

MIAMI BEACH

City Commission Meeting SUPPLEMENTAL MATERIAL 2

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
July 17, 2013

Mayor Matti Herrera Bower
Vice-Mayor Edward L. Tobin
Commissioner Jorge R. Exposito
Commissioner Michael Góngora
Commissioner Jerry Libbin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales
City Attorney Jose Smith
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

SUPPLEMENTAL AGENDA

C2 - Competitive Bid Reports

- C2I Request For Approval To Award Contracts Pursuant To Invitation To Bid No. 145-2013, For Routine And Emergency Sanitary Sewer And Storm Water Pipes Cleaning, And Close Circuit Television (CCTV) Inspection Services, To JCC Enterprise Labor, Inc., The Lowest Bidder, As The Primary Vendor, A&A Drainage & VAC Services, Inc., The Second Lowest Bidder, As The Secondary Vendor, And Shenandoah Construction, The Third Lowest Bidder, As The Tertiary Vendor.

(Public Works/Procurement)
(Deferred from June 5, 2013)
(Memorandum)

C4 - Commission Committee Assignments

- C4F Referral To The Planning Board - Ordinance Amendment Incentivizing The Retention Of Architecturally Significant Single Family Homes Built Prior To 1942.
(Requested by Mayor Matti Herrera Bower)
(Legislative Tracking: Planning Department)
(Proposed Ordinance)

C7 - Resolutions

- C7GG A Resolution Approving A Contract Award, Pursuant To Invitation To Bid No. 173-2013TC, For The Reconstruction Of Surface Parking Lots 12x And 17x, In The Amount Of \$573,000, Plus A Contingency Amount Of \$57,300; With Previously Appropriated Funding In The Amount Of \$605,244 From 480 - Parking Operations Fund; And A Contingency Amount Of \$25,056 From 480 - Parking Operations Fund, Subject To Appropriation Through The Fiscal Year 13/14 Capital Budget Process, For A Total Amount Of \$630,300.
(Capital Improvement Projects/Procurement)
(Memorandum)
(Formerly item C2D)

R5 - Ordinances

- R5F An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending Section 90-39 Entitled "Fine Schedule For Violations Issued And Applied To Owners, Agents, Tenants, Occupants, Operators Or Managers, Or Persons Responsible For The Violation," By Amending The Fine Schedules For Violations Of Section 90-36 And 90-96 And Providing For Consistent Terminology Regarding First And Subsequent Offenses; By Amending Section 90-40, Entitled "Fine Schedule For Violations Of Sections 90-98; 90-107; 90-191 Et Seq.; 90-221 Et Seq.; And 90-228 By Private Waste Contractors," By Amending And Providing For Fine Schedules And Violations Consistent With The Provisions In The Referenced Sections And In Sections 90-36, 90-99, And 90-100, And Providing For Consistent Terminology Regarding First And Subsequent Offenses; By Amending Section 90-222, Entitled "List Of Accounts," By Providing Reporting Requirements For Discontinued Accounts Consistent With Section 90-36; Providing For Repealed, Severability, Codification, And An Effective Date. **First Reading**
(Requested by Commissioner Deede Weithorn)
(Legislative Tracking: Public Works)
(Memorandum & Ordinance)

Condensed Title:

Request For Approval To Award Contracts Pursuant To Invitation To Bid No. 145-2013, For Routine and Emergency Sanitary Sewer and Storm Water Pipes Cleaning, And Close Circuit Television (CCTV) Inspection Services.

Key Intended Outcome Supported:

Maintain City's Infrastructure.
Supporting Data (Surveys, Environmental Scan, etc.):
 N/A

Item Summary/Recommendation:

This contract is for routine and emergency sanitary sewer and storm water pipes cleaning, and closed circuit television (CCTV) pipe inspection services used to detect problems. Contractor will provide all supervision, labor, materials and necessary equipment to clean/clear the sanitary sewer and storm water pipe stoppages on an as needed basis, and on an emergency basis. The services outlined in the solicitation are necessary to keep the storm water system maintained and working properly. Typical work requires cleaning pipes and drains with large vacuum trucks, which also allows for the evaluation of larger drainage problems through Capital Improvement Projects by utilizing a television camera to inspect underground pipes to conduct condition assessment.

This contract will be used to supplement the work performed by the Public Works Department. This service was identified to be performed by a contractor as a cost saving measure a few years ago and subsequently the City also opted not to replace a city owned piece of equipment which normally performs such work. The contract will be used to work on a weekly basis to clean the sanitary sewer lines in conjunction with the consent decree and perform cleaning of the storm water system to prevent street flooding. Such activities will be planned, overseen, and verified by the Public Works Operations Division and paid for at a weekly rate established in the contract. In the event there is an emergency, there are provisions in the contract for the contractor to respond within two (2) hours, and an hourly emergency rate would apply. Also, additional items are included in the bid, which provide for service based on the diameter of the pipes should a separate project be required beyond the routine or emergency work.

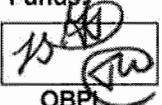
The purpose of Invitation to Bid (ITB) No. 145-2013 was to establish a contract, by means of sealed bids, with a qualified vendor(s), to provide routine and emergency sanitary sewer and storm water pipes cleaning, and closed circuit television (CCTV) inspection services. This contract shall remain in effect for two (2) years from the date of contract execution by the Mayor and City Clerk. This contract may be renewed, at the sole discretion of the City, through its City Manager, for three (3) additional one (1) year options.

ITB No. 145-2013, was issued on April 2, 2013, with a bid opening date of April 18, 2013. One addendum was issued. Forty-three (43) bid notices were issued, forty-two (42) through the Public Purchasing Group and one (1) through the Procurement Division. Four (4) bids were received.

RECOMMENDATION
 Administration is recommending award to JCC Enterprises Labor, Inc., the lowest bidder, as the primary vendor, A&A Drainage & Vac Services, Inc., the second lowest bidder, as the secondary vendor, and Shenandoah Construction, the third lowest bidder, as the tertiary vendor.

