

SUMMARY MINUTES

Regular City Commission Meeting
Thursday, May 12, 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 7:32 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
Assistant City Attorney Erica Wright
City Clerk Jane A. Hines
Planning and Zoning Administrator Jorge Vera

2. PLEDGE OF ALLEGIANCE/INVOCATION

Action: City Attorney Dannheisser 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 – April 14, 2004.

Action: Vice Mayor Thaler moved and Commissioner Goodman 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: **Add-On Item 5C**; Amendments to **Items 7A, 10C and 10E.**

Action: Mayor Edelcup announced the above.

5. SPECIAL PRESENTATIONS

5A. Presentation of the City of Sunny Isles Beach **Audit Report** for Fiscal Year 2003/2004.

Action: Finance Director Jean Watson introduced our City Auditor, Gerry Chioca from Rachlin Cohen & Holtz, who presented the City of Sunny Isles Beach Audit Report for Fiscal Year 2003/2004. Mr. Chioca said that the City is in excellent financial shape, and he thanked City Manager Russo, Finance Director Jean Watson and her staff, and City Attorney Dannheisser for all their hard work.

Mayor Edelcup on behalf of the City Commission, thanked City Manager Russo and staff for keeping the City in a very healthy financial position. Mayor Edelcup noted that the City has over \$8 Million in surplus and had asked City Manager Russo when he does this year's budget to see if it is feasible to give some tax relief to our citizens, as to what the City's rate may be in this coming year. He said that there is a lot of new construction going up and people have been burden because of higher appraisals, there may be an opportunity to do some tax relief but we will not know until September.

Commissioner Goodman moved and Vice Mayor Thaler seconded a **motion to accept the Audit Report. The motion was approved by a voice vote of 5-0 in favor.**

5B. Presentation by the Community Outreach Division of the State Attorney's Office regarding Outreach Programs.

Action: Frank Palato, Jr. of the Miami-Dade County State Attorney's Office, Community Outreach Division, reported on the different Outreach Programs that they provide, and noted that they can come to the community and make power point presentations on these programs. He said they have many programs for children including fingerprinting, and their goal is to fingerprint every child in Miami-Dade County. Mayor Edelcup noted that there are almost 2,000 children in Sunny Isles Beach, and said whenever the City can partner with the Community Outreach Division, that we will be happy to do so, and that City Manager Russo will follow through with Cultural and Human Services Director Susan Simpson.

5C. **Add-On:**

Presentation by the Concerned Citizens of Northeast Dade County of a Donation for the City's Summer Camp Program.

Action: Gene Sweed, Executive Vice President of Concerned Citizens of Northeast Dade County presented City Manager Russo with a \$600 Check for the City's Summer Camp Program.

Commissioner Iglesias moved and Commissioner Brezin seconded a **motion to accept the donation. The motion was approved by a voice vote of 5-0 in favor.**

5D. Add-On:

Proclamation to City Attorney Dannheisser.

Action: Mayor Edelcup announced that City Attorney Dannheisser is leaving the City to go into the private sector, and presented her with a Proclamation proclaiming May 12, 2005 as “City Attorney Lynn M. Dannheisser Day”. Mayor Edelcup also presented to her, on behalf of the City Commission, an engraved glass fruit bowl.

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

None

7. ORDINANCES FOR FIRST READING

- 7A.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, **Amending Ordinance No. 2004-218, Amending Section 265-23 of the Land Development Regulations, Relating to Transfer of Development Rights;** Providing for Revised Definitions; Providing for Amendments to the Provision on TDRs Transferred from City-Owned Sender Sites; Providing for Amended Development Limitations on TDRs Transferred from Privately-Owned Sender Sites; Providing for a Clarification to the Provision on TDRs from a Privately Owned Sender Site to a Privately Owned Receiver Site; Providing for Clarifications to Development Limitations Upon Receiving Sites; Providing for Amendments to the Review Process by the City Commission and Recording of Documents; Providing for an Amendment to the Zoning in Progress Provision and the TDR Bank Procedures and Limitations; Providing for a Repealer; Providing for Severability; Providing for an Effective Date.

Action: *[City Clerk’s Note: A final revised copy of the Ordinance was distributed prior to the meeting]* City Clerk Hines read the title and Planner Shelley Eichner reported noting that a key element in this concept is that there is no increase in the overall level of development within the City, so what you have in one place you move to another but you never increase the density. She also noted that the actual transaction may take place later on in a ministerial form of a resolution because the action is already done.

