

SUMMARY MINUTES

Regular City Commission Meeting
Thursday, July 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 Hans Ottinot
City Clerk Jane A. Hines
Planning and Zoning Administrator Jorge Vera

2. PLEDGE OF ALLEGIANCE/INVOCATION

Action: Harvey Busch led the Pledge of Allegiance to the flag. Mayor Edelcup asked for a moment of silence for our Sister City Netanya, Israel as there was a bombing there and two citizens were killed. Richard C. Schulman gave an invocation.

Mayor Edelcup gave opening remarks of decorum.

3. APPROVAL OF MINUTES

3A. Regular City Commission Meeting – June 9, 2005.

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

3B. Local Planning Agency Meeting – June 28, 2005.

Action: Commissioner Brezin 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: Hear Item 12A and 7A before item 6A. [**Add-On New Item 100:** Resolutions memorializing the Transfer of Development Rights transactions that are part of the Site Plan Application filed by TRG Sunny Isles, Ltd., in Item 6A, if the Site Plan is approved, and to hear it after Item 6A.]

Action: Mayor Edelcup noted the above changes. 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.**

5. SPECIAL PRESENTATIONS

None

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

- 6A.** Request of **TRG Sunny Isles VII, LTD, Owner of the Property Located at 15811, 15901, 15995, 16001 Collins Avenue, Sunny Isles Beach, Florida, (Trump Towers I, II, III)** for the Following:
[Hearing #Z2004-08]

1. Pursuant to Section 265-23 of the City of Sunny Isles Beach Land Development Regulations the applicant is requesting a transfer of 414,207 square feet of development rights and 180 units. An adjustment to be made for a decrease of 236,945 square feet and 99 units from the Casino's Transferable Development Rights Bank and an adjustment to be made for a decrease of 177,262 square feet and 103 units from the City's Transferable Development Rights Bank.
2. Pursuant to Section 265-18 of the City of Sunny Isles Beach Land Development Regulations, the applicant is requesting a site plan approval for three (3) interconnecting towers each tower being 42 stories in height and containing 271 residential units, for a total of 813 residential units.

Protests 2 Waivers 0 Ex-Parte 0
(Deferred from June 9, 2005)

Action: Mayor Edelcup gave opening remarks on zoning procedures/decorum and 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 witnesses for the Zoning hearing.

Planning and Zoning Administrator Jorge Vera reported and noted that this was deferred at the request of the applicant on June 9, 2005 in order to modify the original request and redesign the project, and as a result, the redesign eliminates the need for a variance. Mr. Vera stated that he wanted to move some of the conditions from one area to the next:

- on page 37 under (k) (l) (n) (o) and on page 38 (u) move them to 2. Conditions to be completed before any Certificate of Occupancy is issued. (from Subsection 1 to

Subsection 2); and

- on page 39 under 3. Other Conditions (b) to add at the end of the paragraph: “The developer may request an extension in accordance with Section 265-3(b)6 of the Code of Sunny Isles Beach.”

He said that staff has reviewed the revised plans and approved the proposed TDRs and recommends approval. Commissioner Brezin asked how long the extension is, and Mr. Vera said the applicant has to come before the Commission.

Public Speakers: Joseph Goldstein, Esq.; Tom Daly, TRG; Charles Sieger, Architect; Dr. Joel Frank; Phillip Chernoff; Edith Sandquist; Irving Diamond; Joyce Lerner; Henry Kay

Joseph Goldstein, Esq., representing the applicant, reported and noted that this is now an as-of-right plan that seeks no variances and agrees wholeheartedly with the conditions. He stated that there are now 30 handicapped parking spaces spread throughout the buildings, single spaces have increased, and there is ample parking within the building. He said that they have created significant beach access on both the south and the north side such that they are actually providing 46-feet of total beach access. He stated that on the north side of the building they now have 25-feet of beach access and also on the north side is the Turnberry project which is going to have a beach access easement and combined will really be something more than just a pathway to get to the beach. Mr. Goldstein said that there will be three statues, one in front of each building, and a fountain in between the buildings.