Advisory Board Recommendation:

Financial Information:

Source of Funds:		Amount	Account
 OBPI	1	\$111,070.00	423-2983-069357 ^v
	2	\$195,000.00	424-2983-069357 ^v
	3	\$225,000.00	427-0427-000325
	Total	\$531,070.00	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Alex Denis, Ext. 7490

Sign-Offs:

Department Director		Assistant City Manager		City Manager
ETC 	AD 	MT 	KGB 	JLM 



MIAMI BEACH

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

COMMISSION MEMORANDUM

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

FROM: Jimmy L. Morales, City Manager

DATE: July 17, 2013

SUBJECT: **REQUEST FOR APPROVAL TO AWARD CONTRACTS PURSUANT TO INVITATION TO BID NO. 145-2013, FOR ROUTINE AND EMERGENCY SANITARY SEWER AND STORM WATER PIPES CLEANING, AND CLOSE CIRCUIT TELEVISION (CCTV) INSPECTION SERVICES, TO JCC ENTERPRISE LABOR, INC., THE LOWEST BIDDER, AS THE PRIMARY VENDOR, A&A DRAINAGE & VAC SERVICES, INC., THE SECOND LOWEST BIDDER, AS THE SECONDARY VENDOR, AND SHENANDOAH CONSTRUCTION, THE THIRD LOWEST BIDDER, AS THE TERTIARY VENDOR.**

ADMINISTRATION RECOMMENDATION

Approve the award of the contract.

KEY INTENDED OUTCOME

Maintain City's Infrastructure.

FUNDING

423-2983-069357	\$111,070
424-2983-069357	\$195,000
427-0427-000325	\$225,000

BACKGROUND INFORMATION

This contract is for routine and emergency sanitary sewer and storm water pipes cleaning, and closed circuit television (CCTV) pipe inspection services used to detect problems. Contractor will provide all supervision, labor, materials and necessary equipment to clean/clear the sanitary sewer and storm water pipe stoppages on an as needed basis, and on an emergency basis. The services outlined in the solicitation are necessary to keep the storm water system maintained and working properly. Typical work requires cleaning pipes and drains with large vacuum trucks, which also allows for the evaluation of larger drainage problems through Capital Improvement Projects by utilizing a television camera to inspect underground pipes to conduct condition assessment.

This contract will be used to supplement the work performed by the Public Works Department. This service was identified to be performed by a contractor as a cost saving measure a few years ago and subsequently the City also opted not to replace a city owned piece of equipment which normally performs such work. The contract will be used to work on a weekly basis to clean the sanitary sewer lines in conjunction with the consent decree

and perform cleaning of the storm water system to prevent street flooding. Such activities will be planned, overseen, and verified by the Public Works Operations Division and paid for at a weekly rate established in the contract. In the event there is an emergency, there are provisions in the contract for the contractor to respond within two (2) hours, and an hourly emergency rate would apply. Also, additional items are included in the bid, which provide for service based on the diameter of the pipes should a separate project be required beyond the routine or emergency work.

ITB PROCESS

The Procurement Division issued an Invitation to Bid No. 145-2013, in order to establish a term contract for Routine and Emergency Sanitary Sewer and Storm Water Pipes Cleaning, and Close Circuit Television (CCTV) Inspection Services. ITB No. 145-2013 was issued on April 2, 2013, with a bid opening date of April 18, 2013. One (1) addendum was issued to provide additional information and respond to all questions submitted by the prospective bidders.

Forty-three (43) bid notices were issued, forty-two (42) through the Public Purchasing Group and one (1) through the Procurement Division. Four (4) bids were received from:

- A&A Drainage & Vac Services, Inc.
- EnvironWaste Services Group, Inc.
- JCC Enterprise Labor, Inc.
- Shenandoah Construction

The four (4) bids received were reviewed by the Procurement Division staff and all were deemed responsive to the bid requirements. The bids were tabulated and JCC Enterprises submitted the lowest responsive and responsible bid. Please refer to Appendix "A" for tabulation of bids.

The ITB stipulated that award of this contract may be presented to the lowest and best bidders, as defined in General Conditions 1.36. Further, the ITB allows for award be made to a primary, secondary, and tertiary bidder, in the event that the primary and/or secondary bidder is unable to perform in accordance with the terms and conditions of the contract.

This item was originally scheduled to be considered by the City Commission for approval at the June meeting. However, a protest challenging the award recommendation was filed and the item was deferred until the July meeting so that the protest could be considered. The protest has now been resolved.

CITY MANAGER'S REVIEW

After considering the review and recommendation of City staff, the City Manager exercised his due diligence and is recommending to the Mayor and the City Commission to award the contracts to JCC Enterprises Labor, Inc., the lowest bidder, as the primary vendor, A&A Drainage & Vac Services, Inc., the second lowest bidder, as the secondary vendor, and Shenandoah Construction, the third lowest bidder, as the tertiary vendor.

CONCLUSION

Based on the aforementioned, the Administration recommends that the Mayor and City Commission award contracts pursuant to Invitation to Bid (ITB) No. 145-2013, for Routine and Emergency Sanitary Sewer and Storm Water Pipes Cleaning, and Close Circuit

Television (CCTV) Inspection Services, to JCC Enterprises Labor, Inc., as the primary vendor, A&A Drainage & Vac Services, Inc., as the secondary vendor, and Shenandoah Construction, as the tertiary vendor.

ARCHITECTURALLY SIGNIFICANT SINGLE FAMILY HOME RETENTION INCENTIVES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY REVISING THE STANDARDS AND REVIEW REQUIREMENTS FOR NEW CONSTRUCTION, ADDITIONS AND MODIFICATIONS TO PROPERTIES THAT CONTAIN AN ARCHITECTURALLY SIGNIFICANT SINGLE FAMILY HOME NOT LOCATED WITHIN A DESIGNATED HISTORIC DISTRICT; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (City) places a strong emphasis on the retention and preservation of existing, architecturally significant single family homes; and

WHEREAS, the Mayor and City Commission have deemed it in the best interest and welfare of the City to adopt revised requirements, standards and procedures for the review of new construction, additions and modifications to Architecturally Significant single family homes located outside of a designated historic district; and

WHEREAS, the Mayor and City Commission deem it appropriate to incentivize the retention of Architecturally Significant single family homes, in order to acknowledge, protect and preserve the significant architectural history, existing building scale, and unique character of the single family residential neighborhoods in Miami Beach; and

WHEREAS, the City of Miami Beach Historic Preservation, Design Review and Planning Boards strongly endorse the proposed amendments to the Single Family Residential Districts Section of the Code; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 2, "Single Family Residential Districts," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

DIVISION 2. RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS

* * *

Sec. 142-108. - Provisions for the demolition of single-family homes located outside of historic districts.