Public Speakers: Judith Burke, Esq.

Judith Burke, Esq., representing the Fortune Companies, asked for deferral as she just found out about this item, and it may have an adverse effect on her client’s property. She said that Fortune purchased 124,991 TDRs from the Casino Site in July 2004, and plans to assign those TDRs in the future to the developer of an acceptable receiving site. She noted that in a meeting this week with City Manager Russo, he had advised her that the TDR Bank for the Casino Property reflects that 61 dwelling units are designated for the 124,991 square feet and that any amendment to the TDR Ordinance will not reduce that amount. She said that they intend to list the number of units associated with the square footage in their contract to convey these TDRs and want to ensure that that number of units are available.

Mayor Edelcup said he does not feel it needs to be deferred because the amendments as he understands them protects Ms. Burke's calculations when the Casino Property was granted TDRs, she was given the total that comes out to 2,045 square feet per unit, and as to her portion of that TDR Bank, which he understands is in two parts, will be protected. He said he spoke with City Manager Russo and Planning and Zoning Administrator Jorge Vera and they were all in concurrence that Ms. Burke does not have a problem, so he would like to move forward with this Ordinance. Ms. Burke said as long as she has Mayor Edelcup's assurance, they will support this amendment to the Ordinance.

Planning and Zoning Vera said that the Bank has 236,945 square feet and 99 units and he does not take into account who is in the Bank and who owns what, and he does not subdivide that Bank any further and that is one of the reasons he would defer this item. Mayor Edelcup said he is not going to suggest deferral tonight because he has assured the attorney that is representing Fortune that their share will be calculated as it was given to them, they did not sell any of their units, they have all of what they started with and they, therefore, have to wind up as an uninjured party and, therefore, will get 2,045 per unit. He said if there is a deficiency, the deficiency is going to have to lie with the party who has already sold some of those units and he is therefore stating that we can move forward with this and there is no reason to defer it. He said that he believes that there is an understanding that both segments of that one bank can be treated separate from each other which they should be.

City Attorney Dannheisser said that Mayor Edelcup is saying two different things and we need clarification and asked Shelley Eichner to discuss that. Ms. Eichner said that the second page of the memo states that while the original constant for the Casino Property was 2,045 square feet and in the first three transfers that have already been done out of the Casino Bank regardless of the individuals, they were done using the same methodology that the City used, and so therefore at this juncture, what is technically left in the overall Casino Bank is 2,393 square feet per unit because the calculations that have come out of the Bank already were not decreased simultaneously using the constant. She said that it is her understanding that the Bank as established is the Casino Bank, don't have separate banks for different owners.

Mayor Edelcup said that we will be preparing an amendment to treat multiple owners with an administrative Ordinance that would correct this problem because when there are two or more owners, we are going to have to treat each owner separate and distinct whether we treated it originally as one piece of property, if there are more than one owner, for this City to keep proper track of who is entitled to what. He said it has to be divided into segments or sub-accounts to that one Bank and that is the only way that this is going to work, and if we have to start from the premise that we start it with a total amount of square feet, a total amount of units, when you divide one by the other you get a constant which is the way the City applies it, that is the way it should have been applied on the three or four transactions that occurred, it wasn't done that way, it didn't affect this party's half of that Bank and this party therefore should not be injured by it and if the other half of that Bank has a residual left it has whatever it has and that is what they have left to sell, but as to the other half, it stays at 2,045 if that is the correct calculation of the numbers.

Mayor Edelcup explained that we are starting with a simple fact and because three or four calculations in the interim did not follow the set pattern, we got into an imbalance between units and square footage as it pertained to one owner of these TDRs who happens to own a

50% interest in the total of a pot. He said the other party to this has not been a seller, therefore that half of that pot should not be adversely affected because there was a miscalculation done in the first half of that pot, and whatever needs to be done to make that outcome be true is what needs to be done to correct that, but it doesn't effect all transactions occurring in the future and what we are trying to correct is one instance here that has nothing to do with this entire TDR Ordinance as it effects all future ones.

City Manager Russo said that if you take the fact that what is left in the Casino total Bank is 236,945 square feet and 99 units, and Mayor Edelcup said yes, that 61 of those units and 124,991 square feet belong to Fortune and the difference belongs to the other person. Commissioner Iglesias said that he agrees with the Mayor except that he did not agree with the word simultaneously what we need to make sure that at the end of the day that everything balances out to zero because we don't want to create any more density and we don't want to create any more FAR which is mass. Vice Mayor Thaler said that there were some errors made and what we are trying to do is to correct those mistakes/miscalculations that were made, and Mayor Edelcup said that those miscalculations belong to that selling entity and not somebody else.

