

SUMMARY MINUTES

Regular City Commission Meeting
Thursday, April 14, 2005, 7:30 p.m.
City of Sunny Isles Beach, Florida

ATTENTION ALL LOBBYISTS: CITY LAW REQUIRES YOUR REGISTRATION PRIOR TO ENGAGING IN LOBBYING ACTIVITIES BEFORE CITY STAFF, BOARDS, COMMITTEES OR THE CITY COMMISSION. PLEASE CONTACT THE CITY CLERK FOR FORMS AND ADDITIONAL INFORMATION.

AGENDA

1. CALL TO ORDER/ROLL CALL OF MEMBERS

The meeting was called to order by Mayor Edelcup at 7:30 p.m., with the following officials present:

Mayor Norman S. Edelcup
Vice Mayor Lewis J. Thaler
Commissioner Roslyn Brezin
Commissioner Gerry Goodman
Commissioner Danny Iglesias

City Manager Christopher J. Russo
City Attorney Lynn Dannheisser
Deputy City Attorney Hans Ottinot
City Clerk Jane A. Hines
Planning and Zoning Administrator Jorge Vera

2. PLEDGE OF ALLEGIANCE/INVOCATION

Action: Joseph Ades led the Pledge of Allegiance to the flag, and Richard C. Schulman gave an invocation.

Mayor Edelcup gave opening remarks of decorum.

3. APPROVAL OF MINUTES

3A. Regular City Commission Meeting – November 18, 2004.

Action: Vice Mayor Thaler corrected page 7 to change Commissioner Goodman to Vice Mayor, and Vice Mayor Thaler to Commissioner.

Commissioner Goodman moved and Commissioner Iglesias seconded **a motion to approve the above-mentioned Summary Minutes, as amended. The motion was approved by a voice vote of 5-0 in favor.**

3B. Regular City Commission Meeting – March 10, 2005.

Action: Commissioner Goodman moved and Vice Mayor Thaler seconded **a motion to approve the above-mentioned Summary Minutes. The motion was approved by a voice vote of 5-0 in favor.**

3C. Regular City Commission Meeting – March 22, 2005.

Action: Commissioner Goodman moved and Vice Mayor Thaler seconded **a motion to approve the above-mentioned Summary Minutes. The motion was approved by a voice vote of 5-0 in favor.**

4. ORDER OF BUSINESS (Additions/Deletions/Amendments)**4A. Request to Hear Items.****5. SPECIAL PRESENTATIONS****5A. Certificates of Appreciation to be Presented to Members of the Health and Community Activities Committee and to the Marco Polo for their assistance and input of a successful “Senior Amateur Ballroom Dance Competition” held on March 15, 2005; and a Plaque to be presented to Henry Kay for successfully organizing the event.**

Action: Commissioner Brezin presented a Plaque to Henry Kay as Chairperson of the Sunny Isles Beach Senior Amateur Ballroom Dance Competition, and Mr. Kay thanked the Commission. Commissioner Brezin presented Certificates of Appreciation to the Members of the Health and Community Activities: Chairperson Honey Scriff, Ben Kleinerman, and Joseph Ades; and Chairperson Scriff accepted a Certificate for the Marco Polo Ramada Plaza Beach Resort that offered the facility for the competition. City Clerk Hines will mail the Certificate to member Alina Sosa-Perez.

5B. A Proclamation Declaring the Month of April 2005, as “Fair Housing Month” in the City of Sunny Isles Beach.

Action: Mayor Edelcup presented a Proclamation proclaiming April 2005, as “Fair Housing Month” in the City of Sunny Isles Beach. City Clerk Hines will mail the proclamation.

5C. A Proclamation Declaring the Month of May 2005, as “Civility Month” in the City of Sunny Isles Beach.

Action: Mayor Edelcup presented a Proclamation proclaiming May 2005, as “Civility Month” in the City of Sunny Isles Beach. City Clerk Hines will mail the proclamation.

5D. Add-On

Presentation to Deputy City Attorney Hans Ottinot.

