

## SUMMARY MINUTES

Regular City Commission Meeting  
Tuesday, October 11, 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  
Assistant City Manager Jorge Vera  
Assistant City Attorney Erica Wright

Mayor Edelcup gave opening remarks of decorum.

#### 2. PLEDGE OF ALLEGIANCE/INVOCATION

**Action:** Dee Duggin led the Pledge of Allegiance to the flag, and Richard C. Schulman gave an invocation.

#### 3. APPROVAL OF MINUTES

##### 3A. Special City Commission Meeting/1<sup>st</sup> Budget Hearing FY 2005/06 – Sept. 8, 2005.

**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.**

##### 3B. Regular City Commission Meeting – September 8, 2005.

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

##### 3C. Special City Commission Meeting/2<sup>nd</sup> Budget Hearing FY 2005/06 – Sept. 22, 2005.

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

##### 3D. Special City Commission Meeting – Sept. 22, 2005.

**Action:** Commissioner Brezin 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.**

**4. ORDER OF BUSINESS (Additions/Deletions/Amendments)**

**4A. Request to Hear Items.**

**Action:** Mayor Edelcup asked that 10A be heard after 5B. Commissioner Iglesias moved and Vice Mayor Thaler seconded **a motion to approve the above-mentioned change. The motion was approved by a voice vote of 5-0 in favor.**

**5. SPECIAL PRESENTATIONS**

**5A. Presentations to City Manager Christopher J. Russo.**

**Action:** Mayor Edelcup announced that City Manager Russo is leaving the City, and on behalf of the City Commission, presented him a plaque in appreciation of his five years of dedicated service to the City of Sunny Isles Beach.

Henry Kay and Gloria Taft, on behalf of the Sunny Isles Beach Citizens Coalition, presented City Manager Russo with a plaque in appreciation of his hard work for the citizens of Sunny Isles Beach.

City Manager Russo said that the Manager is only as good as the City Commission that he or she works for and he has been fortunate to have the support and backing of the Commission in Sunny Isles Beach, and that the best part of this job is when you get to meet and work with people like Henry Kay and Gloria Taft, and all the citizens of this community, along with a good staff.

**5B. Proclamation to be Presented to the City by Dr. Martin Karp, Miami-Dade County School Board.**

**Action:** Dr. Martin Karp, Miami-Dade County School Board member, and Enid Weisman, Region II Superintendent, presented a Proclamation to the City in appreciation of the \$8.5 Million Contribution to the County toward the District's proposed acquisition of approximately 2.1 acres of land located at 182<sup>nd</sup> Drive and Bay Road to build a planned K-8 Center. Dr. Karp and Ms. Weisman thanked the City Commission, City Manager Russo, City Attorney Ottinot, and Bob Welsh [Chairperson, Education/Schools Committee].

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

**6A. Request of Williams Island Ocean Club, Inc., Owner of the Property Located at 17875 Collins Avenue, Sunny Isles Beach, Florida, for the Following: (a/k/a Acqualina) [Hearing #Z2005-03]**

The purpose of this request is to modify the previously approved plans only to permit the expansion of a previously approved spa located with the Acqualina development.

1. Modification of plans approved under Condition B of Resolution 00-Z-46 passed and adopted by the City Commission on April 13, 2000 reading as follows:

From: That the approval of the plan be substantially in accordance with that submitted for hearing entitled “Williams Island Sunny Isles Condominium”, prepared by Robert M. Swedroe Architects – Planners dated stamped received 3/20/2000 consisting of 26 sheets.

To: That the project shall be developed substantially in accordance with the plan submitted for public hearing for Williams Island Ocean Club and are on file with the City Zoning Department entitled “The Spa at Acqualina”, prepared by STA Architectural Group dated revised 3-8-05 consisting of 6 sheets. All plans and conditions approved under Resolution 00-Z-46 remain in affect.

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. Planning and Zoning Administrator Jorge Vera reported and recommended approval with conditions.

*Public Speakers:* Clifford Schulman, Esq.; Vivien Blanco; Todd Traygash; Henry Kay

Clifford Schulman, Esq., representing the applicant, reported that this request will basically give them more room for the spa and noted that they had induced the foremost spa developer in the world, Espa International based out of England, and introduced Vivien Blanco, the Manager for Espa International. Todd Traygash of STA Architectural Group presented a rendering of the spa treatment pavilion addition.