Shelley Eichner said that in some cases, the way it is written now, while an applicant might need only 60 units but because he needs more FAR he may have to take 65 units so that it is a comparable based on the constant. Mayor Edelcup said that this basically says that if I have this piece of property and it were divided into 100 units then all the area of this piece of property is prorated amongst each of those 100 units and every time I want to either take a unit or the ratable amount of square feet I have to take that piece off and I can't take the units off from the 100 and leave all the square footage, I have to take the amount of one unit and the square foot that went with that one unit, and if that means that there is less units built in this City so be it, we will control some of the growth from occurring in this City, we won't have to maximize every single square foot and every single unit into a reality, we will have no greater than that, but we could wind up with less then that and that is the intent of this whole Ordinance. Commissioner Iglesias said that he does have a problem with that because you are not going to get that because developers are not going to leave anything on the table. He said what you are going to wind up with is: 1) from now on they are going to recalculate what they need exactly because they are not going to give up density; 2) they may give us an inferior product; and 3) if they can't use it, they may think whether they are going to do TDRs or not and maybe just develop on that site. Mayor Edelcup said that he believes that the developers can live with this and if we are trying to control the growth in this City we can mandate it, and that the TDRs were a gift that this City created that developers didn't have before and they are very happy that they have got them, and if there are conditions, then he is sure they are willing to accept the conditions because something is better then nothing.

Shelley Eichner said that she needs clarity, in the first three transactions, that constant was not used, so where we are at today in terms of the Casino Bank or the numbers that the City Manager mentioned, in terms of the 236,945 square feet and the 99 units, that is what is in the Bank, not the individual accounts, it was her understanding that we had established one Bank, they have to have separate account holders but for the City's accounting purposes it is one number, bearing that in mind, she wants to clearly understand what the Commission's intentions are in respect to Ms. Burke's client. Mayor Edelcup said we are going right back to what City Manager Russo said, we can determine that there is still enough in that particular

bank to set up this sub-account for this particular owner for the total amount of square footage and units that they originally bought and that will be for sake of argument sub-bank A, and in sub-bank B which is the other partner to their venture will be the remainder of whatever that is at this point because of the miscalculations and they will have whatever square footage that they did not sell for their half and they will have whatever units they did not sell in their half remaining. City Attorney Dannheisser said that we are not talking anymore about transactions that have occurred we are now talking about TDRs that are in the Banks now, and Mayor Edelcup said we are only dealing with one Bank that has an error in it and we are trying to correct that error, all the future banks won't have the error if we pass this ordinance.

Shelley Eichner said that the calculations that were previously done, was a different methodology and we have made the recommendation that the private-to-private calculation methodology be the same as the public-to-private. She said if we look at the numbers right now, we subdivide the Casino Bank into Fortune and the other, Fortune would get 124,991 square feet and 61 units and that would leave a balance on the B-part of the Bank, 111,954 square feet and 38 units and that constant would be 2,946 square feet per unit. City Attorney Dannheisser said to attach the summary minutes of this meeting to this Ordinance, so that whoever is left with this who is not here to deal with it will understand that they got 38 units and the 111,991. She said that the way the Ordinance reads right now, will not yield the results that the Mayor is saying, so we have to attach the minutes by way of explanation. Mayor Edelcup agreed and noted that the concept does work and Shelley Eichner said yes the concept works.

Commissioner Brezin noted then that it is understood that Ms. Burke would in no way be effected by them passing this Ordinance as this is going to deal with future and not with something that has already been established and been accepted for Fortune, and Ms. Burke said yes they are completely satisfied. Mayor Edelcup said what we are establishing is a uniform methodology for the future. Vice Mayor Thaler noted on page 5 of the Ordinance under (2) (b) should be changed, and Shelley Eichner said yes it should say: "In cases where a privately-owned site within Town Center...". City Attorney Dannheisser said where it says the word "site", for clarification purposes, please insert "Sender Site".

