



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

OFFICIAL AGENDA

REGULAR CITY COMMISSION MEETING

**CITY OF NORTH BAY VILLAGE
1700 KENNEDY CAUSEWAY, #132
NORTH BAY VILLAGE, FL 33141**

TUESDAY, JANUARY 10, 2012

7:30 P.M.

NOTICE IS HEREWITH GIVEN TO ALL INTERESTED PARTIES THAT IF ANY PERSON SHOULD DECIDE TO APPEAL ANY DECISION MADE AT THE FORTHCOMING MEETING OF THE CITY COMMISSION, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE CITY FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE EVIDENCE, NOR DOES IT AUTHORIZES CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION OR A SIGN LANGUAGE INTERPRETER TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT (305) 756-7171 NO LATER THAN FOUR DAYS PRIOR TO THE PROCEEDING. IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS AT (800) 955-8771 (TDD) OR (800) 955-8700 (VOICE) FOR ASSISTANCE.

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1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL**
 2. **A. PROCLAMATIONS AND AWARDS**
 1. **VOLUNTEERS – CITY HOLIDAY EVENT****B. SPECIAL PRESENTATIONS**
 1. **ALETHA PLAYER, AREA MANAGER
FLORIDA POWER & LIGHT COMPANY**
 - C. **ADDITIONS AND DELETIONS**
 3. **BOARD REPORTS**
 - A. **ANIMAL CONTROL ADVISORY BOARD**
 - B. **ARTS, CULTURAL & SPECIAL EVENTS BOARD**

- C. CITIZENS BUDGET AND OVERSIGHT BOARD
 - D. COMMUNITY ENHANCEMENT BOARD
 - E. PLANNING & ZONING BOARD
 - F. YOUTH SERVICES BOARD
- 4. PUBLIC SAFETY DISCUSSION
 - 5. COMMISSIONERS' REPORTS
 - 6. CITY ATTORNEY'S REPORT
 - 7. CITY MANAGER'S REPORT
 - 8. GOOD & WELFARE AT APPROXIMATELY 8:30 P.M.
 - 9. CONSENT AGENDA: Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and be considered separately.
 - 10. PLANNING & ZONING CONSENT AGENDA
 - 11. ORDINANCES FOR FIRST READING AND RESOLUTIONS
 - A. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A CHANGE ORDER TO THE DESIGN BUILD AGREEMENT BETWEEN THE CITY AND METRO EQUIPMENT SERVICE, INC., FOR THE FORCE MAIN REHABILITATION DESIGN-BUILD PROJECT FOR ADDITIONAL WORK FOR MILLING, RESURFACING, AND PAVEMENT MARKINGS OF THE AREA FROM NORTH TREASURE DRIVE TO KENNEDY CAUSEWAY; AUTHORIZING CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE CHANGE ORDER; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY CITY MANAGER DENNIS W. KELLY)*
 - 1.) Commission Action
 - 12. PUBLIC HEARINGS INCLUDING ORDINANCES FOR SECOND READING

13. UNFINISHED BUSINESS

A. CHARTER ADVISORY REVIEW BOARD (*MAYOR CONNIE LEON-KREPS*)

B. REQUEST FOR QUALIFICATIONS – LEGAL SERVICES

1.) Commission Action

14. NEW BUSINESS

A. APPOINTMENT OF MEMBER TO PLANNING & ZONING BOARD

1.) Commission Action

15. APPROVAL OF MINUTES

16. ADJOURNMENT

**CITY OF NORTH BAY VILLAGE
MEETING NOTICE**

WEDNESDAY, JANUARY 11, 2012	6:30 P.M.	COMMUNITY ENHANCEMENT BOARD MEETING
SATURDAY, JANUARY 14, 2012	2-3 P.M.	BOOK MOBILE (1841 GALLEON STREET)
TUESDAY, JANUARY 17, 2012	7:30 P.M.	PLANNING & ZONING BOARD MEETING
THURSDAY, JANUARY 19, 2012	6:30 P.M.	ETHICS WORKSHOP/MIAMI-DADE COUNTY COMMISSION ON ETHICS
SATURDAY, JANUARY 21, 2012	2-3 P.M.	BOOK MOBILE (1841 GALLEON STREET)
THURSDAY, JANUARY 26, 2012	4:30 P.M.	CITIZENS BUDGET & OVERSIGHT BOARD MEETING
SATURDAY, JANUARY 28, 2012	2-3 P.M.	BOOK MOBILE (1841 GALLEON STREET)

Meetings are held in the City Commission Chambers at 1700 Kennedy Causeway, Suite #132, North Bay Village, Florida, unless otherwise specified. Any meeting may be opened and continued and, under such circumstances, additional legal notice would not be provided. Any person may contact the City Clerk at (305) 756-7171 for information. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding or to review any documents relative thereto should contact the City for assistance at (305) 756-7171 no later than four (4) days prior to the proceedings. If hearing impaired, telephone the Florida Relay Service at (800) 955-8771 (TDD) or (800) 955-8770 (Voice) for assistance.



City of North Bay Village

Administrative Offices

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Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

CITY OF NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM

DATE: January 10, 2012

TO: Mayor Connie Leon-Kreps
Vice Mayor Eddie Lim
Commissioner Frank Rodriguez
Commissioner Paul Vogel
Commissioner Richard Chervony

FROM: Dennis Kelly
City Manager

SUBJECT: Resurfacing of Hispanola Avenue from N. Treasure Dr. to Kennedy Cswy Right of Way: Authorization to Precede with Change Order #11 to Metro Equipment Service, Inc.

RECOMMENDATION:

It is recommended that the City Commission expand the scope of services under the agreement with Metro Equipment Service, Inc. ("Metro") and approve a Resolution approving Change Order #11 with Metro for additional work for milling, resurfacing, and pavement markings of 21,356 square feet of area from North Treasure Drive to Kennedy Causeway at a cost of \$38,777.64.

BACKGROUND:

On September 5, 2006, the voters of the City of North Bay Village (the "City") approved a capital improvement project for the replacement of the Biscayne Bay Sewer Force Main; and in Resolution No. 2009-75 the City Commission approved a Design-Build Agreement with Metro for the Force Main Rehabilitation Design-Build Project (the "Project") for approximately \$4,457,012.00.

IIACU

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Richard Chervony

Commissioner
Frank Rodriguez

Commissioner
Dr. Paul Vogel

In April of 2010, by adoption of Resolution No. 2010-33, the City Commission approved an amendment to the Design Build Agreement pertaining to monetary Change Orders 1 through 4 representing an increase of \$162,322.80.

In September and December of 2010, Change Orders 5 through 7 (No. 5 piping deduction of \$14,850.00, No. 6 additional asphalt for \$2,910.00, and No. 7 time extension) were approved by the City Manager, which resulted in an overall deduction of the Contract Price.

In May 2011, the City Commission approved Resolution 2011-20 approving Change Order No 8 to extend the Contract Time to June 30, 2011 and increase the Contract Price for an additional \$114,666.28 due to additional roadway and landscaping restoration work associated with installing the City's force main into the streets in the City of Miami increasing the total Contract Price to \$4,722,061.08. Completion of the project has been delayed due to permitting procedures and inspections for the Flow Meter required to measure the City's wastewater flow at the point of connection, which has resulted in the need to extend the Contract Time to August 12, 2011 at no additional cost.

In July 26, 2011, the City Commission approved Resolution No. 2011-34 approving Change Order No. 9 for the additional Contract Time through August 12, 2011.

Resolution No. 2011-34 authorized the City Manager to extend the Contract Time and Change Order No. 10 extended the Contract Time through April 12, 2012 in order to address additional requirements imposed by Miami-Dade County.

BUDGETARY IMPACT:

The funds for Change Order #11 for improvements to Hispanola Avenue are available from Capital Improvements Local Option Gas Tax funding.

CONTACT:

Dennis Kelly, City Manager
Sam Zamacona, Director of Public Works

11A(2)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A CHANGE ORDER TO THE DESIGN BUILD AGREEMENT BETWEEN THE CITY AND METRO EQUIPMENT SERVICE, INC., FOR THE FORCE MAIN REHABILITATION DESIGN-BUILD PROJECT FOR ADDITIONAL WORK FOR MILLING, RESURFACING, AND PAVEMENT MARKINGS OF THE AREA FROM NORTH TREASURE DRIVE TO KENNEDY CAUSEWAY; AUTHORIZING CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE CHANGE ORDER; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS W. KELLY)

WHEREAS, at a Special Election held on September 5, 2006, the voters of the City of North Bay Village (the "City") approved a capital improvement project for the replacement of the Biscayne Bay Sewer Force Main; and

WHEREAS, in Resolution No. 2009-75 the City Commission approved a Design-Build Agreement with Metro Equipment Service, Inc. ("Metro") for the Force Main Rehabilitation Design-Build Project (the "Project") for approximately \$4,457,012.00; and

WHEREAS, in April of 2010, by adoption of Resolution No. 2010-33, the City Commission approved an amendment to the Design Build Agreement (the "Agreement") pertaining to monetary Change Orders 1 through 4 representing an increase of \$162,322.80; and

WHEREAS, in September and December of 2010, Change Orders 5 through 7 (No. 5 piping deduction of \$14,850.00, No. 6 additional asphalt for \$2,910.00, and No. 7 time extension) were approved by the City Manager which resulted in an overall deduction of the Contract Price; and

WHEREAS, in May 2011, the City Commission approved Resolution 2011-20 approving Change Order No. 8 to extend the Contract Time to June 30, 2011 and increase the Contract Price for an additional \$114,666.28 due to additional roadway and landscaping restoration work associated with installing the City's force main into the streets in the City of Miami increasing the total Contract Price to \$4,722,061.08; and

WHEREAS, completion of the project has been delayed due to permitting procedures and inspections for the Flow Meter required to measure the City's wastewater flow at the point of connection, resulting in the need to extend the Contract Time to August 12, 2011, with no additional costs; and

WHEREAS, in July 26, 2011, the City Commission approved Resolution No. 2011-34 approving Change Order No. 9 for the additional Contract Time through August 12, 2011.

WHEREAS, Resolution No. 2011-34 also authorized the City Manager to extend the Contract Time and Change Order No. 10 extended the Contract Time through April 12, 2012 in order to address additional requirements imposed by Miami-Dade County.

WHEREAS, the City wishes to expand the scope of services under the Agreement with Metro and approve Change Order No. 11 to provide additional milling, resurfacing, and pavement markings of 21,356 square feet of area from North Treasure Drive to Kennedy Causeway at a cost of \$38,777.64; and

WHEREAS, the City Manager and the Public Works Director have reviewed the attached Change Order, determined it is acceptable and consistent with the current contract, and recommends approval of the proposed change order.

11A(4)

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above Recitals are true and correct and incorporated herein by this reference.

Section 2. Approval of Change Order. That Change Order No. 11 to the Design- Build Agreement between the City and Metro Equipment Service, Inc, for milling, resurfacing, and pavement markings of 21,356 square feet of area from North Treasure Drive to Kennedy Causeway at a cost of \$38,777.64, a copy of which is attached as Exhibit "1," together with such changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is approved.

Section 3. Authorization of City Officials. City Manager and/or his designee and the City Attorney are authorized to take all actions necessary to implement the terms and conditions of the Change Order.

Section 4. Execution of the Agreement. City Manager is authorized to execute the Change Order on behalf of the City, to execute any required agreements and/or documents to implement the terms and conditions of the Change Order, subject to the approval as to form and legality by the City Attorney.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

11A(5)

The motion to adopt the foregoing Resolution was offered by _____, seconded by _____.

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps _____
Vice Mayor Eddie Lim _____
Commissioner Richard Chervony _____
Commissioner Frank Rodriguez _____
Commissioner Paul Vogel _____

PASSED AND ADOPTED this ____ day of ____, 2012.

Connie Leon-Kreps, Mayor

ATTEST:

Yvonne P. Hamilton, CMC
City Clerk

**APPROVED AS TO FORM FOR THE USE
OF THE CITY OF NORTH BAY VILLAGE:**

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
City Attorney

City of North Bay Village Resolution: Metro Equipment Change Order No. 11-Milling, Resurfacing, and Pavement Markings from North Treasure Drive to Kennedy Causeway.

11A(6)



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM City of North Bay Village

DATE: December 30, 2011

TO: Yvonne P. Hamilton, CMC
City Clerk

FROM: Dennis W. Kelly 
City Manager

SUBJECT: Introduction of Resolution

Pursuant to Section 3.08 of the City Charter, I hereby introduce the following Resolution:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A CHANGE ORDER TO THE DESIGN BUILD AGREEMENT BETWEEN THE CITY AND METRO EQUIPMENT SERVICE, INC., FOR THE FORCE MAIN REHABILITATION DESIGN-BUILD PROJECT FOR ADDITIONAL WORK FOR MILLING, RESURFACING, AND PAVEMENT MARKINGS OF THE AREA FROM NORTH TREASURE DRIVE TO KENNEDY CAUSEWAY; AUTHORIZING CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE CHANGE ORDER; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE.

Accordingly, please place the item on the next available agenda.

DK:yph

11A(7)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Richard Chervony

Commissioner
Frank Rodriguez

Commissioner
Dr. Paul Vogel

METRO EQUIPMENT SERVICE, INC.

ESTIMATE

Re: Street Resurfacing

Scope of work:

- Lay a leveling course with hot mix asphalt throughout the intersection.
- Mill 1" all throughout the area
- Properly clean area prior to applying tack
- Tack area with SS1-H asphalt emulsion
- Pave 1" of S-3 type hot mix asphalt

Area: Jewel Avenue and South Treasure Drive – 2,940 sq/ft
Galeon Street and Jewel Avenue – 2,266 sq/ft

Total Area: 5,206 sq/ft

Price: \$1.40 sq/ft totaling	\$ 7,288.40
plus additional 8,045 sf @ 1.4 sq/ft totaling	<u>\$11,263.00</u>
Entire Jewel Avenue totaling	\$18,551.40

(To be funded from C.I.T.T.)