Agenda Item C4F
Date 7-17-13

(a) *Criteria.* Pursuant to a request for a permit for partial or total demolition of a home constructed prior to 1942, the planning director, or designee, shall, or independently may, make a determination whether the home is architecturally significant according to the following criteria:

- (1) The subject structure is characteristic of a specific architectural style constructed in the city prior to 1942 including, but not limited to Vernacular, Mediterranean Revival, Art Deco, Streamline Moderne, or variations thereof;
- (2) The exterior of the structure is recognizable as an example of its style and/or period, and its architectural design integrity has not been modified in a manner that cannot be reversed without unreasonable expense.
- (3) Significant exterior architectural characteristics, features, or details of the subject structure remain intact.
- (4) The subject structure embodies the scale, character and massing of the built context of its immediate area.

The date of construction shall be the date on which the original building permit was issued, according to the City of Miami Beach Building Permit Records. If no City Building Permit Record exists, the date of construction shall be determined by the date of construction as determined by the Miami-Dade County Property Appraiser.

* * *

(e) *Partial demolition.*

* * *

(4) Review of applications for partial demolition shall be limited to the actual portion of the structure that is proposed to be modified, demolished or altered. Repairs, demolition, alterations and improvements defined below shall be subject to the review and approval of the staff of the design review board. Such repairs, alterations and improvements include the following:

- a. Ground level additions to existing structures, not to exceed two stories in height, which do not substantially impact the architectural scale, character and design of the existing structure, when viewed from the public right-of-way, any waterfront or public parks, and provided such ground level additions
 1. Do not require the demolition or alteration of architecturally significant portions of a building or structure;
 2. Are designed, sited and massed in a manner that is sensitive to and compatible with the existing structure; and
 3. Are compatible with the as-built scale and character of the surrounding single-family residential neighborhood.
- b. Roof-top additions to existing structures, as applicable under the maximum height requirements specified in Chapter 142 of these Land Development Regulations, which do not substantially impact the architectural scale, character and design of the existing structure, when viewed from the public right-of-way, any waterfront or public parks, and provided such roof-top additions:

1. Do not require the demolition or alteration of architecturally significant portions of a building or structure;
 2. Are designed, sited and massed in a manner that is sensitive to and compatible with the existing structure; and
 3. Are compatible with the as-built scale and character of the surrounding single-family residential neighborhood.
- c. Replacement of windows, doors, roof tiles, and similar exterior features or the approval of awnings, canopies, exterior surface colors, storm shutters and exterior surface finishes, provided the general design, scale, massing, arrangement, texture, material and color of such alterations and/or improvements are compatible with the as-built scale and character of the subject home and the surrounding single-family residential neighborhood. Demolition associated with facade and building restorations shall be permitted, consistent with historic documentation.
 - d. Facade and building restorations, which are consistent with historic documentation, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
 - e. Demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
 - f. The demolition and alteration of rear and secondary facades to accommodate utilities, refuse disposal and storage, provided the degree of demolition proposed does not require the demolition or alteration of architecturally significant portions of a building or structure.

g. The demolition of non-architecturally significant accessory buildings.

* * *

(g) New construction requirements for properties containing a single-family home constructed prior to 1942.

(1) In addition to the development regulations and area requirements of section 142-105, as well as section 118-252, of the land development regulations of the City Code, the following regulations shall apply in the event the owner proposes to fully or substantially demolish an architecturally significant single-family home constructed prior to 1942, inclusive of those portions of a structure fronting a street or waterway. In the event of a conflict between the provisions of section 142-105 and section 118-252, and the regulations below, the provisions herein shall control:

- a. The design review board (DRB) shall review and approve all new construction on the subject site, in accordance with the applicable criteria and requirements of chapter 118, article VI, section 251(a)1-12 of the land development regulations of the City Code.
- b. The DRB shall review of any new structure, in accordance with the requirements of chapter 118, article VI, and shall take into account the established building context within the immediate area. ~~The DRB shall include consideration of~~ require that the scale, massing, building orientation and siting of the original structure on the subject site be substantially reintroduced into the proposed new construction, as well as the established building context within the immediate area.

- c. 4. The overall lot coverage of proposed new buildings or structures shall not exceed the building footprint of the original structure on site, or shall be limited to the following, whichever is greater, based upon the overall size of the subject lot:
 - i. For lots 10,000 square feet or less, the lot coverage shall not exceed 25 ~~30~~ percent;
 - ii. For lots greater than 10,000 square feet, but less than 25,000 square feet, the lot coverage shall not exceed 20 ~~25~~ percent;
 - iii. For lots 25,000 square feet or greater, the lot coverage shall not exceed 15 percent.

2. ~~The DRB may forgo the above noted lot coverage restrictions if it concludes that the retention of the architecturally significant single-family home is not practical or feasible, in which case the DRB review of any request for demolition shall consider the criteria in subsection (a) herein, as well as the following criteria:~~

- ~~i. Whether good cause for the demolition of the structure has been shown.~~
- ~~ii. Whether pertinent economic and financial considerations that affect the ability of the owner to renovate, restore and add on to the structure.~~
- ~~iii. Whether the structural condition of the single-family home or other factors affect the feasibility of renovating, repairing or restoring the structure.~~

- d. The total unit size for the new home shall not exceed 50% and shall not be increased by the DRB.
- e. For lots less than 60' in width, the height of any new construction shall not exceed 25' above grade and shall not be increased by the DRB. For lots greater than 60' in width, the height of any new construction shall not exceed 30' above grade and shall not be increased by the DRB.
- f. The minimum courtyard requirements specified in Section 142-106 (2).c shall not be waived by the DRB.
- g. Two-story structures, or the second floor, shall be set back a minimum of ten additional feet from the required front and rear yard setback lines. Up to, but not exceeding, 50 percent of the developable width of the second floor may encroach forward to the minimum front and/or rear setback lines, at the discretion of the DRB.
- h. In the event a new home does not exceed one-story in height, the lot coverage shall not exceed 35 percent of the lot area; for purposes of this section, a one-story structure shall not exceed 12 feet in height as measured from minimum flood elevation. A restrictive covenant, in a form acceptable to the City Attorney, shall be required, ensuring, in perpetuity, that a 2nd story is not added.
- i. The above regulations shall also be a limitation on development in all lots within a single site that may be split into multiple lots or multiple lots that are aggregated into a single site, at a future date. When lots are aggregated, the greater of the footprint permitted by the lot coverage regulations, or the footprint of the larger home, shall apply.
- j. Notwithstanding the foregoing, and only in the event the Building Official has issued an Emergency Demolition Order for the subject home, the limitations set forth in subsections c-h above may be waived or modified, in accordance with the applicable limitations in Section 142-105, and at the discretion of the DRB.