Action: City Attorney Dannheisser noted that Deputy City Attorney Hans Ottinot is leaving the City and has accepted the position of City Attorney for the City of North Miami, and presented him with a plaque for his dedicated service and professional contribution to the City of Sunny Isles Beach. City Attorney Dannheisser introduced our new Assistant City Attorney Erica Wright from the City of Miami. Mayor Edelcup and the Commission wished Deputy City Attorney Ottinot good luck and success. Deputy City Attorney Ottinot thanked

City Attorney Dannheisser, City Commission, City Manager Russo and Police Chief Maas for their support over the past five years.

6. ZONING - ZONING HEARINGS ARE QUASI-JUDICIAL PUBLIC HEARINGS.

6A. Request of Maria I. Ros, Owner of the Property Located at 225 - 179 Drive, Sunny Isles Beach, Florida, for the following:
[Hearing #Z2004-10]

1. Pursuant to Section 265-18 of the City of Sunny Isles Beach Land Development Regulations, the applicant is requesting a site plan approval for a 6-story, 17-unit condominium.
2. Variance of Section 265-71(C) requiring a continuous 7-foot landscape buffer strip along the perimeter of all vehicular use areas; to waive same to permit 5 feet 11 inch landscape buffer only on the portion abutting the required off-street loading space.

(Deferred from 3/22/05)

Protests 0 Waivers 0 Ex-Parte 0

Action: City Clerk Hines read a disclaimer for the Zoning hearing, and read the applicant’s name, hearing number, location and then administered the oath to the witness for the Zoning hearing.

Public Speakers: Isaac Sklar, Architect; Henry Kay; Joseph Ades

Architect Isaac Sklar, representing the applicant, reported that this is a six-story, 17-unit condominium with a swimming pool on the roof, and presented renderings of the project. He noted that they have satisfied all the zoning and staff requirements. He also said that the landscaping is in excess of the minimum requirements on the entire site excluding a minor area of ten feet where the loading space had to be introduced.

Planning and Zoning Administrator Jorge Vera reported that staff recommends approval of this application.

Commissioner Iglesias moved and Vice Mayor Thaler seconded **a motion for approval, subject to staff conditions. Resolution No. 05-Z-93 was approved by a roll call vote of 5-0 in favor.**

Vote:

Commissioner Brezin	<u>yes</u>
Commissioner Goodman	<u>yes</u>
Commissioner Iglesias	<u>yes</u>
Vice Mayor Thaler	<u>yes</u>
Mayor Edelcup	<u>yes</u>

7. ORDINANCES FOR FIRST READING

- 7A. An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Ordinance No. 2004-196; Adopting a **Revised Fee Schedule for the Building Department**, Attached as Exhibit “A”; Providing the City Manager with the Authority to Review Annually All Building Department Fees; Providing for Repealer; Providing for Severability; Providing for Codification; Providing for an Effective Date.

Action: City Clerk Hines read the title and Building Official/Administrator Clayton L. Parker reported noting that one of the big changes that they made to the fee schedule is for multi-family residences reducing the minimum fee from \$300.00 to \$100.00, lowering the costs of remodeling fees in existing condominiums.

Public Speakers: none

Commissioner Brezin moved and Commissioner Iglesias seconded a **motion to approve the proposal on first reading. The motion was approved by a roll call vote of 5-0 in favor. Second reading, public hearing will be held on Thursday, May 12, 2005, at 7:30 p.m.**

Vote:

Commissioner Brezin	<u>yes</u>
Commissioner Goodman	<u>yes</u>
Commissioner Iglesias	<u>yes</u>
Vice Mayor Thaler	<u>yes</u>
Mayor Edelcup	<u>yes</u>

- 7B. An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Establishing **Regulations Relating to the Installation of Satellite Dishes**; Providing for Repealer; Providing for Severability; Providing for Codification; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Manager Russo reported noting that this Ordinance is being sponsored by Vice Mayor Thaler.

Public Speakers: Ben Kleinerman

Vice Mayor Thaler said that most of the new condos already have rules and regulations within their own codes but many of them are not enforcing them, and on the west side many of the buildings were built before satellites and they don’t have any codes to go by. He said as the buildings get older and as we get more and more satellites put up, we will find that we are going to have more leakage and cracking within the buildings if we don’t establish these rules and regulations.