Mayor Edelcup noted that Mr. Goldstein had said that there will be a beach access on the north side that will be next to the Turnberry project’s beach access and that we are looking at something that could be a 45-foot wide park-like beach access, and said that we will need help from them, the City Manager and staff with Turnberry to coordinate it in order to combine the two. Mr. Goldstein said he doesn’t anticipate any problems with that and that DERM and the City’s requirements are not going to allow them to drain onto each other so they will have to correspond in terms of grade and level.

Mayor Edelcup asked Mr. Goldstein if they can put in washrooms on that side like at the south end of the City where Mr. Daly put in washrooms at Ocean II. Mr. Goldstein said yes they will be willing to do that subject to City and State permitting as there are very stringent requirements as it relates to coastal construction, and the Commission added showers as well. City Manager Russo said that the issue at Ocean II was they were able to permit the bathrooms was at a point that it didn’t make sense to have the showers with it but they will certainly do that, and noted that between the Turnberry and the north end of the Trump, that there are a couple of pockets that are substantially wider, and may be appropriate places to put it in where there are wider walk ways. Tom Daly said yes, he didn’t see any problem coordinating with Turnberry and whatever the heights are, the grades are, they can work it out, but he pointed out that under the DEP that whatever they construct would have to be behind the building line.

Commissioner Goodman asked about the Ocean Palm Motel which is the next property south of Trump, as their driveway is going to be right next to their driveway on the south, and Trump is supplying the beach access and that beach access is going to be right between the two driveways of Trump and the Motel, and he asked instead of having three entrances and three exits to the property to have one exit and one entrance to all three buildings similar to

the Ocean I, II, and III. Mr. Daly said as to Arlen House, by accident they have a unique opportunity and that is that the beach access on the south end of the property aligns directly with their sidewalk at the light, so it is an intersected light and those people would cross the beach access different than a lot of problems in Sunny Isles Beach where they jump into the median and there are a lot of accidents, and if they want to work with the State to put in a pedestrian crossing in there to make it longer to cross the street he feels that would be appropriate. He said as to the traffic circulation, it is always a challenging process given the quasi-judicial and the inability to deal with the Commission in preparing different plans and at what point it is presented to the Commission. He stated that they had originally contemplated an internal circulation as they are doing in Hallandale where there is one point of ingress egress and they proposed it but Planning and staff were not in favor of that because it put an enormous amount of asphalt in that 75-feet. Mr. Daly said what staff eluded to was that they have a water wall at 50-feet but the buildings like Ocean I, II, and III are all set back 75-feet from the street. He stated that they went to the State to see what they wanted, and they ended up with what the State approved which was that the State didn't want it intersected at the traffic light, and the middle building is similar to what they did at Ocean IV. Commissioner Goodman said he was concerned with the safety of the people but Mr. Daly said that with the traffic light and the signalization of that crosswalk that it would protect the people.

Commissioner Goodman said he appreciates that they lowered the garage to 20-feet but he would also appreciate it to leave that level at 20-feet and put in the shrubbery because he noticed in some of the other buildings that the garage is 20-feet but then they put up a four-foot wall because they use the top of the garage as an area for the people that live there, so when they talk about the garage being 20-feet high, are they going to put up a wall between the buildings to make it look 25-26 feet. Mr. Daly said they would work with staff, and one of the things that they proposed in the previous scenario was that from the street they wouldn't see it, so would it be offensive to the Commission if they put it back so when you are standing at the sidewalk, there was a planter but it was back far enough based on the angle of the 20-feet that you couldn't see it, and Commissioner Goodman said yes that would serve the purpose. Mr. Daly said to clarify what they did previously was, assuming that the Commission favorably responds to the TDRs, they had a 30-foot high parapet and what they did to respond to Commissioner Goodman, to add parking, and to eliminate the triple tandem was that they actually, within the footprint of the building, added another level of parking while contemporaneous lowering the pool deck between the buildings so they had actually added a level of parking and they shorten the parapets, the overall height of the building has not changed, but they did provide an additional level of parking in each building.

