofs in the City during a two-year sunset period:

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

Section 1: That Code of Ordinance Section 150-010, Roof Materials, Requirements and Re-Roofs, is hereby amended as follows:

150-010. Roof Materials, Requirements and Re-Roofs.

(A) ...

(B) ...

(C) In addition to the other approved materials for new roofs contained in subsections (A) and (B) above, Florida Building Code and Miami-Dade County N.O.A. approved asphalt shingles may be used for the installation of new roofs for a two-year period commencing on the date of the passage of this Ordinance. If no further City Council action is approved prior to the expiration of the aforesaid two-year period, the provisions of this subsection shall automatically "sunset" and become null and void at the end of the two-year period.

~~(C)~~(D) ...

~~(D)~~(E) ...

~~(E)~~(F) ...

~~(F)~~(G) Re-roofs. Any roof cover that has outlived its bond shall be replaced. The replacement roof shall be constructed of the same roofing materials as was utilized on the roof being replaced. However, nothing contained herein shall prevent the replacement roof from being constructed of cement tile or clay tile. In addition, metal roofs can be utilized as replacement or re-roofs so long as the conditions set forth above for new construction metal roof usage are met. Further, in accordance with the provisions of Subsection (C) above, Florida Building Code and Miami-Dade County N.O.A. approved asphalt shingles may be used for re-roofs during the two-year "sunset" period provided therein.

(G)(H) . . .

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.

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida this 11th day of January, 2011.

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

Vice Mayor Ator	"aye"
Councilman Best	"aye"
Councilman Espino	"no"
Councilman Lob	"aye"
Mayor Bain	"aye"

Billy Bain
Mayor

ATTEST:

Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading:	11/22/2010
Second first reading:	12/13/2010
Second reading:	01/11/2011

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

9D2) First Reading – Ordinance No. 1008-2011 – Amending Code of Ordinance Section 150-010, Roof Materials, Requirements, and Re-Roofs, By permitting the Use of Florida Building Code and Miami-Dade County N.O.A. Approved Asphalt Shingles for New Roofs and Re-Roofs for a Two-Year Sunset Period; Providing a Reverter Provision in the Event the Use of Asphalt Shingles is Allowed to Sunset; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date

The ordinance was discussed as part of Agenda Item 9D1.

(The motion on 9D2 was taken before 9D1)

Vice Mayor Ator moved to approve Ordinance 1008-2011. Councilman Espino seconded the motion which failed 2-3 on roll call vote, with Mayor Bain, Councilman Best and Councilman Lob casting the dissenting votes.

9E) Second First Reading – Ordinance No. 1005-2010 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 34-19, Employee Compensation and Benefits, by Adding Provisions Governing the Granting, Accumulation and Use of Compensation (“Comp”) Time by Eligible and Entitled Employees; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (Tabled: 11/22/2010)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that this is the second first reading of the proposed ordinance that was brought back because Vice Mayor Ator had questioned whether any provisions were included that violated the Fair Labor Standards Act.

City Attorney Seiden confirmed with labor counsel that there is no problem with any of the provisions, in fact they mirror most systems as they operate and the most important provision is contained in the first section that permits employees to be part of the decision making process. This would codify the current policy and what has been done in the past.

City Attorney Seiden clarified for Vice Mayor Ator that the employee could also choose to receive overtime pay.

Councilman Lob moved to approve Ordinance 1005-2010. Councilman Best seconded the motion.

Vice Mayor Ator commented that she asked for an opinion from the labor counsel. Since she had some concerns, she pulled the statute and sent it to the City Attorney and he forwarded it to the labor attorney. The response back was simply that the provisions were sufficient, but she was still concerned so she spent one hour researching and found case law to support the ordinance.

Councilman Espino explained that the problem is that once a roof goes from tile to shingles during the sunset provision, it could be shingle forever without the reverter provision. The goal was to create an accommodation during these financially difficult times. The second ordinance is tailored because it allows the conversion from tile to shingles but when it is time to re-roof it automatically reverts back to the way the original ordinance was written. He would support the second ordinance as a precautionary measure.

Vice Mayor Ator said that the second ordinance is an effort to make everyone happy and come to a consensus. It was mentioned that new homes may be built during the sunset period and instead of constructing a tile roof as normally required they would be allowed a shingle roof that would continue to be allowed forever. She does not like this provision, and many residents are upset because they feel that the community is based upon having tile roofs. She would support the ordinance with the reverter provision.

Councilman Best pointed out that when a new Council is elected they could re-legislate based upon their opinions. As of now, the opportunity for someone to fix their roof should be afforded to them during these difficult economic times. He is not certain that a reverter provision is necessary and he would like to adopt the first ordinance, even though he is not that satisfied with the sunset provision, but he will support it in order for it to pass.

Councilman Lob did not see the need for a reverter clause. He spoke with people in the housing industry and was told that there would not be much difference in the sale price of the home. He would support the first ordinance as proposed.

(Agenda Item 9D2 was voted on at this time)

Mayor Bain commented that he voted against approving the second ordinance to kill it right now so that Council could vote on the first ordinance. He understands that Council receives calls from their constituents that are either for or against an issue. There are currently existing homes with shingle roofs that are allowed to re-roof with the same material. The first ordinance will allow shingle roofs for the next two years and this might only affect twenty-five roofs at the most. As far as new construction, there are not that many vacant lots to build on.

Mayor Bain asked for a motion on Ordinance No. 1002-2010.

Councilman Best moved to approve the ordinance. Councilman Lob seconded the motion which was carried 3-2 on roll call vote, with Vice Mayor Ator and Councilman Espino casting the dissenting votes.

9D) First Reading – Ordinances Amending Section 150-010:

9D1) Second First Reading – Ordinance No. 1002-2010 – Amending Code of Ordinance Section 150-010, Roof Materials, Requirements, and Re-Roofs, by Permitting the Use of Florida Building Code and Miami-Dade County N.O.A. Approved Asphalt Shingles for New Roofs and Re-Roofs for a Two-Year Sunset Period; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (Tabled: 11/22/2010)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that based upon comments that were made he created a second version of the exact same ordinance that provides a reverter provision in the event the use of asphalt shingles is allowed to sunset after the two-year period. He explained that Council could extend the sunset provision or they could make it permanent, if not, it would go back to the original ordinance requiring tile roofs.

The reverter provision in the alternative ordinance would apply to new shingle roofs or re-roofs that were constructed during that sunset period. The reverter states that the roofs must go back to tile the next time the house needs a roof, so long as no action had been taken on the sunset provision and so long as the original roof was constructed in a manner which would permit the installation of a cement or clay tile roof. He read the provision as follows:

“Any cement or clay tile roofs replaced with approved asphalt shingles during the aforesaid two year sunset period shall be required to use only cement or clay tile, when its next re-roofing becomes necessary, if the additional material usage provisions of subsection (C) and (G) above are permitted to sunset without the enactment of a further extension provision or the securing of permanent approval for the use of asphalt shingles. Additionally, any new construction installing asphalt shingle roofs during this “sunset” period shall likewise be required to use only cement or clay tiles, when re-roofing becomes necessary, should the sunset provisions of subsection (C) and (G) above not be further extended or be granted permanent approval, so long as the roof of any such structure has been originally constructed in a manner which will permit the installation of a cement or clay tile roof.”

City Attorney Seiden checked with the Building Department and was told that unless a roof is built only to maintain shingles it can generally maintain any roof material. The two ordinances basically provide the sunset provision; the only difference is the reverter provision.

Mayor Bain stated that he would support the first ordinance with the two year sunset provision because any roof replaced during that time would not need to be replaced for another ten or fifteen years.

Attorney Seiden said that gutters and downspouts now require a permit under the new Code according to the Building Code of 2007 and the installation of cabinets is revised. He added a provision that exempts roof repairs of less than three squares or \$300.00 from a permit, unless it involves structural repairs or a "hot mop". He reiterated that the amendment does not create law; it simply gives notification to people in the City who want to do home repairs.

Vice Mayor Ator moved to approve the ordinance on first reading. Councilman Best seconded the motion.

Mayor Bain commented that there should be an update of the \$300.00 amount.

City Attorney Seiden informed the Mayor that the amount could be more but not less.

Mayor Bain stated that the City's Building Code should follow the Florida Building Code and City Attorney Seiden explained that it would be a huge undertaking.

Vice Mayor Ator said that Council would first have to understand the differences between the City's Code and the Florida Building Code.

The motion carried 4-1 on roll call vote, with Mayor Bain casting the dissenting vote.

10H) First Reading – Ordinance No. 1004-2010 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 34-15, Holidays and Compensatory Leave, by Revising, Clarifying and Expanding the Provisions Related to "Floating Holidays"; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that the proposed ordinance was recommended by Staff because there is a need to clarify internal policies regarding when floating holidays are accrued, vested and used. The provisions contained herein are co-existent with the provisions that are included in the Police Benevolent Association (P.B.A.) contract.

City Attorney Seiden explained that employees hired in January, February and March get three floating holidays that cannot be used until they work three months; employees hired in April, May and June get two floating holidays after the completion of three months and employees hired from July through September receive one floating holiday after three months. The last provision is that the floating holidays must be used during the calendar year in which they are accrued and credited or they will be lost.

Vice Mayor Ator moved to approve the ordinance on first reading. Councilman Lob seconded the motion which carried 5-0 on roll call vote.

Mayor Bain explained that the situation would apply for two years and there would be a limited amount of roof replacements; he would not agree to another stipulation.

Councilman Best understood the concerns. He does not feel that tile roofs would become extinct as a result of the two-year sunset provision.

Vice Mayor Ator also received calls from concerned citizens about the shingle roofs. She would support a reverter provision, but is not sure how it can be enforced.

City Attorney Seiden was not certain that once tile is removed and replaced with shingles if something is done in the process to make it more difficult to re-install tile. He suggested getting an opinion from the Building Official.

Mayor Bain said that the Building Official had mentioned that some roofs cannot structurally support barrel tile.

Vice Mayor Ator explained that it has to do with the load weight of the roof, which would not pertain to houses that were originally built with barrel tile. The citizens' concern is that although people might be having financial problems now, if a house is built with barrel tile, it should have barrel tile in the future.