Abbey Finello
Project Manager
2-28-11

11A(8)

**** Metro Equipment Service, Inc.**
 7171 SW 62 Avenue
 Miami, FL 33143
 Phone # 305-740-3303

Invoice

Date	Invoice #
4/26/2011	33200

Bill To
City of North Bay Village 111 NW 1st Street Suite 920 Miami, Fl. 33128

Reference
Street Resurfacing

Description	Amount
Street Resurfacing - Price \$ 1.40 sq/ft - Total Area: 5,206 sq/ft	7,288.40
Scope of Work - Lay a leveling course with hot mix asphalt throughout the intersection - Mill 1" all throughout the area - Properly clean area prior to applying tack - Tack area with SS1-H asphalt emulsion - Pave 1" of S-3 type hot mix asphalt Area: Jewel Avenue and South Treasure Drive - 2,940 sq/ft Galeon Street and Jewel Avenue - 2,266 sq/ft	
Total	\$7,288.40

11A(9)

City of North Bay Village
<RETURN> Line Summary

Check History Inquiry

Bank	Batch	Check No	Date	Vendor Name	Check Amount
3	00001270	00074217	08/09/2011	METRO EQUIPMENT SERVI	9788.40

> Check History - Invoice Summary <

Invoice	Dist Code	Invoice Date	Gross	Deduction	Net
1002	12	05/05/2011	2500.00	.00	2500.00
33200	15	04/26/2011	7288.40	.00	7288.40

11A(10)

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11A(11)

CHANGE ORDER

OWNER
 ARCHITECT
 CONTRACTOR
 FIELD
 OTHER

PROJECT: 30 FM Rehab Design-Build 1700 Kennedy Causeway Suite #132 North Bay Village, FL 33141	CHANGE ORDER #:	11
	CHANGE ORDER DATE:	01/05/2012
	PROJECT #s:	RFP 2009-03
TO: Metro Equipment Service, Inc. 71 71 SW 62 Ave., Suite 502 Miami, FL 33143	DATE OF CONTRACT:	10/27/2009
	FOR:	

The Contract is changed as follows:

Area: Hispanola (South of street pavement marking near causeway to N. Treasure Drive E.) - 21,358 Sq/Ft @ \$1.40/Sq.Ft.
 Lay a leveling course with hot mix asphalt throughout the intersection, mill 1" all throughout the area, properly clean area prior to applying tack, tack area with SS1-H asphalt emulsion, pave 1" of S-3 hot asphalt.

Striping, Thermo. \$5,354.00 2,480 LF and 212 RPMs

The original Contract Sum was	\$4,457,012.00
The net change by previously authorized Change Orders is	\$265,049.08
The Contract Sum prior to this Change Order was	\$4,722,061.08
The Contract Sum will be increased by this Change Order in the amount of	\$38,777.64
The new Contract Sum including this Change Order will be	\$4,760,838.72
The Contract Time will be increased by	0 days.
The date of Substantial Completion as of this Change Order therefore is	Unchanged

Not valid until signed by all parties below.

Kimley Horn & Asc.	Metro Equipment Service, Inc.	City of North Bay Village
ARCHITECT	CONTRACTOR	OWNER
5200 NEW 33 Ave., Suite 109	7171 SW 62 Ave., Suite 502	1700 Kennedy Causeway Suite #132
ADDRESS	ADDRESS	ADDRESS
Ft. Lauderdale, FL 33309	Miami, FL 33143	North Bay Village, FL 33141
BY (Signature)	BY (Signature)	BY (Signature)
(Typed Name)	Javier Barera	Dennis Kelly
DATE	DATE 1-5-12	DATE

11A (12)

**CAPITAL IMPROVEMENTS LOCAL OPTION GAS TAX
PROJECT CERTIFICATION FORM
FISCAL YEAR 2012**

Municipality: City of North Bay Village

Contact Person: Samuel Zamacona Jr. E.I.

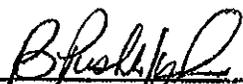
Telephone: 305-756-7171

Email: SamZamacona@nbvillage.com

Mail completed form and attachments to:
Metropolitan Planning Organization
Stephen P. Clark Center
111 NW 1st Street, Suite 020
Miami, Florida 33128
Attn: Jennifer Glazer-Moon

Pursuant to the interlocal agreement dated July 27, 1993, the transportation projects listed below meet the requirements of Section 338.026 (1)(b)(3) Florida Statutes (1993). A copy of the relevant section(s) of the Capital Improvements Element (CIE) of the adopted municipal comprehensive plan is attached.

Project Name/Location	Total Estimated Project Cost	Proposed Gas Tax Expenditures
Adventure Avenue Milling, Resurfacing and Stripping / Adventure Avenue between North Treasure Dr. and J.F. Kennedy Causeway (SR 934).	\$52,283	\$52,283 (\$28,321 C.I.L.O.G.T)
John F. Kennedy Causeway Beautification Phase 1, Bus Stop Improvement, New Transit user crosswalk and ADA Curb Ramps, Intersection Improvements, Milling Resurfacing, Stripping, Sound Walls, Landscaping, etc.	\$2,177,466	\$49,363
Total Proposed Gas Tax Expenditures		\$101,646

CERTIFIED BY:  DATE: 6/1/2011
Chief Administrative Officer

Attach as many pages as needed to include all proposed gas tax funded capital projects

11A(13)

CHANGE ORDER

OWNER
 ARCHITECT
 CONTRACTOR
 FIELD
 OTHER

PROJECT: 30 FM Rehab Design-Build 1700 Kennedy Causeway Suite #132 North Bay Village, FL 33141	CHANGE ORDER #: 10
TO: Metro Equipment Service, Inc. 7171 SW 62 Ave., Suite 502 Miami, FL 33143	CHANGE ORDER DATE: 01/05/2012
	PROJECT #s: RFP 2009-03
	DATE OF CONTRACT: 10/27/2009
	FOR:

The Contract is changed as follows:

Time extension pursuant to resolution 2011-34.

The original Contract Sum was	\$4,457,012.00
The net change by previously authorized Change Orders is	\$265,049.08
The Contract Sum prior to this Change Order was	\$4,722,061.08
The Contract Sum will be unchanged by this Change Order	\$0.00
The new Contract Sum including this Change Order will be	\$4,722,061.08
The Contract Time will be increased by Two hundred forty-four	244 days.
The date of Substantial Completion as of this Change Order therefore is	04/12/2012

Not valid until signed by all parties below.

<u>Kimley Horn & Assoc.</u>	<u>Metro Equipment Service, Inc.</u>	<u>City of North Bay Village</u>
ARCHITECT <i>Engineer</i>	CONTRACTOR	OWNER
5200 NEW 33 Ave., Suite 109	7171 SW 62 Ave., Suite 502	1700 Kennedy Causeway Suite #132
ADDRESS	ADDRESS	ADDRESS
Ft. Lauderdale, FL 33309	Miami, FL 33143	North Bay Village, FL 33141
<i>Gary R. Ratay</i>	<i>Javier Gurron</i>	<i>Dennis Kelly</i>
BY (Signature)	BY (Signature)	BY (Signature)
Gary Ratay	Javier Gurron	Dennis Kelly
(Typed Name)	(Typed Name)	(Typed Name)
DATE 1-5-2012	DATE 1-5-12	DATE 1/5/12

11A(14)

CHANGE ORDER

OWNER
 ARCHITECT
 CONTRACTOR
 FIELD
 OTHER

PROJECT: 30 FM Rehab Design-Build 1700 Kennedy Causeway Suite #132 North Bay Village, FL 33141	CHANGE ORDER #: 9
TO: Metro Equipment Service, Inc. 7171 SW 62 Ave., Suite 502 Miami, FL 33143	CHANGE ORDER DATE: 07/14/2011 PROJECT #s: RFP 2009-03 DATE OF CONTRACT: 10/27/2009 FOR:

The Contract is changed as follows:

Time extension associated with flowmeter permits

The original Contract Sum was	\$4,457,012.00
The net change by previously authorized Change Orders is	\$265,049.08
The Contract Sum prior to this Change Order was	\$4,722,061.08
The Contract Sum will be unchanged by this Change Order	\$0.00 *
The new Contract Sum including this Change Order will be	\$4,722,061.08
The Contract Time will be increased by Forty-three	43 days.
The date of Substantial Completion as of this Change Order therefore is	08/12/2011

Not valid until signed by all parties below.

<u>Kimley Horn & Asc.</u> ARCHITECT 5200 NEW 33 Ave., Suite 109 ADDRESS Ft. Lauderdale, FL 33309 <i>Gary R. Rataj</i> BY (Signature) Gary Rataj (Typed Name) DATE 7/	<u>Metro Equipment Service, Inc.</u> CONTRACTOR 7171 SW 62 Ave., Suite 502 ADDRESS Miami, FL 33143 <i>Asst. Field</i> BY (Signature) Asst. Field (Typed Name) DATE 7-15-11	<u>City of North Bay Village</u> OWNER 1700 Kennedy Causeway Suite #132 ADDRESS N. Bay Village, FL 33141 <i>Approved by Resolution 2011-34</i> BY (Signature) Robert Daniels (Typed Name) DATE 7/26/11
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11A(15)



Kimley-Horn
and Associates, Inc.

June 28, 2011

Mr. Robert Daniels
Interim City Manager
City of North Bay Village
1700 Kennedy Causeway, Suite 132
North Bay Village, FL 33141

Suite 109
5200 NW 33rd Avenue
Fort Lauderdale, Florida
33309

**RE: City of North Bay Village
Force Main Rehabilitation Design-Build Project
RFP #2009-03, Project #WW803060
KHA 043138011**

Dear Bob,

The Design-Build contract for the above referenced project was awarded by the City of North Bay Village (City) to Metro Equipment Services, Inc. (MES) and signed on October 27, 2009. The contract schedule was 365 days, but based on extensive stakeholder coordination and lengthy permitting processes, the contract completion date was changed from October 27, 2010 to June 30, 2011. The contract extension was approved by the City Commission on May 10, 2011. As part of that approval process, the Department of Environmental Protection (DEP) also agreed to extend the Consent Order deadline between the City of North Bay Village and DEP from November 30, 2010 to June 30, 2011.

To date, the force main piping system is installed, connected, and successfully pressure tested throughout the project area. The remaining component impacting project completion is a wastewater flow meter. The meter body and associated electrical components have been delivered, but per the attached letter from MES dated June 27, 2011, obtaining an electrical permit has created an unexpected delay. MES is expediting the electrical permit, but could not provide an actual date for receipt of the permit.

Once the flow meter is installed, MES is required to obtain approval from Miami-Dade Water and Sewer Department (WASD), the Department of Environmental Resource Management (DERM), and the City of North Bay Village prior to activating the force main. As a result, MES is requesting an additional 30 days associated with obtaining the electrical permit, completing the flow meter installation, and activating the force main. The requested extension would change the completion date from June 30, 2011 to July 30, 2011. MES indicated that they have coordinated with WASD and DERM so that once the flow meter is installed the approval process will be expedited by both agencies.

TEL 954 535 5100
FAX 954 739 2247

11A(16)



As part of this request for additional time, KHA has coordinated with DEP to determine if they will also extend the Consent Order deadline from June 30, 2011 to July 30, 2011 without any impacts to the City.

Based on the information provided by MES and if DEP agrees to an extension of the consent order deadline, KHA recommends approval of this time extension request. If DEP does not agree to a time extension and imposes associated conditions, we will determine how those conditions impact MES's contract with the City. I will contact you as soon as I receive direction from DEP. This Change Order, if processed, is for time only and does not include any increase in project costs.

Sincerely,

Kimley-Horn and Associates, Inc.

Gary R. Ratay, P.E.
Senior Associate

Attachments

Copy To: Sam Zamacona/Nina Boniske
Stefano Viola/File

11A(17)

METRO EQUIPMENT SERVICE, INC.

6-27-11

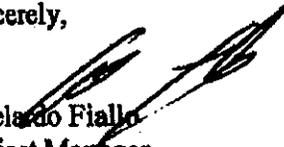
Kinley-Horn & Associates
5200 N.W. 33 Rd Ave. Suite 109
Ft. Lauderdale, Fla. 3309-6343
Attrn: Gary Ratay P.E.

Mr. Gary Ratay,

This letter is to inform you of the unexpected development that occurred when our electrical contractor went to pull the temporary permit at Miami-Dade County planning & Zoning on 6-23-2011. As per the e-mail attached the permitting department explained that they had made a mistake in issuing the electrical permit in the first place. They apologized and tried to work it out but determined that they had to dissolve the permit and that Metro Equipment Service, Inc. would have to go to the City of Miami to present two sets of sealed plans and apply for a new permit there. We do not know how long this could take until we apply tomorrow when we receive the sealed set of plans from LAN Engineering. The electrical supervisor at the City of Miami is aware and will try to expedite the process. We respectfully request an extension of time for this unforeseen situation that was not caused by Metro. To be safe we ask for 30 days. Please contact DEP for their understanding with this matter. I appreciate everyone's consideration in advance.

Please let me know if you need anything else.

Sincerely,


Abelardo Fiallo
Project Manager
Metro Equipment Service

CC: Mr. Sam Zamacona
City of North bay Village- Public Works Director,

11A(18)



Kimley-Horn
and Associates, Inc.

July 1, 2011

■
Suite 109
5200 NW 33rd Avenue
Fort Lauderdale, Florida
33309

Mr. Michael Hambor
Environmental Manager
Department of Environmental Protection (DEP)
400 North Congress Ave., Suite 200
West Palm Beach, FL 33401

*RE: City of North Bay Village
Force Main Rehabilitation Design-Build Project
Consent Order OGC#08-0440
Kimley-Horn and Associates, Inc. (KHA) #043138006*

Dear Michael,

Per the attached letter dated June 27, 2011, Metro Equipment Services, Inc. (MES) is requesting a time extension associated with the above referenced project. The force main piping system is installed, connected, and successfully pressure tested throughout the project area. The remaining component impacting project completion is a wastewater flow meter. The meter body and associated electrical components have been delivered, but obtaining an electrical permit has created an unexpected delay. MES is expediting the electrical permit, but could not provide an actual date for receipt of the permit.

Once the permit is obtained and the flow meter is installed, MES is required to obtain approval from Miami-Dade Water and Sewer Department (WASD), the Department of Environmental Resource Management (DERM), and the City of North Bay Village prior to activating the force main. As a result, MES is requesting an additional 30 days associated with obtaining the electrical permit, completing the flow meter installation, and activating the force main. The requested extension would change the completion date from June 30, 2011 to July 30, 2011. MES indicated that they have coordinated with WASD and DERM so that once the flow meter is installed the approval process will be expedited by both agencies.

Based on the information provided and discussions with MES to determine the request is reasonable with impacts outside of their control, KHA recommended approved of this time extension request to the City. We hope that you will consider and approve this scheduling request, and waive any potential fees or violations as part of your approval.

■
TEL 954 535 5100
FAX 954 739 2247

11A(19)



Please let us know if this schedule extension request is acceptable and should you have any questions or need further information, please do not hesitate to call me at (954) 535-5100.

Sincerely,

Kimley-Horn and Associates, Inc.

A handwritten signature in black ink, appearing to read "Gary R. Rafay".

Gary R. Rafay, P.E.
Senior Associate

Attachments

Copy To: Alex Lopez
Robert J. Daniels/Sam Zamacona/Nina Boniske
Stefano Viola/File

11A(20)

METRO EQUIPMENT SERVICE, INC.

6-27-11

Kinley-Horn & Associates
5200 N.W. 33 Rd Ave. Suite 109
Ft. Lauderdale, Fla. 3309-6343
Attn: Gary Ratay P.E.