Vice Mayor Thaler said that they have corrected the parking problem, but one of the things that they brought up in the June meeting was the 825-feet and had asked for the variance because it was 36, if they had come in at 20 they wouldn't have had to ask for the variance, what changes did they make in reducing it from 36 to 20 to hide the 20-foot wall of 825-feet. Mr. Daly said that there is 120-feet between the buildings and there was always a decorative wall there and they conceded at the last meeting at the will of the Commission in not having it 36-feet high, they have a waterfall in front of the 20-feet, a water wall fountain in the middle. Charles Sieger, the Architect on the project, showed renderings of the project and Vice Mayor Thaler said that there is no grading from Collins, and the berm goes up ten-feet on either side, and it is relatively flatter than what you see at Ocean I, II, and III. Mr. Daly said the relative

difference that you will see is the driveway doesn't go up as high because the street is higher, there is less berm because there is not as much grade transition from the lobby which is 11 and the street is 8, so there is a three-foot difference, different than Ocean II which is probably a ten-foot difference, it will be fully landscaped and architecturally treated. He said the buildings and the garage set back 75-feet as it does at Ocean I, II, and III.

Commissioner Iglesias said that this took place of four developments, La Playa de Varadero I, La Playa de Varadero II, the old Fountainhead Hotel, and the Rivera which at that time if you added, you are looking at 11 conflict points of driveways, you have now reduced it to six, no matter what we approve here, you still have to go to FDOT to get the watering driveway permits, so as these buildings go up they do become safer because your point of conflict for pedestrian crossing reduces.

Dr. Joel Frank asked about possible temporary beach access and Mr. Vera said that currently he is working with the Fantasy of the Ocean and he should be getting temporary beach access through the Fantasy of the Ocean in a couple of months. Dr. Frank said that their concern is sand, and asked if they can have overhead showers, foot showers, a water fountain, and lighting, and he commended Tom Daly.

Joyce Lerner asked about getting crosswalk lights that count down how much time is left to get across the street. Mayor Edelcup said that there is a light like that as an experiment on 174th Street where the numbers go down, and it is their intent to put these throughout the City. Commissioner Iglesias said as far as timing it is monitored by the County. He said they are going into the older user program where the pavement striping is bigger and they are putting pedestrian timing, and he suggested that perhaps the Mayor can put that in his letter to FDOT to include this location. City Manager Russo said that we were part of an FDOT experiment at 174th Street where they installed those types of countdown, and one of the other things that we did is put narrow signs on all the poles next to every crosswalk in the City to explain the hand that turns from white to flashing red, which is the pre-warning to the stop, and when it goes to solid you still have a couple of seconds before the light turns.

Mr. Goldstein reminded the Commission that there is a 10,000 square-foot oceanfront park being proposed here. Mr. Daly said the light issue is important to the community and noted that there is a park crossing in Hallandale just south of Beach Club and there is a different traffic pattern, it is entirely a pedestrian crossing that FDOT allows a longer stop. He said that he had committed to the Arlen House people **that within 30-days subject to permitting, they would open a beach access on the south of the property and he is willing to do that and would do it immediately if that is the will of the Commission and the Commission said yes.** Mayor Edelcup acknowledged Gil Dezer in the audience as one of the partners in this development.

Commissioner Goodman noted that he may have to use the ex-parte as he spoke with Irving Diamond on the telephone as he did not attend the public meeting and he asked him what happened and he told him what happened at the meeting only.

Commissioner Iglesias moved and Vice Mayor Thaler seconded **a motion for approval, subject to staff conditions as modified, and that the developer will provide a temporary beach access, bathroom, showers, and all items discussed above. Resolution No. 05-Z-**

94 was approved 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

[City Clerk's Note: Add-on item 100 was heard after this item]

7. ORDINANCES FOR FIRST READING

- 7A.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Entitled **“Sexual Offenders and Sexual Predators,”** Providing for Findings and Intent; Providing for Definitions; Prohibiting Sexual Offenders Convicted of Crimes Under Certain Florida Statutes From Living Within 2,500 Feet of Specified Locations Within the City of Sunny Isles Beach; Providing For Penalties; Providing For Exceptions for Certain Convicted Sexual Offenders; Providing for Inclusion in the Code; Providing for Repealer; Providing for Severability; Providing for an Effective Date.

