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OFFICE OF THE CITY MANAGER

LTC # 206-2009

LETTER TO COMMISSION

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CITY CLERK'S OFFICE

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: July 31, 2009

SUBJECT: South Pointe Park Water Features

This Letter to Commission is to provide you information regarding the two water features at South Pointe Park. On July 13, 2009, the Miami-Dade Department of Health (DOH) performed an inspection of the South Pointe Park's Interactive Water Playground Feature, as well as the Washington Avenue Water Feature. The DOH concluded that the water features required additional regulatory review and therefore requested that the City take these facilities off-line and not allow public use. The City complied with the DOH's request and placed the two (2) facilities off-line until the DOH could be satisfied with the operations of the facilities.

Interactive Water Playground Feature (adjacent to Park Pavilion building)

The DOH was concerned that the water utilized at this water feature was not of a potable water nature. This facility utilizes potable water and the water is not recycled. Utilized water is collected and conveyed for ultimate disposal. After much discussion, on July 13 and again on July 14, 2009, the DOH advised verbally that it was comfortable with the design and operation of this facility and advised City staff verbally that it was acceptable to return the water feature to service. The playground water feature was reactivated on Tuesday, July 14, 2009. A meeting was held on July 15th, 2009 and discussion was held as to the design and operation of this water feature. No concerns were raised as to the placement of this water feature back into service. On July 20, 2009, the DOH re-visited the site and requested that the water feature again be shut down until further notice.

Discussions with DOH staff have indicated that they now require certain information from the Engineer of Record for their review prior to allowing the City to return this water feature to service. City staff met with DOH representatives on Friday, July 24th and again on Monday, July 27th to discuss the water feature design / operation. At a minimum, the DOH has requested a letter from the Engineer of Record certifying certain design aspects of the water feature. This letter was hand delivered to the DOH on July 29th, 2009. On July 30th, 2009, the DOH requested more information for their review. This recent information requests relate to water consumption and the treatment and disposal of the water no longer appears to be a concern. Please note that as of July 31, 2009 the DOH has authorized the City to place this playground feature back into operation (July 31, 2009 authorization letter attached).

Washington Avenue Water Feature

This water feature utilizes recycled water that is filtered, chemically treated and then disinfected via the use of an ultraviolet disinfection system. The use of the ultraviolet disinfection system was added to the project at our request to address concerns with Cryptosporidium, which arose in the last few years at a nation-wide level. Water that is expelled by the fountain feature is collected and conveyed to an underground reservoir. The water is then filtered, treated and disinfected before it is re-used in the fountain. Potable water is also utilized to make up the shortfall that is lost to percolation / evaporation / wind loss.

The DOH's concern, as articulated by their inspectors, is their present assertion that this facility should have been permitted as a "swimming pool". Therefore DOH has requested additional engineering information for their review. A meeting was held with the DOH on Wednesday, July 15, 2009 to review the installed facility construction and its water treatment system. DOH confirmed that they require a full set of construction as-built documents for their review; following which, they will advise the City as to whether or not they will permit the Washington Avenue Water Feature as built, or if they will require modifications. The DOH has indicated that they will review the plans as quickly as possible. If modifications are required, then a decision will need to be made as to whether or not to comply or to seek a variance from the State of Florida Department of Health Advisory Review Board for Swimming Pools and Bathing Facilities (Advisory Review Board). We will not have enough information to make a decision until we go through the first round of review in the next 2 to 4 weeks. The DOH would most likely request that the City obtain a variance from the Advisory Review Board. The Washington Avenue Water Feature will remain off-line until their review is completed. Please note that they have also placed a placard near the Washington Avenue Water Feature (copy attached) that the City cannot remove at this time.

We will keep you updated on the status of the Washington Avenue fountain.

Attachment

c: Jose Smith, City Attorney
Hilda Fernandez, Assistant City Manager
Tim Hemstreet, Assistant City Manager
Kevin Smith, Parks and Recreation Director
Fred Beckmann, Public Works Director

JMG/TH/COC

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City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

CAPITAL IMPROVEMENTS PROJECTS OFFICE
Tel: 305-673-7071 Fax: 305-673-7073

July 31, 2009

Sent Via Facsimile (305) 513-3472, (305) 623-3502, and Via Email: Paul_Andre@doh.state.fl.us

Mr. Paul L. André, P.E., C.E.H.P.
Miami-Dade County Health Department
1725 N.W. 167th Street
Miami, Florida, 33056

Re: South Pointe Park Sprayground

Dear Mr. André:

As requested, the City of Miami Beach is submitting this letter to summarize the items discussed during our meeting this morning. Mr. Timothy K. Blankenship and Andres Perez, Coastal Systems International (Coastal), and Mr. Julian Bronholc were also present.

Per our discussion, the Department of Health (DOH) will authorize the City of Miami Beach to operate the sprayground feature located by the Pavilion Building, Parks & Recreation facility, as the system is fed by City potable water. The Sprayground feature is a non-recirculating system and discharges to the City's stormwater management system. Please refer to attached letter dated July 28, 2009 from Hargreaves Associates, City's design Consultant, including letter dated July 27, 2009 from Coastal, City's Engineer or Record. These were previously submitted to the DOH on July 29, 2009.

As per the DOH's request, the City's Engineer of Record, Coastal, will submit to the DOH a complete permit application complying with your department's required deliverables, inclusive of the sprayground consumption of water quantities, within a two week timeline. This is to amend consumption information included in the previously approved Permit Application No. 126648-205-DSGP.

The City of Miami Beach concurs that any future modifications to the sprayground's operational system will be submitted to the DOH for review and approval. In addition, the reduced pressure zone (RPZ) will be tested annually, and the results will be submitted to the DOH.

The City of Miami Beach reiterates that the other water feature, located at Washington Avenue, will remain non-operational until written approval from the DOH is obtained, as per prior notice by the DOH.

The City is hereby requesting the DOH's written approval for the sprayground feature, located by the Pavilion Building, to be placed in operation. Kindly sign below and return in acknowledgement and approval.

Sincerely,

Nury Menicucci
Capital Projects Coordinator

Mr. Paul L. André, P.E., C.E.H.P.
Miami-Dade County Health Department

Attachment

C: Morton Laitner, Esq., MDCDOH Legal Office
Jose Smith, City Attorney
Rhonda Montoya-Hasan, First Assistant City Attorney
Tim Hernstreet, Assistant City Manager
Charlie Carreño, PE, Capital Improvement Projects Office, Director
Fred H. Beckmann, Public Works Director
Mario Gonzalez-Pola, Senior Capital Projects Coordinator
Matt Tucker, Hargreaves Assoc.
Timothy K. Blankenship, PE, Coastal Systems International, Inc.
Andrex Perez, PE, Coastal Systems International, Inc.
Samir M. Elmir, PhD, PE, DEE, CEHP, Miami-Dade County Health Department, Director (samir_elmir@doh.state.fl.us)
Julian Bronholc, P.E., Miami-Dade County Health Department (julian_bronholc@doh.state.fl.us)

S-SPTPK-016-07312009-NM

MIAMI-DADE COUNTY HEALTH DEPARTMENT

FLORIDA DEPARTMENT OF HEALTH

POOL CLOSED

This pool is not in compliance with Florida Statute 514 and Florida Administrative Code 64E-9 and may endanger the health, safety or welfare of persons using this facility.

DO NOT REMOVE UNDER PENALTY OF LAW

JULIAN BRONHOLC.
305-623.3500

HEALTH OFFICIAL

7-13-09

DATE