Mr. Gary Ratay,

This letter is to inform you of the unexpected development that occurred when our electrical contractor went to pull the temporary permit at Miami-Dade County planning & Zoning on 6-23-2011. As per the e-mail attached the permitting department explained that they had made a mistake in issuing the electrical permit in the first place. They apologized and tried to work it out but determined that they had to dissolve the permit and that Metro Equipment Service, Inc. would have to go to the City of Miami to present two sets of sealed plans and apply for a new permit there. We do not know how long this could take until we apply tomorrow when we receive the sealed set of plans from LAN Engineering. The electrical supervisor at the City of Miami is aware and will try to expedite the process. We respectfully request an extension of time for this unforeseen situation that was not caused by Metro. To be safe we ask for 30 days. Please contact DEP for their understanding with this matter. I appreciate everyone's consideration in advance.

Please let me know if you need anything else.

Sincerely,



Abelardo Fiallo
Project Manager
Metro Equipment Service

CC: Mr. Sam Zamacona
City of North bay Village- Public Works Director

11A(21)

CHANGE ORDER SUMMARY TABLE

PROJECT MGR.
 Gary R Ratay
 KHA Project No. 043138006
 Metro Equipment Services, Inc.
 Metro Project No. 30

CONTRACTOR
 Gary R Ratay
 KHA Project No. 043138006
 Metro Equipment Services, Inc.
 Metro Project No. 30

PROJECT: City of North Bay Village
 Force Main Rehabilitation Design-Build Project
 RFP #2009-03

CONTRACT AMOUNT: \$4,457,012.00

Change Order Number	Date Authorized	Change Order Description	Original Contract Amount	Change Order Amount	Revised Contract Amount	Net Change Order Amount to Date
1	4/13/10	Additional material and time for revised pipe route	\$4,457,012.00	\$90,012.81	\$4,547,024.81	\$90,012.81
2	4/13/10	Additional design and survey for revised pipe route		\$29,526.74	\$4,576,551.55	\$119,539.55
3	4/13/10	Buy America cost increase		\$12,783.25	\$4,589,334.80	\$132,322.80
4	4/13/10	Additional PR services		\$30,000.00	\$4,619,334.80	\$162,322.80
5	9/24/10	Change from DIPS to IPS HDPE pipe		-\$14,850.00	\$4,604,484.80	\$147,472.80
6	12/16/10	Additional Asphalt		\$2,910.00	\$4,607,394.80	\$150,382.80
7	12/16/10	Time extension only		\$0.00	\$4,607,394.80	\$150,382.80
8	5/10/11	City of Miami restoration/Police/PR/Time extension		\$114,666.28	\$4,722,061.08	\$265,049.08
9	7/26/11	Time extension				
10	1/5/12	Time extension				
11	Pending	Resurfacing Alsgandola Ave to JFK, csuy.		38,777.64	4,760,838.72	303,826.72

11A(22)

RESOLUTION NO. 2011-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, APPROVING A CHANGE ORDER IN THE AMOUNT OF \$114,666.28 TO THE DESIGN BUILD AGREEMENT BETWEEN THE CITY AND METRO EQUIPMENT SERVICE, INC., FOR THE FORCE MAIN REHABILITATION DESIGN-BUILD PROJECT; AUTHORIZING CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE CHANGE ORDER; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER ROBERT PUSHKIN)

WHEREAS, at a Special Election held on September 5, 2006, the voters of the City of North Bay Village (the "City") approved a capital improvement project for the replacement of the Biscayne Bay Sewer Force Main; and

WHEREAS, in Resolution No. 2009-75 the City Commission approved a Design-Build Agreement with Metro Equipment Service, Inc. ("Metro") for the Force Main Rehabilitation Design-Build Project (the "Project") for approximately \$4,457,012.00; and

WHEREAS, in April of 2010, by adoption of Resolution No. 2010-33, the City Commission approved an amendment to the Design Build Agreement pertaining to monetary Change Orders 1 through 4 representing an increase of \$162,322.80; and

WHEREAS, in September and December of 2010, Change Orders 5 through 7 (No. 5 piping deduction of \$14,850.00, No. 6 additional asphalt for \$2,910.00, and No. 7 time extension) were approved by the City Manager which resulted in an overall deduction of the Contract Price; and

D
WHEREAS, Metro is requesting an additional amendment to the Design Build Agreement through Change Order No 8 to extend the Contract Time to June 30, 2011 and increase the Contract Price for an additional \$114,666.28 (as detailed in the request for change order dated April 6, 2011 from Metro to the City) due to additional roadway and landscaping restoration work associated with installing the City's force main into the streets in the City of Miami increasing the total Contract Price to \$4,722,061.08.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above Recitals are true and correct and incorporated herein by this reference.

Section 2. Approval of Change Order. That Change Order No. 8 to the Design- Build Agreement between the City and Metro Equipment Service, Inc, for the additional Contract Time through June 30, 2011 and for the additional Contract Price of \$114,666.28, a copy of which is attached as Exhibit "1," together with such changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney, is approved.

Section 3. Authorization of City Officials. The City Manager and/or his designee and the City Attorney are authorized to take all actions necessary to implement the terms and conditions of the Change Order.

Section 4. Execution of the Agreement. The City Manager is authorized to execute the Change Order on behalf of the City, to execute any required agreements and/or documents to implement the terms and conditions of the Change Order, subject to the approval as to form and legality by the City Attorney.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

The motion to adopt the foregoing Resolution was offered by Commissioner Eddie Lim, seconded by Vice Mayor Connie Leon-Kreps.

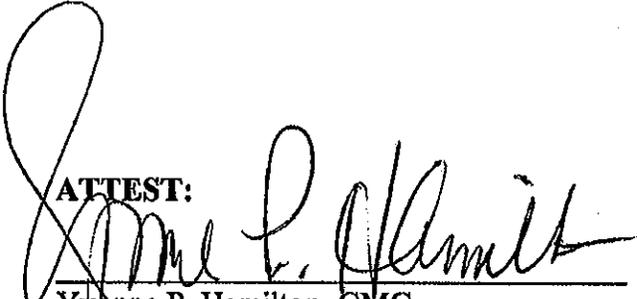
FINAL VOTE AT ADOPTION:

Mayor Corina S. Esquijarosa	<u>Yes</u>
Vice Mayor Connie Leon-Kreps	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>
Commissioner Frank Rodriguez	<u>No</u>
Commissioner Paul Vogel	<u>Yes</u>

PASSED AND ADOPTED this 10th day of May, 2011.


Corina S. Esquijarosa, Mayor

ATTEST:


Yvonne P. Hamilton, CMC
City Clerk

**APPROVED AS TO FORM FOR THE USE
OF THE CITY OF NORTH BAY VILLAGE:**



Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
City Attorney

City of North Bay Village Resolution: Metro Equipment Service, Inc.-Change Order/\$114,666.28-5/10/2011

11A(26)



Kimley-Horn
and Associates, Inc.

May 2, 2011

Mr. Bob Pushkin
City Manager
City of North Bay Village
1700 Kennedy Causeway, Suite 132
North Bay Village FL 33141

■
Suite 100
5200 NW 33rd Avenue
Fort Lauderdale, Florida
33309

**RE: City of North Bay Village
Force Main Rehabilitation Design-Build Project
RFP #2009-03, Project #WW803060**

Dear Bob,

Per the attached letter dated April 6, 2011 (*Attachment 1*), Metro Equipment Services, Inc. (MES) is requesting additional time and additional compensation associated with completing the above referenced project. The change order request includes modifying their final completion date from May 10, 2011 to June 30, 2011 and increasing their contract amount by \$1,146,666.28. The cost increase is based on additional roadway and landscaping restoration work associated with installing the City's force main in the city limits of Miami. This change order would increase the contract value from \$4,607,394.80 to \$4,722,061.08.

In reference to the request for additional time, the contract was awarded by the City of North Bay Village (City) to MES and signed on October 27, 2009 with a contract completion date of October 27, 2010. Based on this project being advertised and awarded as Design-Build, MES was required to complete the design and obtain all necessary permits as part of their contract. As determined during the conceptual design phase, the project included several stakeholders and permitting agencies, and as part of the permitting phase, MES did encounter several lengthy processes to obtain permits from agencies such as Miami-Dade Park and Recreation, Miami-Dade Water and Sewer Department, City of Miami, and Miami-Dade School Board. The City, Kimley-Horn and Associates, Inc. (KHA) and MES have worked together over the past year to obtain all permits, coordinate with all impacted property owners, and move the project into construction phase. To date, construction activities are consistently progressing, but the coordination required to begin and maintain construction activities has taken more time than anticipated.

As a result, MES requested a time extension that included a substantial completion date of April 30, 2011 and a final completion date of May 10, 2011. The following items are attached in support of their request:

- MES letter dated 11-05-10 requesting the new substantial and final completion dates (*Attachment 2*).

■
TEL 954 535 5100
FAX 954 759 2247

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- Revised construction schedule based on receipt of permits and associated construction activities with start dates and durations (*Attachment 3*).
- A spreadsheet indicating the estimated permitting schedules versus the actual time required to obtain the key permits (*Attachment 4*).
- KHA letter dated 11-10-10 to the City recommending approval of MES's requested time extension (*Attachment 5*).
- KHA letter dated 11-23-10 to the Department of Environmental Protection (DEP) requesting a time extension associated with the Consent Order currently in place with the City (*Attachment 6*).
- DEP letter dated 02-28-11 to the City approving the request for a June 30, 2011 Consent Order deadline (*Attachment 7*).

In addition, the wastewater flow meter has since been approved and released for production, but the delivery schedule from the manufacturer is May 26, 2011. MES has requested additional time through June 30, 2011 associated with the installation and start-up of the meter. *Attachment 8* is a timeline of the design, approval and ordering process in support of the request for additional time. This additional time will coincide with the revised consent Order deadline of June 30, 2011. Based on the information provided, KHA recommends approval of the additional time request through June 30, 2011 as part of the change order.

In reference to the request for additional costs, the request for change order includes increasing MES's contract amount by \$114,666.28. In order to obtain a City of Miami permit and in conjunction with the Shorecrest HOA requirements, MES was required to meet extensive permit conditions beyond the original contract requirements. The permit conditions included construction methods and means that could not have been anticipated and additional asphalt and landscaping requirements beyond restoring the impacted areas to equal or better condition as stated in MES's contract.

The following is a summary of the work required by the City of Miami and included in this change order request from MES:

- As part of the original contract, it was anticipated that one travel lane associated with the force main installation be repaired on NE 80th Street. As part of the City of Miami permit conditions, MES was required to restore both travel lanes. MES is only requesting the costs to restore the additional travel lane.
- As part of staging or laying-out the horizontal directional drill piping on NE 80th Street, the City of Miami required MES to widen the roadway by 3-feet to allow additional clearance for traffic to pass. As this was an unforeseen issue and not part of the original restoration, MES is requesting costs associated with this asphalt widening work.
- As part of the City of Miami permit and Shorecrest HOA requirements, MES has been required to provide additional landscaping and sod improvements in

11A(28)



areas outside of their contract terms which only include restoring areas impacted by construction to equal or better condition.

- Two water main breaks occurred that were not a result of MES construction activities. Based on both repairs requiring an emergency response and MES's ability to respond quickly and cost effectively, the City directed MES to perform the water main repairs, replace a water meter vault, and restore the associated asphalt.
- As part of the extensive coordination efforts with the City of Miami and Shorecrest HOA, Media Relations Group (MRG), a sub consultant to MES, was required to facilitate additional meetings, provide additional project notices, and provide additional onsite coordination.
- As part of the City of Miami's requirement to restore all of the asphalt on NE 80th Street, MES was required to repair roadway base and limerock before installing final asphalt. These additional repairs were outside of the force main trench line and therefore not included in MES's original contract.

Based on the information provided by MES in support of work done beyond their current contract requirements, KHA recommends approval of the additional project costs as part of this change order.

In addition to this change order request and as part of obtaining the City of Miami permit, MES was required to sign an agreement with a Shorecrest United HOA to potentially provide three speed tables on NE 80th Street or provide Shorecrest United HOA with \$15,000.00 if 60% of the neighbors do not agree to construct speed tables. MES and the City are currently working with the neighborhood to finalize the consensus. Resulting costs associated with the speed tables or the \$15,000.00 will not be the responsibility of MES and will be included in the cost of the Force Main Rehabilitation Design-Build Project. Attachment 9 is Shorecrest United HOA agreement for reference.

If you have any questions or need additional information, please call me to discuss.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Gary R. Ratay, P.E.
Senior Associate

Attachments

Copy To: Sam Zamacona/Stefano Viola/File

11A (29)

METRO EQUIPMENT SERVICE, INC.

7171 SW 62nd Ave. Miami, FL 33143
 (305) 740-3303 Office, (305) 740-3305 Fax



April 6, 2011

City of North Bay Village
 1666 Kennedy Causeway, Suite 700
 North Bay Village, FL 33141

Attention: Bob Pushkin, North Bay Village City Manager

Reference: City of Miami Restoration Over & Above Cost

Dear Bob,

I have attached all of the expenses relating to the restoration for the City of Miami from NE 80th Street and 7th Avenue to Bayshore Drive.

C & R Milling & Paving, Inc.

- Preparation and expansion of the road 3' wide - \$10,220.00
- Remove and dispose of 3 foot wide strip of asphalt along 80th Street - \$1,125.00
- Estimate for restoration of 1 lane - \$33,504.00
- Estimate for full road restoration - \$67,024.00
 (Difference between the two prices is the additional cost of restoration above and beyond our permit conditions)
- Net Change Order - \$33,520.00

R&R Garden & Nursery Supplies Corp.

- NE 10th Ave. to 7th Ave.
 Removal and disposal of excess material. Furnish and install top soil, sod, and maintenance - \$44,300.00 (Metro is responsible for 30%)
 \$31,010.00 Net Change Order
- NE 81st St. to North of the two islands on 79th St. and 8th Ct.
 Removal and disposal of excess material. Furnish and install top soil, St. Augustine Sod and maintenance - \$7,788.82 (All of this cost is above and beyond our permit conditions)
- NE 80th St. between 9th Ave. and 10th Ave.
 Island Restoration - $\$2,221.92 \times 2 = \$4,443.84$ (All of this cost is above and beyond our permit conditions)

11A(30)

METRO EQUIPMENT SERVICE, INC.

7171 SW 62nd Ave, Miami, FL 33143
(305) 740-3300 Office, (305) 740-3305 Fax



- Additional police services due to delays in permit approval. Commissioners approval needed before permit could be issued.

Total is \$7525.00

NBV – Back charge to locate and repair water service channel 7

2/8

- 4 Persons locate 12" water line
- 4 Hrs. to install saddle and corp stop

Supplies from Ferguson

- 2- 20" DIP, 6" DIP, 2- 12" Saddles, 2- Corp Stops, 100' Poly Pipe, 12" Repair Clamps, Reducers 3" to 2.5" and 2.5" to 2"

2/10

- Tap 12", install poly pipe, and install sleeves (6" DIP) across roadway.
- 4 Hrs., 3 person

2/25

- 3 persons to tie in water line

Total is \$3,138.52

Asphalt milling and overlay restoration for 12" water line repair

East bound turn lane:

3/1

- Backfill, grade and compact (densities)
- 3 persons, combo, and small rollers -- 4 Hrs.