Commissioner Brezin said that she can see that the changes will not affect the footprint in any way and asked what the reason is for requesting these changes and what the benefit is. Ms. Blanco said that this is a luxury item and it takes time and space and the previous spa that was planned did not have enough space for someone to come and spend the entire day at the spa. Commissioner Goodman asked if the beach access would be affected and Mr. Schulman said no it would not. Mayor Edelcup said that this is an opportunity for the City to gain another amenity and it is something that all residents will be able to enjoy.

Commissioner Brezin moved and Commissioner Iglesias seconded **a motion for approval, subject to staff conditions. Resolution No. 05-Z-96 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

- 6B. Request of **17315 Collins Avenue, LLC**, Owner of the Property Located at **17315 Collins Avenue** for the Following: (a/k/a **Sole**)  
 (Hearing #Z2005-05)

The purpose of this request is to modify the previously approved plans only to provide a direct service entrance to the parking garage.

1. Modification of plans approved under Condition C of Resolution 01-Z-59 passed and adopted by the City Commission on February 22, 2001 reading as follows:

From: That the approval of the plan be in accordance with that submitted for hearing entitled "Michaelangelo", prepared by Kobi Karp Architects Interior Designers dated stamped received November 21, 2000 consisting of 12 sheets, as amended/revised at public hearing to reflect the Commission's decision, as amended February 22, 2001, with an additional 7 parking spaces.

To: That the project shall be developed substantially in accordance with the plan submitted for public hearing for 17315 Collins Avenue LLC and are on file with the City Zoning Department entitled "Sole", prepared by Kobi Karp Architects Interior Designers dated revised 7-28-05 consisting of 28 sheets and plans entitled "Landscape plans" prepared by CMM dated 3-2-04 consisting of 5 sheets and plans entitled "Boundary & Topography Survey", prepared by Fortin, Leavy, Skiles, Inc. dated revised 3-14-02. All plans and conditions approved under Resolution 01-Z-59 remain in affect.

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. Planning and Zoning Administrator Jorge Vera reported and recommended approval with conditions.

*Public Speakers:* Steven Zelkowitz, Esq.; Kobi Karp, Architect; Henry Kay

Steven Zelkowitz, Esq., representing the applicant, reported that they have found a way to improve the site circulation and that they are asking for a ground level service entrance, whereas before the service entrance was on the driveway level up an incline. Kobi Karp, the architect for the project, presented renderings of the affected area.

Vice Mayor Thaler was concerned about the foliage, and Assistant City Manager Vera noted that they will be providing more landscaping than was originally on the plan. Mayor Edelcup asked if the fountain was an addition, and Mr. Karp said yes and that it does have additional landscaping. Commissioner Brezin asked about the grille work which is the entrance to the garage, and Mr. Karp said that the grille work will be closed and hidden by foliage.

Mayor Edelcup noted that this project was approved before we had the art in public places ordinance in effect, and suggested that they could work with City staff to see if when they do the waterfall, or whatever, that we can encompass something that creates some kind of art in public place, and Mr. Kobi agreed.

Vice Mayor Thaler moved and Commissioner Iglesias seconded **a motion for approval, subject to staff conditions. Resolution No. 05-Z-97 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: Mayor Edelcup asked for a five-minute recess after this item.]*

**7. ORDINANCES FOR FIRST READING**

*None*

**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 Article XII of the Land Development Regulations Relating to **Nonconforming Uses and Structures**; Providing for Definitions; Providing for the Use of Nonconforming Lots Under Certain Conditions; Providing for Severability; Providing for Repealer; Providing for Inclusion in the Code; Providing for an Effective Date.

(First Reading 9/08/05)

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

*Public Speakers:* none

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to adopt the ordinance. Ordinance No. 2005-234 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, Amending Section 193-1 of the Code of the City of Sunny Isles Beach Relating to the **Permissible Hours of Operation of Power Tools, Construction and Landscaping Equipment**; Providing for Enforcement and Penalties; Repealing Conflicting Provisions; Providing for Severability; Providing for Inclusion in the Code; and Providing for an Effective Date.

(First Reading 9/08/05)

**Action:** City Clerk Hines read the title and Robert Solera, Assistant Administrator, Building and Code Enforcement & Licensing Department, reported noting that holidays was addressed.

*Public Speakers:* George Berlin

Commissioner Goodman asked if the time was changed and Mr. Solera said that the time was not changed because the City Manager can approve a request for an extension of time beyond the permissible time. Mayor Edelcup said for the developer to ensure that an extension is approved before beginning work outside working hours, and for those that do not have permission, staff will be coming down very hard on them. Commissioner Goodman asked about working inside the building with no noise, and Mr. Solera said if noise is coming from the inside of the building and is not related to power tool equipment then they have no issue with it. George Berlin asked about emergencies and Mayor Edelcup said that staff has the flexibility for emergency situations, and City Attorney Ottinot said that it gives management discretion to deal with it.