Action: *[City Clerk's Note: Heard out of order, see 4A]* City Clerk Hines read the title, and Commissioner Iglesias reported that this Ordinance is designed to strengthen restrictions on where sexual offenders can live, noting that sexual offenders and predators who already live in the City cannot be affected by the law as long as they stay at their current address.

Public Speakers: Ron Book; Mary Ann Eicke-Shaw; Herb Abramson; Henry Kay; Lisa Maldonado

Vice Mayor Thaler said this is very good but asked in a City that is 13,000 feet long and 1,300 feet wide, and having six parks scattered throughout the City, are we legally able to preclude keeping 100% of the predators out, and City Attorney Ottinot said yes, it is legal to have this type of residency restrictions on sexual offenders, in fact, Miami-Dade County has a sexual offender Ordinance which applies to the City and is identical to our Ordinance, and several other municipalities have one.

Ron Book said that he is the parent of a daughter that was the subject of a long series of sexual predator attacks between the ages of 12½ and 16½ and it is a tragedy that his family has had to live with over the last four years since they discovered it and that individual that perpetrated these assaults on his daughter is serving a 25-year prison sentence in the State Penitentiary. He said that this Ordinance would not have saved his daughter from her situation but he has served the last four years trying to change the situation for other people and has changed over a dozen laws in Tallahassee spending the last several months traveling from city to city in South Florida not only to get this ordinance adopted but working on a number of other resolutions that will further protect our children. He said for the record it is important that you have a record that will support the adoption of an ordinance of this type that affects individual's constitutional rights, because that is what this issue is all about. He said this ordinance will take away the immediate attraction of predators looking out of their window and staring at those children every single day; and it is to protect the public's health, safety and welfare.

Lisa Maldonado said that she has through a link in the City's website to Miami-Dade.gov which sends us to the website for sexual offenders and predators, where you type in your address and find out within certain radius what offenders are living in your area and she has children that will start camp in Sunny Isles Beach on Monday, and noted that there are sexual offenders within walking distance of the camp and so she requested that next year the City considers moving the camp to another location. Mayor Edelcup noted that any sexual offenders that currently live in the City are grandfathered in under the law and we can't do anything about their locations. He said that the first line of defense is at the parent level to keep their children informed and to know where their children are.

Commissioner Brezin moved and Vice Mayor Thaler 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, September 8, 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, **Prohibiting Price-Gouging During a Declared State of Emergency**; Providing for Purpose and Intent; Providing for Definitions; Providing for Penalties; Providing for Revocation of Occupational License; Providing for Inclusion in the Code; Providing for Severability; Providing for Repealer; 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 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, September 8, 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>

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

None

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

None

10. RESOLUTIONS

10A. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Re-Designating the Following Locations as Individual Historic Sites: (1) the Atlantic Isles Entrance Bridge and the Atlantic Isles Lake Bridge; (2) the Water Court Villa and Pergola, Located at 334 Atlantic Avenue; and (3) the Sunny Isles Beach Pier Located at 16701 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 City Historian and Staff Liaison to the Historic Preservation Board Richard C. Schulman reported and presented renderings of the historic sites.

Public Speakers: Joe Masters

Commissioner Iglesias moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-808 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, **Tendering \$8.5 Million to the School Board of Miami-Dade County for the Acquisition of 2.1 Acres of Land** Located at 182 Drive and Atlantic Boulevard in the City of Sunny Isles Beach through Purchase or Condemnation Proceedings; Providing for the Termination of Said Tender Under Certain Conditions; Providing the City Manager and the City Attorney with Authority to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: Mayor Edelcup noted that Dr. Michael Karp is in attendance and asked if the Commission will approve taking this item out of order and hear after 7A. Vice Mayor Thaler moved and Commissioner Brezin seconded a **motion to take it out of order. The motion was approved by a voice vote of 5-0 in favor.** City Manager Russo reported.