3/2

- 3 persons to asphalt turn lane – 3Hrs.
- 30 LF traffic separator concrete
- 8 hrs. on 3 trips to exercise valves

Total is \$4,796.99

11A(31)

METRO EQUIPMENT SERVICE, INC.

7171 SW 62nd Ave. Miami, FL 33143
(305) 740-3303 Office, (305) 740-3305 Fax



Replacement of meter vaults in front of channel 7. Materials only.

Total is \$695.50

Public Relations

Total is \$5,000.00

Cut 2' wide 900 LF long of asphalt between 7th and 10th & NE 80 Ave eastbound lane, rework base, add limerock where needed, roll compact, and take densities.

Total is \$5402.61

Grand total - \$114,666.28

Additional time to 6/30/11 due to the Flow meter delay by WASA.

Three traffic tables on 80th St. between 7th Ave, and 10th Ave., Metro Equipment Service is not responsible for any of the costs of design, construction, implementation, permitting, or traffic study. Any costs related to this are above and beyond our current permit conditions. (If 60% of the neighbors do not agree to construction of speed tables, City of North Bay Village agrees to pay \$15,000.00 to Metro Equipment Service or Shorecrest United directly.

If you have any questions or concerns please call me at the numbers below.

Thank you,


Abbey Fialko
(305) 740-3303 Office
(305) 740-3305 Fax
(305) 586-8925 Mobile

11A (32)

METRO EQUIPMENT SERVICE, INC.

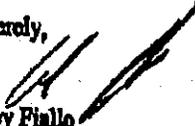
11-05-10

Kimley-Horn & Associates
5200 NW 33 rd Ave.
Ft. Lauderdale, Fla. 3309-6343
Re: Extension of time request
City of North Bay Village
16" FM Rehabilitation
Contract # WW803060
Attn: Gary Ratay P.E.

Dear Gary,

As per your request we are hereby officially requesting an extension of our contract to April 30, 2011 to substantial completion and May-10-11 to final based on the supporting documentation submitted. Please let me know if you need anything else.

Sincerely,


Abbey Piallo
Project manager/Estimator
Metro Equipment Service, Inc.

7171 SW 62 Avenue • Suite 502 • Miami, FL 33143 • Phone (305) 740-3303 • Fax (305) 740-3305

11A(33)

ATTACHMENT 3

11A(34)

CITY OF MOJIB BAY VILLAGE FOUNDATION RECONSTRUCTION DESIGN-SHED PROJECT

Item No.	Description	Quantity	Unit	Start Date	End Date	Remarks
1	Excavation and Shoring for Foundation	180 days	FT	1/15/20	5/15/20	
2	Foundation for Pump Station STA 177+00	1 day	CONCRETE	1/15/20	1/15/20	
3	Construction of 48" Pipes under Road STA 177+00 to STA 177+40	40 days	CONCRETE	1/15/20	3/25/20	
4	Substructure for 48" Bay Bridge	40 days	CONCRETE	1/15/20	3/25/20	
5	Substructure and Deck for Bay Bridge STA 177+40 to STA 177+80	2 days	CONCRETE	1/15/20	1/15/20	
6	Foundation for 48" Bay Bridge STA 177+80 to STA 177+90	2 days	CONCRETE	1/15/20	1/15/20	
7	Foundation for 48" Bay Bridge STA 177+90 to STA 177+95	2 days	CONCRETE	1/15/20	1/15/20	
8	Foundation for 48" Bay Bridge STA 177+95 to STA 177+98	2 days	CONCRETE	1/15/20	1/15/20	
9	Foundation for 48" Bay Bridge STA 177+98 to STA 177+99	2 days	CONCRETE	1/15/20	1/15/20	
10	Foundation for 48" Bay Bridge STA 177+99 to STA 177+100	2 days	CONCRETE	1/15/20	1/15/20	
11	Foundation for 48" Bay Bridge STA 177+100 to STA 177+101	2 days	CONCRETE	1/15/20	1/15/20	
12	Foundation for 48" Bay Bridge STA 177+101 to STA 177+102	2 days	CONCRETE	1/15/20	1/15/20	
13	Foundation for 48" Bay Bridge STA 177+102 to STA 177+103	2 days	CONCRETE	1/15/20	1/15/20	
14	Foundation for 48" Bay Bridge STA 177+103 to STA 177+104	2 days	CONCRETE	1/15/20	1/15/20	
15	Foundation for 48" Bay Bridge STA 177+104 to STA 177+105	2 days	CONCRETE	1/15/20	1/15/20	
16	Foundation for 48" Bay Bridge STA 177+105 to STA 177+106	2 days	CONCRETE	1/15/20	1/15/20	
17	Foundation for 48" Bay Bridge STA 177+106 to STA 177+107	2 days	CONCRETE	1/15/20	1/15/20	
18	Foundation for 48" Bay Bridge STA 177+107 to STA 177+108	2 days	CONCRETE	1/15/20	1/15/20	
19	Foundation for 48" Bay Bridge STA 177+108 to STA 177+109	2 days	CONCRETE	1/15/20	1/15/20	
20	Foundation for 48" Bay Bridge STA 177+109 to STA 177+110	2 days	CONCRETE	1/15/20	1/15/20	
21	Foundation for 48" Bay Bridge STA 177+110 to STA 177+111	2 days	CONCRETE	1/15/20	1/15/20	
22	Foundation for 48" Bay Bridge STA 177+111 to STA 177+112	2 days	CONCRETE	1/15/20	1/15/20	
23	Foundation for 48" Bay Bridge STA 177+112 to STA 177+113	2 days	CONCRETE	1/15/20	1/15/20	
24	Foundation for 48" Bay Bridge STA 177+113 to STA 177+114	2 days	CONCRETE	1/15/20	1/15/20	
25	Foundation for 48" Bay Bridge STA 177+114 to STA 177+115	2 days	CONCRETE	1/15/20	1/15/20	
26	Foundation for 48" Bay Bridge STA 177+115 to STA 177+116	2 days	CONCRETE	1/15/20	1/15/20	
27	Foundation for 48" Bay Bridge STA 177+116 to STA 177+117	2 days	CONCRETE	1/15/20	1/15/20	
28	Foundation for 48" Bay Bridge STA 177+117 to STA 177+118	2 days	CONCRETE	1/15/20	1/15/20	
29	Foundation for 48" Bay Bridge STA 177+118 to STA 177+119	2 days	CONCRETE	1/15/20	1/15/20	
30	Foundation for 48" Bay Bridge STA 177+119 to STA 177+120	2 days	CONCRETE	1/15/20	1/15/20	

11A(35)

CITY OF NORTH BAY VILLAGE POND-CANAL REVISIONS/ADDITIONS/REPAIRS PROJECT

Item No.	Description	Quantity	Unit	Start Date	End Date	Notes
1	Remove old concrete curb on Bay Street at STA 1+00 to STA 1+20	2 days	Day	Tue 10/27/11	Wed 10/28/11	
2	Install new concrete curb on Bay Street at STA 1+00 to STA 1+20	2 days	Day	Tue 10/27/11	Wed 10/28/11	
3	Remove old concrete curb on Bay Street at STA 1+20 to STA 1+40	2 days	Day	Tue 10/27/11	Wed 10/28/11	
4	Install new concrete curb on Bay Street at STA 1+20 to STA 1+40	2 days	Day	Tue 10/27/11	Wed 10/28/11	
5	Remove old concrete curb on Bay Street at STA 1+40 to STA 1+60	2 days	Day	Tue 10/27/11	Wed 10/28/11	
6	Install new concrete curb on Bay Street at STA 1+40 to STA 1+60	2 days	Day	Tue 10/27/11	Wed 10/28/11	
7	Remove old concrete curb on Bay Street at STA 1+60 to STA 1+80	2 days	Day	Tue 10/27/11	Wed 10/28/11	
8	Install new concrete curb on Bay Street at STA 1+60 to STA 1+80	2 days	Day	Tue 10/27/11	Wed 10/28/11	
9	Remove old concrete curb on Bay Street at STA 1+80 to STA 2+00	2 days	Day	Tue 10/27/11	Wed 10/28/11	
10	Install new concrete curb on Bay Street at STA 1+80 to STA 2+00	2 days	Day	Tue 10/27/11	Wed 10/28/11	
11	Remove old concrete curb on Bay Street at STA 2+00 to STA 2+20	2 days	Day	Tue 10/27/11	Wed 10/28/11	
12	Install new concrete curb on Bay Street at STA 2+00 to STA 2+20	2 days	Day	Tue 10/27/11	Wed 10/28/11	
13	Remove old concrete curb on Bay Street at STA 2+20 to STA 2+40	2 days	Day	Tue 10/27/11	Wed 10/28/11	
14	Install new concrete curb on Bay Street at STA 2+20 to STA 2+40	2 days	Day	Tue 10/27/11	Wed 10/28/11	
15	Remove old concrete curb on Bay Street at STA 2+40 to STA 2+60	2 days	Day	Tue 10/27/11	Wed 10/28/11	
16	Install new concrete curb on Bay Street at STA 2+40 to STA 2+60	2 days	Day	Tue 10/27/11	Wed 10/28/11	
17	Remove old concrete curb on Bay Street at STA 2+60 to STA 2+80	2 days	Day	Tue 10/27/11	Wed 10/28/11	
18	Install new concrete curb on Bay Street at STA 2+60 to STA 2+80	2 days	Day	Tue 10/27/11	Wed 10/28/11	
19	Remove old concrete curb on Bay Street at STA 2+80 to STA 3+00	2 days	Day	Tue 10/27/11	Wed 10/28/11	
20	Install new concrete curb on Bay Street at STA 2+80 to STA 3+00	2 days	Day	Tue 10/27/11	Wed 10/28/11	
21	Remove old concrete curb on Bay Street at STA 3+00 to STA 3+20	2 days	Day	Tue 10/27/11	Wed 10/28/11	
22	Install new concrete curb on Bay Street at STA 3+00 to STA 3+20	2 days	Day	Tue 10/27/11	Wed 10/28/11	
23	Remove old concrete curb on Bay Street at STA 3+20 to STA 3+40	2 days	Day	Tue 10/27/11	Wed 10/28/11	
24	Install new concrete curb on Bay Street at STA 3+20 to STA 3+40	2 days	Day	Tue 10/27/11	Wed 10/28/11	
25	Remove old concrete curb on Bay Street at STA 3+40 to STA 3+60	2 days	Day	Tue 10/27/11	Wed 10/28/11	
26	Install new concrete curb on Bay Street at STA 3+40 to STA 3+60	2 days	Day	Tue 10/27/11	Wed 10/28/11	
27	Remove old concrete curb on Bay Street at STA 3+60 to STA 3+80	2 days	Day	Tue 10/27/11	Wed 10/28/11	
28	Install new concrete curb on Bay Street at STA 3+60 to STA 3+80	2 days	Day	Tue 10/27/11	Wed 10/28/11	
29	Remove old concrete curb on Bay Street at STA 3+80 to STA 4+00	2 days	Day	Tue 10/27/11	Wed 10/28/11	
30	Install new concrete curb on Bay Street at STA 3+80 to STA 4+00	2 days	Day	Tue 10/27/11	Wed 10/28/11	
31	Remove old concrete curb on Bay Street at STA 4+00 to STA 4+20	2 days	Day	Tue 10/27/11	Wed 10/28/11	
32	Install new concrete curb on Bay Street at STA 4+00 to STA 4+20	2 days	Day	Tue 10/27/11	Wed 10/28/11	
33	Remove old concrete curb on Bay Street at STA 4+20 to STA 4+40	2 days	Day	Tue 10/27/11	Wed 10/28/11	
34	Install new concrete curb on Bay Street at STA 4+20 to STA 4+40	2 days	Day	Tue 10/27/11	Wed 10/28/11	
35	Remove old concrete curb on Bay Street at STA 4+40 to STA 4+60	2 days	Day	Tue 10/27/11	Wed 10/28/11	
36	Install new concrete curb on Bay Street at STA 4+40 to STA 4+60	2 days	Day	Tue 10/27/11	Wed 10/28/11	
37	Remove old concrete curb on Bay Street at STA 4+60 to STA 4+80	2 days	Day	Tue 10/27/11	Wed 10/28/11	
38	Install new concrete curb on Bay Street at STA 4+60 to STA 4+80	2 days	Day	Tue 10/27/11	Wed 10/28/11	
39	Remove old concrete curb on Bay Street at STA 4+80 to STA 5+00	2 days	Day	Tue 10/27/11	Wed 10/28/11	
40	Install new concrete curb on Bay Street at STA 4+80 to STA 5+00	2 days	Day	Tue 10/27/11	Wed 10/28/11	

NEW POND CONSTRUCTION SCHEDULE METHOD EQUIPMENT SERVICE INC.

ATTACHMENT 4

CITY of North Bay Village Force Main Rehabilitation

Project Component	Jurisdictional Agency	Permit/Approval Type	Submitted	Est. That To Obtain Approval	Actual Time to Obtain Approval	Recent Time	Approval Date	Remarks
Pipeline Installations Landside	CUV	Location of Gas REDD Pit at 2-Stage Station	11/2/2010	-	-	-	10/6/2010	Conditions of NRV for final location of the REDD Pit Station Station due to the proposed work.
	North Bay Village Water and Sewer Department (WARD)		2/24/2010	2 Month	4 Months	2 Months	10/17/2010	Not a part of WARD Permit Reviewer Approval. WARD is providing 100% cost (WARD) instead of 50%.
	Franklin County Department of Public Works (CPD)		7/10/2010	3 Weeks	1 Week	0	10/20/2010	100% approval of PM
	Franklin County Department of Public Works (CPD)	Order & Approval	3/24/2010	3 Month	4 Months	3 Months	10/29/10	WARD from order & internal capacity schedule prior to approving CPD's form
	Franklin County Department of Public Works (CPD)		8/28/2010	2 Weeks	3 Weeks	1 Week	9/10/2010	100% approval of PM
	Franklin County Department of Public Works (CPD)	Site Installation with Township of Franklin's PDV	12/2/2009	3 Months	6 Months	2 Months	4/7/2010	Allowed to work with adjacent property 1870-18710
	Franklin County Parks and Recreation Dept.	Site Installation with Parks Dept's PDV	2/25/2010	4 Month	6 Month	3 Months	8/13/2010	Cost of Authority requested by WARD for permit approval.



Kimley-Horn
and Associates, Inc.