(2) In addition to the development regulations and area requirements of section 142-105, of the land development regulations of the City Code, the following shall apply in the event an architecturally significant single-family home constructed prior to 1942 is substantially retained and preserved. In the event of a conflict between the provisions of section 142-105 and section 118-252, and the regulations below, the provisions herein shall control:

- a. The proposed addition and modifications to the existing structure may be reviewed at the administrative level, provided that the design criteria in Section 142-105 has been satisfied, subject to the approval of the Planning Director or designee. The design of any addition to the existing structure shall take into consideration the scale, massing, building orientation and siting of the original structure on the subject site, and shall be subject to the review and approval of the planning department, in accordance with the

~~design review criteria in chapter 118, article VI, of the land development regulations of the City Code.~~

- b. The total lot coverage may be increased to, but shall not exceed 35 40 percent, and may be approved at the administrative level. In the event the lot coverage of the existing structure exceeds 35 percent, no variance shall be required to retain and preserve the existing lot coverage, and a second level addition shall be permitted, provided it does not exceed 60 percent of the footprint of the existing structure; no lot coverage variance shall be required for such addition.
- c. The total unit size may be increased to, but shall not exceed, 70 percent, and may be approved at the administrative level.
- d. For lots less than 60' in width, the overall height of any addition, including allowable roof-top additions, may be increased up to 30' above grade, and may be approved at the administrative level.
- e. For lots greater than 60' in width, the overall height of any addition, including allowable roof-top additions, may be increased up to 33' above grade, and may be approved at the administrative level.
- f. The minimum courtyard requirements specified in Section 142-106 (2).c may be waived at the administrative level, provided that the design criteria in Section 142-105 has been satisfied, subject to the approval of the Planning Director or designee.
- g. Two-story structures or the second floor may encroach forward to the 20-foot front setback line, subject to staff approval.
- h. The construction of a ground floor addition of more than one story shall be allowed to follow the existing interior building lines, provided a minimum side setback of 5' is met, subject to staff approval.
- i. Habitable additions to, as well as the relocation of, architecturally significant structures, may project into a required rear or side yard for a distance not to exceed 25 percent of the required yard, up to the following maximum projections:
 - i. Interior side yard: 5'
 - ii. Street side yard: 7'-6"
 - iii Rear yard: 15'
- j. The property owner shall not be required to pay any city planning or public works department ~~building permit~~ fees associated with the renovation and restoration of the existing single-family home; any and all non-city impact fees and other fees shall still be required.
- k. The above regulations shall also be applicable to:
 - i. any single-family home designated as an historic structure by the historic preservation board.
 - ii. any single family home constructed prior to 1966, whereby the owner voluntarily seeks a determination of Architectural Significance and where such home has been determined to be Architecturally Significant in accordance with Section 142-108(a).

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION

City Attorney

Date

First Reading: _____, 2013
Second Reading: _____, 2013

Verified by: _____
Richard G. Lorber, AICP, LEED AP
Acting Planning Director

Underscore denotes new language
07/15/2013

Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving A Contract Award, Pursuant To Invitation To Bid No. 173-2013TC, For The Reconstruction Of Surface Parking Lots 12X And 17X, In The Amount Of \$630,300.

Key Intended Outcome Supported:

Ensure well-maintained facilities and ensure quality and timely delivery of capital projects
Supporting Data (Surveys, Environmental Scan, etc.): The 2009 Customer Satisfaction Survey indicated that 79% of businesses rated recently completed capital improvement projects as "excellent" or "good."

Issue:

Shall the City Commission approve the resolution?

Item Summary/Recommendation:

Parking Lot 12X is located at 900 Washington Ave and 17X is located at 1262 Collins Ave. The existing lots are in critical need of reconstruction and renovation. They are in poor condition and do not meet ADA compliance. The City performed the majority of the designs for both including the storm drainage, paving, grading, and landscaping plans. This project will improve the parking stall size and bring the surface lot into compliance with ADA code requirements. The redesign will also improve the landscaped areas and provide additional shade.

The project consists of a storm drainage design for both lots; inclusive of the total reconstruction of Lot 17X. Lot 12X will only require milling & resurfacing with minor spot repairs to the sub-base in certain areas and minor curb replacement. The project shall also incorporate landscaping and irrigation components, as well as, new electrical lighting. The design of the parking lots complies with all applicable Florida building codes, as well as, the standards set forth in the Public Works Manual for the City of Miami Beach.

To achieve the described scope of work, Invitation to Bid (ITB) 173-2013TC was issued on May 17, 2013, Bids were publically advertised and electronically distributed. On June 25, 2013, four (4) bids were received. After review of bids received, Carivon Construction Company has been deemed the lowest responsive, responsible bidder.

