

SUMMARY MINUTES

Special City Commission Meeting
Thursday, September 22, 2005, 7:00 p.m.
City of Sunny Isles Beach, Florida

<p><u>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.</u></p>
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AGENDA

1. CALL TO ORDER/ROLL CALL OF MEMBERS

The meeting was called to order by Mayor Edelcup at 7:00 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: Commissioner Brezin led the Pledge of Allegiance to the flag. Richard C. Schulman gave an invocation.

3. PRESENTATIONS

3A. Presentation to City Manager Christopher J. Russo by Ellen Wynne on Behalf of the Golden Shores Garden Club.

Action: Merry Wynne on behalf of her mother Ellen Wynne and the Golden Shores Garden Club gave a presentation to dedicate the Golden Shores Pump Station to City Manager Russo for a job well done, with a plaque that the Garden Club would pay for. City Manager Russo thanked Ms. Wynne and noted that this is a project that he is most proud of over the past five years because it is the project that has helped the most people. Mayor Edelcup suggested that Ms. Wynne get together with City Historian Richard Schulman, and he and staff can find the most suitable spot for mounting the plaque and get it up as quickly as possible.

Mayor Edelcup gave opening remarks of decorum.

4. RESOLUTIONS

- 4A.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving an **Agreement with Temple Display, Ltd. to Install, Store and Maintain Street Holiday Decorations for the City**, in an Amount Not to Exceed \$23,796.00 Annually, Attached Hereto as Exhibit "A"; Authorizing Waiver of Competitive Bidding Procedures; 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.

Public Speakers: Babak Raheb

Vice Mayor Thaler made a correction on page 3 of the memo, second paragraph, the numerical number does not coincide with the written numbers, Cultural and Human Services Director Susan Simpson pointed out that the contract was correct. He noted that it says we will purchase the holiday decorations at a discounted rate and he did not find the rate listed. Ms. Simpson noted that it is an option to purchase and that we would probably not want to purchase these after four years. Vice Mayor Thaler said we should establish a price up front and Ms. Simpson said that the price is \$14,427.00, and that she will add it to the contract.

Commissioner Goodman moved and Commissioner Brezin seconded a **motion to approve the resolution, with the option to purchase price stated in the contract. Resolution No. 2005-840 was adopted by a voice vote of 5-0 in favor.**

4B. Public Hearing: Sunny Isles Beach Comprehensive Plan Evaluation and Appraisal Report (EAR).

- 1.** 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 Resolution Adopting the Evaluation and Appraisal Report (EAR) for the City of Sunny Isles Beach's Comprehensive Plan; Stating the Intent of the City Commission of the City of Sunny Isles Beach, Florida to Amend the Comprehensive Plan Based Upon Recommendations Contained in the Report; Approving Transmittal of the Report to the Department of Community Affairs in Accordance With Section 163.3191, Florida Statutes; Providing for an Effective Date.

(First Hearing 6/28/05)

Action: City Clerk Hines read the title.

Public Speakers: none

Commissioner Iglesias moved and Vice Mayor Thaler seconded a **motion to approve the resolution. LPA Resolution No. 2005-31 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, **Adopting the Evaluation and Appraisal Report (EAR) for the City of Sunny Isles Beach's Comprehensive Plan**; Stating the Intent of the City Commission of the City of Sunny Isles Beach, Florida to Amend the Comprehensive Plan Based Upon Recommendations Contained

in the Report; Approving Transmittal of the Report to the Department of Community Affairs in Accordance With Section 163.3191, Florida Statutes; Providing for an Effective Date.

Action: City Clerk Hines read the title and City Planner Shelley Eichner reported noting that this is an important document that will set the tone for the future of the City. She noted that the City has been going through this process for just about a year, with workshops and visioning sessions, and that the purpose of the Plan is to identify the major issues of the City, assess how the Plan has guided the growth in the past few years, and where we are going to go in the future. She said that we have identified and evaluated some of the changing conditions that we have seen in the City in the last five years, and to also identify potential changes to the Plan that is going to be necessary to guide the City into the next growth period. She noted that the public participation process was a key process in the development of the Plan, where we had a publicly advertised meeting whereby we invited residents, representatives from State agencies, representatives from the City's adjoining municipalities, and others to discuss what are the issues that are of importance and concerns to the residents of the City.

Ms. Eichner said as we went through it some of the issues were Land Development in terms of dealing with redevelopment and existing structures and parcels into the future. One of the other issues brought up was transportation and the issues related to the overall efficiency of the circulation system in the City regarding adequate local transportation including transit. She said we dealt with intergovernmental coordination and how the City deals with adjoining cities and how the influx of development on the adjoining cities impacts the City of Sunny Isles Beach. Ms. Eichner noted that affordable Housing is an issue of concern, and now the terminology is more work force housing, attainable housing, it is an issue of paramount concern to those residents of the City, the surrounding county, as well as the State, and we will be looking into that. She said in conclusion finally was the creation of a Mission Statement for the City as an overall guiding principle for future growth and development in the City.