Commissioner Iglesias moved and Commissioner Goodman seconded **a motion to adopt the ordinance. Ordinance No. 2005-235 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

- 9C. An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Relating to the **Temporary Storage Units**; Providing for Definitions; Providing for Purpose and Intent; Providing for Registration of the Temporary Storage Units; Providing for Placements of the Temporary Storage Units Within a Single Family/Low Density Residential (R-1) Zoning District and the Moderate Density Townhouse/Low Medium Density Residential (R-TH) Zoning District; Providing for Penalties for Violation; Providing for Severability; Providing for Repealer; Providing for Codification; Providing for an Effective Date.  
 (First Reading 9/08/05)

**Action:** City Clerk Hines read the title and Robert Solera, Assistant Administrator, Building and Code Enforcement & Licensing Department reported noting these are known as PODS.

*Public Speakers:* none

Vice Mayor Thaler moved and Commissioner Brezin seconded **a motion to adopt the ordinance. Ordinance No. 2005-236 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

- 9D. An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, **Prohibiting Swimming and Fishing During Dangerous Water Conditions**; Providing for Purpose and Intent; Providing for Definitions; Providing for Enforcement and Penalties; Establishing a Requirement for the Posting of Beach Advisory Warnings in Visible Areas in Local Hotels; Providing for Inclusion in the Code; Providing for Severability; Providing for Repealer; Providing for an Effective Date.

(First Reading 9/08/05)

**Action:** City Clerk Hines read the title and Vice Mayor Thaler reported.

*Public Speakers:* none

Commissioner Iglesias asked City Attorney Ottinot if this was subsequent to the March 24, 2005 ruling because it was always his understanding that DEP and the State of Florida is the one that really governs the actual waters not the municipality. City Attorney Ottinot said that this ordinance was created as a remedy to address the issues raised in the Supreme Court decision that basically expanded the liability of municipalities.

Commissioner Brezin moved and Commissioner Iglesias seconded **a motion to adopt the ordinance. Ordinance No. 2005-237 was adopted by a roll call vote of 5-0 in favor.**

|              |                       |            |
|--------------|-----------------------|------------|
| <b>Vote:</b> | 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> |

- 9E.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 68-2(E) Relating to **Reimbursement of Expenses** to Require the Approval of Expenses Submitted by Charter Officers of the City; Providing for Repealer; Providing for Severability; Providing for Inclusion in the Code; Providing for an Effective Date.

(First Reading 9/08/05)

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

*Public Speakers:* none

Commissioner Iglesias moved and Vice Mayor Thaler seconded **a motion to adopt the ordinance. Ordinance No. 2005-238 was adopted by a roll call vote of 5-0 in favor.**

|              |                       |            |
|--------------|-----------------------|------------|
| <b>Vote:</b> | 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> |

- 9F.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 265-58 (I) of the Land Development Regulations Relating to Temporary Construction Fencing to **Permit Chain Link Fence with Canvas for a Temporary Period for Demolition Purposes**; Providing for a Repealer; Providing for Inclusion in the Code; Providing for Severability; and Providing for an Effective Date.

(First Reading 9/08/05)

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

*Public Speakers:* none

Mayor Edelcup noted that there is a time limit that these temporary fences can be up for demolition, and Mr. Solera said that the permit allows 180 days but that they normally do it quicker than that. Mayor Edelcup asked if we can use some discretion at the staff level that the fences need to be in good condition.

Commissioner Goodman moved and Commissioner Iglesias seconded **a motion to adopt the ordinance. Ordinance No. 2005-239 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

**10. RESOLUTIONS**

**10A.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving a **Contribution of \$15,000.00 to the After School Program at Ruth K. Broad Bay Harbor Elementary School;** 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 Goodman moved and Commissioner Brezin seconded **a motion to approve the resolution. Resolution No. 2005-843 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 a **Document Imaging Services Agreement with R & S Integrated Products and Services,** in an Amount Not to Exceed \$600,000.00, 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 the Agreement; Providing for an Effective Date. (LaserFiche)

**Action:** City Clerk Hines read the title and Jeff Maxim, Assistant to the City Manager, reported along with a power-point demonstration.