Commissioner Goodman asked how much time are we going to give them to come into compliance, and City Manager Russo said there is a warning period, but at the beginning we will probably extend that to get the word out. Robert Solera, Assistant Administrator, Building and Code Enforcement & Licensing Dept., said that it is first placed in a newspaper to give at least 30-days notice, and a warning after that, which is 7 to 15 days after the notice.

Commissioner Goodman moved and Commissioner Brezin seconded a **motion to approve**

the proposal on first reading. The motion was approved by a roll call vote of 5-0 in favor. Second reading, public hearing will be held on Thursday, May 12, 2005, at 7:30 p.m.

Vote: Commissioner Brezin yes
 Commissioner Goodman yes
 Commissioner Iglesias yes
 Vice Mayor Thaler yes
 Mayor Edelcup yes

8. PUBLIC HEARINGS (Other than Ordinances for Second Reading)

None

9. ORDINANCES FOR SECOND READING (*Public Hearings*)

- 9A.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Relating to **Temporary Toilets in a Construction Site**; Providing for Specific Location Relative to Adjacent Highways or Streets; Providing for Penalties for Violation; Providing for Repealer; Providing for Severability; Providing for Codification; Providing for an Effective Date.
 (First Reading 3/10/05)

Action: City Clerk Hines read the title, and Robert Solera, Assistant Administrator, Building and Code Enforcement & Licensing Dept., reported.

Public Speakers: none

Commissioner Iglesias moved and Commissioner Goodman seconded **a motion to adopt the ordinance. Ordinance No. 2005-226 was adopted by a roll call vote of 5-0 in favor.**

Vote: Commissioner Brezin yes
 Commissioner Goodman yes
 Commissioner Iglesias yes
 Vice Mayor Thaler yes
 Mayor Edelcup yes

- 9B.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, **Exempting City Commission Elections from the Provisions of Section 101.657, Florida Statutes, Concerning Early Voting**; Providing for Severability; Providing for Inclusion in the Code; Providing for an Effective Date.
 (First Reading 3/10/05)

Action: City Clerk Hines read the title, and Mayor Edelcup reported noting that the only correction we had made on this from First Reading was to add the word “local” City Election.

Public Speakers: none

Commissioner Iglesias moved and Commissioner Goodman seconded **a motion to adopt the ordinance. Ordinance No. 2005-227 was adopted by a roll call vote of 5-0 in favor.**

Vote:	Commissioner Brezin	<u>yes</u>
	Commissioner Goodman	<u>yes</u>
	Commissioner Iglesias	<u>yes</u>
	Vice Mayor Thaler	<u>yes</u>
	Mayor Edelcup	<u>yes</u>

Sitting in as the Local Planning Agency and the City Commission, to Consider an Ordinance Amending the Land Development Regulations (LDRs)

9C.1 [pages 121 to 122]

A Resolution of the Local Planning Agency of the City of Sunny Isles Beach, Florida, Recommending to the City Commission of Sunny Isles Beach, the Ordinance Amending Section 265-70 of the Land Development Regulations to Include a New Section Entitled **“Tree Preservation and Replacement”**; Providing for an Effective Date.

(Deferred by Staff)

9C.2 An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 265-70 of the Land Development Regulations to Include a New Section Entitled **“Tree Preservation and Replacement”**; Providing for Purpose; Providing for Definitions; Establishing Procedures for Replacement of Trees and Donation of Trees Within the City’s Limits; Providing for the Protection of Trees During Construction Project; Providing for Enforcement and Penalties; Providing for Severability; Providing for Repealer; Providing for Inclusion in the Code; Providing For An Effective Date. (Sponsored by Commissioner Iglesias)

(First Reading 3/10/05)

(Deferred by Staff)

Action: Deferred for further discussions with the Landscape Architect.