Councilman Best and Councilman Lob said that the proposed ordinance was fine with them.

Councilman Espino moved to table the ordinance. Vice Mayor Ator seconded the motion which carried 3-2 on roll call vote, with Mayor Bain and Councilman Best casting the dissenting votes.

City Attorney Seiden stated that the Administration would check with the Building Official for his opinion on the installation of tile on a roof that was previously a shingle roof.

10G) First Reading – Ordinance No. 1003-2010 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 151-04, Application for Building Permits, by Updating and Clarifying the Provisions Thereof in Accordance with the Provisions of the 2007 Florida Building Code; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that this is the first reading of the ordinance; it is not a codification of new law, it is provision that gives information to the citizenry who are planning to perform work on their houses and the information is included in a hand-out that is given out by the Building Department showing examples of work that requires a permit.

10E) First Reading – Ordinance No. 1001-2010 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 54-06, Tree Removal Standards, by Limiting the Exemptions Provided by that Section to Mango and Avocado Trees; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that the amendment was discussed at the last meeting. On page two, a revision was made in regard to mango and avocado trees.

Vice Mayor Ator moved to approve the ordinance on first reading. Councilman Lob seconded the motion which carried 5-0 on roll call vote.

10F) First Reading – Ordinance No. 1002-2010 – Amending Code of Ordinance Section 150-010, Roof Materials, Requirements, and Re-Roofs, by Permitting the Use of Florida Building Code and Miami-Dade County N.O.A. Approved Asphalt Shingles for New Roofs and Re-Roofs for a Two-Year Sunset Period; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that new Subsection (C) states:

“In addition to other approved materials for new roofs contained in subsections (A) and (B) above, Florida Building Code and Miami-Dade County N.O.A. approved asphalt shingles may be used for the installation of new roofs for a two-year period commencing on the date of the passage of this Ordinance. If no further City Council action is approved prior to the expiration of the aforesaid two-year period, the provisions of this subsection shall automatically “sunset” and become null and void at the end of the two-year period.”

The following language was added to subsection (G) – Re-roofs:

“Further, in accordance with the provisions of Subsection (C) above, Florida Building Code and Miami-Dade County N.O.A. approved asphalt shingles may be used for re-roofs during the two-year “sunset” period provided therein.”

Councilman Espino received calls from concerned residents about the proposed ordinance. They understand that a sunset provision was included to avoid long-term change to the community, but the concern is that people who replace their roof during the two-year period will be allowed a perpetual right to use shingles. He said that one recommendation was to include a reverter provision for future roof replacements. Tile costs more because it is a better material that looks better.

City Manager Borgmann asked if the motion also applied to new construction or re-roofing only.

Councilman Best said that he would like to include new construction as well.

Councilman Lob seconded the motion.

Vice Mayor Ator suggested amending the motion to include a two-year sunset period.

Councilman Best withdrew his motion and Councilman Lob withdrew the second.

Councilman Best moved to allow the residents of the City the use of approved asphalt shingles in addition to the existing tile roofs, with a two-year sunset provision. Vice Mayor Ator seconded the motion.

Mayor Bain said that he would support the motion even though he did not have Council support for an ordinance to maintain the Community Center a few months ago.

Councilman Best said that he made the motion for a reason, and if it does not work out he will refine it and go with the wishes of his colleagues in order to get something done.

The motion carried 5-0 on roll call vote.

Mayor Bain called for a 5- minute recess at 9:09 p.m.

Agenda Item 10A was discussed after Agenda Item 9D

10. New Business:

10A) Resolution No. 2010-3496 – A Resolution of the City Council of the City of Miami Springs Requesting the Indefinite Deferral of the County’s Consideration of the City’s Pending Annexation Application; Authorizing a Process to Request the Future Withdrawal of the Requested Indefinite Deferral; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

Attorney Seiden stated that the four cities (Doral, Medley, Virginia Gardens and Miami Springs) are asking that their annexation applications currently be deferred. There was a meeting this afternoon with the other cities, there are many ongoing recall items and they will select a new Chairperson for the County Commission. There are rumors about various Commissioners seeking the Office of the County Mayor and that the County Mayor may not fulfill his full term. There are two new County Commissioners and a number of members are under recall efforts.

Councilman Lob moved to adopt Resolution 2010-3496. Councilman Espino seconded the motion which was carried 5-0 on roll call vote.

City Attorney Seiden explained that there is another Code section that allows re-roofing with the same material as currently exists on the home.

Mayor Bain would like to give the residents the opportunity to repair their roofs and many cannot afford tile. The fact is that new roofs will make the City look better and there are more reasons that people want to live in the City besides the appearance of the roofs.

Councilman Best thanked Building Official Reed for taking time to answer the questions relative to the issue. He said that there are many roofing problems in the City, both with asphalt shingles and barrel tile. Miami Springs is a community of people versus structure and some are on fixed incomes and others have lived here a long time. He would tend to agree with the Mayor because roofs are in bad shape and amending the ordinance would allow people to make repairs.

Vice Mayor Ator would be willing to support a two-year sunset provision and revisit the issue after that time. This would allow the option to switch to shingles.

Councilman Espino said that he would support the two-year sunset provision. This helps legislatively because it will be revisited after two years. The condition of the roofs is an enforcement issue.

City Attorney Seiden explained that he needed a detailed definition for the type of shingle.

Mayor Bain stated that the allowed shingles would conform to the Florida Building Code.

Building Official Reed clarified that all roofing materials must conform to the Florida Building Code with an approved system and application.

City Attorney Seiden stated that there are various grades of shingles. He asked if there were any type of shingles that would not be approved.

Building Official Reed explained that new roofing materials are being introduced everyday. He said that there are no roofing materials sold that he would not approve due to the fact that they have to have a Notice of Acceptance (NOA) and they must have a system of application with the manufacturer. The language should allow "asphalt" shingle.

Vice Mayor Ator asked to be clear about the 3-tab versus the architectural shingles.

Building Official Reed said that asphalt would include all types of shingles, regardless of what it looks like.

Councilman Best moved to allow for the residents of the City the use of approved asphalt shingles in addition to the existing tile roofs and the ability to make the choice.

Vice Mayor Ator is concerned about allowing the use of shingles and controlling the type of shingle that is installed.

Mayor Bain commented that he visited Sarasota, Florida and saw many shingle roofs on new homes.

Building Official Reed stated that the problem is getting people to keep their roofs clean, which is not easy.

Mayor Bain said that when he last spoke with Mr. Reed he said that he would be agreeable to changing the City's roofing requirements to conform to the Florida Building Code. He asked him if he had changed his mind.

Building Official Reed explained that he had not changed his mind; he is presenting the advantages and disadvantages and it will be up to the Code Compliance Department to make residents maintain their roofs because they really look bad, regardless of whether they are tile or shingle.

To answer Councilman Best's question, Mr. Reed said that he had not seen a deterioration of the roofs from jet fuel.

Councilman Best felt that jet fuel would affect a white tile roof more than a shingle roof in terms of cleanliness.

Building Official Reed stated that the City does not enforce the Code on dirty roofs as they do in other cities. There is a process to make it work, but it takes time.

Councilman Espino asked if the Building Official's recommendation was to allow architectural shingles rather than 3-tab shingles.

Building Official Reed said that he is recommending architectural shingles because they stay in better condition longer and they do not look as bad when they begin to turn dark.

Mayor Bain contacted an insurance company in regard to the insurance rates and was told that it costs more for a tile roof because they are more expensive to replace. He added that cement roof tiles are more dangerous during a hurricane if they come lose.

Building Official Reed explained that cement roof tiles used to be dangerous, but this has been corrected and it will take another fifteen years to catch up with the new ridge cap system.

Vice Mayor Ator understands and agrees that the architectural shingles are more attractive; her concern is controlling the different types of shingles. She would prefer to keep the Code the way it is requiring tile roofs.

Councilman Espino asked if Council would be inclined to approve shingle roofs with a sunset provision in light of the difficult economic situation.

Building Official Reed displayed photographs on the overhead screen showing two identical constructed apartment buildings with different roofs; one had 3-tab shingles. The shingles are no longer coated to keep away the mold and it begins to turn black after five years. The architectural shingle has a lift between the dimensional that is not as much of an eyesore when it begins to mold. The 3-tab shingles have not improved over the years, while the architectural has improved due to the fact that they are heavier weight material.

To answer Councilman Espino's question, Mr. Reed clarified that shingles do not pressure clean because it drives off all the granules and subjects the tarpaper to direct sunlight. The granules were designed to protect the shingles from the sunlight that makes the roof brittle, old and subject the roof to wind and rain. Tile has UV protection and it lasts longer than the actual roof and its membrane.

In response to Mayor Bain, Mr. Reed said that shingle manufacturers do not stand behind any kind of paint, but there are some and unfortunately people wait too long and the mildew is buried very deep. He agreed that there are certain paints offered by the shingle manufacturers.

Building Official Reed displayed a sample of the architectural shingle. He said that the overlapping feature of one shingle over another gives the architectural dimension.

Councilman Best asked what would be the difference in cost between the 3-tab and the architectural shingle.

Building Official Reed explained that there is a significant difference in the cost of the two types of shingles. A standard 3-tab is \$160.00 per square (10' x 10'), while the architectural is approximately \$225.00 per square. The architectural shingle lasts twice as long as the 3-tab.

Additional photographs were displayed showing repaired and painted 3-tab roofs and another architectural shingle roof that was installed on a very low slope.

Mayor Bain said that he asked the City Manager to also provide photographs of the different types of tile roofs for comparison.

Building Official Reed stated that the tile roofs can be pressure cleaned to bring back the color and there is a sealer that can be applied; they can also be repainted. He confirmed that walking on cement tile can cause breakage by a heavier person.

Mayor Bain commented that that he has seen loose tiles on roofs for the last five years since Hurricane Wilma.

Councilman Lob researched on-line and found anti-mildew treatments and preventative products for shingle roofs; there are anti-growth mildew sprays available and there is a mildew resistant shingle made out of copper granules.

Councilman Best felt that the Architectural Review Board could work together with Calvin, Giordano & Associates to move the process forward without having to form another board or committee.