Public Speakers: Bob Welsh; Tony LoCastro; Henry Kay; Herb Abramson; Dr. Michael Karp

Mayor Edelcup introduced Dr. Michael Karp and Edith Weisman from Miami-Dade County Public Schools, and City Manager Russo recognized Jim Brako who the City has been working with on this project.

Commissioner Goodman moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-809 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, **Authorizing the City Manager or His Designee to Sign or Renew All Required**

Contracts, Agreements, and Purchase Orders that Affect the Health, Safety, or Welfare of the City, During the Summer Recess Period **from the Last Commission Meeting in July 2005 through the First Regular Commission Meeting in September 2005**, Subject to After-the-Fact Ratification at the September 8, 2005 City Commission Meeting; Providing for an Effective Date.

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

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-810 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, Pursuant to Section 5.1 of the Municipal Charter, **Calling for a General Election to be Held on Tuesday, November 8, 2005**, for the Purpose of Submitting to the Electorate of the City of Sunny Isles Beach the Names of All Qualified Candidates for Election to the Position of Mayor, City Commissioner, Seat 02 (Central Residential Area), and of City Commissioner, Seat 04 (At-Large); Providing for a Run-Off Election, if Necessary, to be Held on Tuesday, December 6, 2005; Providing for City Commission **Designation of One Registered Voter Who Shall Serve With the City Manager and the City Clerk as the Canvassing Board** for Said General and Run-Off Elections; Providing for Conducting the Elections, Polling Places, Form of Ballot, Voter Registration, Notice of Elections; Providing for an Effective Date.

Action: City Clerk Hines read the title. Mayor Edelcup proposed designating Emanuel Pine to the Canvassing Board.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to approve the resolution, and designating Emanuel Pine to the Canvassing Board. Resolution No. 2005-811 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 Agreements with the City of Miami Beach, City of Aventura, City of Miami, City of North Miami, City of North Miami Beach, Town of Surfside, Town of Golden Beach and the Village of Bal Harbour and Participating Municipal Police Departments for **Police Mutual Aid and the Joint Declaration to the Mutual Aid Agreement**; Authorizing the Mayor to Execute the Agreements and the Police Chief to Execute the Joint Declarations; Authorizing the City Manager to Do All Things Necessary to Effectuate the Intent of this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and Lt. Michael Grandinetti reported.

Public Speakers: none

Commissioner Iglesias moved and Commissioner Brezin seconded a **motion to approve the**

resolution. Resolution No. 2005-812 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, **Approving Change Order Nos. 2 and 3 to the 159th Street and 174th Street Roadway Lighting Improvements Agreement with Horsepower Electrical, Inc.**, in the Amounts of \$15,959.67 and \$34,387.00 Respectively, Attached Hereto as Exhibit "A"; Authorizing the Mayor to Execute Said Change Orders; 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.

Public Speakers: none

Vice Mayor Thaler asked that the final date to be finished be put into the contract.

Commissioner Brezin moved and Commissioner Iglesias seconded a **motion to approve the resolution, as amended. Resolution No. 2005-813 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, **Awarding Bid No. 05-04-01 181st Drive Active Park, Attached Hereto as Exhibit "A", to Siltek Group Inc.;** Authorizing the City Manager to Negotiate and Enter into an Agreement with Siltek in Substantially the Same Form and Amount (\$7,154,303.05) as the Agreement Attached Hereto as Exhibit "B", Provided that Agreement is Approved as to Form and Legal Sufficiency by the City Attorney; Further Providing the City Manager with the Authority 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 a couple of changes which he and City Attorney Ottinot want to add in the contract, therefore he would like to award the bid tonight and come back to the Commission to ratify the contract.

Public Speakers: none

Commissioner Iglesias asked what the expected start date is, and City Manager Russo said it will start in October 2005 and be finished in the spring of 2007.