10. RESOLUTIONS

- 10A.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the **Transfer of Two (2) Acres of Transfer of Development Rights (“TDRs”) Equal to 217,800 Square Feet and 120 Units From Tract ‘B’ of RK Marina Apartments Plat Book 157, Page 70 and Deposit into the Transfer Development Rights Bank of Porto Bellagio Partners LLC.**, to Comply with Resolution No. 2005 -754 to be Used Strictly in Conjunction with an Approved Site Plan on the West Side of Collins Avenue and Upon Approval of the City Commission; Directing the Planning and Zoning Administrator or Designee to Transfer the TDRs in Accordance with Resolution No. 2005-754; Providing the City Manager with the Authority to Do All Things Necessary to Effectuate this Resolution; and Providing for an Effective Date.

Action: City Clerk Hines read the title and City Attorney Dannheisser reported.

Public Speakers: Henry Kay

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-784 was adopted by a voice vote of 5-0 in favor.**

- 10B.1A** Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Approving the Zoning Application Submitted By Fortune Ocean, LLLP**, a Florida Limited Liability Partnership (Z2004-09), for Transfer of Development Rights (“TDRs”), in the Amount of 59 Dwelling Units and 129,216 Square Feet of Floor Area, Pursuant to Section 265-23 of the City’s Land Development Regulations (LDR’s), and Site Plan Approval, Pursuant to Section 265-18 of the LDR’s, and the Utilization of 1.50 Bonuses of Floor Area Ratio (FAR) to Permit the Development of “Jade Beach II”, a 49-Story, 256-Unit Condominium Project, on the Property Located at 17121 Collins Avenue, Subject to Certain Conditions; and Providing for an Effective Date.

Action: City Clerk Hines read the title and City Attorney Dannheisser reported that this Resolution No. 05-Z-89 was adopted on February 10, 2005, and is now coming back to the Commission for their final approval, and is ministerial in nature.

Public Speakers: none

Mayor Edelcup asked for clarification on the procedure for reducing the amount of TDRs when we do a transfer in the bank as it relates to this property, in the same manner that we do it for the City, and City Attorney Dannheisser said that there are no changes. Vice Mayor Thaler asked about the color of the building and Planning and Zoning Administrator Vera presented the glass that is the color of the building. Vice Mayor Thaler asked about the handicapped parking spaces, and City Attorney Dannheisser said that there is a specific reference to that in the Resolution.

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion for approval, and it was approved by a voice vote of 5-0 in favor [Resolution No. 05-Z-89].**

- 10B.2** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing

the **Transfer of Development Rights (“TDRs”) in the Amount of 59 Dwelling Units and 129,216 Square Feet of Floor Area to Fortune Ocean, LLLP**, A Florida Limited Liability Partnership (“Fortune Ocean”) per Application No. Z2004-09 for a Residential Condominium Project to be Located at 17121 Collins Avenue to be Known as “Jade Beach II,” from the TDR Bank Established for 17200 Collins Avenue, Ltd. (the “Casino Property”); Directing the Planning and Zoning Administrator or Designee to Transfer 59 Dwelling Units and 129,216 Square Feet of Floor Area from the TDR Bank to Fortune Ocean in Accordance with Resolution No. 05-Z-89; Acceptance of Consent from the Casino Property Attached hereto as Exhibit “A”; Authorizing the Adjustment of the TDR Bank by the Planning and Zoning Administrator or Designee; Providing the City Manager with the Authority to Do All Things Necessary to Effectuate this Resolution; and Providing for an Effective Date.

Action: City Clerk Hines read the title and City Attorney Dannheisser reported that this resolution is ministerial in nature and is subject to the proper corporate signatories.

Public Speakers: none

Commissioner Goodman moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-785 was adopted by a voice vote of 5-0 in favor.**

10C.1 A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Conditionally Approving the Zoning Application Submitted by Bengé Enterprises, Inc., LSB Investments, Sunny Isles Beach Entertainment Corp. and Franco Posteraro and Domenico Figlia**, (Z2004-07), for Transfer of Development Rights (“TDRs”), in the Amount of 65 Dwelling Units and 12,023 Square Feet of Floor Area, Pursuant to Section 265-23 of the City’s Land Development Regulations (LDR’s), and Site Plan Approval, Pursuant to Section 265-18 of the LDR’s, to Permit the Development of Three Condominium Towers with a Total of 283-Residential Units, on the Property Located at 150 – 260 Sunny Isles Boulevard, Subject to Conditions; and Providing for an Effective Date.