Recommendation

The Administration recommends that the Mayor and City Commission adopt the attached resolution, which awards a construction contract to Carivon Construction Company, the lowest responsive, responsible bidder pursuant to Invitation to Bid (ITB) 173-2013TC, for the reconstruction of Surface Parking Lots 12X and 17X, in the amount of \$573,000; plus a project contingency in the amount of \$57,300 (10%) for a not-to-exceed grand total of \$630,300; with previously appropriated funding in the amount of \$605,244 from 480 - Parking Operations Fund; of which \$66,000, will be used to pay for landscaping and irrigation related components from the Parking Department operating budget; additional funding in the amount of \$25,056 from 480 - Parking Operations Fund, for contingency will be subject to appropriation through the fiscal year 13/14 Capital Budget Process; further authorizing the Administration to engage in value engineering to further reduce the cost and time for completion of said project.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account
	1	\$146,760	480-2635-069357 (Surface Lot 12X)
	2	\$29,857	480-0463-000312 (Surface Lot 12X)
	3	\$3,985	480-2635-000356 (Surface Lot 12X)
	4	\$13,677	480-2635-000356 (Surface Lot 12X)
	5	\$360,240	480-2013-069357 (Surface Lot 17X)
	6	\$36,143	480-0463-000312 (Surface Lot 17X)
	7	\$28,259	480-2013-069358 (Surface Lot 17X)
	8	\$11,379	480-2013-069358 (Surface Lot 17X)
	Total	\$630,300	

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

David Martinez, ext. 6972

Sign-Offs:

Department Director	Assistant City Manager	City Manager
DM <i>[Signature]</i> AD <i>[Signature]</i>	MT <i>[Signature]</i> KGB <i>[Signature]</i>	JLM <i>[Signature]</i>

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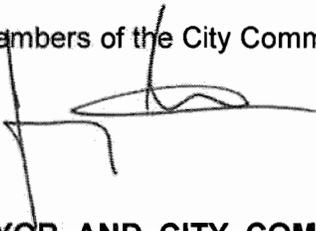


MIAMI BEACH

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

COMMISSION MEMORANDUM

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

FROM: Jimmy L. Morales, City Manager 

DATE: July 17, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A CONTRACT AWARD, PURSUANT TO INVITATION TO BID NO. 173-2013TC, FOR THE RECONSTRUCTION OF SURFACE PARKING LOTS 12X AND 17X, IN THE AMOUNT OF \$573,000, PLUS A CONTINGENCY AMOUNT OF \$57,300; WITH PREVIOUSLY APPROPRIATED FUNDING IN THE AMOUNT OF \$605,244 FROM 480 - PARKING OPERATIONS FUND; AND A CONTINGENCY AMOUNT OF \$25,056 FROM 480 - PARKING OPERATIONS FUND, SUBJECT TO APPROPRIATION THROUGH THE FISCAL YEAR 13/14 CAPITAL BUDGET PROCESS, FOR A TOTAL AMOUNT OF 630,300.**

ADMINISTRATION RECOMMENDATION

Approve the resolution.

KEY INTENDED OUTCOME SUPPORTED

Ensure well maintained facilities and ensure quality and timely delivery of capital projects.

FUNDING

The total funding required including contingency is \$630,300. Funding will be provided from previously appropriated funds in the amount of \$605,244, of which \$66,000 will be used to pay for landscaping and irrigation related components from the Parking Department operating budget. Additional funding in the amount of \$25,056 from 480 – Parking Operations Fund for contingency will be subject to appropriation through the fiscal year 13/14 Capital Budget Process. Funding shall be broken down as follows:

PREVIOUSLY APPROPRIATED

Surface Lot 12X:

\$146,760	480-2635-069357
\$29,857	480-0463-000312
<u>\$3,985</u>	480-2635-000356

\$180,602 Subtotal

Surface Lot 17X:

\$360,240	480-2013-069357
\$36,143	480-0463-000312
<u>\$28,259</u>	480-2013-069358

\$424,642 Subtotal

\$605,244 Total Previously Appropriated

NEW APPROPRIATIONS

Surface Lot 12X:	
\$13,677	480-2635-000356
Surface Lot 17X:	
\$11,379	480-2013-069358
\$25,056	Total New Appropriations
\$630,300	Grand Total

BACKGROUND

Parking Lot 12X is located at 900 Washington Ave and 17X is located at 1262 Collins Ave. The existing lots are in critical need of reconstruction and renovation. They are in poor condition and do not meet ADA compliance. The City performed the majority of the designs for both including the storm drainage, paving, grading, and landscaping plans. This project will improve the parking stall size and bring the surface lot into compliance with ADA code requirements. The redesign will also improve the landscaped areas and provide additional shade.

SCOPE OF SERVICES

The project consists of a storm drainage design for both lots; inclusive of the total reconstruction of Lot 17X. Lot 12X will only require milling & resurfacing with minor spot repairs to the sub-base in certain areas and minor curb replacement. The project shall also incorporate landscaping and irrigation components, as well as, new electrical lighting. The design of the parking lots complies with all applicable Florida building codes, as well as, the standards set forth in the Public Works Manual for the City of Miami Beach.

ITB PROCESS

Invitation to Bid (ITB) 173-2013TC was issued on May 17, 2013, with an opening date of June 25, 2013. The pre-bid conference was held on May 23, 2013. During the pre-bid conference, prospective bidders were instructed on the procurement process and the information their respective proposals should contain.

The Public Group and Bidnet issued bid notices to 44 and 268 prospective bidders respectively of which 12 and 5 accessed the advertised solicitation respectively. In addition, 155 vendors were notified via email, which resulted in the receipt of the following four (4) bids:

- Carivon Construction Company \$573,000.00
- Central Florida Equipment, Inc. \$687,480.00
- Ric-Man International, Inc. \$733,304.91
- Team Contracting, Inc. \$882,500.00

After staff's review of the bids received, Carivon Construction Company has been deemed the lowest responsive, responsible bidder. Carivon Construction Company is a licensed general contractor specializing in both vertical and horizontal right-of-way construction since 1993. Their project manager also has over 20 years of construction experience. Carivon has completed a variety of right-of-way projects for the City of Miami Beach in the past 10 years including roadway improvements at Carlyle and Dickens Avenue, drainage improvements at North Bay Road, and safety improvements along Pine Tree Drive. Also, the reconstruction of the 13X surface parking lot is currently underway and being managed by Carivon.