Mayor Bain agreed that Calvin, Giordano & Associates could work with the Architectural Review Board and hold public meetings to get additional input from the residents and business owners.

Councilman Best felt the intention is to hold public meetings to bring people together.

Ms. Tappen agreed that public meetings are included in the work order.

Mayor Bain asked to vote on the line items in Work Order No. 2 individually.

Councilman Espino moved to approve the implementation of wayfinding and signage program work order. Vice Mayor Ator seconded the motion, which carried 5-0 on roll call vote.

Councilman Espino moved to approve the work order for the color palette. Vice Mayor Ator seconded the motion, which carried 5-0 on roll call vote.

Vice Mayor Ator moved to approve the building façade program and the street and pedestrian scale lighting. Councilman Lob seconded the motion, which carried 5-0 on roll call vote.

City Attorney Seiden clarified that there were flat fees for each category, not to exceed the amounts. Calvin, Giordano & Associates used their hourly rates to compute the categories.

Agenda Item 9F was discussed after Agenda Item 9B

9F) Discussion Regarding Shingle Roofs

City Manager Borgmann stated that Council received a memorandum from the Building Official who would make a presentation on shingle roofs.

Building Official Edwin "Skip" Reed explained that he toured the City in order to determine how the shingle roofs vary from the tile, how the process is for aging, durability and he performed a cost analysis. He listed the good features and the bad features of shingle tiles that may help with the decision making.

Building Official Reed explained that a 3-tab shingle was used in the early 1980's before the architectural shingle was introduced. The 3-tab is commonly seen along North and South Esplanade, more than in the "Bird" section that has stayed with cement tile. Some older dwellings were originally engineered for tile, while others were not. Unfortunately, the framework for older homes was not geared around a heavy dead load and had very light roof joists.



CITY OF MIAMI SPRINGS
Building and Code Compliance Department
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Phone: (305) 805-5030
Fax: (305) 805-5036

Agenda Item No.

City Council Meeting of:

10-22-2012

[Handwritten signature]

TO: Honorable Mayor Garcia and Members of the City Council

VIA: Ronald Gorland, City Manager

FROM: Tex Ziadie, Director

DATE: October 17, 2012

RECOMMENDATION: Addendum to Roof memo of September 26, 2012
Recommendation to remove section 150-010 (H) of Code


DISCUSSION: In conversations with the Roofing Plans Examiner and Building Inspector, he mentioned that section 150-010 (H) of the current Code (printed below) is out of date and should be removed from the Code for the following reasons:

- The pitch specifications are incorrect.
- With a pitch of 2" per foot or greater, tile or shingle roofs would be allowed.
- Requiring gravel roofs is not in the best interest of the City.
- Many new types of flat or low slope roof coverings are now available on the market and approved by the Building Code, such as:
 - *Built Up Roofing Systems
 - *Granulated Cap sheets
 - *Granulated Modified
 - *Fiberglass
 - *Thermoplastic Polyolefin
- A number of these new types of roof coating are superior to gravel roofs. Most of them already have or require a white coating as a final step in installation.

Based on the above, it is the recommendation of the Building and Code Compliance Department that this section of the Code, 150-010 (H), be stricken from the Code of Ordinances.

Sec. 150-010. - Roof materials, requirements and re-roofs.

(H) Gravel roof coverings shall be required for all roofs with a slope of one-half to two and one-half to 12.


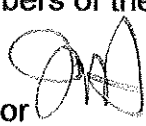
10-22-2012 

CITY OF MIAMI SPRINGS



PLANNING AND ZONING
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MEMORANDUM

To: Honorably Mayor and Members of the City Council
Via: Ronald K. Gorland 
From: James H. Holland, AICP 
Planning and Zoning Director
Date: October 18, 2012
Subject: Mechanical Equipment in Side Yards

Four variance requests to permit mechanical equipment in side yards have been considered by the Board of Adjustment in the last three months. Of these, one variance was granted (after the fact) and the others were not approved. One case was successfully appealed by the Board of Appeals, and two additional appeals are pending.

The City Clerk has provided minutes of previous requests and the minutes of the Code Review Board meeting of March 23, 2006, when this issue was discussed and a Code Amendment was recommended.

Sec. 150-034. Installation of central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and equipment.

(A) *Location property—New construction.* Central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and equipment to be installed in conjunction with the construction of new residential structures may only be located in the rear yard area of the homesites.

(B) *Location property—Existing homesite.* The aforesaid provision shall not be applicable to central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and equipment that are being replaced for already existing residential structures, which may be installed in the same location as the equipment being replaced.

(C) *Location on property—Exception.* Notwithstanding the foregoing, new residential structures which have a side yard that abuts a street, shall be permitted to install central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and equipment in the side yard area abutting the street. However, all such equipment must be properly obscured and screened from view from the street and may not be located closer than ten feet from the side yard property line. Additionally, this provision shall be applicable to appropriate instances of reverse frontage homesites.

(D) *Installation standards and requirements.* All central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and equipment shall only be installed in accordance with the rules, regulations and requirements of the City of Miami Springs, Miami-Dade County, and the Florida Building Code of the State of Florida.

(E) *Installation supervision and control.* The installation of central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and equipment on residential homesites within the City shall be supervised and controlled by the City Building Department. (Ord. 940-06, passed 8-28-06; amend. Ord. 953-07, passed 2-26-07)

Excerpts: Board of Adjustment – November 7, 2005

**E) Case #73-V-05
David Cordero
811 Eastward Drive
Zoning: R-1C, Single-Family Residential
Lot Size: 50' x 142'**

Applicant is requesting a variance from Code Section 150-002 *Definitions (79) Yard, Side* and Section 150-043 *R-1C district (E) Side yard requirements* to install a free-standing A/C unit in the north side yard of his property.

City Planner Ventura read the applicant's statement: "*Requesting variance to place A/C condensing unit in side setback of property. Clearance after unit is installed should be 3.85 feet to property line. A/C unit is in existence in the same area on the neighbor's side setback. A/C manufacturer's letter attached.*"

City Planner Ventura stated that Section 150-002 (79) stipulates that "No portion of a central air conditioning or heating unit shall be located in any minimum side yard setback." Section 150-043 (E) (1) requires a minimum side yard width of ten percent of the average lot width for a one-story residence (15 foot minimum for a side yard adjacent to a street). The residence is an undersize (50 feet) corner lot and is also a case of reverse frontage, i.e., the narrowest side of lot faces De Soto Drive. Therefore the front entrance, which faces Eastward Drive, is the south side yard and the proposed site of the A/C unit is the north side yard.

City Planner Ventura said that the side of the lot facing De Soto Drive has a 29.7 feet setback (where 30 feet is required by code). The rear yard meets the minimum setback per code of 25 feet. The south side yard is 15.04 feet (meeting the code requirement for corner lot) and the north side yard is 6.5 feet (meeting the code requirement).

City Planner Ventura continued to say that the neighboring lot to the north is 391 De Soto Drive. There is a mechanical permit in the file for the above mentioned property, dated 06/26/02, for the change-out of a 3-ton A/C unit. 391 De Soto Drive is also an undersize lot, at 50 feet in width, with a south side yard setback of 7.26 feet and a north side yard setback of 7.53 feet. However, there is no record in the 391 De Soto Drive file that a variance for the original A/C unit installation or the 2002 replacement was ever applied for.

City Planner Ventura stated that as for 811 Eastward Drive, the fact that it is an undersize lot at 50 feet not only brings it within the threshold of review by the Board of Adjustment, but also makes the placement of an A/C unit problematic- both side yards and the rear yard *just meet* code requirements and placing the unit in either side yard would result in an encroachment. As for alternatives, Staff feels that placement of the A/C unit in either south side yard or the rear yard would only make the unit more visible

from Eastward Drive. The north side yard then becomes the desirable location. Staff therefore recommends approval of this variance request.

The applicant stated that he had a letter from the A/C manufacturer stating that the unit could only be placed six inches away from the wall.

In response to Attorney Seiden's question, the applicant replied that he has never had central A/C before and that the proposed A/C unit was new.

Board member Perez-Vichot stated that the distance from the edge of the unit to the property line would be 4.4 feet instead of 3.85 feet. There would only be an eight inch encroachment.

Attorney Seiden stated that many variance cases take into consideration the factors that would be in the best interest of the community.

City Planner Ventura stated that Staff sent out 49 courtesy notices and none were returned either in support or against the requested variance.

The applicant stated that his neighbor has his A/C unit on the same side that the applicant is proposing to install his new A/C unit.

Mr. Tallman moved to approve the variance and Board member Thrash seconded the motion.

Attorney Seiden stated that the variance was to allow the A/C unit to be placed in the side setback because of the reverse frontage situation and to allow an eight inch encroachment in the side yard setback.

Vice Chairman Fernandez stated that the property was very unique because it was a case of reverse frontage with a narrow lot. The only other viable alternative would be to place the unit on the street side of De Soto Drive which would be more visible and more detrimental. The neighbor adjacent to the proposed location of the new unit has no objection.

Mr. Tallman withdrew his motion.

Mr. Tallman moved to approve the variance to allow the A/C unit on the side yard and an encroachment of eight inches in the side yard. Board member Thrash seconded the motion. The motion carried unanimously on voice vote.

Attorney Seiden reminded the applicant of the ten-day appeal period.

Excerpts: Board of Adjustment – March 6, 2006

**B) Case # 11-V-06
Lynne and David Brooks
520 Falcon Avenue
Zoning: R-1B, Single-Family Residential
Lot Size: 75' x 135'**

Applicants are requesting a variance from Code Section 150-042, *R-1B district (E) Side yard requirements* (1) to place a generator in the required side yard setback of their property.