Action: City Clerk Hines read the title. Mayor Edelcup said in accordance with our new Ex-Parte Rules of Disclosure, he is disclosing that Jose Milton, Sr. came to see him regarding this matter and he told him that he could not discuss it with him because it was a zoning matter coming before the Commission. City Attorney Dannheisser reported that this Resolution No. 05-Z-91 was adopted on March 22, 2005 and is now coming back to the Commission for their final conditional approval, as a ministerial nature. She said that approval of this resolution which is the site plan approval was subject to three items: 1) that the applicant agreed to the TDRs and the price of those TDRs; 2) presentation of the color palette; and , 3) the clarification of the number of the required disabled spaces for the project.

Public Speakers: Mario Garcia-Serra, Esq.

Mario Garcia-Serra, Esq., representing the applicant, reported. Vice Mayor Thaler asked what the number of handicapped parking spaces was and Planning and Zoning Administrator Vera reported that there are nine parking spaces instead of the eight that they had.

Commissioner Goodman stated that they are agreeing tonight to put up a 10% deposit in reference to the TDRs and they are purchasing them from the City for a total of \$2,184,711.00. Mr. Garcia-Serra clarified that 10% would be \$218,471.00 and City Attorney Dannheisser said that the deadline is Monday, April 18, 2005 at 5:00 p.m. Mayor Edelcup said that each of them received a copy of the appraisal and had an opportunity to read it and the City is satisfied from staff that the appraisal is correct and accurate and that they are basing their decision on that appraisal.

Commissioner Goodman moved and Vice Mayor Thaler seconded **a motion for approval, and it was approved by a voice vote of 5-0 in favor [Resolution No. 05-Z-91].**

10C.2A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Providing for the **Acceptance of the Appraised Land Value of \$9,875,000.00 for the Property Located at 150 – 260 Sunny Isles Boulevard a/k/a St. Tropez**; Providing for the Acceptance and Payment by the Applicant of \$2,184,711.00 for the Transfer of 12,023 Square Feet and 65 Units of the City's Transferable Development Rights; Providing for an Adjustment of the Balance of Transferable Development Rights from the City's Bank to Reflect a Decrease of 112,905 Square Feet and 65 Units; Providing for a Repealer; Providing for an Effective Date.

Action: [City Clerk's Note: See action above, 10C.1] City Clerk Hines read the title, and Mayor Edelcup reported.

Public Speakers: none

Commissioner Goodman moved and Commissioner Iglesias seconded **a motion to approve the resolution, as amended. Resolution No. 2005-786 was adopted by a voice vote of 5-0 in favor.**

10D. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Approving an Agreement with Calvin Giordano and Associates, Inc. for Improvements to the 172nd Street and North Bay Road Area**, in an Amount of \$170,588.00, Attached Hereto as Exhibit "A"; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of the Agreement; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Manager Russo reported and noted that at this point we have estimated that we are going to spend in excess of \$1.2 Million to do this project. He said we had this discussion two months ago when we had our work session on Capital Projects, and that this was always something that we wanted to do, and got brought to the front burner when we realized what the design of the Town Center Park was. He said we will need to raise elevations at the intersection of 172nd and Collins to accommodate the park. City Manager Russo said that the County has agreed to replace the sewer line in this area simultaneous with this project which is absolutely necessary, and so we have a major project between North Bay Road and 172nd Street.

Director of Capital Projects Scott Gombar said that it also includes the landscaping and one

of the major elements that we have as part of this project is the subterranean excavation to determine location of all utilities throughout that area. He said the information we have is sketchy at best and with the drainage installation it is very important to eliminate any kind of project delays. He said that the most important reason to improve the overall design is to have accurate information of where the utilities are located beneath the surface. City Manager Russo said that is a new phase, we are going to take the time upfront for soil exploration.