November 10, 2010

Mr. Bob Pushkin
City Manager
City of North Bay Village
1666 Kennedy Causeway, Suite 700
North Bay Village, Florida 33141-4190

■
Suite 100
6200 NW 33rd Avenue
Fort Lauderdale, Florida
33309

**RE: City of North Bay Village
Force Main Rehabilitation Design-Build Project
RFP #2009-03, Project #WW803060
KHA 043138006**

Dear Bob,

The Design-Build contract for the above referenced project was awarded by the City of North Bay Village (City) to Metro Equipment Services, Inc. (MES) and signed on October 27, 2009. The contract schedule is 365 days. Based on this project being advertised and awarded as Design-Build, MES was required to complete the design and obtain all necessary permits as part of their contract. As determined during the conceptual design phase, the project includes several stakeholders and permitting agencies, but as part of the permitting phase, MES did encounter several lengthy processes to obtain permits from agencies such as Miami-Dade Park and Recreation, Miami-Dade Water and Sewer Department, City of Miami, and Miami-Dade School Board. The City, Kimley-Horn and Associates, Inc. (KHA) and MES have worked together over the past year to obtain all permits, coordinate with all impacted property owners, and move the project into construction phase. To date, construction activities are consistently progressing, but the coordination required to begin construction activities has taken more time than anticipated.

As a result, MES is requesting a time extension that includes a substantial completion date of April 30, 2011 and a final completion date of May 10, 2011. This represents a time extension of approximately six months. The following items from MES are attached in support of their request:

- Letter dated 11-05-10 requesting the new substantial and final completion dates.
- Revised construction schedule based on receipt of permits and associated construction activities with start dates and durations.
- A spreadsheet indicating the estimated permitting schedules versus the actual time required to obtain the key permits.

■
TEL 954 635 5100
FAX 954 739 2247

11A (37)



Based on the information provided, meetings with MBS to determine the request is reasonable with impacts outside of their control, and participating on behalf of the City in several of the permitting efforts, KHA recommends approval of this time extension request. Please advise if you agree with the request so that we can direct MBS to generate the associated Change Order. Per the contract documents, this Change Order is for time only and does not include any increase in project costs.

Once this issue is resolved, KHA will coordinate with the City to meet with Department of Environmental Protection (DEP) to discuss the revised schedule as it relates to the DEP consent decree deadline. The consent decree deadline is December 31, 2010, so this extension if approved will represent a delay of approximately 4 months.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Gary R. Ratby, P.E.
Senior Associate

Attachments

Copy To: Sam Zamacena
Stefano Viola/File

11A(38)



Kimley-Horn
and Associates, Inc.

November 23, 2010

Michele K. Owens
Department of Environmental Protection
Environmental Specialist, Drinking Water Program
400 North Congress Ave., Suite 200
West Palm Beach, FL 33401

■
Suite 109
8800 NW 30th Avenue
Fort Lauderdale, Florida
33308

RE: *City of North Bay Village
Force Main Rehabilitation Design-Build Project
Consent Order OGCH08-0440
Kimley-Horn and Associates, Inc. (KHA) #043138006*

Dear Michele,

The City of North Bay Village has been working over the last several years completing various wastewater improvement projects to comply with the above referenced Consent Order requirements. The City has coordinated with the Department of Environmental Protection (DEP) on the following wastewater system improvements as part of improving service to the City, protecting the environment, and to comply with the Consent Order:

- Completed the Main Wastewater Pump Station Rehabilitation project. The project was completed in accordance with the DEP approved In-Kind Project Proposal provided by the City of North Bay Village dated August 21, 2009. The improvements basically included three (3) upgraded pumps, three (3) variable frequency drives, complete control system replacement, SCADA system with central unit and antenna at the main pump station, and three remote SCADA/RTU units with antennas at the City's other three pump stations.
- Completed the installation of a new emergency generator system at the Hispaniola wastewater pump station.
- Secured a new emergency generator for use at the North Treasure wastewater pump station.
- Cleaned and video recorded the City's complete wastewater collection system to evaluate a rehabilitation approach.
- Implemented a wastewater collection system rehabilitation program including extensive gravity sewer lining and point repairs. The majority of the gravity sewer lining is complete and the point repair program is ongoing.
- Completed a Sanitary Sewer Evaluation Study (SSES) and submitted the document to the Department of Environmental Resource Management (DERM) for review.

■
TEL 954 835 5100
FAX 954 739 2247

11A(39)



With the above items complete, the Force Main Rehabilitation Design-Build Project represents the final component of the Consent Order requirement with an associated completion date of December 31, 2010. The following is a brief history and an update on the force main project status. The Design-Build contract was awarded by the City of North Bay Village (City) to Metro Equipment Services, Inc. (MES) and signed on October 27, 2009. The contract schedule was 365 days. Based on this project being advertised and awarded as Design-Build, MES was required to complete the design and obtain all necessary permits as part of their contract. As determined during the conceptual design phase, the project included several stakeholders and permitting agencies; but as part of the permitting phase, MES did encounter several lengthy processes to obtain permits from agencies such as Miami-Dade Park and Recreation, Miami-Dade Water and Sewer Department, City of Miami, and Miami-Dade School Board. The City, KHA and MES have worked together over the past year to obtain all permits, coordinate with all impacted property owners, and move the project into construction phase. To date, construction activities are consistently progressing, but the coordination required to begin construction activities has taken more time than anticipated.

As a result, MES requested a time extension that includes a substantial completion date of April 30, 2011 and a final completion date of May 10, 2011. The following items from MES are attached in support of their request:

- Letter dated 11-05-10 requesting the new substantial and final completion dates.
- Revised construction schedule based on receipt of permits and associated construction activities with start dates and durations.
- A spreadsheet indicating the estimated permitting schedules versus the actual time required to obtain the key permits.

Based on the information provided, meetings with MES to determine the request is reasonable with impacts outside of their control, and participating on behalf of the City in several of the permitting efforts, KHA recommended approved of this time extension request to the City.

As part of recommending the time extension to the City, KHA also advised coordinating with the DEP to request a time extension as it relates to the Consent Order schedule. If approved by DEP, the revision to May 10, 2011 would represent an extension of approximately 4 months. However, KHA recommended to the City that they request an extension from DEP to June 30, 2011 or an extension of 6 months. This requested extension will allow for the contractor to complete the project in accordance with their revised contract schedule and allow for unforeseen delays that may occur on a project of this magnitude.

As part of requesting this time extension, the following information is offered to illustrate the City's commitment to improving their wastewater system and to define



the progress that has been made to date on the Force Main Rehabilitation Design-Build Project:

- The Design Build Team has completed the design and obtained or coordinated all environmental, construction, and land use permits.
- All material shop drawings have been reviewed and approved, and materials have been ordered.
- The majority of the 16-inch PVC force main piping is installed on Treasure Island in the City of North Bay Village with preliminary restoration complete.
- The majority of the 16-inch PVC force main piping is installed on 80th Avenue in the City of Miami with preliminary restoration complete.
- The majority of the 16-inch PVC force main piping is installed on Pelican Harbor with preliminary restoration complete.
- The eastern most 20-inch, HDPE, Horizontal Directional Drill (HDD) water crossing is installed and tested.
- The central 20-inch, HDPE, HDD water crossing is currently underway.

The remaining work for substantial completion primarily includes installation of the western most 20-inch HDD, installation of 16-inch PVC piping on 79th Street Causeway, connection and final testing of the complete piping system, site restoration, and permit certifications. As a result of the remaining work and the revised schedule provided by the Design-Build Team, this letter serves as a formal request by the City to extend the Consent Order deadline from December 31, 2010 to June 30, 2011. The City has been very diligent in improving their wastewater system and expediting the completion of this force main project. We hope that you will consider and approve this scheduling request, and waive any potential fees or violations as part of your approval.

Please let us know if this schedule extension request is acceptable and should you have any questions or need further information, please do not hesitate to call me at (954) 535-5100.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Gary R. Ratay, P.E.
Senior Associate

Attachments

Copy To: Robert Pushkin/Sam Zamacona
Stefano Viola/File

11A(41)



Florida Department of Environmental Protection

Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

RETURN RECEIPT REQUESTED

MAR 01 2011

91 7108 2133 3938 2488 2956
Sam Zamacona, E.I.
Public Works Director
City of North Bay Village
1666 Kennedy Causeway, Suite 700
North Bay Village, Florida 33141
samzamacona@nbvillage.com

Miami-Dade County
Facility ID No. FLU032182

Re: DEP vs. City of North Bay Village/Consent Order No. OGC 08-0440
Request for Extension of Deadline

Dear Mr. Zamacona:

Paragraph 9 of the referenced Consent Order required the City of North Bay Village ("City") to complete the force main rehabilitation project by November 30, 2010. On November 23, 2010, the Department received a letter from Mr. Gary R. Ratay, P.E., with Kinley-Horn and Associates, Inc., requesting an extension of that deadline. Based on the supporting documentation provided with Mr. Ratay's letter, the request is approved and the deadline is extended to June 30, 2011. The City shall submit monthly progress reports to this office, within ten days of the end of each reporting month. The first report will be due March 10, 2011, for the month of February, 2011.

Should you have any questions concerning this Consent Order, please contact Alex Lopez of this office at (561) 681-6782 or at Alex.Lopez@dep.state.fl.us.

Sincerely,

Kevin Claridge
Assistant Director
Southeast District

02/28/11
Date

KC/lab/mtt/al

cc: Lea Crandall, Agency Clerk
Diana Thurman, DEP/TLH
Agustin Socarras, DERM

Lea.Crandall@dep.state.fl.us
Diana.Thurman@dep.state.fl.us
SocarA@miamidade.gov

"More Protection. Less Process."
www.dep.state.fl.us

11A(42)

Flow Meter History based on e-mails provided by Metro Equipment Services, Inc.

ATTACHMENT B

Date	Description/Status of Order	Days
March 11, 2010	WASD requests that meter be moved to Pelican Harbor. The vault was originally to be on NBV side (near Chinese Buffet). It was approved by KHANBY.	
March 15, 2010	Started shop drawing process around March 15, 2010	4
June 11, 2010	Exchanged information	88
June 28, 2010	Waiting for WASD plans approval	17
July 15, 2010	WASD approves permit set of plans	34
August 18, 2010	MES supplies LAN with shop drawings for WASD/City of Miami portion approval	12
August 30, 2010	Waiting for WASD approval, but is was anticipated to be the next day	0
August 30, 2010	Metro received WASD approval	1
August 31, 2010	Meter supplier asked if approval was as submitted or with notations	3
September 3, 2010	Manufacturer could not release for production until approval was clear	28
October 1, 2010	After all comments were addressed shop drawings are submitted to WASD for review	3
October 4, 2010	WASD shop drawing review Fee paid	3
October 7, 2010	WASD disapproved the vault (basically it didn't match the approved plans)	4
October 11, 2010	Still waiting for clarification on approval status	2
October 13, 2010	WASD approves Plug Valve and Sewer Meter (WASD requests shop drawing for MJ Adapter Kit)	1
October 14, 2010	Resubmittal of shop drawings	28
November 11, 2010	Still waiting for clarification. Manufacturer advised on a 14-16 week lead time.	6
November 17, 2010	Submitted Shop Drawings for Vault and new Sewer Meter model	1
November 18, 2010	WASD requests additional valve at meter location.	5
November 23, 2010	Manufacturer discontinues Sewer Meter model and has a new replacement	0
November 23, 2010	WASD approved the Vault and Sewer Meter	6
November 29, 2010	WASD accepts suggested fix (avoiding need for another valve)	11
December 10, 2010	WASD Approves Venturi Magmeter (conditionally) and request shop drawing for Totalizer/Recorder	

11A(43)

December 14, 2010	Additional information on the meter and flow converter provided to WASD	4
December 15, 2010	Resubmittal on the meter and a new submittal on the recorder/totalizer to WASD requested	1
December 15, 2010	Issue on manufacturer of chart recorder developed	1
December 18, 2010	Reference to a conference call with the manufacturer was mentioned	2
December 20, 2010	Recorder submitted and reconfiguration	2
December 29, 2010	WASD review process	9
January 5, 2011		7
January 13, 2011	WASD responds with addition questions and wants confirmation in writing from vendor on Recorder	8
January 19, 2011	Jan. 19 th 2011: AWC, Inc. responds and confirm reconfiguration of recorder	6
January 20, 2011	On January 20, 2011, the flow meter and chart recorder was approved and released for production to the manufacturer	1
	The released for production was requested	
	A delivery schedule was requested	
January 21, 2011	January 21, 2011: AWC, Inc. confirms order with MES	1
February 14, 2011	A signed submittal revision dated February 14, 2011 was provided to the manufacturer	24
	A delivery schedule was requested	
March 2, 2011	MES requests delivery date of flow meter from supplier/manufacturer	17
March 7, 2011	The manufacturer advised that the tentative delivery date is June 8, 2011	5
	As a result of the delivery date, Metro advised a history of the order would be provided to the City/KHA as requested	
	Metro confirmed the meter was approved on January 21, 2011	
	The manufacturer advised that they would look into improving the delivery date	
March 21, 2011	Metro advised that the manufacturer is still working on improving the date	14
	The manufacturer referenced the long approval process and the late January/early February release time	
	The 14-16 week lead time referenced again by the manufacturer	
March 22, 2011	Metro provided the e-mail history prior to submittal approval summarized above	1
	The manufacturer makes reference to February 14, 2011 as the actual release date	
March 22, 2011	Metro provided a second e-mail history for information after approval of the meter	0
	Metro suggested that based on the information to date, a time extension should be requested	
March 29, 2011	Metro provided an updated shipping date of May 26, 2011	7
	Metro advised they would need 30-40 days for installation and requested a time extension	
April 5, 2011	Metro provided Change Order request including a time extension to June 30, 2011	8

11A(44)

2-18-11 JF Addendum to agreement dated 2-15-11
ATTACHMENT 9
as per attachment.

February 16, 2011

1. This agreement comes as the result of a mediated settlement between Metro Equipment Services, Inc. (Metro) and Shorecrest United, a group of homeowners comprised of residents in the affected right of way on Northeast 80th Street, between NE 7th Avenue east to NE 10th Avenue.
2. Metro agrees to fully restore the affected right of way, completely installing new sod on all swales, sidewalk to street on NE 80th Street between NE 7th Avenue and NE 10th Avenue. As well as NE 8th Court, from NE 81st Street, south to the barricade just before NE 79th Street.
3. Metro agrees to replace ALL foliage and trees damaged and/or removed during the course of the construction and to repair, refurbish and replace the trees in the barricades at NE 80th Street at 8th Court, NE 80th Street at 10th Avenue and both barricades at NE 80th Street at NE 7th Avenue, in accordance with the approved plans presently on file with City of Miami Public Works Department.
4. Metro agrees to restore all affected driveway approaches in the affect area.
5. Metro agrees to pay for the design, construction and implementation of at least three (3) traffic tables on NE 80th Street between NE 7th Avenue and NE 10th Avenue, subject to county and city approval, together with neighborhood approval of not less than 60 percent of neighbors in the affected area. If the approvals can be obtained prior to closure of the contract, Metro agrees to construct the speed tables. In the event the approvals are not obtained prior to the completion of the construction, Metro agrees to post a cash or performance bond adequate to ensure the completion of the contract to build the speed tables. In the event the county or city does not

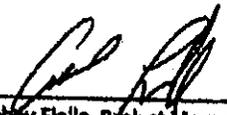
JF
2-18-11

11A(45)

2-18-11

approve the speed table, Metro will pay an equally adequate amount into an account to be used specifically for other improvements to the affected area. *(not to exceed \$15,000 (US))*. In the event that 60 percent of the neighbors in the affected area do not agree to the construction of the speed tables, then Metro is relieved of this specific obligation.