City Planner Ventura read the applicant's statement: *"Due to the lot size, the locations of structures and improvements, the applicant is unable to meet setback requirements. Generator would have to be located in the middle of the limited green space in the east back yard remote from existing natural gas service but adjacent to neighbor's residence."*

City Planner Ventura stated that Code Section 150-042 (E) (1) states that *"The width of the required side yards for one-story buildings shall each be ten percent of the average width of the lot, but in no case shall each be ten percent of the average width of the lot, but in no case shall each side yard be less than five feet in width."*

City Planner Ventura said that all existing setbacks are within code requirements. The applicants are proposing the placement of a generator on the west side of a CBS workshop in the rear yard of their property. The applicant has indicated that the generator is approximately 30" wide x 66" long x 44.5" high. If installed as indicated the distance from the outside edge of the generator to the west property line would be 9.6 feet minus 30 inches or 115 inches minus 30 inches to equal 85 inches, then divided by 12 inches per foot would equal 7 feet in the side yard. Therefore, the requested variance is for 6 inches since the required side yard would be 7.5 feet or 7.6 feet. Staff proposes the following hierarchy of recommendations:

1. That the variance is denied and that the applicant moves the proposed generator to an alternate location that would maintain the existing side yard setback from the west side of the CBS structure.
2. That the variance request for 6 inches is granted.
3. That the variance be denied as this case (and future identical cases involving emergency generator placement) might be better addressed by a referral to the Code Review Board to consider a revision to Section 150-002, *Definitions, (C) (79) Yard, side.*

In response to City Attorney Seiden's question, City Planner Ventura replied that the code requires that air conditioning units are placed in the rear yard rather than in the side yard.

The applicant stated that the generator could not be located behind the CBS structure because there are three pool pumps and a pool heater. If placed in front of the CBS structure, the generator would be very close to the living area, as well as the neighbor's living space. There are existing improvements of a landscape area with a cement border that goes around the yard that is not indicated in the drawing.

Chairman Perez-Vichot stated that his concern was the noise the generator would produce.

The applicant agreed with Chairman Perez-Vichot and added that the best location to place the generator would be the proposed area since it was remote from the neighbor's property.

In response to Vice Chairman Fernandez's question, City Planner Ventura replied that there is no specific reference as to portable generators in the Code sections pertaining to definitions or setback requirements.

In response to Vice Chairman Fernandez's question, the applicant replied that he would be willing to provide screening.

City Attorney Seiden stated that the code's intent to place A/C units in the rear yard has been consistent. In accordance with the City Planner's recommendation, Attorney Seiden said that there might be many similar cases pertaining to generators in the future. The Code Review Board or City Council may have to make a determination as to the location of generators in the side yard. ✓

City Attorney Seiden stated that there would not be a need for a variance if the generator would be placed between the living structure and the CBS structure. This case could be used as the first in a number of future cases to make a determination on the location of generators. The City Council would have to rule on any changes to the code. The City Council will review tonight's minutes and would decide if Council wished to make a decision or to refer the case to the Code Review Board.

City Attorney Seiden stated that in the case that the issue was referred to the Code Review Board, the case would last approximately a month in Code Review and an additional month to reach a determination from the City Council. Any decision would be reached before the hurricane season begins. ✓

The applicant stated that the noise would be greater if the generator was placed between the CBS structure and the main living unit rather than in the side yard. The generator could be placed behind the CBS structure but then a rear yard encroachment would be created.

City Attorney Seiden stated that the generator could be placed in between both structures and landscaping could be added to muffle the noise.

The applicant agreed to place the generator in between the CBS structure and the living unit.

City Attorney Seiden stated that there would not be a need for a variance. The issue would be referred to Council in the next Council meeting.

The Board simultaneously agreed to refer the issue to the City Council.



CITY OF MIAMI SPRINGS, FLORIDA

The **Code Review Board** met in Regular Session at 7:00 p.m., on Thursday, March 23, 2006 in the Council Chambers at City Hall.

1) **Call to Order/Roll Call**

The meeting was called to order at: 7:16 p.m.

The following were present:

Chairman Connie L. Kostyra
Jana Armstrong
Dan Dorrego
Daniel Espino
William G. Meyers
Board Member Kostyra *
Board Member Armstrong **

* Arrived at 7:16 p.m.

** Arrived at 7:28 p.m.

Also present:

Code Compliance Officer Joe Cardini
Code Compliance Officer Tex Ziadie
Board Secretary Anna González
City Planner Richard Ventura

2) **Approval of Minutes**

Minutes of the September 23, 2004 were approved as written.

Board member Dorrego moved to approve the minutes. Board member Espino seconded the motion which was carried unanimously on roll call (voice) vote.

3) **Selection of Vice Chairman**

The Chairman asked for nominations to select a Vice Chairman.

Board Chairman Kostyra passed the gavel to Board member Dorrego and moved to nominate member Dorrego as Vice Chairman. Board member Myers seconded the motion which was carried unanimously on (voice) vote. Chairman Kostyra took back the gavel and resumed the meeting.

4) New Business: Discussion Regarding Installation of Generators in Residential Areas

The Board read the information that had been provided by the Building Department regarding installation of generators. The information included recommended guidelines for permitting requirements from each of the inspectors involved (Building, Electrical, Plumbing, and Mechanical). It also included copies of memos and other documents from the City of Golden beach which recently enacted legislation regarding the installation of electrical generators.

Chairman Kostyra clarified that the request from the City Council was that they consider whether to amend section 150-002 (C) (79) in order to allow permanent installation of electrical generators in side yards.

Vice Chairman Dorrego stated that their number one concern had to be safety. The Board asked City Planner Richard Ventura to state his opinion of the matter.

Mister Ventura gave the Board a brief synopsis of a request by Mister Bill Wolar to install a generator in his die yard, which prompted this to come to the Board of Adjustment. It was determined that a standard set of rules needed to be adopted. Mister Ventura said that his recommendation as Staff was that the Code be amended to allow the installation of permanent generators due to the fact of their being for the purpose of emergency use only and they would not be running all the time.

The Board continued in discussion and asked questions of Code Compliance Officer Ziadie, regarding any prior requests to install generators and his opinion of the requested change.

Mister Ziadie stated that the Building Department had several inquiries recently into the installation of permanent generators. He said that he feels that this will probably increase in the future. Mister Ziadie stated that he does not speak for the building Department as to his opinion. The Board asked him to share his opinion anyway. Mister Ziadie said that he would not be in favor of allowing generators in side setbacks as they would be too intrusive, even if it was only for a brief or emergency period.

The Board continued in discussion about the various aspects of the current Code and the meaning of "structures," "fixtures," "appliances," etc.

Chairman Kostyra passed the gavel to Vice Chairman Dorrego and moved to recommend to the City Council to amend section 150-002 (C) (79) so that the third to last sentence will read: "No portion of any Central Air Conditioning or heating unit or electrical generator shall be located in any minimum side setback area."

Member Espino seconded the motion which was carried unanimously on (voice) vote.

Member Armstrong made a motion that the Board recommend to the City Council that the last sentence of section 150-002 (C) (79) be amended to read "No other structures, improvements, fixtures or appliances than those specifically permitted above shall be constructed or erected in any minimum side yard setback."

Vice Chairman Dorrego seconded the motion which was carried unanimously on (voice) vote.

Member Espino made a motion that the Board recommend to the Board of Adjustment that when considering variances to this section of the Code, if the Board determines that there is a hardship significant enough to grant a variance, then they consider as a part of their variance putting in a requirement that the permanent electrical generator be required to have a venting system that would carry the exhaust fumes to a point at least above the roof line of the house. Vice Chairman Dorrego seconded the motion which was carried unanimously on (voice) vote.

5) Other Business - NONE

6) Adjournment

There was no further business to be discussed and the meeting was adjourned at 8:17 p.m.

Respectfully Submitted,

Anna González
Clerk of the Board

Approved as corrected during meeting of: September 27, 2007 (typographical error on page 3, third paragraph)

Words ~~-stricken through-~~ have been deleted. Underscored words represent changes. All other words remain unchanged.

"The comments, discussions, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council".

Excerpts: Board of Adjustment – October 2, 2006

3. NEW BUSINESS

Case # 58-V-06

1071 Swan Avenue

Hector Cortez

Zoning: R-1C, Single-Family Residential

Lot Size: 75' x 127'

Applicant is requesting a variance from Code Section 150-043, R-1C District (E) Side yard requirements (1) to install air conditioning units, one in each side yard of his property that will encroach in the minimum side yard setbacks.

City Planner Ventura said that no portion of a central air conditioning unit or heating unit shall be located in any minimum side yard setback, according to the Code. He explained that 1071 Swan Avenue is a legal size lot, except for the front yard that has a minimum encroachment. The proposal is to install two air conditioning units, one in each side yard of the property.

City Planner Ventura stated that the unit proposed for the west side yard that faces Hammond Drive would be allowed by the ordinance that was recently adopted; however, the ordinance indicates that it is only allowed for new construction.

City Attorney Seiden said that it would be allowed on the side because the addition is new construction. In a new home, the unit would have to be placed in the back, so this is still a variance and there is an exception for the side yard abutting the street. He said that although the City Planner referred to Code Section 150-002 (79), the language in this section no longer applies and the current section 150-034 applies in all respects. For existing home sites the air conditioning units may be replaced in the already existing locations. New residential structures with a side yard that abuts a street shall be permitted to install units in the side yard abutting the street.

City Attorney Seiden stated that the variance is needed because the ordinance does not provide for the second air conditioning unit on the other that is not abutting the street.

City Planner Richard Ventura stated in effect, Mr. Cortez would be seeking a variance in the east side yard. He said that 7-1/2 feet is required for the side yard setback and the unit is 5-feet. According to Mr. Cortez, the proposed unit would be concealed by a thick bush, which is not sufficient to set aside the restrictions of the particular Code section. In addition, Mr. Cortez's stated that he would be adding a terrace and swimming pool in the back yard in the future, which currently do not exist; therefore, Staff recommends denial of the variance request.

Mr. Cortez stated that he has a master plan that includes the terrace in the rear, which is part of the permit process and the swimming pool is planned for the future. He is requesting the location on the side because it abuts his neighbor's garage, which is not a living area and he obtained a letter of approval from the neighbor. Mr. Cortez said that if the unit were to be placed on the west side, there is a flat roof and the ductwork would be visible to the street.

Vice Chairman Fernandez suggested that the ductwork could be hidden inside the structure.

Board member Fajardo said that the neighbor who gave approval has a garage and if the house is sold in the future, the garage could be converted into a living space and the air handler unit would be heard cutting on and off.