Public Speakers: none

Mayor Edelcup reminded the City Manager to continue to work at this point on 172nd and North Bay Road to obtain entrance into the apartment building at Vistaview, and City Manager Russo said that they are working on it. Mr. Gombar said it is not included in the scope, and City Manager Russo said we can get agreement that the curb cut can be made as part of this project. Mayor Edelcup asked City Manager Russo if we can work toward that agreement, and that it is a health and safety factor. Mr. Gombar said we will incorporate it into the design if we can get the access agreement.

Commissioner Iglesias asked if this is to reconstruct or do milling and resurfacing, and Mr. Gombar said this is reconstruction, as it is required because of the roadway the way it roller coasters down, the number of cuts that we have to do for cross drains for drainage and the relocation of the sewer line. Commissioner Iglesias said that the relocation of the sewer line will be done by the utility company and City Manager Russo said we have work that will be done by the County. Mr. Gombar said at this point we are still evaluating and trying to either get them in there first and out, which would be the most ideal situation. He said that they have already reviewed their plans and approved them as good to go, and since they haven't moved on it, we are also looking into entering into a JPA if necessary. Commissioner Iglesias said he would do it that way rather than hit that area twice.

Commissioner Iglesias said on page 168 of the agenda package, on the Work Authorization Estimate he would like to see "Director, Engineering" crossed out, he doesn't feel it is needed. He said regarding the Survey Crew, a three-man crew, from Collins Avenue to 163rd Street, there is approximately 3,300 linear feet. He said if you take 120 hours and divide it by 8, you are looking at about 15 days, 220-foot per day, which is extremely slow. He said he doesn't see the survey crew being out there more than seven days. He said he can see a Survey Coordinator or a Registered Surveyor to verify that information, he can see one guy not two. He said he is also looking at Landscape Subconsultant and Irrigation Subconsultant, usually the Landscape Subconsultant does that, both the irrigation and landscape. He said he has never seen that broken out, and it can be done at \$30,000.00. He said the Construction Engineering and Inspection is more than adequate, that is 10% of the construction job, but he would like to see the Survey Crew more like 60 days instead of 120 days, the Survey CADD Technician at least 32-40 hours [instead of 64 hours], and either one or the other as far as the Registered Surveyor or your Survey Coordinator for a total of 24-hours. He suggested 30-hours for Project Manager, 210-hours for Project Engineer, and 360-hours for CADD Technician, he has no problems with the Clerical work or Permit Administrator, leave the Registered Surveyor at 24-hours, in fact, give him 30-hours, and eliminate the Survey Coordinator, CADD Technician is okay at 32-40 hours, Surveyor seven days.

City Manager Russo asked Mr. Gombar if he needs some time to review this, and Mayor Edelcup asked if he wants to defer this. Mayor Edelcup asked Commissioner Iglesias to meet with the City Manager and Mr. Gombar, and bring it back to the May 12, 2005 Commission meeting.

Commissioner Brezin moved a **motion to defer this to May 12, 2005 meeting, and it was approved by a voice vote in favor.**

- 10E.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Approving a Lease Agreement between the City of Sunny Isles Beach and Vanguard Car Rental USA Inc.**, Attached Hereto as Exhibit "A"; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of this Agreement; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Attorney Dannheisser reported, and noted that at this point, an appeal has been filed by the ex-property owner. She said that there is a motion to stay which is going to be heard by the court. She said the lessee, Vanguard, and the City have agreed to a Stay which will result in an amendment to this resolution. She said that she is placing the letter to Deputy City Attorney Hans Ottinot, from Council for Vanguard into the record, reading "This letter confirms the telephone discussion this morning among, the City Manager, you and me, with regards to the terms of the lease, we agreed that we should go forward with the City Commission meeting this evening to approve the Addendum, but that the commencement date with regard to the City's partial taking of the property, the 50%, would be tolled until the Motion to Stay and the appeal has been ruled on. Stated differently the City will not take the 50% of the western portion until the appeal is finally ruled upon, immediately thereafter however, the City will follow through on its partial taking subject to all the terms and conditions set forth in the Addendum."