Commissioner Goodman moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-814 was adopted by a voice vote of 5-0 in favor.**

- 10H.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the **Retainer Agreement between the City of Sunny Isles Beach and Lauri Waldman Ross, Esq. as Outside Counsel, to Handle All Appellate Litigation Matters Arising from the Lawsuit of RK Associates, Inc. v. City of Sunny Isles Beach** at an Hourly Rate of \$250.00; Authorizing the City Manager and the City Attorney 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 Attorney Ottinot reported.

Public Speakers: none

Mayor Edelcup asked what the approximate total cost would be, and City Attorney Ottinot said it will be around \$18,000.

Commissioner Iglesias moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-815 was adopted by a voice vote of 5-0 in favor.**

- 10I.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Expressing its Concurrence with the European Coalition of Cities Against Racism and Adopting the Ten-Point Plan of Action;** Authorizing the Mayor to Execute said Declaration of Intent; 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 Mayor Edelcup reported.

Public Speakers: none

Commissioner Brezin moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-816 was adopted by a voice vote of 5-0 in favor.**

- 10J.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the **Acceptance of a Donation from the Sunny Isles Beach Resort Association in the Amount of \$5,000.00 to Pay for the Additional Costs of the Fireworks Barge Presentation at the City's 8th Anniversary Event;** Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; and Providing for an Effective Date.

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

Public Speakers: none

Commissioner Iglesias moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-817 was adopted by a voice vote of 5-0 in favor.**

- 10K.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Amending Resolution No. 2005-792 Establishing a Revised Schedule for City Commission Meetings for the Remainder of Calendar Year 2005 by **Adding Special City Commission Meetings Tentatively on Thursday, September 8, 2005 at 6:30 6:00 p.m., and Thursday, September 22, 2005, at 6:00 p.m., for Fiscal Year 2005/06 Budget Hearings;** Providing for an Effective Date.

Action: City Clerk Hines read the title. Vice Mayor Thaler asked if there would be enough time to hear the budget hearing on September 8, and after discussion it was determined to change the time to 6:00 p.m.

Public Speakers: none

Commissioner Brezin moved and Commissioner Iglesias seconded a **motion to approve the resolution, as amended. Resolution No. 2005-818 was adopted by a voice vote of 5-0 in favor.**

- 10L.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Ratifying Approval of the **First Amendment to Ingress Egress Agreement By and Between the City of Sunny Isles Beach and La Perla Sunny Isles, L.L.C.**, its Successors or Assigns (“Permittee”), to Temporarily Close Pier Park; Providing the City Manager with the Authority 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 Manager Russo reported, noting that he sent them a letter today confirming the location of the utilities which is required to be sent to them by July 15, 2005. He also noted that the beach access is open.

Public Speakers: none

Vice Mayor Thaler asked if the Commission can get updates on this project as it is going, and City Manager Russo said they had already requested them to do this but that he would reiterate that to them. City Attorney Ottinot said that it is a requirement in the contract that it is finished in six months.

Commissioner Brezin moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-819 was adopted by a voice vote of 5-0 in favor.**

- 10M.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving **Addendum No. 2 to the Florida Department of Transportation Lease Agreement for the Area Under the Sunny Isles Boulevard Causeway Bridge**, Incorporating Parcels “C” and “D” into Said Lease Agreement and Attached Hereto as Exhibit “A”; Authorizing the Mayor to Execute Said Lease Agreement Addendum; 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. 2005-820 was adopted by a voice vote of 5-0 in favor.**

- 10N.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Opposing the Proposed Amendment to the Miami-Dade County Zoning Code Pertaining to Regulation of Signs and Enforcement of Sign Regulations**; Providing for the City Manager and the City Attorney 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 Mayor Edelcup reported, noting that this belongs in the purview of this Commission.

Public Speakers: none

Commissioner Brezin moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-821 was adopted by a voice vote of 5-0 in favor.**

100. Add-On Resolutions:

Resolutions memorializing the Transfer of Development Rights transactions that are part of the Site Plan Application filed by TRG Sunny Isles, Ltd., in Item 6A, if the Site Plan is approved.

1. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Acceptance of the Appraised Land Value of \$103,500,000.00 for the Property Generally Located at 15811 Collins Avenue;** Providing for Payment in the Amount of \$13,287,559.00 by the Applicant for the Transfer of Development Rights ("TDRs") in the Amount of 177,262 Square Feet of Floor Area and 81 Dwelling Units; Providing for 10% Deposit for TDRs; Providing for the Transfer of Certain Number of TDRs to the Applicant Upon Receipt of Certain Payments; Providing for an Adjustment of the Balance of TDRs from the City's Bank to Reflect the Sale of TDRs to TRG Sunny Isles, Ltd.; 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 Manager said that this is the breakdown on the TDRs on this project that is coming from the City and the subsequent Resolution. Mayor Edelcup said as part of this step we have to approve the appraisal report, and City Manager Russo said we have the appraisal of Quinlivan Appraisals of \$103,500,000 and when you multiply that by the square footage allowed to be built there in floor area this resolution comes out to approximately \$75 a square foot in TDR value. Mayor Edelcup clarified that this item approves the TDR portion of this project that we just gave site plan approval to [Item 6A] and accepting the appraisal report that was done by the City and permits the developer to purchase the City-owned TDRs, and the 10% deposit.

Public Speakers: Tom Daly

Vice Mayor Thaler asked how many TDRs are in the Bank, and Mr. Vera noted on page 105 and 106 and it tells us that the balance is 404,930 square feet and 235 units.

Mr. Daly said that this is consistent with the conditions of the prior approval which says we will be paying 1/3 per phase at the issuance of each building permit. Mayor Edelcup said as they draw their permit down they will be paying the 90% and Mr. Daly said 1/3 90% in building I, in building II, and in building III. Mayor Edelcup said the only thing that is coming 100% up front is the deposit which is 10%, and City Attorney Ottinot said that the deposit is due three working days from the date of the approval.

Commissioner Iglesias moved and Commissioner Goodman seconded a **motion to approve the resolution. Resolution No. 2005-822 was adopted by a voice vote of 5-0 in favor.**

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 236,945 Square Feet of Floor Area and 99 Dwelling Units to TRG Sunny Isles, Ltd.** from the Sub-Bank Accounts Owned by Fortune International, The Related Group, and City Plaza Corporation; Directing the Zoning Administrator or Designee to Transfer the TDRs from the Sub-Bank Accounts in Accordance with Zoning Resolution 05-Z-94; Providing for Consent to Transfer TDRs from Sub-Bank Accounts; Authorizing the Adjustment of the TDR Bank; 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 Manager Russo reported that this will extinguish the Casino Bank of TDRs and that it is the other half of the TDR application for this project. Mayor Edelcup explained that this is the portion of the TDRs that the developer is not acquiring from the City but in a private-to-private transaction and this resolution recognizes that fact and memorializes the numbers so we keep a documented track of what is taking place in the transfer of TDRs from one owner to another.

Public Speakers: Tom Daly

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-823 was adopted by a voice vote of 5-0 in favor.**

[City Clerk's Note: The Commission took a five-minute recess and will hear Item 7B when they reconvene.]

11. MOTIONS

- 11A. Call for a Motion to confirm the following appointment to the Mayor's Advisory Council (MAC):
 - Commissioner Iglesias' Appointment of Spiro Colivas to the Health and Community Activities Committee.

Action: *[City Clerk's Note: Isaac Aelion declined his appointment.]* Commissioner Iglesias reported that he would like to appoint Spiro Colivas to the Health and Community Activities Committee, and Mr. Colivas accepted. Commissioner Iglesias moved and Commissioner Brezin seconded a **motion to accept the appointment. The motion was approved by a voice vote of 5-0 in favor.**

11B. Add-On:

Budgetary Item: City Manager's Salary for FY 2005/06.

Action: Mayor Edelcup said that this is the last meeting before the budgetary process and that there is one salary left to be reviewed since they had just recently hired City Attorney Ottinot and that salary has been taken care of for the ensuing year, so we have the City Manager's salary to discuss and to work into the budget. Mayor Edelcup proposed a

\$10,000 increase for the ensuing year and asked the Commission for comment. Commissioner Iglesias agreed and with the same benefits as he has been receiving, and after discussion it was the consensus of the Commission to approve this.