Vice Chairman Fernandez said that noise is an issue and the Code is not for the benefit of one person, it is for the benefit of the entire community.

City Attorney Seiden explained that the Code was recently amended to allow the one unit.

Vice Chairman Fernandez asked if the audience wished to speak on the item and there was no additional discussion.

Board Member Fajardo moved to deny the variance to allow the air conditioning unit on the east side yard. Board member Berounsky seconded the motion.

To answer Board member Berounsky's question, Mr. Cortez further stated his reasons for the variance request to place the unit in the east side yard.

The motion was unanimously carried on roll call vote.

City Attorney Jan Seiden then informed the applicant of the 10-day appeal period.

Applicants are requesting a variance from Code Section 150-002, *Definitions, (C) (79) Yard, side* to install pool equipment in the required side yard setback of their property.

City Planner Ventura read the applicants' statement: "*By allowing us to situate our pool pump alongside our home with the existing AC units and sprinkler pump, we would be able to have more room for our children to safely play in the yard. In addition, placing the pump on the side of the home would keep it out of view, thus making this the best aesthetically pleasing option.*"

City Planner Ventura stated that Code Section 150-002 (C) (79) states "*No other structures than those specifically permitted above shall be constructed or erected in any minimum side yard setback.*" Although (79) *Yard, side* makes certain exceptions for eaves and overhangs, portable AC units, and window awnings and shutters; there is no specific provision addressing the placement of pool equipment in the minimum side yard, which would be 15 feet since this is the side yard facing Payne Drive.

City Planner Ventura said that Code Section 150-034, *Installation of central air conditioning and heating units (C) Location on property-Exception*, allows the placement of central AC and heating units in the side yard facing the streets of those homes located on corner lots. But it does not mention pool equipment in this exception. 100 Iroquois is a narrow lot, 60 ft. in width, and has an existing side yard encroachment in the north side yard, that side yard measuring 3.45 feet per the survey. There already is an existing pump and well (measuring 3' x 3') in the side yard facing Payne Drive, as indicated in the survey. Staff has scaled the edge of that pump, as well as being only (approx.) 12 feet from the property line facing Payne Drive. Staff therefore recommends the placement of the pool equipment alongside the south wall of the home at 100 Iroquois St., i.e., that side yard facing Payne Drive. ✓

Board member Fajardo moved to approve the variance and Board member Fernandez seconded the motion which carried unanimously on voice call vote.

Attorney Seiden reminded the applicant of the ten-day appeal period.

Board member Fajardo then made a recommendation to Council to consider revising the applicable ordinance to read that pool pumps be included along with air conditioning units regarding their placement in the side yard of a corner lot that is adjacent to the street.

Board member Perez-Vichot also recommended that a requirement for proper screening for the preceding equipment be included in the revised ordinance.

City Attorney Seiden clarified that the proposal for the new ordinance would include air conditioning equipment, heating equipment, pool pumps and sprinkler system pumps and that all of the preceding equipment would be screened.

Board member Perez-Vichot recommended that a minimum 10-ft. distance separation from the property line to the edge of the equipment for a corner lot situation be included in the revised ordinance.

There are also three new a/c units proposed to be installed in the east side yard. From the edge of the proposed a/c units in the east side yard to the east side property line measures 6 feet, 9 inches, or 6.75 feet, where at least 6.55 feet is required by code. A recently passed ordinance Section 150-034, concerning placement of a/c and other appliance type units in the side yard of properties stipulates that for new construction, such a/c units would not be allowed in the side yard. They would have to be placed in the rear yard. Staff therefore recommends approval of this building plan variance request for 410 Pinecrest Drive, with the condition that those new a/c units be placed in the rear yard.

Chairman Perez-Vichot noted that the rear setback is 25 feet, not 30 feet. The drawings say the proposed setback would be 30 feet, but the addition of the new a/c units would decrease that amount. They would still have room without encroaching in the rear yard setback.

Chairman Perez-Vichot asked for any comments from the Board or the audience.

City Planner Ventura said that no replies had been received in response to the courtesy notices.

Board member Fernandez moved to approve the variance for the undersize lot, with the condition the new a/c units be relocated to the rear yard. The applicant has abided by all the side and rear yard requirements for a two story structure. Board member Berounsky seconded the motion which carried unanimously on voice vote.

City Attorney Seiden reminded the applicant of the ten-day appeal period.

- 2) **Case #27-V-07**
Roger and Maria del Carmen Rodriguez
374 Hunting Lodge Drive
Zoning: R-1A, Single-family residential
Lot size: 150 ft. x 280 ft.

Applicants are requesting a variance from Code Section 150-033 *Permanent Electrical Generators (A) Location on Property* and (B) *Installation Standards and Requirements*: To locate an electrical generator in the required side yard setback of their property.

City Planner Ventura read the applicants statement: *"The reason that I am requesting the variance is for a standby LP generator which meets the 2007 EPA and noise requirements. The architect's original drawing put the generator 15 feet from my property line but right in front of a window. I am requesting that the board allow me to move it only five feet from my property line to at least offset the view. If I move the generator to the other side of the property—east side within the allowed set backs—the amperage will drop, which will cause the generator to run at a higher percentage of power, causing more noise and inconvenience to that neighbor. This would put the generator less than 40 feet from their home and even closer to the ones across the street than if I were granted the variance. I have spoken to all the neighbors and they all agree with me on the placement of the generator. The neighbor who is on the west side and would have a*

- 4) **Case #71-V-07**
Norman Anderson
887 Heron Avenue
Zoning: R-1B, Single-Family Residential District
Lot size: 194 ft. x 55 ft. x 169 ft. x 94 ft.

Applicant is requesting the following variances:

1. From Code Section 150-042 *R-1B district (E) Side yard requirements* and (F) *Rear yard required*: To construct a new decorative wall in the rear yard of his property which will encroach in the minimum rear and side yard setbacks.
2. From Code Section 150-042 *R-1B district (E) Side yard requirements* and (F) *rear yard required*: To construct a new wood deck in the rear and side yard of his property which will encroach in the minimum rear and side yard setbacks.
3. From Code Section 150-034 *Installation of central air conditioning and heating units, pool pumps, etc.*, (A): To install a/c and pool equipment in the side yard of his lot. ✓

City Planner Ventura read the Applicant's statement:

"Irregular-shaped lot requires the granting of a variance for new construction in the back or side yards. Also, most of this work is to make the house warm and hospitable for Charlene Anderson, who has had multiple sclerosis for over 17 years. She appreciates the ramps and the ability to sit out back on the decks."

Thank you,
Norman S. Anderson

City Planner Ventura stated that the average lot width is 123 feet ($194 \text{ ft.} + 52 \text{ ft.} \div 2$). Per Section 150-042 (E), the required side yard setback is 10 percent of the lot width; therefore the required west side yard setback for 887 Heron would be 12.3 feet. Per Code Section 150-042 (F), the minimum rear yard setback is 25 feet.

City Planner Ventura explained that the current proposal for 887 Heron is for the construction of a new wood deck in the rear and side yards, the construction of a decorative wall (with a waterfall feature) running along the existing pool in the rear and side yards, and the installation of two a/c units in the side yard. If constructed as proposed, the wood deck would meet the east side property line and would be only 8 feet from the rear property line; the new wall along the pool would be 7 feet from the northwest side property line and approximately 12.5 feet from the rear property line; the pool equipment would be 6 feet from the northwest side property line and the a. c. units would be 7.5 feet from the northwest side property line. The code requires that the pool equipment and the a/c units be located behind the furthest back wall of the home. Staff recommends approval of variance requests #1 and #2 for the following reasons:

City Planner Ventura said that Mr. Anderson's hardship has been that his home at 887 Heron is situated on the lot such that the northwest property line limits the amount of property development that Mr. Anderson can do in his expansive west side yard—the northwest side property line can be thought of as “bearing down” on the west side yard of 887 Heron. The issue with the proposed decorative wall is a result of this configuration of the property—the existing pool is already only 6.5 feet from the northwest side property line and 10 feet, 8 inches from the rear property line. Although the proposed wood deck is to be built up to the east property line, it will be 1 foot, 9 inches above grade. The Building Department has regarded any new construction above 1 foot, 6 inches as an actual structure. Therefore, a variance for 3 inches in height is being requested. The property owner, Mr. Norman Anderson, has already agreed to remove a proposed railing along the wood deck.

With regard to variance request #3:

The pool equipment and the a. c. units are presently proposed to be situated 6 feet and 7.5 feet respectively from the northwest side property line. However, because of the proximity of the neighboring residence, 1351 Lenape Drive, to that side property line (as depicted in one of the case photos), Staff is of the opinion that it would be preferable to relocate the proposed pool equipment and a. c. units alongside the far west wall of 887 Heron, along with sufficient screening, as allowed in Section 150-034 (C) for a corner lot. If the neighbor at 1351 Lenape Drive has no objections to Mr. Anderson's proposal to locate the equipment in the northwest side of the property, that might be a mitigating factor and be open to discussion.

Chairman Perez-Vichot said that his concern was the elevation of the grade adjacent to the pool is 5 feet, 8 inches. The existing house is 9.04 feet, about three feet higher than grade. It seems like there are two levels of deck; the one adjacent to the house to about three feet above grade and then it goes up another 21 inches to the pool deck. He questioned if the pool deck was higher.

Mr. Norman Anderson replied that there had always been a deck back there. When they started remodeling the house they found some cracks in the plaster, the deck was removed so they could re-plaster the whole back wall. The deck is at its current height because specially made doors were installed from the master bedroom addition so that Charlene can go out onto the deck in her wheelchair on her own without using a ramp.

Chairman Perez-Vichot said that it looked like the pool elevation on the plans was another 21 inches higher than the deck. It was not clearly indicated on the plans.

Mr. Anderson approached the dais and conferred with Chairman Perez-Vichot about the plans. It was determined that the pool is lower than the deck.

Chairman Perez-Vichot asked if the back side of the wall, which the neighbor would see, would be stucco and painted.

have been 7.6 feet, within code requirements. The new front yard setback would have remained at 31 feet.