Commissioner Brezin moved and Vice Mayor Thaler seconded **a motion to approve the proposal on first reading, as amended. The motion was approved by a roll call vote of 4-1 [Commissioner Iglesias against] in favor. Second reading, public hearing will be held on Thursday, June 9, 2005, at 7:30 p.m.**

Vote:	Commissioner Brezin	<u>yes</u>
	Commissioner Goodman	<u>yes</u>
	Commissioner Iglesias	<u>no</u>
	Vice Mayor Thaler	<u>yes</u>
	Mayor Edelcup	<u>yes</u>

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, **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.

(First Reading 04/14/05)

Action: City Clerk Hines read the title and Mayor Edelcup noted that this was reported on at first reading.

Public Speakers: none

Commissioner Goodman moved and Vice Mayor Thaler seconded **a motion to adopt the ordinance. Ordinance No. 2005-228 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, **Establishing Regulations Relating to the Installation of Satellite Dishes**; Providing for Repealer; Providing for Severability; Providing for Codification; Providing for an Effective Date. (Sponsored by Vice Mayor Thaler)

(First Reading 04/14/05)

Action: City Clerk Hines read the title and Mayor Edelcup noted that this was reported on at first reading.

Public Speakers: none

Commissioner Iglesias moved and Commissioner Brezin seconded **a motion to adopt the ordinance. Ordinance No. 2005-229 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

Mayor Edelcup asked the Commission if we could take out of order 11B before we do Item 10F. Commissioner Iglesias moved and Vice Mayor Thaler seconded **a motion to approve the above changes. The motion was approved by a voice vote of 5-0 in favor.**

10. RESOLUTIONS

- 10A.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing a **Time Capsule** be Placed in the David P. Samson Commission Chambers and Opened on February 5, 2025; Providing the City Manager with the Authority to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Historian Richard Schulman reported and thanked David Udoff for his help in putting this project together. City Manager Russo noted an error under Section 2, to delete the word “other”.

Public Speakers: none

Commissioner Brezin commended both City Historian Schulman and David Udoff on a job well done.

Commissioner Iglesias moved and Commissioner Goodman seconded a **motion to approve the resolution, as amended. Resolution No. 2005-790 was adopted by a voice vote of 5-0 in favor.**

- 10B.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving Landscaping Services by **Lukes’ Landscaping, Inc.**, in the Amount of \$16,442.00, Attached hereto as Exhibit “A”, in Accordance with Resolutions No. 2003-556 and 2001-390, **for the Purchase and Installation of Plants for Replacement of Approximately 1,600 Plants on 159th Street and Various Median Locations on Collins Avenue**; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and Public Works Director James Watts reported. Mayor Edelcup wanted to make sure whatever guarantee there is, that it is in the contract.

Public Speakers: none

Commissioner Goodman asked if we are still working on the project trying to prevent people from walking through the plants on Collins Avenue, and City Manager said yes, that we got approval for three test areas for which we are preparing bid specifications to go out to bid with a low fence, he believes it is 30” in three areas of the narrow medians, one in north end, in front of Government Center, and by the old office. Mayor Edelcup said the problem is because of jaywalkers, the construction workers at the Dezer property going across to Burger King trample through the center median. He said he may ask the City Historian to take some pictures of jaywalkers and send them to Mr. Dezer to reimburse us for the damage they are causing.

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-791 was adopted by a voice vote of 5-0 in favor.**

- 10C.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Amending Resolution No. 2004-704 Establishing a Schedule for City Commission Meetings for Calendar Year 2005** by Changing the November 10, 2005 Meeting to November 17, 2005; Providing for an Effective Date.

Action: City Clerk Hines read the title and Mayor Edelcup reported that the date was changed to November 17, 2005.

Public Speakers: none

Commissioner Iglesias moved and Vice Mayor Thaler seconded a **motion to approve the resolution, as amended. Resolution No. 2005-792 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 a **Matching Fund Contribution to the Coastal Communities Transportation Master Plan Project**, in the Amount of \$12,832.00; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Manager Russo reported.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Goodman seconded a **motion to approve the resolution. Resolution No. 2005-793 was adopted by a voice vote of 5-0 in favor.**

- 10E.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving an **Agreement with Zambelli Fireworks Internationale to Provide a Fireworks Display for the City Anniversary Event on Saturday, June 18, 2005**, in an Amount Not to Exceed \$26,000.00, 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 this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and Cultural and Human Services Director Susan Simpson reported noting that a revised resolution was distributed. She said that we are trying to get a lower price for a barge. City Manager Russo said that Zambelli was the only company that could expedite the Coast Guard permit. Commissioner Brezin noted that this is only for this year, and Ms. Simpson said yes but if the Commission wishes to have this every year we can work out something, and City Manager Russo said we could go out to bid.