- 6. Shorecrest United and the neighbors who sign this document, agrees to release Metro of all claims prior to the execution of the agreement, future claims, such as damages yet to be occasioned are NOT released herein. *attributed by Metro and determined by City of Miami Public Works*
- 7. The parties agree that this settlement is premised upon good faith and fair dealing with each party to their respective obligations and performances.



 Abbey Fiallo, Project Manager
 Metro Equipment Services, Inc.

 Troy W. Howard
 Shorecrest United, other signatures to follow

 Shorecrest Resident in affected area

11A(46)

Shorecrest Resident in affected area
Address

AF 2-18-11

11A(47)

2/15/11

This agreement comes as a result of a mediated settlement between Metro Equipment

Services, Inc (Metro) and Shorewest United, a homeowners Association that represents the affected right of way, ON NE 80th Street from NE 1st Ave. to NE 10th Ave.

Metro agrees to replace all foliage and trees damaged by Metro and to repair, refurbish and replace the trees in the "Barricaded Street" in accordance with the approved plans presently on file with public works.

Metro agrees to repair and refurbish all curbs on the right of way in the condition they were found prior to construction.

Metro agrees to refurbish all driveway aprons for accidents in the effected area.

Damage effected by construction

①

Metro agrees to pay for the design, construction and

11A(48)

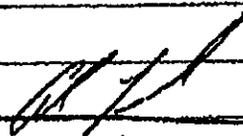
implementation of Traffic tables, subject to County and City approval, together with Neighborhood approval of not less than 60% of the Neighbors of the Approvals can be obtained prior to closure of the contract. Metro agrees to construct the Speed tables. In the event the tables approvals are not obtained prior to completion of the contract, Metro agrees to post a cash or performance bond adequate to ensure the completion of the ^{desired} speed tables contract. In the event the County or City does not approve the speed tables Metro is relieved of this obligation. In the event 60% of the Neighbors on the affected street do not agree to the construction of the speed tables, Metro is relieved of this obligation.

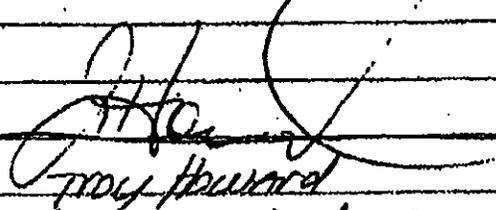
(2) dt

11A(49)

Shorecrest United ^{and its members} agrees to release Metro of
all claims prior to the execution of this agreement,
future claims, such as damages yet to be incurred
are not released herein.

The parties agree that this settlement is premised
upon good faith and fair dealing with each party
to their respective obligations and performances.


Abbey Fello
Project Manager, Metro Equipment
Services, Inc.


Troy Howard
Shorecrest United, other members to
be known.

③
#4

member Sharecrest United, Inc.

(4)

AP

11A(SU)

Member Sharecrest United, Inc.

(5)
JK

CHANGE ORDER

OWNER
ARCHITECT
CONTRACTOR
FIELD
OTHER

PROJECT: 30 FM Rehab Design-Build 1666 Kennedy Causeway, Suite 700 N. Bay Village, Fl 33140	CHANGE ORDER #: 7
TO: Metro Equipment Service, Inc. 7171 SW 62 Ave., Suite 502 Miami, Fl 33143	CHANGE ORDER DATE: 12/08/2010
	PROJECT #: RFP 2009-03
	DATE OF CONTRACT: 10/27/2009
	FOR:

The Contract is changed as follows:

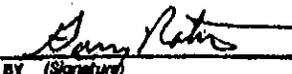
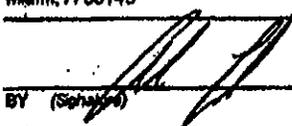
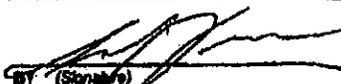
Additional time extension to the contract due to delays encountered during permitting application (DERM) & review by county agency (MDWASD).

New Substantial Completion Date is April 30, 2011.

New Final Completion date is May 10, 2011.

The original Contract Sum was	\$4,457,012.00
The net change by previously authorized Change Orders is	\$160,382.80
The Contract Sum prior to this Change Order was	\$4,607,394.80
The Contract Sum will be unchanged by this Change Order	\$0.00
The new Contract Sum including this Change Order will be	\$4,607,394.80
The Contract Time will be increased by one hundred thirty-five	135 days.
The date of Substantial Completion as of this Change Order therefore is	05/10/2011

Not valid until signed by all parties below.

Kimley Horn & Ass. ARCHITECT 5200 NEW 33 Ave., Suite 109 ADDRESS FL Lauderdale, Fl 33309	Metro Equipment Service, Inc. CONTRACTOR 7171 SW 62 Ave., Suite 502 ADDRESS Miami, Fl 33143	City of North Bay Village OWNER 1666 Kennedy Causeway, Suite 700 ADDRESS N. Bay Village, Fl 33140
 BY (Signature) Gary Ratay (Typed Name)	 BY (Signature) Abbey Fiello (Typed Name)	 BY (Signature) Bob Pushkin (Typed Name) <i>Sam Zamarene</i>
DATE <u>12/16/10</u>	DATE <u>12-16-10</u>	DATE <u>12/16/10</u>

Quantum Software Solutions, Inc. Document

11A (53)

CHANGE ORDER

OWNER
 ARCHITECT
 CONTRACTOR
 FIELD
 OTHER

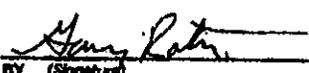
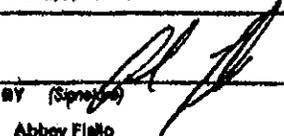
PROJECT: 30 FM Rehab Design-Build 1666 Kennedy Causeway, Suite 700 N. Bay Village, Fl 33140	CHANGE ORDER #: 6
TO: Metro Equipment Service, Inc. 7171 SW 62 Ave., Suite 502 Miami, Fl 33143	CHANGE ORDER DATE: 12/08/2010
	PROJECT #s: RFP 2009-03
	DATE OF CONTRACT: 10/27/2009
	FOR:

The Contract is changed as follows:

Additional asphalt trench restoration @ Hispanola & N. Treasure Drive.
 8" of Inerock & 2" asphalt - 35 s.y. @ \$ 42.00/sy = \$ 1,470.00
 Asphalt removal, repgrading & paving of 2" of asphalt - 48 s.y. @ \$ 30.00/s.y. = \$ 1,440.00
 Total - \$ 2,910.00

The original Contract Sum was	\$4,457,012.00
The net change by previously authorized Change Orders is	\$147,472.80
The Contract Sum prior to this Change Order was	\$4,604,484.80
The Contract Sum will be increased by this Change Order in the amount of	\$2,910.00
The new Contract Sum including this Change Order will be	\$4,607,394.80
The Contract Time will be increased by zero	0 days.
The date of Substantial Completion as of this Change Order therefore is	Unchanged

Not valid until signed by all parties below.

<u>Kimley Horn & Ass.</u> ARCHITECT 5200 NEW 33 Ave., Suite 109 ADDRESS FL Lauderdale, Fl 33309	<u>Metro Equipment Service, Inc.</u> CONTRACTOR 7171 SW 62 Ave., Suite 502 ADDRESS Miami, Fl 33143	<u>City of North Bay Village</u> OWNER 1666 Kennedy Causeway, Suite 700 ADDRESS N. Bay Village, Fl 33140
 BY (Signature) Gary Raley (Typed Name)	 BY (Signature) Abbey Fiallo (Typed Name)	 BY (Signature) Bob Pushkin (Typed Name)
DATE <u>12/16/10</u>	DATE <u>12-16-10</u>	DATE <u>12/16/10</u>

Quantum Software Solutions, Inc. Document

11A (54)

CHANGE ORDER

OWNER
 ARCHITECT
 CONTRACTOR
 FIELD
 OTHER



PROJECT: 30	CHANGE ORDER #: 6
FM Rehab Design-Build	
1666 Kennedy Causeway, Suite 700	CHANGE ORDER DATE: 09/14/2010
N. Bay Village, Fl 33140	PROJECT #s: RFP 2009-03
TO: Metro Equipment Service, Inc.	DATE OF CONTRACT: 10/27/2009
7171 SW 62 Ave., Suite 502	FOR:
Miami, Fl 33143	

The Contract is changed as follows:

Credit issued to the City of North Bay Village for the substitution of 20" IPS DR 9 pipe

The original Contract Sum was	\$4,457,012.00
The net change by previously authorized Change Orders is	\$162,322.80
The Contract Sum prior to this Change Order was	\$4,619,334.80
The Contract Sum will be decreased by this Change Order in the amount of	(\$14,850.00)
The new Contract Sum including this Change Order will be	\$4,604,484.80
The Contract Time will be increased by zero	0 days.
The date of Substantial Completion as of this Change Order therefore is	Unchanged

Not valid until signed by all parties below.

<u>Kimley Horn & Asoc.</u>	<u>Metro Equipment Service, Inc.</u>	<u>City of North Bay Village</u>
ARCHITECT	CONTRACTOR	OWNER
<u>6200 NEW 33 Ave., Suite 109</u>	<u>7171 SW 62 Ave., Suite 502</u>	<u>1666 Kennedy Causeway, Suite 700</u>
ADDRESS	ADDRESS	ADDRESS
<u>Fl. Lauderdale, Fl 33309</u>	<u>Miami, Fl 33143</u>	<u>N. Bay Village, Fl 33140</u>
<u><i>Gary Rowley</i></u>	<u><i>[Signature]</i></u>	<u><i>[Signature]</i></u>
BY (Signature)	BY (Signature)	BY (Signature)
<u>Gary Rowley</u>	<u>[Signature]</u>	<u>Bob Pushkin</u>
(Typed Name)	(Typed Name)	(Typed Name)
DATE <u>9/24/10</u>	DATE <u>9-24-10</u>	DATE <u>9/24/10</u>

Quantum Software Solutions, Inc. Document

11A(55)

CHANGE ORDER

OWNER
 ARCHITECT
 CONTRACTOR
 FIELD
 OTHER

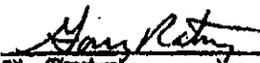
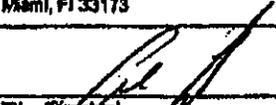
PROJECT: 30	CHANGE ORDER #:	4
FM Rehab Design-Build 1668 Kennedy Causeway, Suite 700 N. Bay Village, Fl 33140	CHANGE ORDER DATE:	07/09/2010
	PROJECT #s:	RFP 2009-03
TO: Metro Equipment Service, Inc.	DATE OF CONTRACT:	10/27/2009
9425 Sunset Dr. # 225 Miami, Fl 33173	FOR:	

The Contract is changed as follows:

Additional costs associated with the City's request to increase the amount of public relations & graphic design work.

The original Contract Sum was	\$4,457,012.00
The net change by previously authorized Change Orders is	\$132,322.80
The Contract Sum prior to this Change Order was	\$4,589,334.80
The Contract Sum will be increased by this Change Order in the amount of	\$30,000.00
The new Contract Sum including this Change Order will be	\$4,619,334.80
The Contract Time will be increased by zero	0 days.
The date of Substantial Completion as of this Change Order therefore is	Unchanged

Not valid until signed by all parties below.

<u>Kinley Horn & Ass.</u>	<u>Metro Equipment Service, Inc.</u>	<u>City of North Bay Village</u>
ARCHITECT	CONTRACTOR	OWNER
<u>5200 NEW 33 Ave., Suite 109</u>	<u>9425 Sunset Dr. # 225</u>	<u>1668 Kennedy Causeway, Suite 700</u>
ADDRESS	ADDRESS	ADDRESS
<u>FL Lauderdale, Fl 33309</u>	<u>Miami, Fl 33173</u>	<u>N. Bay Village, Fl 33140</u>
		
BY (Signature)	BY (Signature)	BY (Signature)
<u>Gary Retay</u>	<u>Abbey Flallo</u>	<u>Bob Pushkin</u>
(Typed Name)	(Typed Name)	(Typed Name)
DATE <u>4/13/10</u>	DATE <u>4-13-10</u>	DATE <u>4/13/10</u>

Quantum Software Solutions, Inc. Document

11A(56)

CHANGE ORDER

OWNER
 ARCHITECT
 CONTRACTOR
 FIELD
 OTHER

PROJECT: 30
 FM Rehab Design-Build
 1666 Kennedy Causeway, Suite 700
 N. Bay Village, Fl 33140

CHANGE ORDER #: 3

CHANGE ORDER DATE: 07/09/2010

PROJECT #s: RFP 2009-03

TO: Metro Equipment Service, Inc.
 9425 Sunset Dr. # 225
 Miami, Fl 33173

DATE OF CONTRACT: 10/27/2009

FOR:

The Contract is changed as follows:

Costs associated with meeting AARA requirements for materials/fitings.

The original Contract Sum was	\$4,457,012.00
The net change by previously authorized Change Orders is	\$119,539.55
The Contract Sum prior to this Change Order was	\$4,576,551.55
The Contract Sum will be increased by this Change Order in the amount of	\$12,763.25
The new Contract Sum including this Change Order will be	\$4,589,334.80
The Contract Time will be increased by zero	0 days.
The date of Substantial Completion as of this Change Order therefore is	Unchanged

Not valid until signed by all parties below.

Kimley Horn & Ass. ARCHITECT 5200 NEW 33 Ave, Suite 109 ADDRESS FL Lauderdale, Fl 33309 _____ BY <i>(Signature)</i> Gary Foley (Typed Name) DATE 4/13/10	Metro Equipment Service, Inc. CONTRACTOR 9425 Sunset Dr. # 225 ADDRESS Miami, Fl 33173 _____ BY <i>(Signature)</i> Abbey Fiallo (Typed Name) DATE 4-13-10	City of North Bay Village OWNER 1666 Kennedy Causeway, Suite 700 ADDRESS N. Bay Village, Fl 33140 _____ BY <i>(Signature)</i> Bob Pushkin Sr. - Zamacora (Typed Name) DATE 4/13/10
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Quantum Software Solutions, Inc. Document

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CHANGE ORDER

OWNER
ARCHITECT
CONTRACTOR
FIELD
OTHER



PROJECT: 30	CHANGE ORDER #:	2
FM Rehab Design-Build 1606 Kennedy Causeway, Suite 700 N. Bay Village, Fl 33140	CHANGE ORDER DATE:	07/09/2010
	PROJECT #:	RFP 2009-03
TO: Metro Equipment Service, Inc.	DATE OF CONTRACT:	10/27/2009
9425 Sunset Dr. # 225 Miami, Fl 33173	FOR:	

The Contract is changed as follows:

Costs associated with additional survey & design/engineering associated with modified pipe route on Pelican Harbor.