City Planner Ventura continued to explain that, at 75' by 93.9', 401 Payne Drive is not an undersize lot. The rear yard setback is at present not in compliance with the code and the proposal would have increased the encroachment. Consequently, this Board, at its October 1, 2007 meeting, voted unanimously to deny the requested variance. However, during that same meeting it was suggested to the Applicant, Mr. Garcia, that he revise his plans and proceed to the Building Department (if there were no resulting encroachment) or return to the Board if a variance still needed to be sought.

The present proposal for 401 Payne is for the elimination of much of the front entrance porch and the addition and/or interior renovation to the home of a master bedroom, bath and closet on the west side, a kitchen at the northwest corner and a laundry room at the northeast corner.

If constructed as presented under this current proposal, there would be a squaring off of the house and only the west side yard setback would be decreased—down to 7.6 feet, still within code requirements. The east side yard setback would remain at 14.3 feet and the existing rear yard setback, though at 22.2 feet, would remain unchanged. Staff therefore recommends approval of this present proposal for 401 Payne Drive.

Chairman Perez-Vichot noted that this was essentially a squaring-off of the existing house, and a big improvement over the previously submitted plans. There is no further encroachment in the rear yard setback, but there might be an issue regarding the proposed air conditioning unit.

Mr. Luis Garcia of 401 Payne Drive stated that the air conditioning unit had been brought to his attention, and he wanted to ask the Board what they would recommend in terms of placement. He had a wood fence on the Hammond side of the property, and wondered if he could place the unit on that side of the yard.

It was determined that placing the air conditioning unit on that side of the house would be permitted under the Code, as long as it was properly screened and at least 10 feet from the property line. City Attorney Seiden read the applicable section of Code 150-034.

Chairman Perez-Vichot asked Mr. Garcia to make sure the unit is shown on the site plan and is approved before the work is done. He noted that parking is the other issue; it is not shown on the site plan. Three parking spaces need to be provided off street.

Mr. Garcia replied that the parking would not change. Right now there is an existing driveway, and he will make sure that is included on the final site plan.

In response to Chairman Perez-Vichot question, City Planner Ventura replied that there were no responses to the courtesy notices that had been sent out.

Chairman Perez-Vichot asked for any comments from the audience or the Board.

Board member Fernandez moved to approve the requested variance. The house is being squared off with an existing condition, and there is no further encroachment into the side or rear yards. The Applicant has shown a willingness to comply with the Code in regards to the air conditioning unit in the side yard. Board member Mikluscak seconded the motion, which passed unanimously on voice vote.

City Attorney Seiden reminded the applicant of the ten-day appeal period.

- 3) Case # 03-V-08
Lissette De Cristofaro and Melanie Garcia
265 Palmetto Drive
Zoning: R-1B, Single-Family Residential
Lot size: 50' x 142'

Applicants are requesting a variance from Code Section 150-034 *Installation of central air conditioning and heating units, etc.*, (A) *Location property—New construction*: To maintain a new a. c. unit in the side yard of their property.

City Planner Ventura read the Applicants' statement:

"Residential addition completed on this property on 9/18/07, permit number 06-904. All plans included building, plumbing, HVAC and electrical modifications to existing structure and were approved by all respective departments of Building and Zoning.

It has come to our attention that there was a miscommunication or oversight as to the physical location of the a. c. unit during the approval stage.

However, subsequent to it being approved, all work was done to specifications; installed, inspected and approved by city inspectors. The project is now complete. We are now being asked to relocate the a. c. unit to another part of the property. This we find to be an expensive and unfair request, as we had the work performed to meet the requirements that Building and Zoning stipulated."

City Planner Ventura stated that Section 150-034 (A) requires that all new a. c. units associated with new residential construction be located in the rear area of the lot.

City Planner Ventura explained that 265 Palmetto Drive presently has two a. c. units located in the south side yard, one toward the front yard, situated behind landscaping; and the other toward the rear yard, situated behind a 6-foot high wood fence as depicted in the second case photo and proposed site plan. It is this second a. c. unit that is the subject of this variance request.

The Applicants, Lissette De Cristofaro and Melanie Garcia, received variance approval at the September 7, 2005 Board of Adjustment to construct a two-story addition to the rear of their home at 265 Palmetto Drive. Although the case survey at that time indicated an existing a. c. unit in the south side yard, the proposed site plan (included with this case) did not indicate any a. c. units on the lot. Nor is there any mention of a proposed a. c. unit or units in the minutes (also included) for this case from September 2005.

There is a building permit package (permit no. 06-904) for this proposed construction, dated June 23, 2006, in the file for 265 Palmetto Drive. The permit routing sheet for this permit package has the zoning approval signature of the City Planner, dated May 10, 2006. However, the first sheet ("PROPOSED SITE PLAN") of the plans set for this proposed construction indicates two a. c. units in the south side yard for 265 Palmetto, but neither that plan sheet nor any of the other sheets in the plans have zoning approval. In addition, there is a mechanical permit (also numbered 06-904 and dated June 23, 2006) in this package, for unspecified a. c. work.

Lastly, there is also a building permit, dated Sept. 28, 2005, in the Building Department file for this property with the description "A/C CHANGE OUT 2.5 TON."

It is Staff's position that although the overall work of the two-story addition to the rear of the home at 265 Palmetto Drive received zoning approval on the permit routing sheet, there is a set of plans depicting two a. c. units in the south side yard of the property that were processed by the Building Department that did not receive zoning approval but a permit was issued.

Because the timeline during which all of this transpired pre-dates the adoption of the ordinances codifying Section 150-034 (Aug. 28, 2006 and Feb. 26, 2007, respectively), Staff is of the opinion that the exact variance being sought is to maintain an existing a. c. unit which encroaches into the side yard setback (3 feet vs. 5 feet required by code).

As can be seen from the second and third case photos, the a. c. unit in question is concealed behind a six-foot wood fence and there is a large amount of distance between the a. c. unit and the neighboring homes (the two homes are separated from the south side yard of 265 Palmetto Dr. by their rear yards and not just their side yards). And one of the homes to the south of 265 Palmetto, 509 Pinecrest Drive, presently has a six-foot white picket fence around its back yard. Staff therefore recommends approval of this variance request to maintain the existing a. c. unit in the south side yard of 265 Palmetto Drive.

There was no correspondence received in response to the courtesy notices that were mailed out.

Chairman Perez-Vichot pointed out that there is an alley along the side yard of the property, which limits the amount of noise for the neighbor. He continued to say that it was unfortunate that this slipped through the Building Department, but steps have been taken since to remedy the situation.

Chairman Perez-Vichot asked for any comments from the Board or the audience.

3. NEW BUSINESS

1. Case # 12-V-08
Mauricio Almagro
1040 N. Royal Poinciana Blvd.
Zoning: R-1B, Single-Family Residential
Lot size: 75 ft. x 110 ft.

Applicant is requesting a variance from Code Section 150-034 *Installation of central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and equipment (D)*: To install new pool equipment in the required rear yard setback of his property.

City Planner Ventura read the Applicant's statement: "*Physical therapy (medical reasons).*"

City Planner Ventura said that Section 150-034 (D) Installation standards and requirements states that "All central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and equipment shall only be installed in accordance with the rules, regulations and requirements of the City of Miami Springs, Miami-Dade County, and the Florida Building Code of the State of Florida." Before this in Section 150-034 (A) states that "Central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and equipment to be installed in conjunction with the construction of new residential structures may only be located in the rear yard area of the home sites."

City Planner Ventura explained that 1040 N. Royal Poinciana Boulevard is a legal-size lot and with the exception of the rear yard setback at approximately 22 feet, all existing setbacks are within code requirements. This proposal involves construction of a new swimming pool and spa in the rear yard of the property. If the pool equipment is placed in the back yard per Section 150-034 (A) it will encroach into the already non-conforming rear yard setback, leaving only 19 feet, 4 inches from the back edge of the pool equipment to the rear property line. He continued to say that since the Applicant, Mr. Almagro, is going to be put in a hardship situation by complying with Section 150-034 (A), Staff recommends approval of this variance request for 1040 N. Royal Poinciana Blvd.

Chairman Perez-Vichot asked Mr. Almagro if he had considered other locations for the pool equipment.

Mr. Almagro, of 1040 North Royal Poinciana Blvd. replied that every alternative had been looked at, and this was the one that the City and Nationwide Pool and Spa had agreed upon as the most reasonable.

Chairman Perez-Vichot pointed out that there was an existing air conditioning unit on one side of the house and asked if the equipment could be located there. The side setback was almost the same distance as the rear yard setback.

Discussion ensued as to whether the motions for the variances could be separated or made all at the same time.

In response to a question by Board member Mikluscak, City Attorney Seiden said that there was no alley on the north side of the site between the buffer area and the residential area. There was no east-west alley.

Vice Chairman Fernandez asked how many employees the hotel would employ.

Mr. Price said that he believed it would be about 40 people. There would be 20-25 employees on the prime shift.

Board member Fajardo said she would entertain a recommendation.

Board member Berounsky moved to approve the requested variances in order: #1 for the Declaration of Restrictive Covenants in Lieu of Unity of Title to be executed and approved; #2 for the height restriction, as the layout looks like it is four stories and it is within the height restriction of 55 feet; #3 for 133 parking spaces instead of 157 due to the proximity of the airport and that fact that most of the clients do not arrive by car; #4 the buffer must be a six foot high wall on the property line with a seven foot landscape buffer, and a 10 foot buffer at the loading area. Trees will be planted every 30 feet in accordance to Code. All approvals are subject to the recording of the actual Declaration and the easement documents called for in that Declaration. Board member Espino seconded the motion, which carried unanimously on voice vote.

City Attorney Seiden reminded the applicant of the ten-day appeal period.

Vice Chairman Fernandez wanted to point out for the record that the seven foot buffer is required only for the length of nine parking spaces.

Board member Fajardo reiterated that all the documents and plans are going to be signed and sealed when submitted for the formal site plan review.

Case # 18-V-08
Gloryann Ordonez
655 Westward Drive
Zoning: R-1C, Single-Family Residential
Lot size: 60 ft. x 114 ft.

Applicant is requesting a variance from Code Section 150-034 *Installation of central air conditioning and heating units, pool pumps and equipment, etc.*, (A): To install new pool equipment in the side yard of her property. ✓



CITY OF MIAMI SPRINGS
Finance Department
201 Westward Drive
Miami Springs, FL 33166-5259
Phone: (305) 805-5014
Fax: (305) 805-5018

Agenda Item No.