CITY MANAGER’S DUE DILIGENCE & RECOMMENDATION

After considering the review and recommendation of City staff, the City Manager exercised his due diligence and carefully considered the specifics of this ITB process. As a result, the City Manager recommends to the Mayor and City Commission to award the construction contract to Carivon Construction Company as the lowest responsive, responsible bidder and authorize the Administration to engage in value engineering to further reduce the cost and time for completion of said project.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the attached resolution, which awards a construction contract to Carivon Construction Company, the lowest responsive, responsible bidder pursuant to Invitation to Bid (ITB) 173-2013TC, for the reconstruction of Surface Parking Lots 12X and 17X, in the amount of \$573,000; plus a project contingency in the amount of \$57,300 (10%) for a not-to-exceed grand total of \$630,300; with previously appropriated funding in the amount of \$605,244 from 480 - Parking Operations Fund; of which \$66,000, will be used to pay for landscaping and irrigation related components from the Parking Department operating budget; additional funding in the amount of \$25,056 from 480 - Parking Operations Fund, for contingency will be subject to appropriation through the fiscal year 13/14 Capital Budget Process; further authorizing the Administration to engage in value engineering to further reduce the cost and time for completion of said project.


JLM/MT/KGB/DM/AD

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RESOLUTION TO BE SUBMITTED

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Condensed Title:

An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending Section 90-39, Entitled "Fine Schedule For Violations Issued And Applied To Owners, Agents, Tenants, Occupants, Operators Or Managers, Or Persons Responsible For The Violation," By Amending The Fine Schedules For Violations Of Sections 90-36 And 90-96 And Providing For Consistent Terminology Regarding First And Subsequent Offenses; By Amending Section 90-40, Entitled "Fine Schedule For Violations Of Sections 90-98, 90-107, 90-191 Et Seq.; 90-221 Et Seq.; And 90-228 By Private Waste Contractors," By Amending And Providing For Fine Schedules And Violations Consistent With The Provisions In The Referenced Sections And In Sections 90-36, 90-99 And 90-100, And Providing For Consistent Terminology Regarding First And Subsequent Offenses; By Amending Section 90-222, Entitled "List Of Accounts," By Providing Reporting Requirements For Discontinued Accounts Consistent With Section 90-36; Providing For Repealer, Severability, Codification, And An Effective Date.

Key Intended Outcome Supported:

N/A
Supporting Data (Surveys, Environmental Scan, etc.): N/A

Item Summary/Recommendation:

At the March 13, 2013 meeting, the City Commission referred a "Discussion Regarding The Issuance Of A Request For Qualifications For A Third Franchise Solid Waste Contractor For Residential And Commercial Solid Waste Collections And Disposal" to its next Finance and Citywide Projects Committee (FCWPC) meeting.

At the March 21 FCWPC meeting, Public Works Assistant Director Jay Fink and Sanitation Division Director Al Zamora presented the item. They stated that the City currently has three (3) contracts for solid waste/recycling collection and disposal with: Waste Management of Dade County, Waste Services, Inc., and Choice Environmental Services of Miami. However, the City has recently learned that Choice Environmental Services is being acquired by Waste Services, Inc.

It is noted that negotiations between the Franchise Haulers are still taking place; however, they are expected to be completed in late 2013. The Committee recommended that Public Works advance the preparation of a Request for Qualifications (RFQ) for a third solid waste franchise contractor, and to bring the item back to the FCWPC, so that the City is prepared when the acquisition of Waste Services, Inc. is finalized.

At the April 17, 2013 City Commission meeting, item C2A, a "Request For Approval To Issue A Request For Qualifications (RFQ) For A Third Solid Waste Franchise Contractor To Provide Commercial Waste Collections And Disposal Services" was presented, then deferred by the Commission. The Administration recommended that the RFP's and RFQ's in their entirety should be available for review when they are brought in front of the Commission for approval and not just the terms and conditions.

THE ADMINISTRATION RECOMMENDS APPROVING THE ORDINANCE ON FIRST READING.

Advisory Board Recommendation:

At the May 8, 2013 City Commission meeting, the item was referred to the FCWPC. During the May 13, 2013 FCWPC meeting, as a result of previous complaints regarding problems with sanitation, including missed pick-ups, overflowing containers and customer service, it was suggested to amend Chapter 90 of the City Code to address these concerns and forward the item to the City Commission for review and discussion prior to the issuance of a new RFQ.

Financial Information:

Source of Funds:		Amount	Account
OBPI	1		
	Total		

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Eric T. Carpenter, Public Works Director, ext: 6319

Sign-Offs:

Department Director	Assistant City Manager	City Manager
ETC <i>EC</i>	MT <i>AC</i>	JLM <i>JLM</i>

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MIAMI BEACH

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

COMMISSION MEMORANDUM

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

FROM: Jimmy L. Morales, City Manager

DATE: July 17, 2013

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 90 OF THE MIAMI BEACH CITY CODE, ENTITLED "SOLID WASTE," BY AMENDING SECTION 90-39, ENTITLED "FINE SCHEDULE FOR VIOLATIONS ISSUED AND APPLIED TO OWNERS, AGENTS, TENANTS, OCCUPANTS, OPERATORS OR MANAGERS, OR PERSONS RESPONSIBLE FOR THE VIOLATION," BY AMENDING THE FINE SCHEDULES FOR VIOLATIONS OF SECTIONS 90-36 AND 90-96 AND PROVIDING FOR CONSISTENT TERMINOLOGY REGARDING FIRST AND SUBSEQUENT OFFENSES; BY AMENDING SECTION 90-40, ENTITLED "FINE SCHEDULE FOR VIOLATIONS OF SECTIONS 90-98; 90-107; 90-191 ET SEQ.; 90-221 ET SEQ.; AND 90-228 BY PRIVATE WASTE CONTRACTORS," BY AMENDING AND PROVIDING FOR FINE SCHEDULES AND VIOLATIONS CONSISTENT WITH THE PROVISIONS IN THE REFERENCED SECTIONS AND IN SECTIONS 90-36, 90-99, AND 90-100, AND PROVIDING FOR CONSISTENT TERMINOLOGY REGARDING FIRST AND SUBSEQUENT OFFENSES; BY AMENDING SECTION 90-222, ENTITLED "LIST OF ACCOUNTS," BY PROVIDING REPORTING REQUIREMENTS FOR DISCONTINUED ACCOUNTS CONSISTENT WITH SECTION 90-36; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends approving the Ordinance on First Reading.

BACKGROUND:

At the March 13, 2013 meeting, the City Commission referred a "Discussion Regarding The Issuance Of A Request For Qualifications For A Third Franchise Solid Waste Contractor For Residential And Commercial Solid Waste Collections And Disposal" to its next Finance and Citywide Projects Committee (FCWPC) meeting.