*Public Speakers:* Robert Porter

Mayor Edelcup asked if the dollar amounts are because we are doing multi-year from 1998 through 2005, and Mr. Maxim said that the idea is to go back and get our older documents and use this service to get them scanned but once we get to 2005 staff will be trained to do the scanning, so the cost would not be there in the future. Mr. Maxim said that the figures are generous and that the project could come in significantly under this amount. Commissioner Goodman asked who would be the people controlling this, and Mr. Maxim said that IT would have a good deal of the authority but that security would be set up as to

who has access, and City Manager Russo said that each department would have access to their own files.

Mayor Edelcup asked what guarantees we have that the work will be completed in a timely manner and that we have the guarantee to make sure our job has priority so we don't have to wait if other jobs come up for LaserFiche. Mr. Maxim said it is designed as a two-year project and within that time all four departments will be implemented, starting with the Building Department, Police Department, City Clerk's Office, and then the Finance Department, and that we will pay as we implement.

Mr. Maxim said that there were a few changes as noted on the power point presentation, that instead of \$589,000.00 total cost, it is \$581,248.00 because he had forgotten to remove one of the optional modules that they had decided not to have. Vice Mayor Thaler asked if there were any other cities using LaserFiche, and Mr. Maxim said that Miami, Kissimmee, Boynton Beach, Wellington, and Royal Palm are using this system.

Mr. Maxim noted that maintenance comes to about \$16,000.00, and the rates are locked in until September 30, 2007, but after that point they are subject to a maximum of 7% increase. Mayor Edelcup asked if it can be tied into a Consumer Price Index (CPI). Robert Porter, President, R & S, said that that can be introduced into the contract and for the last seven years, the maintenance cost has remained static. Commissioner Goodman asked what he considers maintenance, and Mr. Porter said annual support costs that you pay for most any software that you would use that covers the upgrades for the software in case the operating systems change for the computers, and it also covers any additional features that are added to the software. Mr. Porter said that the maintenance cost that you see covers the software and the hardware, and if the equipment breaks down their company would repair/replace it. City Attorney Ottinot noted for the record that the two-year maintenance agreement needs to be incorporated into the agreement as it states one year.

Commissioner Iglesias moved and Vice Mayor Thaler seconded a **motion to approve the resolution, with the amendments to the agreement as stated by Mr. Maxim and City Attorney Ottinot. Resolution No. 2005-844 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, Approving an **Agreement with Audio Visual Innovations, Inc., for the Provision of Audio/Visual Equipment and Installation Services in the Sunny Isles Beach Government Center 1<sup>st</sup> Floor Meeting Room**, in an Amount Not to Exceed \$19,200.78, Attached Hereto as Exhibit "A"; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of the Agreement; Providing for an Effective Date.

**Action:** City Clerk Hines read the title and Derrick Arias, Information Technology Director, reported noting that it would be tied into a recording system for the City Clerk to record the meetings.

*Public Speakers:* none

Vice Mayor Thaler asked what the status is on the television channel [channel 77] to provide

to the public. IT Director Arias said that we are almost ready to switch over to the new system, and that we also have the capabilities to do live broadcast of the Commission meetings and that we will be addressing that soon. Vice Mayor Thaler said that there was a terrific program on the beach channel the other day that featured the old Sunny Isles with all of the motels in the 40's and 50's and he felt that could be put on our television station, and that Richard Schulman is working on getting that movie for us. Mayor Edelpup said that when we do start televising that we should take the time to make sure that we have an organized program that basically provides for the hours of operation, certain things occurring at certain times, so that it is more organized. He asked that staff work on it, and if the Commission wants to get involved, to schedule a workshop. City Manager Russo said that Alyce Hanson, Administrative Services Director, is working on that. Mayor Edelpup noted that a Commission meeting would supersede any other scheduled program on Channel 77.

Commissioner Iglesias moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2005-845 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, Appointing Chief Fred Maas as “**Interim City Manager**” Pending the Appointment of a Permanent City Manager by the Commission; Providing the Mayor and City Attorney with the Authority 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 Edelpup reported noting that our Charter requires that the Commission appoint an interim City Manager until a permanent City Manager is appointed, which may happen in December but most likely in January 2006. Mayor Edelpup said in discussions he had with City Manager Russo that the best cut off date would be as of October 20, 2005 we would have an interim City Manager, and he is proposing that the Commission appoint Police Chief Fred Maas.

*Public Speakers:* none

Commissioner Brezin asked Chief Maas if this would conflict with any duties he has as Police Chief. Chief Maas said that the Police Department is structured as a para-military organization with a very structured chain of command, and that the next in command would assume that role. He said in taking on additional responsibilities with regards to this position, the Manager has put together a very competent team of department heads, the likes of which are highly knowledgeable in their areas, they are very dedicated, and their work ethic is incomparable. He said that this additional task is simply guiding, directing or fostering the work that they already do in their respective areas.