City Council Meeting of:

10-22-2012

TO: Honorable Mayor Garcia and Members of the City Council

VIA: Ronald Gorland, City Manager *RG*

FROM: William Alonso, Assistant City Manager/ Finance Director *WAL*

DATE: October 17, 2012

RECOMMENDATION:

Recommendation that Council waive the competitive bid process and approve an expenditure of \$3,000.00, to Southeast Design for changes to the design plans for the Westward Drive Median Bikepath/Walkway, pursuant to Section §31.11 (E)(6)(g) of the City Code.

DISCUSSION:

On April 23rd, Council approved an expenditure to Southeast Design for architectural and design services for the Westward Drive Median Project. The plans were completed about three weeks ago and submitted to CITT.

A few days ago Mr. Tom Nash, Public Works Director, was notified by the CITT (see Attachment A) that the project did not meet their requirements since the majority of the blocks involved had sidewalks with access to the bus benches located in the areas.

Ms. Carol Foster has advised that there may be an MPO Transportation Enhancement RFP available at this time that would, if awarded, cover the entire project, including landscape modifications, lighting and signage. This proposal must be submitted by November 30th, with significant detail, cross section drawings, timelines, engineering and electrical plans, etc. However, since this is federal-through state funding, the path will need to be widened one foot to meet the FDOT and AASHTO recommendations of 10 feet for as much of its length as possible. Mr. Perez-Vichot has indicated that this is possible, and that the electrical drawings have been partially completed. MPO funding is on a five-year timeline, which means that, if awarded, the funding will be available at some point during the next five years. Historically, "shovel ready" projects receive priority in the dispersal of funds. Additionally, there is no required City match, but up to 15 points are awarded if there is substantial local commitment. This may take the form of fees paid for plans, Mr. Nash's professional hourly cost for supervision and the removal/mitigation for trees and other plantings, and any other Public Works involvement as well as actual dollars.

The funding for this expenditure will have to come from the Designated Fund Balance because the project does not meet CITT requirements.

COST: \$ 3,000.00

FUNDING: Department/ Description: Designated Fund Balance

PROFESSIONAL SERVICES APPROVAL: *TR*

From: Toledo, Nestor (CITT) [<mailto:NTOLEDO@miamidade.gov>]
Sent: Thursday, September 20, 2012 10:40 AM
To: Tom Nash
Subject: RE: Miami Springs

Attachment A

Tom:

As per our conversation, after reviewing the City's project, please be advised that it is not an eligible PTP project.

Again, thank you.

From: Tom Nash [<mailto:nasht@miamisprings-fl.gov>]
Sent: Thursday, September 20, 2012 10:38 AM
To: Toledo, Nestor (CITT)
Subject: Miami Springs

Nestor,

Any news on our walk way plans??

Tom Nash

**Public Works Director / Certified Arborist
City of Miami Springs
345 N. Royal Poinciana Blvd.
Miami Springs, FL 33166
305-805-5170 Ext 4224
305-805-5195 Fax**



CITY OF MIAMI SPRINGS
Finance Department
201 Westward Drive
Miami Springs, FL 33166-5289
Phone: (305) 805-5014
Fax: (305) 805-5018

Agenda Item No.
City Council Meeting of
4-23-2012

TO: Honorable Mayor Garcia and Members of the City Council
VIA: Ronald Gorland, City Manager
FROM: William Alonso, CPA, CGFO, Finance Director
DATE: April 18, 2012

RECOMMENDATION: Recommendation that Council approve an expenditure to Southeast Design Services, the lowest responsible bidder, in the amount of \$ 9,800 for architectural and design services for the Westward median project, pursuant to Section §31.11(C) (2) of the City Code.

DISCUSSION: During the Council meeting of April 9, 2012, Council directed the Administration to get quotes for the architectural/design work for the Westward median project which consists of a lighted bikepath/walking track beginning at the median across and slightly west of the library and ending on Hammond Drive.

We solicited quotes from six architectural firms and actually received four written quotes (attachments A thru D) for the architectural/design plans. All firms were provided the same memo providing a listing of the requirements and the project description so that they could develop their quotes. Based on the quotes received, the Administration is recommending Southeast Design Services as the lowest of the four bidders (attachment A).

Once the plans are ready, the administration will provide them to Council and to the C.I.T.T. for final approval of the project before we issue the construction RFP.

COST: \$9,800
FUNDING: C.I.T.T. Funds

PROFESSIONAL SERVICES/PROCUREMENT APPROVAL: 

SOUTHEAST DESIGN ASSOCIATES, INC.

ARCHITECTURE

Florida License AA 000 2237

PO BOX 660498 • Miami Springs, Florida 33266-0498

Phone: (305) 871-1648

Fax: (305) 871-1734

April 4, 2012

Revised April 12, 2012

City of Miami Springs
Tammy Romero
William Alonso
201 Westward
Miami Springs, FL 33166

**RE: Westward Drive Median Bike Path – ADA Complaint
From the Library, 401 Westward Drive to Hammond Drive
Miami Springs**

Dear Ms. Romero and Mr. Alonso:

Southeast Design Associates, Inc. is pleased to submit a revised Architect/Engineer proposal for the above mentioned project. We have included a Surveying and Civil allowance

I. Scope of Work

1. Concrete Bike Path – Covered to accommodate existing Trees
2. Path shall be pitched for proper drainage and prevent ponding water on Path
3. Elevations by Surveyor of Crown of Road at several locations
4. Electrical connections for Light Fixtures from FPL Service
5. Low Profile Bollard Lights – Fixtures type and location to be selected by the City
6. ADA compliance including detectable warnings on Walking Surfaces, Ramps, etc.
7. Xeriscape Landscaping – Landscaping is limited to restoration and selective replacement – Irrigation not included
8. Stripping
9. Signage

II. Architectural / Engineering Fees

1. Programming/Schematic Drawings	\$5,100.00
1.1 Architectural Survey and Documentation of Westward Median Site	
1.2 Meet with City / Review Applicable Codes and Conditions	
2. Design Development / Construction Documents	
2.1 Site Plan	
2.2 Floor Plans for Path	
2.3 Cross Sections	
2.4 Electrical Plans	
3. Permitting	
3.1 Respond to Plan Review	
3.2 Revise Drawings	
4. Bidding / Construction Administration (2 month duration)	\$1,800.00
4.1 Pre-Construction Meeting	
4.2 Weekly Coordination Meetings	
4.3 Payment Certification	
4.4 Project Close Out	
	Non Reimbursable Expenses
	\$ 400.00
5. Engineering Allowance	<u>\$2,500.00</u>
5.1 Electrical - \$800.00	
5.2 Structural - \$300.00	
5.3 Surveyor (Elevations) -\$600.00	
5.4 Civil - \$800.00	
	Total
	\$9,800.00

Note: Topographical Survey NOT Included other than selected Elevations

Agenda Item No.

City Council Meeting of:

10-22-2012



**OFFICE OF THE CITY CLERK
MEMORANDUM**

TO: Honorable Mayor Garcia and Members of the City Council
FROM: Magali Valls, City Clerk *M. Valls*
DATE: October 12, 2012
SUBJECT: **Absentee Ballots – Business Reply Mail**

On September 21, 2012, I sent you information regarding the actions the Miami-Dade County Commissioners had taken by passing a resolution to provide pre-paid return envelopes for absentee ballots in all countywide elections.

The Miami-Dade County Supervisor of Elections has notified municipalities that cities/towns/villages that have elections that do not coincide with the County's, have a choice of using pre-paid return envelopes or using regular envelopes where they would be required to put postage for mailing absentee ballots.

I have contacted the Elections Department and they have provided me with an estimate (attached) of \$700.00 as the additional cost for Business Reply Mail, based on 100% return of the 1,095 absentee ballot requests on file.

It is my recommendation that Council approve this additional expense.

cc: City Manager
Assistant City Manager/Finance Director
City Attorney

Magali Valls

From: Prochnicki, Patricia (Elections) [BPROCH@miamidade.gov]
Sent: Thursday, October 11, 2012 5:01 PM
To: Magali Valls
Subject: FW: Business Replay Mail Estimate for Absentee Ballots

Good afternoon Magali,

The additional cost of Business Reply Mail for your municipality, based on 100% return of the 1,095 Absentee Ballot Requests on file to date, would be approximately \$700. Call me if you need further information.

Best Regards,

Patricia Prochnicki
Elections Budget and Finance Chief

Miami-Dade Elections Department
2700 NW 87th Avenue
Miami, FL 33172
305-499-8568

"Delivering Excellence Every Day"



Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

ARTICLE IV. MEMORIAL COMMITTEE City Council Meeting of:

10-22-2012

Sec. 32-20. Establishment and membership.

There is established a memorial committee whose membership shall be composed as follows:

(A) President—Miami Springs (ministers' council)

NO LONGER MEETS.

(B) Chairperson—Historical Preservation Board.

(C) Chairperson—Board of Recreation.

(D) Chairperson—Board of Parks and Parkways.

(E) Chairperson—Zoning and Planning Board.

(Ord. 601-77, passed 6-27-77; amend. Ord. 699-85, passed 2-11-85)

Sec. 32-21. Duties.

The memorial committee is charged with recommending to City Council appropriate memorials for individuals, organizations, and special events, encouraging private donations, and establishing minimum architectural and material standards for memorials.

(Ord. 601-77, passed 6-27-77)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS PROVIDING FOR THE FIFTH AMENDMENT TO THE FY2011-2012 GENERAL FUND AND SPECIAL REVENUE AND CAPITAL PROJECTS FUND BUDGETS; BY INCREASING GENERAL FUND REVENUES FROM UNDESIGNATED RESERVES TO COVER AUTHORIZED AND APPROVED GENERAL FUND EXPENDITURES; BY INCREASING THE CAPITAL PROJECTS FUND OF THE SPECIAL REVENUE AND CAPITAL PROJECTS BUDGET TO ACCOUNT FOR CURTISS MANSION RELATED PROJECT COSTS AND EXPENSES; PROVIDING INTENT; SPECIFYING COMPLIANCE WITH ACCEPTED BUDGETARY PROCESSES AND PROCEDURES; EFFECTIVE DATE.