Public Speakers: none

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution, as amended. Resolution No. 2005-794 was adopted by a voice vote of 5-0 in favor.**

- 10F.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Appointing Erica Wright, as “Acting City Attorney”** Pending the Selection of a City Attorney by the City Commission; Providing for an Effective Date.

Action: Mayor Edelcup reported.

Public Speakers: none

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-795 was adopted by a voice vote of 5-0 in favor.**

- 10G.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Accepting a Donation by Porto Bellagio Partners, LLC of 50% of the Transferable Development Rights** Available to Porto Bellagio Partners LLC Pursuant to Resolution No. 2005-755 to the City and Authorizing Transfer; Providing for Recordation of Such Documentation; Providing for an Effective Date.

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

Public Speakers: none

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-796 was adopted by a voice vote of 5-0 in favor.**

11. MOTIONS

- 11A.** Call for a Motion to accept the resignation of Alina Sosa-Perez from the Health and Community Activities Committee and confirm the following appointment to the Mayor’s Advisory Council (MAC):
- Commissioner Iglesias’ Appointment of Isaac Aelion to the Health and Community Activities Committee.

Action: Commissioner Iglesias appointed Isaac Aelion to this Committee. He suggested that this Committee should include the beach. Commissioner Brezin said as Liaison to that Committee she will bring it up to the Chairperson.

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to accept the resignation, and appointment of Isaac Aelion to the Committee. The motion was approved by a voice vote of 5-0 in favor.**

- 11B.** Call for a Motion to ratify the appointment of the following members to the Blue – Ribbon Committee for the Recommendation of Candidates for the Position of City Attorney.
- City Manager Christopher J. Russo
 - Attorney: Jorge Fernandez, Esq.
 - Attorney: Joni Armstrong-Coffey, Esq.

- Attorney: Daniel Abbott, Esq.
- Resident: George “Bud” Scholl
- Resident: Harvey Friedman

Action: *[City Clerk’s Note: Taken out of order after Item 10E]* Mayor Edelcup said he wanted to update the Commission before voting on this item. He said he received a phone call yesterday and met with Hans Ottinot, our former Deputy City Attorney, who had already resigned from Sunny Isles Beach to take the position of City Attorney of North Miami, and because of their recent election for Mayor, Mr. Ottinot is no longer interested in taking that position, and has expressed a desire to be considered or hired by Sunny Isles Beach as its City Attorney. He said the Commission has an alternative if they so desire, to impanel the group to select for someone to be City Attorney or the alternative to hire Hans Ottinot as City Attorney. Vice Mayor Thaler asked if we have any problems to put a motion out if the Commission would like Mr. Ottinot, and City Attorney Dannheisser said that they have printed out an RFP but have not acted on it. City Manager Russo said that the Commission should discuss this individually within the Sunshine Law because he felt there would be a potential for some big problems and it needs to be discussed individually with the Commissioners as a proper way to do it.

Commissioner Brezin said she would like to have the discussion now, and have the input and the feelings of the Commission. She said that she is thrilled that Hans Ottinot who was an excellent attorney, is willing to come back to our City, that he has been very helpful to her, and experience says a lot. Vice Mayor Thaler agreed with Commissioner Brezin, and that Mr. Ottinot was unhappy that he didn’t have the opportunity to take the job because he had already made a commitment. City Manager Russo said that the issue was going through a professional process on such a high level position, it is the Commission’s decision, and that the issue he has is what the most urgent expertise and needs of the City are. Commissioner Goodman said that Mr. Ottinot has been here for five years and we should seriously consider him. Commissioner Iglesias said that he doesn’t think we will find anybody better than Hans, however, he thinks Hans should be given the opportunity to interview, because there may be a superstar out there and should give them a chance to interview. Commissioner Brezin said that Hans has proven that he can do the job and do it effectively, and we should promote within our own ranks if someone is equal to it.