Ms. Eichner said that we have submitted this in the form of a draft several weeks ago to the Department of Community Affairs and they came back with some comments and questions and added items to incorporate, which was presented to the City Commission at the September 8, 2005 meeting. She noted that we are now ready to adopt this document and send it up to the State. She said once it is found to be sufficient, which is the next step in the process, and should hear from them no later than December 3, 2005, we will get some preliminary comments on the sufficiency and that gives us another few weeks to fix those glitches before the State issues a *Notice of Sufficiency*. The next step is that we have 18 months to amend the Comprehensive Plan in the appropriate matters to implement some of the changes as a result of the issues that were raised in the EAR.

Public Speakers: Henry Kay

Commissioner Iglesias moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2005-841 was adopted by a voice vote of 5-0 in favor.**

4C. Add-On:

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Ratifying a Consultant Agreement With Colin Baenziger & Associates to Conduct a National Search for a City Manager, in the Amount of \$19,000.00, Attached Hereto As Exhibit "A", Providing the City Attorney and 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 Attorney Ottinot reported.

Public Speakers: none

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-842 was adopted by a voice vote of 5-0 in favor.**

5. ZONING: ZONING HEARINGS ARE QUASI-JUDICIAL PUBLIC HEARINGS.**5A. Request of St. Tropez, LLC, Owners of the Property Located at 150 – 260 Sunny Isles Boulevard, Sunny Isles Beach, Florida, for the Following: [Hearing #Z2005-04]**

1. Modification of plans approved under Condition #3 of Resolution 05-Z-91 passed and adopted by the City Commission on March 22nd, 2005 reading as follows:

From: Plans are on file and may be examined in the Zoning Department entitled "St Tropez on the Bay", prepared by Kobi Karp Architecture & Interior Design, consisting of 17 sheets dated received 1-26-05 and plans entitled "Boundary Survey, Paving and Drainage Plans", prepared by Fortin, Leavy, Skiles, Inc., consisting of 4 sheets dated stamped received 1-26-05 and plans entitled "St Tropez on the Bay", prepared by Marlin Engineering dated 01-21-05 and plans entitled "Lighting and Landscape", prepared by EGS2 Corp dated stamped received 1-26-05. Plans may be modified at public hearing.

To: That the project shall be developed substantially in accordance with the plan submitted for public hearing for "St Tropez II, LLC" and are on file with the City Zoning Department entitled "St Tropez on the Bay", prepared by prepared by Kobi Karp Architecture & Interior Design, consisting of 17 sheets dated received 8-01-05 and plans entitled "Boundary Survey", prepared by Fortin, Leavy, Skiles, Inc., dated stamped received 8-01-05 and plans entitled "Paving and Drainage, Water and Sewer plans and details", consisting of 5 sheets prepared by Marlin Engineering dated 8-01-05 plans entitled "Sign and Paving Markings", consisting of 4 sheets prepared by Marlin Engineering dated revised 8-04-05 and plans entitled "Lighting and Landscape", consisting of 4 sheets, prepared by EGS2 Corp dated 8-01-05. Plans may be modified at public hearing. All conditions approved under Resolution 05-Z-91 remain in affect.

The purpose of this request is to modify the previously approve plans to comply with the requirements of the Department of Environmental Resources and Management (DERM) regarding the bulkhead along the rear of the property.

2. Variance of Section 265-37 requiring the towers above the garage pedestal to setback

zero (0') feet from the edge of the garage pedestal (10 feet required).

Protests 0 Waivers 0 Ex Parte 0

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.

Public Speakers: Clifford A. Schulman, Esq.; Kobi Karp

Clifford A. Schulman, Esq., representing the applicant, reported. He said subsequent to the Commission's approval, they took the project to the other permitting agencies which were involved, including the Miami-Dade County Department of Environmental Resources Management (DERM) and they required them not to fill in a particular piece of this property. He said in order to even it out it would need a variance. Kobi Karp, Architect, presented a rendering of where the area is that they are now allowed to fill in to square up the site and it increases the setback because it pushes the existing seawall. He said it allows them to continue that and finish up the promenade on the other side. Mr. Karp noted that this allows them to zipper up the promenade going along the water and it allows them to essentially define the property and increase the setback.

Planning and Zoning Administrator Jorge Vera reported and recommended approval with conditions. Mr. Schulman noted a typo in Condition #4, instead of Resolution No. 03-Z-78, it should read Resolution No. 05-Z-91, and Mr. Vera concurred [page 7 of report].

Commissioner Goodman moved and Commissioner Iglesias seconded **a motion for approval, subject to staff conditions. Resolution No. 05-Z-95 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

6. ADJOURNMENT

Mayor Edelcup adjourned the meeting at 7:37 p.m.

Respectfully submitted by:

Approved by the City Commission on Oct. 11, 2005

 Jane A. Hines, City Clerk

 Norman S. Edelcup, Mayor