The original Contract Sum was	\$4,457,012.00
The net change by previously authorized Change Orders is	\$90,012.81
The Contract Sum prior to this Change Order was	\$4,547,024.81
The Contract Sum will be increased by this Change Order in the amount of	\$29,526.74
The new Contract Sum including this Change Order will be	\$4,576,551.55
The Contract Time will be increased by zero	0 days
The date of Substantial Completion as of this Change Order therefore is	Unchanged

Not valid until signed by all parties below.

<u>Kimley Horn & Ass.</u>	<u>Metro Equipment Service, Inc.</u>	<u>City of North Bay Village</u>
ARCHITECT	CONTRACTOR	OWNER
6200 NEW 33 Ave., Suite 109	9425 Sunset Dr. # 225	1606 Kennedy Causeway, Suite 700
ADDRESS	ADDRESS	ADDRESS
Fl. Lauderdale, Fl 33309	Miami, Fl 33173	N. Bay Village, Fl 33140
BY (Signature)	BY (Signature)	BY (Signature)
Gary Ralay	Abbey Fallo	Bob Pushkin
(Typed Name)	(Typed Name)	(Typed Name)
DATE 4/13/10	DATE 4-13-10	DATE 4/13/10

Quantum Software Solutions, Inc. Document

11A(58)

CHANGE ORDER

OWNER
 ARCHITECT
 CONTRACTOR
 FIELD
 OTHER



PROJECT: 30
 FM Rehab Design-Build
 1666 Kennedy Causeway, Suite 700
 N. Bay Village, FL 33140

CHANGE ORDER #: 1
 CHANGE ORDER DATE: 07/09/2010
 PROJECT #s: RFP 2009-03
 DATE OF CONTRACT: 10/27/2009
 FOR:

TO: Metro Equipment Service, Inc.
 9425 Sunset Dr. # 225
 Miami, FL 33173

The Contract is changed as follows:

For furnishing & installing additional 20" HDPE & 16" PVC pipe associated with modified pipe route on Pelican Harbor..

The original Contract Sum was	\$4,457,012.00
The net change by previously authorized Change Orders is	\$0.00
The Contract Sum prior to this Change Order was	\$4,457,012.00
The Contract Sum will be increased by this Change Order in the amount of	\$90,012.81
The new Contract Sum including this Change Order will be	\$4,547,024.81
The Contract Time will be increased by	sixty days.
The date of Substantial Completion as of this Change Order therefore is	12/26/2010

Not valid until signed by all parties below.

Kimley Horn & Ass. ARCHITECT 5200 NEW 33 Ave., Suite 109 ADDRESS Ft. Lauderdale, FL 33309 BY (Signature) Gary Ralay (Typed Name) DATE 4/13/10	Metro Equipment Service, Inc. CONTRACTOR 9425 Sunset Dr. # 225 ADDRESS Miami, FL 33173 BY (Signature) Abbey Flallo (Typed Name) DATE 4-13-10	City of North Bay Village OWNER 1666 Kennedy Causeway, Suite 700 ADDRESS N. Bay Village, FL 33140 BY (Signature) Bob Pushkin (Typed Name) DATE 4/13/10
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11A(59)

METRO EQUIPMENT SERVICE, INC.

4-06-10

Mathew Schwartz
City Manager
City of North Bay Village
1666 Kennedy Causeway, suite # 700
North Bay Village, Fla. 33141

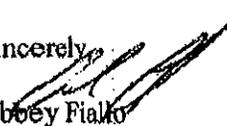
Dear Mr. Schwartz,

The following are additional contract expenses outlined due to changes in the 16 "PVC and 20" directional drill route requested.

1. The route location at Pelican Harbor has added additional 20" HDPE and 16" PVC pipe and installation in the amount of \$ 90,012.81
2. There also has been additional survey and design/engineering for the open cut and directional boring in the amount of \$ 29,526.74
3. Additional costs of materials/fittings due to AARA requirements to use American made materials \$ 12,783.25
4. Additionally the City wishes to increase the amount of public relations and graphic design work in the amount of \$ 30,000.00

This contract revision request totals \$ 162,322.80. We appreciate your time and considerations with this request.

Sincerely,



Abbey Fialko

Project Manager/ Estimator

11A(60)

Sewer Force Main Construction Project Coordination											
Classification Staff	Public Information Manager			Public Information Officer			Graphic Designer			Hrs/Task	Cost/Task
	Rate	Man Hrs.	Cost/Task	Rate	Man Hrs.	Cost/Task	Rate	Man Hrs.	Cost/Task		
Applicable Rate	\$ 150.00			\$ 80.00			\$ 80.00				
Hours/Cost		Man Hrs.	Cost/Task		Man Hrs.	Cost/Task		Man Hrs.	Cost/Task		
TASKS											
Weekly Progress Meetings	16	\$ 2,400.00		55	\$ 4,400.00		25	\$ 2,000.00		0	\$ 8,800.00
Preparation of construction information in different formats—construction updates	30	\$ 4,500.00		70	\$ 5,600.00		55	\$ 4,400.00		0	\$ 14,500.00
Field work with contractors and public	15	\$ 2,250.00		55	\$ 4,400.00		0	\$ -		0	\$ 6,650.00
TOTAL STAFF HOURS	61			180			80			0	
TOTAL STAFF COST		\$ 9,150.00			\$ 14,400.00			\$ 6,400.00			\$ 29,950.00

Printing costs		\$ 5,000.00
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GRAND TOTAL \$ 29,950.00

11A(61)

RESOLUTION NO. 2011-51

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, ESTABLISHING AN ADVISORY CHARTER REVIEW BOARD; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR CONNIE LEON-KREPS)

WHEREAS, Article 10, Section 10.13, of the Charter of the City of North Bay Village provides for review of the City Charter once every six years; and

WHEREAS, the Charter was last amended by the Charter Review Advisory Committee in 2006 and approved by the voters in the same year, becoming effective on December 11, 2006; and

WHEREAS, the City Commission wishes to activate and appoint the Advisory Charter Review Board in preparation for the regularly scheduled 2012 municipal election pursuant to Section 10.13 of the City Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA:

Section 1. Recitals. The foregoing whereas clauses are hereby ratified and confirmed as being true; and the same are hereby made a specific part of this Resolution.

Section 2. Establishment of Advisory Charter Review Board. An Advisory Charter Review Board shall be established and appointed to review the Charter and make recommendations to the City Commission.

Section 3. Qualifications. To the extent possible, the Board shall be comprised of residents with current or past professional planning, zoning, legal, finance and business experience from within the City, who shall specifically meet the following qualifications:

1. Have been a resident of the City of North Bay Village for a minimum of five (5) years; and

13A(1)

2. Be actively engaged in:
 - a. activities within the City; or
 - b. employment, or past employment, in one of the identified fields of expertise.

Section 4. Appointment and Composition of Board. The Board shall consist of five (5) voting members and two (2) non-voting members. The Mayor and Commissioners shall each nominate one voting member, who shall be from the district the Commissioner represents. Two (2) additional non-voting members shall be appointed from outside governmental or governmental support organizations selected from a list of candidates and volunteers provided by the City Manager. All appointments shall be subject to a majority vote by the Commission. Nominees shall be a minimum of 18 years of age. Should a vacancy occur on the Board, the original nominating Commissioner shall nominate a replacement, subject to majority vote of the Commission, or if the Vacancy is for one (1) of the governmental members, the Commission shall, by majority vote, select an additional member from the list provided by the City Manager.

Section 5. Duties. The Advisory Charter Review Board shall:

1. Appoint its own chair and vice-chair;
2. Appoint a secretary, who shall keep an accurate record of the Board's meetings;
3. Review the City Charter to evaluate the Charter and identify proposed revisions;
4. Make periodic reports to the City Commission of the progress of their review; and
5. Submit a report of final recommendations no later than May 2012.

Section 6. Meetings. The Board shall meet monthly and at the call of the Chairperson and all meetings shall be open to the public. The Secretary shall keep minutes of the Board meetings. The approved minutes shall be filed with the City Clerk.

Section 7. Attendance. In the event a Board member fails to attend three (3) regularly scheduled meetings, the Board member shall automatically be removed from the Board. The vacancy shall be filled pursuant to Section 3 of this Resolution.

Section 8. Staffing. The City Manager and the City Clerk shall serve as staff to the Board.

Section 9. Board Termination. The Board shall be dissolved upon providing its final recommendations to the City Commission, who may approve, reject or modify the recommendations.

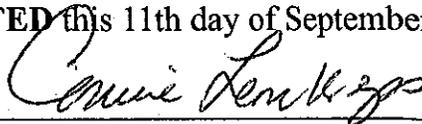
Section 10. Effective Date. That this Resolution shall take effect immediately upon adoption.

The motion to adopt the foregoing Resolution was offered by Vice Mayor Connie Leon-Kreps, seconded by Commissioner Eddie Lim.

Final Votes at Adoption:

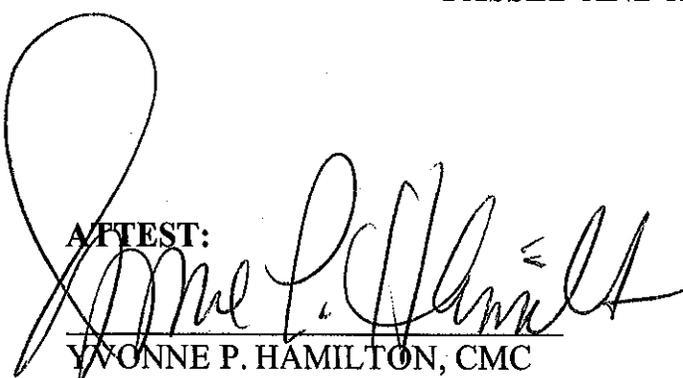
Mayor Corina S. Esquijarosa	<u>Absent</u>
Vice Mayor Connie Leon-Kreps	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>
Commissioner Frank Rodriguez	<u>Yes</u>
Commissioner Paul Vogel	<u>Absent</u>

PASSED AND ADOPTED this 11th day of September, 2011.



CONNIE LEON-KREPS
VICE MAYOR

ATTEST:



YVONNE P. HAMILTON, CMC
CITY CLERK

APPROVED AS TO FORM FOR USE BY
THE CITY OF NORTH BAY VILLAGE ONLY:



Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.
City Attorney



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM

TO: Mayor Connie Leon-Kreps

FROM: Dennis W. Kelly, City Manager 

CC: Vice Mayor Eddie Lim
Commissioner Richard Chervony
Commissioner Frank Rodriguez
Commissioner Paul Vogel
Nina Boniske, City Attorney
Department Heads

SUBJECT: LEGAL SERVICES

DATE: JANUARY 4, 2012

In follow up to our earlier conversations regarding legal services for the City of North Bay Village, the following options are tendered for your consideration:

Option 1: Designate the current firm, Weiss Serota Helfman Pastoriza Cole & Boniske, P.L., from Interim to Permanent with an updated contract as to types and extent of legal services provided (this would be the status quo option).

Option 2: Direct staff to issue Requests for Qualifications (RFQ's) for purposes of soliciting service proposals from numerous firms (to include an invite to the Interim City Attorney firm). Such an RFQ would be developed by collecting previously issued RFQ's from other cities and governmental agencies, as well as support groups/agencies such as the Florida League of Cities and the State Association of Counties, School Boards, etc.

Option 3: Issue multiple RFQ's for specific or specialized services such as General Counsel (i.e. City Attorney), Labor Counsel and/or Zoning & Land Use Counsel.

13B(1)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Commissioner
Richard Chervony

Commissioner
Frank Rodriguez

Commissioner
Dr. Paul Vogel

MEMO TO MAYOR CONNIE LEON-KREPS
JANUARY 4, 2012
PAGE 2 OF 2

Option 1 would be relatively simple and quick in terms of transitioning from the interim status we are currently in; Options 2 and 3 will involve additional steps to go through a "vetting" process for selection (estimated at two to three months) depending on meeting schedules (possibly longer).

If any questions or you need to discuss this issue in more detail, please feel free to contact me at any time. Thank you.

End.

13B(2)



City of North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

CITY OF NORTH BAY VILLAGE MEMORANDUM

DATE: January 10, 2012

TO: Mayor Connie Leon-Kreps
Vice Mayor Eddie Lim
Commissioner Richard Chervony
Commissioner Frank Rodriguez
Commissioner Paul Vogel

FROM: Dennis Kelly 
City Manager

SUBJECT: Appointment – Planning & Zoning Board

The appointment of Dr. Richard Chervony to At-Large Commissioner on November 29, 2011 created a vacancy on the Planning & Zoning Board. Pursuant to Section 32.02 of the City Code, vacancies are to be filled within 30 days from a list of individuals nominated by the Commission. Nominees receiving a vote from a majority of the Commission shall be appointed.

To date we have received one application from J. F. Bud Farrey, of 1315 Bay Terrace, for membership to the Board.

According to Section 32.30 of the North Bay Village Code of Ordinances, the Board shall consist of one member from North Bay Island, one from Harbor Island, one from Treasure Island and two at-large members. The following individuals currently serve on the Board:

1. Barry Beschel, Harbor Island
2. James Carter, Treasure Island
3. Jorge Gonzalez, Harbor Island
4. Reinaldo Trujillo, Treasure Island

DK/ypb

14A(1)

Mayor
Connie Leon-Kreps

Vice Mayor
Eddie Lim

Page 1 of 1
Commissioner
Richard Chervony

Commissioner
Frank Rodriguez

Commissioner
Dr. Paul Vogel



City of North Bay Village

Administrative Offices
1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

JUN 4 9:30

CITY OF NORTH BAY VILLAGE
BOARD/COMMITTEE APPLICATION

NAME J.F. Bud FARREY TELEPHONE # H-305-756-6202 CEL 305-542-3583

MAILING ADDRESS 1315 BAY TER, NORTH BAY VILLAGE FL 33141

CITY RESIDENT: YES X NO SINCE 1976 - 36 YEARS

BUSINESS OWNER: YES X NO NOT IN N.B.V.

NAME AND ADDRESS OF BUSINESS FARREY'S LIGHTING & BATH
1850 N.E. 146 ST NORTH MIAMI FL 33181

HOW LONG HAVE YOU BEEN OPERATING IN THE CITY?