Mayor Edelcup said that Mr. Ottinot has proposed that he would be available to us in 30-days at an annual salary of \$168,000.00, with regular benefits that normal employees get, no housing allowance but a \$5,000.00 car allowance, he would expect to get the same retirement benefit as our present City Attorney of 12% retirement system; he would agree that in his first year of his contract that if we were unhappy, that the severance would be for 8-months, and after the first year, the severance would revert to the normal 12-months if he were to be terminated; he is presently under a contract, he would give notice tomorrow, and be prepared to enter into negotiations with Mayor Edelcup representing the Commission, and prepare a contract and have it ready for signature by next week. Commissioner Goodman asked City Attorney Dannheisser if they were legally within their right to do this and she said that the Commission is lawfully within their right to do this.

Vice Mayor Thaler moved and Commissioner Brezin seconded a **motion to give Mayor**

Edelcup the power to negotiate and execute a contract with Hans Ottinot, minor modifications can be made, and if there are any major modifications he would bring it back to the Commission and Commissioner Iglesias said any changes to bring back to Commission, Mayor Edelcup said if these are met he will execute the contract. [City Clerk's Note: Subsequently Mayor Edelcup requested that this motion be changed into a Resolution.] The motion was approved by a roll call vote of 5-0 in favor; Resolution No. 2005-797 was adopted.

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>

Mayor Edelcup apologized if they inconvenienced any of the people who were asked to be on the panel, hopefully there will be another time and place for them to volunteer their services and he appreciates the effort that these people put forth.

11C. Add-On:

Joyce L. Kagan, Program Director, Jewish Community Services of South Florida, Inc., discussed programs.

Action: Commissioner Brezin introduced Joyce Kagan. Ms. Kagan discussed the Senior Adult Division that they have an active recreational program for people 60-years plus which is being held at St. Mary Magdalen Catholic Church in their social hall. She said that they have been providing senior services for about 38-years, and distributed a packet of information to each of the Commissioners.

Mayor Edelcup said that the City would like to solidify its partnership with the Jewish Community Services by having them work with the Health and Community Activities Committee as well as working with Cultural and Human Services Director Susan Simpson. He also proposed to the Commission to approve a donation of \$3,000.00 from the City to Jewish Community Services of South Florida, Inc.

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to donate \$3,000.00 to this organization. The motion was approved by a voice vote of 5-0 in favor.**

12. DISCUSSION ITEMS

12A. Discussion regarding the Official Signing of the Sister-City Agreement with Netanya, Israel Event Taking Place on Thursday, May 19, 2005 at 6:00 p.m.

Action: Cultural and Human Services Director Susan Simpson reported noting that City Historian Richard Schulman handed out a brief description of the gift from the Jewish National Fund, we originally thought it was a donation of trees, in reality it is a donation of \$500.00 from the City to the City of Netanya that would provide maintenance of a park that they already have, The Winter Park Pond. Vice Mayor Thaler questioned donating \$500.00

to a park that they already have. He said the trees were fine with him but \$500.00 is going to get lost, and asked if there was something else that we could find that is tangible that we could give them in the \$500.00 area. Ms. Simpson said that during the ceremony it is customary to exchange gifts between the cities and the City Manager requested that she get quotes for the crystals that we had at the building grand opening. She said it would have our City seal and their City seal and it would state "Sunny Isles Beach, Florida USA and Netanya, Israel, Sister Cities", with a date, which would cost about \$250.00. Commissioner Iglesias and Commissioner Brezin said that they agree with Vice Mayor Thaler.

City Manager Russo suggested having a bench made for this park that has on one end the seal of Sunny Isles Beach and the other end the seal of Netanya, with a plaque in the middle, and for purposes of the events of next week, we can either have a picture or bring in one of our benches. Mayor Edelcup stated that he is seeing a consensus of the Commission that they are authorizing the purchase of a park bench with the seal of both cities on it and that would be our tangible gift.

Commissioner Iglesias moved and Commissioner Goodman seconded a **motion to get the bench. The motion was approved by a voice vote of 5-0 in favor.** Ms. Simpson asked if there is a cost not to exceed as the bench would cost \$1,100.00 without the seals, and City Manager Russo said not to exceed \$1,500.00, and that he will take care of the shipping.

Ms. Simpson gave an update on all of the planned activities beginning with Tuesday, May 17, 2005, and ending on Sunday, May 22, 2005 with the Israeli Boat Parade. She said she would provide the Commission with a memo/program once everything is confirmed.

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

14. ADJOURNMENT

Commissioner Iglesias moved and Mayor Edelcup adjourned the meeting at 9:46 p.m.

Respectfully submitted by:

Approved by the City Commission on June 9, 2005

Jane A. Hines, City Clerk

Norman S. Edelcup, Mayor