At the March 21 FCWPC meeting, Public Works Assistant Director Jay Fink and Sanitation Division Director Al Zamora presented the item. They stated that the City currently has three (3) contracts for solid waste/recycling collection and disposal with: Waste Management of Dade County, Waste Services, Inc., and Choice Environmental Services of Miami. However, the City

has recently learned that Choice Environmental Services is being acquired by Waste Services, Inc.

It is noted that negotiations between the Franchise Haulers are still taking place; however, they are expected to be completed in late 2013. The Committee recommended that Public Works advance the preparation of a Request for Qualifications (RFQ) for a third solid waste franchise contractor, and to bring the item back to the FCWPC, so that the City is prepared when the acquisition of Waste Services, Inc. is finalized.

At the April 17, 2013 City Commission meeting, item C2A, a "Request For Approval To Issue A Request For Qualifications (RFQ) For A Third Solid Waste Franchise Contractor To Provide Commercial Waste Collections And Disposal Services" was presented, then deferred by the Commission. The Administration recommended that the RFP's and RFQ's in their entirety should be available for review when they are brought in front of the Commission for approval and not just the terms and conditions.

At the May 8, 2013 City Commission meeting, the item was referred to the FCWPC. During the May 13, 2013 FCWPC meeting, as a result of previous complaints regarding problems with sanitation, including missed pick-ups, overflowing containers and customer service, it was suggested to amend Chapter 90 of the City Code to address these concerns and forward the item to the City Commission for review and discussion prior to the issuance of a new RFQ.

ANALYSIS

Upon review of the violations and fine structure set forth in Chapter 90, certain cleanup revisions as set forth in the proposed Ordinance should be made.

CONCLUSION

The Administration recommends approving the Ordinance on First Reading.

JLMMT  JF/S

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 90 OF THE MIAMI BEACH CITY CODE, ENTITLED "SOLID WASTE," BY AMENDING SECTION 90-39, ENTITLED "FINE SCHEDULE FOR VIOLATIONS ISSUED AND APPLIED TO OWNERS, AGENTS, TENANTS, OCCUPANTS, OPERATORS OR MANAGERS, OR PERSONS RESPONSIBLE FOR THE VIOLATION," BY AMENDING THE FINE SCHEDULES FOR VIOLATIONS OF SECTIONS 90-36 AND 90-96 AND PROVIDING FOR CONSISTENT TERMINOLOGY REGARDING FIRST AND SUBSEQUENT OFFENSES; BY AMENDING SECTION 90-40, ENTITLED "FINE SCHEDULE FOR VIOLATIONS OF SECTIONS 90-98; 90-107; 90-191 ET SEQ.; 90-221 ET SEQ.; AND 90-228 BY PRIVATE WASTE CONTRACTORS," BY AMENDING AND PROVIDING FOR FINE SCHEDULES AND VIOLATIONS CONSISTENT WITH THE PROVISIONS IN THE REFERENCED SECTIONS AND IN SECTIONS 90-36, 90-99, AND 90-100, AND PROVIDING FOR CONSISTENT TERMINOLOGY REGARDING FIRST AND SUBSEQUENT OFFENSES; BY AMENDING SECTION 90-222, ENTITLED "LIST OF ACCOUNTS," BY PROVIDING REPORTING REQUIREMENTS FOR DISCONTINUED ACCOUNTS CONSISTENT WITH SECTION 90-36; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, at the April 17, 2013 City Commission meeting, item C2A, a "Request For Approval To Issue A Request For Qualifications (RFQ) For A Third Solid Waste Franchise Contractor To Provide Commercial Waste Collections And Disposal Services" was presented, then deferred by the Commission to its next meeting; and

WHEREAS, at the May 8, 2013 City Commission meeting, the item was referred to the Finance and Citywide Projects Committee (FCWPC); and

WHEREAS, as a result of previous complaints regarding problems with sanitation, including missed pick-ups, overflowing containers, and customer service, it was suggested by FCWPC at its May 13, 2013 meeting to amend Chapter 90 to address these concerns and forward the item to the City Commission for review and discussion; and

WHEREAS, upon further review of the violations and fine structure set forth in Chapter 90, certain cleanup revisions as set forth in this Ordinance should be made.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Article II, entitled "Administration," of Chapter 90 of the Miami Beach City Code, entitled "Solid Waste," is hereby amended as follows:

CHAPTER 90

SOLID WASTE

* * *

ARTICLE II. ADMINISTRATION

* * *

Sec. 90-39. Fine schedule for violations issued and applied to owners, agents, tenants, occupants, operators or managers, or persons responsible for the violation.

(a) Violation(s) of section 90-36

A solid waste violation or accumulation of solid waste that creates a health hazard, environmental hazard or nuisance:

a. First offense	100.00
b. Second or subsequent offense.....	200.00

Fine

(b)(a) Violations of sections 90-96, 90-97 and 90-98

(1) ~~The placement of dumpsters, garbage, trash, bulky and/or industrial waste~~ Garbage facilities on public property without a permit:

a. <u>First occurrence offense</u>	\$50.00
b. <u>Second or subsequent offense</u> Following, per occurrence	100.00

Fine for Failure To Correct in Specified Time After Notice

(2) Dumpsters located and kept on front yard or side yard facing street (corner lots)	\$50.00
(3) Dumpsters not kept in approved garbage storage facility	50.00
(4) Owners; occupants; or operator or managers without garbage collection service where required by this chapter (private or city)	100.00
(5) Individual properties with different ownerships sharing the same service, with or without consent, per owner	100.00

Fine

(c)(b) Violations of sections 90-99 and 90-100

(1) Open lid on garbage facility(ies)	25.00
(2) Insufficient garbage facility(ies) capacity	50.00
(3) Insufficient frequency of garbage collection	50.00
(4) Overloaded garbage facility(ies)	50.00
(5) Lack of/or deteriorated garbage facility(ies)	50.00
(6) Garbage or miscellaneous trash around garbage facility(ies)	50.00

(d) (e) <i>Violations of sections 90-100—90-105:</i>	
(1) Illegal disposal of garbage, trash, industrial and bulky waste:	
a. First occurrence offense	50.00
b. Second or subsequent offense Following, per occurrence	100.00
(2) Illegal disposal of garden trash, tree and shrubbery trash and/or special handling trash:	
a. First occurrence offense	50.00
b. Second or subsequent offense Following, per occurrence	100.00
(3) Illegal disposal of biohazardous and/or hazardous waste:	
a. First occurrence offense	250.00
b. Second or subsequent offense Following, per occurrence	1000.00
 (d) <i>Violation(s) of section 90-36</i>	
(1) Creation of health hazard, environmental hazard, or nuisance:	
a. First occurrence.....	100.00
b. Following, per occurrence	200.00

Sec. 90-40. Fine schedule for violations of sections 90-36; 90-98; 90-99; 90-100; 90-107; 90-191 et seq.; 90-221 et seq.; and 90-228 by private waste contractors.