Public Speakers: none

City Manager Russo said that we have been working diligently on our plans to assemble the rest of the municipal services and operations on that site, and at this point, it is going to be tight to do that, because planning, developing, all the permitting, environmental reviews and studies that are necessary will take us every bit of the time that we have to develop that site. He said that we have been working with our architects on the plans for that site for some time now, and this might give us a little breather time. Mayor Edelcup said that the \$180,000.00 is held in advance too until the appeal is decided and City Attorney Dannheisser said everything is in place, and Mayor Edelcup said everything we approve tonight is subject to the outcome of that appeal, and City Attorney Dannheisser agreed.

City Attorney Dannheisser said that we are in litigation right now and she wants to limit our comments and just focus on this. Vice Mayor Thaler asked why we have to do this tonight and City Attorney Dannheisser said because Vanguard needs to know that they have a settlement in hand and it is subject to appeal, but we have been operating on a good faith basis, we need to commit to the terms of this. Vice Mayor Thaler asked if this negotiation was a requirement of getting the property, and City Attorney Dannheisser and City Manager

Russo said yes. City Attorney Dannheisser said that they [Vanguard] have an interest in the property just like the prior owner had an interest, one was a ownership interest and the other was a lease-hold interest, and we had to deal with both of them.

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-787 was adopted by a voice vote of 4-1 [Vice Mayor Thaler against] in favor.**

- 10F.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Urging the Florida Department of Transportation to Study and Remediate the Existing Traffic Conditions at 96th Street and Harding Avenue** in the Cities of Surfside and Bal Harbour, Florida; Authorizing the City Clerk to Transmit this Resolution to the Florida Department of Transportation; Providing for an Effective Date.

Action: City Clerk Hines read the title and Mayor Edelcup reported.

Public Speakers: none

Commissioner Brezin moved and Commissioner Goodman seconded a **motion to approve the resolution. Resolution No. 2005-788 was adopted by a voice vote of 4-0-1 (Commissioner Iglesias recused himself as an FDOT employee) in favor.**

- 10G.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the **Creation of a Blue – Ribbon Committee for the Recommendation of Candidates for the Position of City Attorney**; Providing for an Effective Date.

Action: [City Clerk's Note: An amended Resolution was distributed.] City Clerk Hines read the title and Mayor Edelcup reported that City Attorney Dannheisser has decided to leave the City and work in private practice, but the Charter requires us as a Commission to find a replacement for her. He said that generally in prior practices in this City and other cities, when a vacancy occurs like this the best procedure is to form a panel of experts who will review candidates. He said the job is being advertised, and then that panel in turn will make a recommendation to the Commission as to their top three or five choices are, and then the Commission will individually meet with those candidates, and gradually work down to a solution of having an open hearing, and at that point, some months from now, we will then select a person to be our new City Attorney. He said what we are requesting tonight is a procedure that establishes that panel and that panel, as the resolution is recommending, would be three City Attorneys from neighboring cities or County here in South Florida, two business people from within the Community, and our City Manager, so there would be six people on that panel who would then screen the candidates, and recommend their top three to five choices to the Commission after they have had a 30-60 day timeframe to work through the process of interviewing those candidates.

City Attorney Dannheisser asked if the Commission intends to seat this Committee before or after the next Commission meeting, and Mayor Edelcup said he was hoping to seat them at the next Commission meeting, at the May 12th meeting, and we would have names to fill in

the slots, and have them be present for that meeting. She asked if it were their intention that everyone formally ratify or is there going to be discussion as to particular candidates and the only reason she is asking is because she knows that most professionals who are doing this as a public service, don't want to be part of a political process. Mayor Edelcup said what he thinks they are doing for this process is that the City Attorney, City Manager and him would select the panel but to give the Commission the opportunity to challenge them if they so desire if they didn't find that panel satisfactory, but hopefully he would expect that the full Commission would ratify our decision. Mayor Edelcup said that one of the two business people in our community is Bud Scholl, who has accepted if he is so nominated. City Manager Russo said that the Committee would be meeting with the individuals in a noticed meeting. Mayor Edelcup said he wants the Commission to meet with the five top candidates individually before meeting them in a public meeting.