WHEREAS, the City Charter prohibits any City Department from incurring expenditures in excess of the Department's approved budget; and,

WHEREAS, the City Council has authorized the expenditure of \$379,308 for spotlights to be installed at the Rebeca Sosa Theater, background/fingerprinting services, headhunter fees incurred for the Public Works Director position, costs incurred in the historic tax credit transaction, consultant fees for Attorney James Linn, Curtiss Mansion, Inc. working capital outlay, additional shortfall costs of the Curtiss Mansion Project, and for the new funding requirements for fencing at the Curtiss Mansion site; and,

WHEREAS, the General Fund revenues budget must receive sufficient funding from previously undesignated city reserve funds to cover General Fund expenditures in the amount of \$192,584; and,

WHEREAS, an increase of \$186,724 in the Capital Projects Fund of the Special Revenue and Capital Projects Budget from previously undesignated City reserves is required to account for the corresponding previously approved capital projects expenditures; and,

WHEREAS, it is the intent and purpose of the City Council to authorize and approve the foregoing budgetary actions and adjustments in order to comply with generally accepted budgetary processes and procedures:

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

Section 1: That the City Council of the City of Miami Springs hereby approves and authorizes the budgetary amendments and appropriations to the various revenues and expenditures of the budgets and funds set forth in Exhibit "A" attached hereto.

Section 2: That the City Council approvals and authorizations evidenced herein are intended to provide the City with the means to accomplish the purposes and projects identified in the recitals of this Resolution and the exhibit attached hereto.

Section 3: That the City Council of the City of Miami Springs has authorized and approved the foregoing budgetary amendments, increases, and appropriations in order to comply with generally accepted budgetary processes and procedures.

Section 4: That the provisions of this Resolution 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 22nd day of October, 2012.

The motion to adopt the foregoing resolution was offered by _____, seconded by _____, and on roll call the following vote ensued:

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

Zavier M. Garcia
Mayor

ATTEST:

Magali Valls, CMC
City Clerk

APPROVED AS TO LEGALITY AND FORM:



Jan K. Seiden, City Attorney

EXHIBIT A

**City of Miami Springs
FY 2011-2012 Budget Amendment
All Operating Funds**

Fund/Classification	Amended Budget	Amendment No. 5	Ref	Amended Budget
General Fund				
Revenues				
Taxes	\$5,796,261			\$5,796,261
Excise Taxes	2,655,000			2,655,000
Licenses & Permits	607,300			607,300
Intergovernmental Revenues	1,806,890			1,806,890
Charges for Services	1,653,454			1,653,454
Fines & Forfeitures	308,000			308,000
Miscellaneous	332,175	113,812	1,5	445,987
Interfund Transfers-In	984,525			984,525
Fund Balance	511,968	\$78,772		590,740
Total General Fund	\$14,655,573	\$192,584		\$14,848,157
Expenditures				
City Council	114,302	\$105,000	5	219,302
City Manager	689,572			689,572
City Clerk	298,176			298,176
City Attorney	156,000			156,000
Human Resources	200,641	\$11,000	2	211,641
Finance-Administration	590,223	\$40,000	4	630,223
Finance-Professional Services	169,275			169,275
Information Technology	327,108			327,108
Planning	143,620			143,620
Police	5,476,395			5,476,395
Building, Zoning, and Code Enforcement	620,026			620,026
Public Works	2,048,328			2,048,328
Recreation & Culture	3,340,882	16,910	1	3,357,792
Transfers to other funds	481,025	19,674	6	500,699
Total General Fund	14,655,573	192,584		14,848,157
Sanitation Operations	2,249,126			2,249,126
Stormwater Operations	451,571			451,571
Total Enterprise Funds	2,700,697			\$2,700,697
Special Revenue & Capital Projects				
Road & Transportation	787,762			\$787,762
Senior Center Operations	359,043			359,043
Capital Projects	193,528	186,724	3,6,7	380,252
Law Enforcement Trust	142,353			142,353
Total Special Revenue & Capital Projects Funds	1,482,686	\$186,724		\$1,669,410
G.O. Bonds - Series 1997	569,478			\$569,478
Total Debt Service	569,478			\$569,478
GRAND TOTAL ALL FUNDS	\$19,408,434	\$379,308		\$19,787,742

Legend:

- 1) Record \$16,910 grant for spotlights at the theatre \$8,098 is the City's match
- 2) Additional funding for background/fingerpinting and for Public Works Director head hunting fees
- 3) Record costs \$92,850 related to the Historic tax Credit which will be reimbursed with proceeds of the tax credit.
- 4) Funding for the hiring of James Linn, Pension Consultant
- 5) Funding of \$105,000 for CMI working capital
- 6) Funding of \$19,674 for CMI tax credit shortfall of \$12,757 and \$6,917 additional funds needed to cover the project shortfall.
- 7) Funding of \$74,200 for the new fence and parking lot at the mansion.



CITY OF MIAMI SPRINGS
Finance Department
201 Westward Drive
Miami Springs, FL 33166-5259
Phone: (305) 805-5014
Fax: (305) 805-5018

Agenda Item No.

City Council Meeting of:

10-22-2012.

TO: Honorable Mayor Garcia and Members of the City Council

VIA: Ronald Gorland, City Manager

FROM: William Alonso, Assistant City Manager/ Finance Director

DATE: October 16, 2012

RECOMMENDATION:

Recommendation that Council award City RFP # 09-11/12 to A-1 Property Services, Group, the lowest responsible proposer, in the amount of \$60,120.00, for Miami Springs Country Club Roof repairs, pursuant to Section §31.11 (E)(2) of the City Code.

DISCUSSION:

On August 28th, the City advertised the Request for Proposal # 09-11/12 for Miami Springs Country Club Roof repairs of which 17 vendors (Attachment "A") were notified of the opportunity to bid. On August 30th, contractors were required to attend a Mandatory Pre- Bid conference and only 7 were in attendance (Attachment "B"). On October 4th, the City received 4 proposals (Attachment "C") and only three vendors were considered responsive (Attachment "D").

A committee comprised of Tom Nash, Operations Superintendent and Tammy Romero, Professional Services Supervisor met and evaluated the proposals received. After careful review, the committee is making a recommendation for A-1 Property Services, Group, as the lowest responsible proposer.

COST: \$ 60,120.00

FUNDING: Designated Fund Balance

PROFESSIONAL SERVICES APPROVAL:

Company	Contact	Email	Phone	Fax	Address	City	State	Zip
A-1 Duran Roofing, Inc.		info@a1duranroofing.com	305-470-8707		8095 NW 64 Street	Miami	FL	33166
A-1 Property Services, Inc.	Geo Madruga	geo@a1propertyervices.net	786-419-5041			Miami	FL	33166
Allied Roofing Industries, Inc.		info@alliedroofing.com	305-477-7810		7050 NW 42 Street		FL	33305
Best Roofing		info@bestroofing.net	954-941-9111		1600 NE 12 Terrace	Fort Lauderdale	FL	33050
Bob Hilson & Company, Inc.	Bob Hilson	receptionist@bobhilson.com	305-246-0209		599 West Mowry Drive	Homestead	FL	33166
Brady Roofing & Sheet Metal	Brady	bradyrfg@bellsouth.net	305-592-0011		8490 NW 64 Street	Miami	FL	33166
Empire Roofing Company Southeast LLC	Daniel Colon	dcolon@empireroofing.com	954-972-7338		2111 NW 18th Street	Sunrise	FL	33069
Full Cover Roofing	Samy Elarja	samy@fullcover-roofing.com	305-386-5800	305-397-1113	10050 SW 132 Avenue	Miami	FL	33166
Florida Construction & Engineering, Inc.	Reza D. Jahanshahi	rcs52@yahoo.com	305-883-7801	305-883-1514	155 Bentley Drive	Miami	FL	33166
Mc-Graw Hill Construction	Andrea Kerwin	andrea_kerwin@mcgraw-hill.com	804-594-2682		4170 Ashford- Dunwoody Road, Suite 200	Atlanta	GA	30319-1465
Paradigm Construction	Enoc Pallango	enocp@paradigmbuild.net	305-603-8045	305-456-6050	81 Ludlam Drive	Miami	FL	33166
Precision Roofing	Julio Martinez	julio@precision-roofing.com	305-345-5725		2646 West 77 Place	Hialeah	FL	33016
Roof Doctors	Wayne Franklin	waynef@rou-inc.com	954-729-3901	954-786-9357	11820 NW 41 Street	Coral Springs	FL	33065
Sika Sarnafil	Ellen Waikama	waikama.ellen@us.sika.com	800-451-2502 ext. 3259		100 Dan Road	Canton	MA	02021
Supreme Roofing, Inc.		joanie@unlimitedroofing.com;	305-557-7900		2730 West 78 Street	Hialeah	FL	33016
Unlimited Roofing Services, Inc.	Al Hess	al@unlimitedroofing.com	305-418-8393	305-418-8395	7845 NW 66 Street #2	Miami	FL	33166

Bid # 09-11/12
Title: Miami Springs Country Club Roof

Name of Bidder	Responsive/ Non-Responsive	Amount	Bid Bond	GAF System or "Equal"	Letter confirming GAF Certified	FPL Rebate	Proof of Insurance	Licenses	Years of Experience in field	Using subcontractors	Equipment list	Acknowledge Amendments
Roofing Concepts Unlimited	Non-responsive	\$ 73,275.00	✓	GAF	No	No	✓	✓	30	Yes, gutters	✓	Yes
A-1 Property Services Group	Responsive	\$ 60,120.00	✓	GAF	Yes	\$2,000.00	✓	✓	10	No	✓	Yes
Fullcover Roofing Services Unlimited Roofing Services	Responsive	\$ 75,241.85	✓	Equal- Versico	No, although company is Certified with the "Equal" product	\$2,264.85	✓	✓	12	No	✓	Yes, signed Amendments
	Responsive	\$ 73,800.00	✓	GAF	Yes	\$2,250.00	✓	✓	25	No	✓	Yes