CHECK THE BOARD(S)/COMMITTEE YOU WOULD LIKE TO SERVE ON:

- | | | | |
|---------------------------------------|--------------------------|-----------------------------------|-------------------------------------|
| ARTS, CULTURAL & SPECIAL EVENTS BOARD | <input type="checkbox"/> | YOUTH SERVICES BOARD | <input type="checkbox"/> |
| COMMUNITY ENHANCEMENT BOARD | <input type="checkbox"/> | ANIMAL CONTROL ADVISORY COMMITTEE | <input type="checkbox"/> |
| CITIZEN BUDGET AND OVERSIGHT BOARD | <input type="checkbox"/> | PLANNING & ZONING BOARD | <input checked="" type="checkbox"/> |

ARE YOU AVAILABLE FOR EVENING MEETINGS? YES X NO

HAVE YOU EVER SERVED ON A CITY BOARD/COMMITTEE? YES X NO

HAVE YOU EVER BEEN A CITY EMPLOYEE? YES NO X

ARE YOU A REGISTERED VOTER? YES X NO

PLEASE GIVE A SUMMARY OF YOUR WORK AND CIVIC SERVICE EXPERIENCE:

- PRESIDENT & CEO OF FARREY'S SINCE 1978
- CHAIRMAN OF INDUSTRIAL DEVELOPMENT BOARD CITY OF NORTH MIAMI 1986
- CHAIRMAN OF THE BOARD - MARIAN CENTER & SCHOOL 2002-2000 BOARD 1995-PRESENT
- CHAIRMAN OF BUILDING & GROUNDS-MIAMI COUNTRY DAY SCHOOL 1990 - PRESENT
- BOARD MEMBER OF CATHOLIC HEALTH SERVICES 2002 - PRESENT

PLEASE COMMENT ON HOW YOU THINK YOUR BACKGROUND QUALIFIES YOU TO SERVE ON THIS BOARD AND WHAT YOU MAY BE ABLE TO CONTRIBUTE:

LONG TIME RESIDENT OF CITY, MY BACKGROUND IN BUILDING AND FINANCE ALONG WITH MY DESIRE TO MAKE N.B.V. THE BEST PLACE TO LIVE AND WORK

14A(2)

- | | | | | |
|----------------------------|-------------------------|----------------------------------|---------------------------------|--------------------------------|
| Mayor
Connie Leon-Kreps | Vice Mayor
Eddie Lim | Commissioner
Richard Chervony | Commissioner
Frank Rodriguez | Commissioner
Dr. Paul Vogel |
|----------------------------|-------------------------|----------------------------------|---------------------------------|--------------------------------|

Chapter 32

DEPARTMENTS AND BOARDS

General Provisions

- § 32.01 City manager as appointing officer and head of city departments.
- § 32.02 Vacancies of membership on city boards.
- § 32.03 Reserved.
- § 32.04 Reserved.

Youth Services Board

- § 32.66 Youth Services Board.
- § 32.67 Qualification of members.
- § 32.68 Terms; vacancies; removal from office.
- § 32.69 Officers.
- § 32.70 Meetings; quorum; voting period.
- § 32.71 Powers and duties.

Community Enhancement Board

- § 32.10 Establishment.
- § 32.11 Composition.
- § 32.12 Qualifications.
- § 32.13 Terms; removal from office.
- § 32.14 Vacancies.
- § 32.15 Power and duties.
- § 32.16 Officers.
- § 32.17 Meetings; quorum; voting period.

Citizens Budget And Oversight Board

- § 32.72 Citizens Budget and Oversight Board.
- § 32.73 Qualification of members.
- § 32.74 Terms; vacancies; removal from office.
- § 32.75 Officers.
- § 32.76 Meetings; quorum; voting period.
- § 32.77 Powers and duties.

Civil Service Board

- § 32.20 Establishment.

Planning and Zoning Board

- § 32.30 Creation; members.
- § 32.31 Vacancy.
- § 32.32 Officers.
- § 32.33 Meetings.
- § 32.34 Powers; rules and regulations.

Police Department

- § 32.40 Arrests without warrant.
- § 32.41 Searches.
- § 32.42 Salary incentive program.
- § 32.43 Reserve police officers.
- § 32.44 Police impact fee imposition.

Rent Control Board

- § 32.50 Establishment.

Arts, Cultural and Special Events Board

- § 32.60 Arts, cultural and special events board.
- § 32.61 Qualification of members.
- § 32.62 Terms; vacancies; removed from office.
- § 32.63 Officers.
- § 32.64 Meetings; quorum; voting period.
- § 32.65 Powers and duties.

§ 32.01 City Manager as appointing officer and head of city departments.

(A) The City Manager is designated as the appointing officer of each and every department within the classified service of the City. (1964 Code, § 2-1; Ord. 119, passed 1-30-57)

(B) The City Manager is designated and appointed as the head of the Police Department, Maintenance Department, Water Department, and Clerical Department of the City. The City Manager is hereby authorized, empowered, and instructed to direct the operations of each of the Departments. (1964 Code, § 2-2; Ord. 118, passed 2-15-57)

§ 32.02 Vacancies of membership on city boards.

(A) Upon a vacancy, for any reason, of a City Commission appointed membership on any city board, the City Commission shall appoint a new member to fill the vacancy within 30 days of the occurrence of vacancy, or the next regular City Commission meeting, whichever later occurs.

(B) Appointment of members to the various boards of the City, on their annual appointment or otherwise, shall be from a list of nominees. The

Mayor and each Commissioner shall be entitled to nominate, without the necessity for a second, as many nominees as they desire. The Mayor and each Commissioner shall be entitled to vote for as many seats as are vacant and for which the Commission may make an appointment. The Mayor and the Commissioners shall vote by stating the names of their selections. Nominees receiving a vote from a majority of the Commission shall be appointed. Successive votes may be taken if required to select a nominee by a majority vote until each vacancy has been filled.

(C) If a member of any Board fails to attend two consecutive meetings without prior notification or fails to attend five meetings during a 12-month period, the Board, upon a majority vote, may request the City Commission to remove the member and to appoint a successor for the unexpired term.
(Ord. 82-10, passed 12-22-82; Ord. No. 02-05, § 1, 3-12-02)

§ 32.03 Reserved.

Editor's note—Ord. No. 04-04, adopted Feb. 17, 2004, has been treated as superceding the provisions of § 32.03. Formerly, said section pertained to conclusion of term of all city boards as enacted by Ord. No. 83-09, adopted April 13, 1983; as amended.

§ 32.04 Reserved.

Editor's note—Ord. No. 04-04, adopted Feb. 17, 2004, has been treated as superceding the provisions of § 32.04. Formerly, said section pertained to nonresident appointments to city boards as enacted by Ord. No. 86-02, adopted May 27, 1986.

COMMUNITY ENHANCEMENT BOARD*

§ 32.10 Establishment.

In order to enhance the aesthetic appeal of this community by properly exercising its police power in accordance with the provisions of the Florida Home Rule Power Act, and recognizing the value

***Editor's note**—Ord. No. 04-04, adopted Feb. 17, 2004 amended ch. 32 by combining the provisions of the Beautification Board, §§ 32.10—32.13, with the Arts, Cultural and Special Events Board, §§ 32.55—32.60. Sections 32.55—32.60 have been renumbered as §§ 32.12—32.17 to conform to the numbering style of this Code.

of scenic surroundings to tourists, prospective residents, and commercial developments, as well as the citizens and taxpayers of the City, and further to preserve the quality of the environment which is a legitimate concern of the City Commission, there is established a permanent Community Enhancement Board of the City, it being understood that this Board and the powers and responsibilities granted it pursuant to this subchapter shall be in addition to any existing laws and remedies which presently exist or shall be enacted in the future.

(Ord. No. 04-04, 2-17-04; Ord. No. 04-12, 6-8-04)

§ 32.11 Composition.

There is hereby created the North Bay Village Community Enhancement Board which shall consist of seven members who may reside at any location within the City, or owners of businesses located within the confines, or designees of such business owners; all of whom shall serve for a period of two years as provided in § 6.01 of the Charter.

(Ord. No. 04-04, 2-17-04; Ord. No. 04-12, 6-8-04)

§ 32.12 Qualifications.

The members of the Community Enhancement Board shall be appointed and shall be qualified electors of the City or owners of businesses located within the confines of the City, or designees of such business owners as defined in the Charter. Resident members of the board shall also be and remain during their respective terms of office, residents of the City.

(Ord. No. 04-04, 2-17-04; Ord. No. 04-12, 6-8-04)

§ 32.13 Terms; removal from office.

The original members of the Community Enhancement Board shall be appointed by the City Commission, by a majority vote of the members present. Members of the Board shall be appointed by the City Commission for a term of two years. Any member may be removed from the office by the Commission upon majority vote of the Commission.

(Ord. No. 04-04, 2-17-04; Ord. No. 04-12, 6-8-04)

14A(4)

§ 32.14 Vacancies.

In the event that a vacancy shall occur on the Board by resignation, removal, death, or for any other reason, a successor shall be appointed to fill the unexpired term for such member.

(Ord. No. 04-04, 2-17-04; Ord. No. 04-12, 6-8-04)

§ 32.15 Power and duties.

The Community Enhancement Board shall be charged with the following duties:

- (1) To continually study the needs of the entire City for floral landscaping, including the entrances of the several islands

and the median strips, including both privately owned and publicly owned property.

- (2) Determine the existence of alleged violations of law which adversely affect the aesthetics of the City.
- (3) Entertain complaints from citizens regarding existence of conditions which are detrimental to the aesthetic values and quality of life of the City.
- (4) To file a report of its activities with the City Commission and the City Manager, including the recommendations to the Commission for the beautification of the City at least once per year.

(Ord. No. 04-04, 2-17-04; Ord. No. 04-12, 6-8-04; Ord. No. 05-04, 3-15-05)

§ 32.16 Officers.

The Community Enhancement Board shall annually, each by majority vote, elect one of its members as Chairman and one of its members as Vice-Chairman. The Chairman shall chair the meetings of the Board, and shall be the representative of the Board to the City Manager and the City Commission. In the case of the absence of the Chairman at any meetings, the Vice-Chairman shall act in his stead. The City Manager is directed and authorized to furnish, supply, and make available to the Board suitable and proper accommodations for the transactions of the business of the Board. The Board shall designate its own secretary and the Secretary shall make and furnish minutes of the Board's meetings and shall report to the City Manager as to the attendance of the meeting and submit the minutes of its meetings to the City Manager monthly.

(Ord. No. 04-04, 2-17-04; Ord. No. 04-12, 6-8-04)

§ 32.17 Meetings; quorum; voting period.

(A) The Community Enhancement Board shall hold regular monthly meetings at such time and place as the Board may determine and may hold special meetings at any other time. All meetings shall be publicly noticed to residents, homeowners, and property owners by publication on the City's bulletin boards. In the event that the Chairperson shall fail to call a special meeting, upon

request of any member of the Board, a special meeting shall be held upon written call of two other members of the Board mailed three days prior to the called meeting.

(B) All meetings of the Board shall be open to the public and four members shall constitute a quorum.

(C) A majority vote of the Board shall be required on all recommendations made to the City Commission.

(Ord. No. 04-04, 2-17-04; Ord. No. 04-12, 6-8-04)

CIVIL SERVICE BOARD

§ 32.20 Establishment.

For provisions concerning the Civil Service Board, see § 33.021.

PLANNING AND ZONING BOARD

§ 32.30 Creation; members.

(A) Created; composition. A Planning & Zoning Board is hereby created which shall be composed of five members to be appointed by the City Commission. The Board shall be composed of one member from North Bay Island, one member from Harbor Island, one member from Treasure Island and two at-large members.

(B) Qualifications of members. The members of the Board shall be appointed and shall be qualified electors of the city as defined in the Charter, and shall also be and remain during their respective terms of office, residents of the City.

(C) Terms, vacancies, removal from office. The original members of the Board shall be appointed by the City Commission at the meeting in which this section is finally adopted. Members of the Board shall be appointed by the city Commission for a term of two years.

(D) Participation of ex officio members. The Mayor and the City Manager shall serve as ex officio members of the Planning and Zoning Board; however, their participation in matters before the Board shall be limited to discussion and their

presence shall not constitute a quorum in the absence of other members, nor shall they be entitled to vote or otherwise participate in making recommendations to the City Commission. (1964 Code, § 2-40; Ord. 186, passed 6-2-65; Am. Ord. 275, passed 8-18-76; Ord. No. 04-15, 7-27-04)

State law reference—Municipal planning and zoning, see § 163.01 et seq., Fla. Stats.

§ 32.31 Vacancy.

In the event that a vacancy shall occur on the Planning and Zoning Board by reason of resignation, removal, death, or for any other reason, a successor shall be appointed to fill the unexpired term of the member. Any member may be removed from office by the City Commission upon majority vote of the Commission.

(1964 Code, § 2-40(c); Ord. 186, passed 6-2-65; Am. Ord. 275, passed 8-18-76)

§ 32.32 Officers.

The Planning and Zoning Board shall annually, each by majority vote, elect one of its members as Chairman and one of its members as Vice-Chairman. At all meetings the Vice-Chairman, in case of the absence of the Chairman, shall act in his stead. The Board shall designate its own Secretary and professional advisors, the compensation thereof to be fixed by the City Commission. (1964 Code, § 2-40(d); Ord. 186, passed 6-2-65; Am. Ord. 275, passed 8-18-76)

§ 32.33 Meetings.

The Planning and Zoning Board shall hold regular meetings at such time and place as the Mayor and Commission may establish by Resolution and may hold special meetings at any other time on written call of the Chairman, mailed three days prior to the called meeting. Notices of all meetings shall be sent to residents, home owners, and property owners in accordance with the current practice of the City Clerk in noticing meetings of the City Commission. In the event that the Chairman shall fail to call a special meeting, upon request of any member of the Board, a special meeting shall be held upon written call of two other members of the Board mailed three days prior to the called meeting. All meetings of the Board shall be open to the public

and three members shall constitute a quorum. A majority vote of the Board shall be required on all recommendations made to the City Commission. (1964 Code, § 2-40(e); Ord. 186, passed 6-2-65; Am. Ord. 275, passed 8-18-76; Ord. No. 01-03, § 1, 3-27-01)

§ 32.34 Powers; rules and regulations.

(A) The Planning and Zoning Board shall have the authority and duties set forth in § 152.101.

(B) The Board shall adopt its own rules and regulations and rules of procedure including but not limited to rules and regulations in connection with the processing of applications for variances. (1964 Code, § 2-40(f) and (g); Ord. 186, passed 6-2-65; Am. Ord. 275, passed 8-18-76)

POLICE DEPARTMENT

§ 32.40 Arrests without warrant.

Any officer of the City may arrest, without a warrant, any person committing a crime against the state, in his sight or presence, whether it be an offense against the City or not. The arrested person shall be held for the Sheriff of Dade County.

(1964 Code, § 15-7; Ord. 2, passed 8-9-45)

§ 32.41 Searches.

Any officer of the City may enter upon premises without a warrant if he observes an offense committed thereon or a fugitive flee thereto; otherwise he shall enter only with a search warrant to be issued by the judge of the appropriate court upon affidavit of reasonable cause existing to believe an offense has been or is being committed on the premises or that a fugitive from justice is on the premises. The warrant shall describe the premises briefly and may be served either by day or by night.

(1964 Code, § 15-8; Ord. 2, passed 8-9-45)

§ 32.42 Salary incentive program.

(A) The standards under § 943.22, Fla. Stats., are hereby incorporated by reference as if fully set forth herein.

(1964 Code, § 15-9; Ord. 241, passed 5-24-72)