Commissioner Iglesias said that the most important job in the City is the Police Chief because what the people see in Sunny Isles Beach most are the officers in blue, and without a doubt in the last recent years with the hurricanes and the acts of terrorism that is happening in this country, the Police officers and the people that guide them become more and more important. He said at the beginning he had mixed feelings because he would have rather have seen Assistant City Manager Jorge Vera assume the position because he did not want any more burden placed on what he considered the most important and gratifying job in the City. He said that it is for a short time, and that he will support Chief Maas in this position. Chief Maas said he has had a tremendous working relationship with Assistant City Manager

Vera and he would envision this as more of a partnership and a team concept to accomplish the task at hand both with his knowledge and his vision in his areas, it would be managing the team.

Mayor Edelcup said that the appointment would automatically provide during the interim period a 10% increase in salary, with the appointment effective as of October 20, 2005.

Commissioner Brezin moved and Vice Mayor Thaler seconded a **motion to approve the resolution, as amended to include 10% increase in salary and with an effective date of October 20, 2005. Resolution No. 2005-846 was adopted by a voice vote of 5-0 in favor.**

Mayor Edelcup noted that we need a delegate for the School Board and that there is a meeting scheduled on October 20, 2005 and he asked that Assistant City Manager Vera fill that role.

## 11. MOTIONS

*None*

## 12. DISCUSSION ITEMS

### 12A. Discussion regarding Style of Bus Shelters.

**Action:** Susan Simpson, Cultural and Human Services Director, reported that City Staff has been asked to look into the bus shelters that we have out there now and replace them with consistent looking bus shelters that fit into our Streetscape. She noted that City Attorney Ottinot looked into the agreement that was with Eller Media and that that contract is expired and that we can change anything that we want to. She said as far as the location where they will be placed, she has contacted Larry Hagen with Cutter the Center for Urban Transportation Research, to look into doing an official study on where we need to have them and how many we need to have.

Ms. Simpson presented three different designs and after discussion, it was the consensus of the Commission to choose picture 3, which has a peaked roof, plexi-glass, stainless steel, and the cost is \$5,300.00. She said it is a 13-foot wide shelter because ADA requires that you have a space under the shelter next to the bench, and since we already have 6-foot benches, we need that space of four-feet for a wheelchair to pull up next to it and still be under the shelter.

*Public Speakers:* none

Commissioner Goodman asked if we would get any money back from the transportation fund from the ½ penny sales tax, and Ms. Simpson said that it is in our five-year plan to replace these shelters so it would come out of the ½ penny sales tax. Mayor Edelcup said he would like to see something that protects us from the rain, it is clear and you can see through it. Commissioner Brezin said that we must consider shelter from the rain as step number one. Ms. Simpson will bring to a Commission meeting different designs with curved roof, plexi-

glass sides, ADA compliance, black to match the benches, and with the seal up in the roof area. Vice Mayor Thaler was concerned about using the benches that we have, by having the flat bench aren't we inviting people to sleep there, and Commissioner Iglesias said a Police officer can wake them up. Commissioner Brezin asked Chief Maas if he thinks that we are inviting a problem that will be too big to handle for our Police Department, and Chief Maas said no that cities deal with this problem constantly and generally it is either an officer on patrol or someone would call with a complaint.

**12B. Add-On:**

Recognition of Clayton L. Parker, Building Official/Administrator, and Ismael Naranjo, Building Inspector.

**Action:** Mayor Edelcup introduced and recognized Clayton L. Parker, Building Official/Administrator, and Ismael Naranjo, Building Inspector, and noted that they went to the Hurricane Disaster area caused by Hurricanes Rita and Katrina, and they were asked to come out there as building inspectors, to help certify which buildings were safe and which ones needed to be taken down, as well as pitching in on several other jobs. Mayor Edelcup noted that they were at the City of Ocean Springs, Mississippi which is the city that we have tentatively adopted as a Sister City, and hope to provide them with additional help in the future. He said that the City has a presentation to make to Clay and Ismael but that they have not arrived yet which are wristwatches with the City Seal and as soon as they are delivered we will present them at another ceremony.

**12C. Add-On:**

Assistant City Attorney Erica Wright.

**Action:** Commissioner Iglesias wished Assistant City Attorney Erica Wright much success as she is leaving Sunny Isles Beach at the end of this month.

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

*None*

**14. ADJOURNMENT**

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

Respectfully submitted by:

Approved by the City Commission on Nov. 17, 2005

---

Jane A. Hines, City Clerk

---

Norman S. Edelcup, Mayor