Public Speakers: none

Commissioner Goodman moved and Vice Mayor Thaler seconded a **motion to approve the resolution, as amended. Resolution No. 2005-789 was adopted by a voice vote of 5-0 in favor.**

11. MOTIONS

- 11A. Call for a Motion to accept the resignation of Lee Solomon from the Traffic and Safety Committee, and Marcia Greenstein from the Education/Schools Committee; and confirm the following appointments to the Mayor's Advisory Council (MAC):
- Commissioner Goodman's Appointment of Spiro M. Colivas to the Long Range Planning and Intergovernmental Affairs Committee.
 - Commissioner Goodman's Appointment of Harvey Bush to the Traffic and Safety Committee.
 - Vice Mayor Thaler's Appointment of Cindy Lasky to the Education/Schools Committee.
 - Confirming the Reappointment of Members to the Mayor's Advisory Council.

Action: Commissioner Goodman reported that he received a resignation from Lee Solomon and that he has appointed Spiro M. Colivas to the Long Range Planning and Intergovernmental Affairs Committee, and Harvey Bush to the Traffic and Safety Committee. Vice Mayor Thaler said he had appointed Cindy Lasky prior and is now confirming that appointment to fill Marcia Greenstein's seat on the Education/Schools Committee.

Mayor Edelcup instructed City Clerk Hines that any people that have served their one-year term and need to be reappointed that we move also to reappoint those people for another one year term. Commissioner Brezin said that Alina Sosa-Perez notified the Chairperson that she would not be able to serve on the Health and Community Activities Committee because of personal reasons, and that it is Commissioner Iglesias' appointment. Mayor Edelcup said to check if her one-year term has expired, if it has we will not need a written resignation, and that vacancy will be placed on the next Commission meeting. *[City Clerk's Note: Ms. Sosa-Perez's one-year appointment has not expired, she was appointed on June 17, 2004.]*

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to accept the resignations, appointments and reappointments. The motion was approved by a voice vote of 5-0 in favor.**

12. DISCUSSION ITEMS

12A. Add-On

Discussion regarding the City's Birthday Celebration.

Action: Mayor Edelcup said he would like to discuss the City's Birthday anniversary which occurs in June and would like to propose to celebrate that birthday annually on the third Saturday in the month of June (June 18, 2005), with a birthday party and fireworks display, in lieu of having fireworks display on the 4th of July when many other cities have their fireworks. Mayor Edelcup said that it is a two-month process to get the required permits for the fireworks, and asked the City Manager to move forward with this. City Manager Russo said he would but they will tell us what the best location in the City is to send off fireworks because wind direction has a big impact on where burning embers fall.

12B. Add-On

Discussion regarding Changing the November City Commission Meeting Date.

Action: Mayor Edelcup said he would like to move the November meeting date from the second Thursday to the third Thursday, which is November 17, 2005. *[City Clerk's Note: Consequently it was requested to change it to November 3, 2005, and will be placed on the May 12, 2005 Meeting Agenda.]*

13. CITIZENS' FORUM: REQUESTS, PETITIONS & OTHER COMMUNICATIONS

13B. Add-On

Discussion by Isaac Aelion regarding Item 7B Establishing Regulations for Satellite Dishes.

Action: Isaac Aelion said that Code Enforcement would have a hard time defining the common element, as the interpretation is left open because it is a common element area. City Manager Russo said that he knows that there is a Building Code of definition of "common element". City Manager Russo thanked Mr. Aelion and asked him to mark it off and give it to him.

14. ADJOURNMENT

Commissioner Goodman moved and Vice Mayor Thaler seconded a motion to adjourn the meeting, and Mayor Edelcup adjourned it at 9:22 p.m.

Respectfully submitted by:

Approved by the City Commission on May 12, 2005

Jane A. Hines, City Clerk

Norman S. Edelcup, Mayor