	<i>Fine for failure to correct in specified time after notice</i>
 (a) <u>Violations of section 90-36</u>	
<u>The existence of the same garbage inside the same garbage container for four consecutive days upon a premises serviced by a private waste contractor</u>	
a. <u>First offense</u>	<u>100.00</u>
b. <u>Second or subsequent offense.....</u>	<u>250.00</u>
 (b) (a) <u>Violations of section 90-98</u>	
(1) <u>Dumpsters and rolloffs placed on public property without city permit, per day</u>	<u>\$100.00</u>
 (c) (b) <u>Violations of sections 90-99 and 90-100</u>	
(1) <u>Deteriorated, rusted, decayed or unserviceable dumpsters</u>	<u>150.00</u>
(2) <u>Outdoor garbage dumpster(s) without lid</u>	<u>100.00</u>
(3) <u>Failure to remove all garbage and trash placed in garbage can or container and generated by the account being serviced</u>	<u>250.00</u>
 (d) (e) <u>Violations of sections 90-191 et seq. through 90-196; and 90-221 through 90-228 et seq.</u>	
(1) <u>Dumpsters currently in service, overflowing and generating a health hazard, per occurrence offense.....</u>	<u>500.00</u>
(2) <u>Dumpsters not sanitized or disinfected after collection</u>	<u>100.00</u>
(3) <u>Dumpsters not removed after account is closed or permit or license is revoked</u>	<u>100.00</u>
(4) <u>Dumpsters without contractor's identification</u>	<u>50.00</u>
(5) <u>Dumpsters or other garbage facility(ies) installed without permits</u>	<u>100.00</u>
(6) <u>Garbage facilities placed by contractor without permit:</u>	
a. <u>First occurrence offense</u>	<u>50.00</u>

b. <u>Second or subsequent offense Following, per occurrence by same contractor during same city fiscal year</u>	200.00
(7) Contractors not reporting timely a stopped service in writing to the City Manager or his designee (temporary or permanent)	50.00
(8) Contractor's truck breaking sidewalks, curb and gutters; contractor's truck driving over sidewalks, curbs, and blocking pedestrian traffic; or breaking water meter, electric meter or other types or lids on City property; cost of replacement by City plus:	
a. <u>First occurrence offense</u>	100.00
b. <u>Second or subsequent offense Following, per occurrence</u>	200.00
(9) Contractors leaving trucks, not servicing accounts, parked within City limits, per day	\$100.00
(10) Dumpsters not in service and generating a health hazard and dumped on City limits prior to removal, per offense occurrence	500.00
(11) Dumpsters not returned by contractor to approved location, per offense occurrence	50.00
(12) Dumpsters providing shared service to properties with different ownership, per offense occurrence	200.00
(13) <u>Failure to maintain an office in Miami Dade County with adequate staff and service or failure to resolve complaints within required time period:</u>	
a. <u>First offense</u>	Warning
b. <u>Second or subsequent offense</u>	100.00
(d)(14) <u>Violations of section 90-228: Failure to remove all garbage, rubbish and trash in garbage can or container and placed within immediate area of owner, occupant, or operator or manager's property line where container is located and, at a minimum, within a radius of ten feet around the container</u>	
	<i>Fine for failure to correct in specified time after notice</i>
a. <u>First offense occurrence</u>	Warning
b. <u>Second or subsequent offense Following, per occurrence by same contractor during same city fiscal year....</u>	50.00
(15) <u>Contractor's trucks or garbage facilities leaking fluids, per offense....</u>	50.00
(16) <u>Violation of collection hours, per offense</u>	100.00
(17) <u>Failure of permanent contractor employees to carry approved identification cards while servicing account (s), per offense</u>	50.00
(e) Payment of City's costs. In addition to the above- stated fines, violators must also pay any costs incurred by the city in the event the city corrects any violation(s) pursuant to sections 90-36 and 90-37.	

SECTION 2. That Division 3, entitled "Franchise" of Article IV, entitled "Private Waste Contractors," of Chapter 90 of the Miami Beach City Code, entitled "Solid Waste," is hereby amended as follows:

CHAPTER 90

SOLID WASTE

* * *

ARTICLE IV. PRIVATE WASTE CONTRACTORS

Division 3, Franchise

Sec. 90-222. List of accounts.

- (a) Each franchise waste contractor shall provide the City Manager with the following information upon initial application for a franchise and, thereafter, at the commencement of each application for renewal:
 - (1) A current list of the names and addresses of each account franchise;
 - (2) The frequency of service;
 - (3) The permit number and capacity of each waste dumpster as per account;
 - (4) The permit number and capacity for each recycling container, as per account;
 - (5) The address serviced by each dumpster; and
 - (6) The address serviced by each recycling container.
- (b) No property owner may share an account with another property owner.
- (c) Notwithstanding subsection (a)(1), the contractor shall notify the City Manager, in writing, on a monthly basis, of any changes in its list of accounts.
- (d) Each franchise waste contractor shall notify the City of all accounts that have been discontinued prior to the accumulation of garbage on the previously services premises.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 5. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect the _____ day of _____, 2013.

PASSED and ADOPTED this _____ day of _____, 2013.

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

MAYOR MATTI HERRERA BOWER

(Sponsored by Commissioner Deede Weithorn)

Underline denotes additions
~~Strike through~~ denotes deletions.

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

CITY ATTORNEY DATE 7/12/13

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