Vice Mayor Thaler moved and Commissioner Brezin and Commissioner Iglesias seconded a **motion to approve the City Manager's salary increase. The motion was approved by a voice vote of 5-0 in favor.**

12. DISCUSSION ITEMS

12A. Discussion regarding the **Jazz Fest Series** at Samson Oceanfront Park.

Action: [City Clerk's Note: *Heard out of order, see 4A*] City Manager said that we will hear this item and that we are not making any decisions tonight, we are only hearing what is proposed. Archie Quintana of Meloquinn Music Productions said that he is proposing to bring a first class four-part concert series to Sunny Isles Beach at Samson Oceanfront Park and it will be very fancy, classical, and a rewarding series. He stated that there will be:

- four concerts that will take place every other week on Saturday from 6:30 p.m. to 10:30 p.m.;
- free concerts to all;
- food booths which he will sell sponsorships to local area restaurants;
- two types of music for each series: Jazz, Brazilian Jazz, Light-Classical, Salsa, Reggae, which they call world music; and
- Sunny Isles Beach will be promoted on all the music websites, local area newspapers, posters, and banners.

Commissioner Iglesias said it is a great idea and he remembers back in 1999 when he proposed it and in fact, Mr. Quintana was in the audience, and that they took the idea and came up with the Summer Concert series. Mr. Quintana said he would be hiring all the groups, and Commissioner Brezin said prior to him hiring the groups would City staff have an opportunity to review the material, and he said he is looking to put together a family-oriented event. She said she would like City staff to review the proposal prior to bringing it into the Park.

Mayor Edelcup said that he wanted to clarify that there would not be any alcoholic beverages served, and Mr. Quintana said that part of the proposal is that there will be beer and wine served, and that there would be a temporary permit issued for beer and wine, and Mayor Edelcup said that would be difficult to get from this Commission. Mr. Quintana said there is no fee for his services and that the only two ways he can make money is to sell corporate sponsorships and from beer and wine, but he would not be opposed to having a cut-off point for that. The Commission agreed that there be no alcoholic beverages served.

Vice Mayor Thaler questioned the no cost to the City and Mr. Quintana said the cost that is involved for the City is Police presence and parking, providing a stage, the use of the park, trolley and transportation service to and from the designated point for parking.

City Manager Russo said what they wanted to get out of this tonight was that they will

pursue this with Mr. Quintana. Mayor Edelcup asked Mr. Quintana to work with the City Manager and when he has a proposal to bring it back to them.

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

- 13A.** Spiro Colivas said he would like to have a place to walk dogs. City Manager Russo said that one of the things they have talked about is the new strategically located Town Center Park, that we may want to consider allowing people to walk dogs in it with a designated area for them to do their business and have a couple of the pooper scooper bins for the garbage. He said he suspects that he can get one of the owners of one of the residential complexes in the City that do allow dogs to probably pay for that to be done in the Park as an add-in.

Mr. Colivas said that they allow dogs at Sands Point and they have a great bag system and that we should get the hotels that allow dogs to put the system in place and remind their guests to use it, and he also suggested that the City have a licensing program. Vice Mayor Thaler said that he knows that the Police have given out fines to people that have continually walked their dogs on the beach, he said that it can be done but that we need publicity for these things.

Mr. Colivas asked if the signage on Collins Avenue where the crosswalk is in front of Sands Point is the responsibility of the City or FDOT, and Commission Iglesias said FDOT Maintenance Department, and Mr. Colivas said that the sign has fallen and asked why it is taking FDOT so long to fix it and that it is dangerous.

14. ADJOURNMENT

Commissioner Goodman moved to adjourn the meeting, and Mayor Edelcup adjourned it at 10:20 p.m.

Respectfully submitted by:

Approved by the City Commission on Sept. 8, 2005

Jane A. Hines, City Clerk

Norman S. Edelcup, Mayor