

SUMMARY MINUTES
Regular City Commission Meeting
Thursday, November 17, 2005, 7:30 p.m.
City of Sunny Isles Beach, Florida

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| <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 7:30 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

Interim City Manager Police Chief Fred Maas
City Attorney Hans Ottinot
City Clerk Jane A. Hines
Assistant City Manager Jorge Vera

Mayor Edelcup gave opening remarks of decorum.

2. PLEDGE OF ALLEGIANCE/INVOCATION

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

Mayor Edelcup said since the last time we met we had Hurricane Wilma pass through here which did a lot of damage but fortunately there was no loss of life or any personal injury. He thanked Chief Fred Maas for wearing the dual hats of making sure our Police were where they needed to be and for filling in as our interim City Manager during this period of crisis. He said that Chief Maas and staff did an outstanding effort on behalf of the residents of this City and that we are grateful to him and staff for bringing the City back to the condition it is in today.

3. APPROVAL OF MINUTES

3A. Regular City Commission Meeting – October 11, 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. Emergency Special City Commission Meeting – October 26, 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.

5. SPECIAL PRESENTATIONS

5A. Presentation of a Plaque to Police K-9 “Zaro”, upon his Retirement from the Sunny Isles Beach Police Department, March 2000 – October 2005.

- Introduction of the New Police K-9, “Diesel”.

Action: Interim City Manager Police Chief Fred Maas presented a plaque and a bone to Police K-9 “Zaro”, upon retiring after five and a half years. He said to ensure a smooth transition they prepped, prepared, trained and passed certification of the newest K-9 who will replace Zaro. He said that Zaro has had countless numbers of situations saving officers lives or prevented serious injury to them because K-9s know nothing else except loyalty and will die for their handler and for a Police Officer. He said K-9s are treated like a Police Officer as they will take a bullet or defend a life of another just as readily as a Police Officer will. He said that Rob Ostrov will keep Zaro in his retirement and that Rob had donated “Diesel” who is our next K-9. Chief Maas introduced Sgt. Athanasiou who supervises Rob who introduced Diesel noting that Zaro is 9½ years old and Diesel is 2 years 3 months old.

5B. Announcement of the Recent Promotions and Appointments within the Police Department:

- Corporal Michael Mulvey to Sergeant in the Investigative Division;
- Lieutenant Michael Grandinetti to Captain in the Administrative Division; and
- Captain Jose Ernand in Police Operations to Interim Assistant Chief.

Action: Interim City Manager Police Chief Fred Maas announced the above promotions and appointments and introduced Sgt. Mulvey and Captain Grandinetti. He noted that Interim Assistant Chief Ernand was on a special detail and could not be here tonight. He then introduced Sgt. Mulvey’s father and sister, and noted that his father is a long time retired Police Officer from Newark, New Jersey.

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

6A. Request of **Mully SB L.L.C.**, Owner of the Property Located at **17141 Collins Avenue** (a/k/a **Da Vinci**) for the Following:
(Hearing #Z2005-02)

1. Pursuant to Section 265-35(D) (8) of the City of Sunny Isles Beach Land Development

Regulations, the applicant is requesting to waive the Beach Access Easement requirement under the code.

2. Pursuant to Section 265-46(A)(4) of the City of Sunny Isles Beach Land Development Regulations, the applicant is requesting to permit 100% tandem parking (20% tandem parking permitted).
3. Pursuant to Section 265-23 of the City of Sunny Isles Beach Land Development Regulations the applicant is requesting the transfer of 42,368 square feet of development rights. An adjustment to be made for a decrease of 42,368 square feet and 25 units from the City's Transferable Development Rights Bank.
4. Pursuant to Section 265-18 of the City of Sunny Isles Beach Land Development Regulations the applicant is requesting a site plan approval for 27 stories, 69-unit condominium.

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 administered the oath to the witnesses for the Zoning hearing. Assistant City Manager Jorge Vera reported and recommended approval with conditions. He stated that this is a 100-foot lot located between Ocean 4 and Jade 2 with the overall height of 27 stories and containing 69 units.

Public Speakers: Simon Ferro, Esq.; Kobi Karp, Architect

[City Clerk's Note: Simon Ferro, Esq., representing the applicant, asked to hear Item 6B first as they were still waiting on some exhibits to arrive.] Mr. Ferro reported that this property is currently being used as Desert Inn which is a 55-unit motel. He briefly went over the four requests, and presented a time line to show the reasons for a variance and showing how they satisfied the hardship requirement under the Code. He said the contract to purchase the property was signed prior to the new Florida Fire Prevention Code took effect which has a severe impact on the development on the size of the property and so it occurred after they became vested on the contract. Mr. Ferro stated that they had purchased the property before the tandem parking requirements changed from 100% to 20%. He said if the tandem parking requirement didn't change, they would have been able to build the project as-of-right. He said they have a very severe hardship, not only because of the change in the Code after they had purchased the property, but also because of the prior ordinance which came into effect five days before they closed on the property but they were already obligated to close on.

Mr. Ferro said the property is 102-feet wide and it has a varying depth of 366-376 feet, and located in the mixed use resort, the MUR zoning district, and is designated mixed use high density resort, to the north abuts a 157-unit residential complex and to the south a planned residential condominium tower that is under construction. He said that they are proposing to develop the property with a 27-story oceanfront residential condominium tower with a total density of 69 dwelling units. He said the applicant will pay the City \$3.9 Million for the TDRs and \$700,000.00 for the FAR bonuses, and he distributed to the City Clerk and City Attorney a packet of copies of pertinent documents for this development including copies of

the exhibits presented at this meeting. Kobi Karp, Architect, presented renderings of the project.

Mr. Ferro said that the Code requires that they prove a hardship for the tandem variance. He said it has seven conditions and criteria that they have to meet, as stated in Section 265-15 of the LDRs, and that they do meet each criteria and he went on and described each one, with respect to the beach access easement. He addressed some life safety issues with the placement of the easement because their property does not coincide with any traffic lights or pedestrian crossings. They are in the middle of the block. He said if they were to place a beach access easement on this property they would be basically inviting jaywalking because there is no way for people to cross the street at that location. He also pointed out that the properties on each side do have beach access easements adjacent to their property, so there is no lack of beach access easements within 100-feet of them.

Commissioner Brezin said that a beach access is not just a means of entering to the beach it is also a means of exiting. She said she is also concerned because she does not want to encourage signs in the City that says "No Beach Access". She said there is a problem with jaywalking but that is a problem for our Police Department, our traffic committees, and that is something that we must address, but the answer is not to eliminate a beach access. Mr. Ferro said that there is a beach access on both ends of their property and that there are a lot of properties that are 300-feet wide and his client's property is only 100-feet wide. Commissioner Iglesias said if they had a beach access and put it together with the other one, you would have a nicer beach access and that he has always been an advocate for beach accesses. He said we had the same problem with the Sayan but that they worked that out and resolved it with a beach access. He said perhaps there is a way that they can provide some kind of architectural design that may be can still have a beach access and enjoy it with an adjacent beach access and make it a nicer view corridor. Mayor Edelpup said what they are really saying here on the beach access is that it is a major issue and that they have made a commitment to the people in this City that any building that got built on the east side would have a beach access. He said that he would encourage them to rethink their planning for this because without a beach access he feels that this will be a very difficult project to sell to this Commission.

Mr. Karp said on the south side of the property they have a landscaped area where the 20-foot setback is and there is an opportunity to come to the south side which would bring you up and across to the fountain and back down and that would mean that they would flip the glass lobby to the reverse. Mayor Edelpup said that they would have to defer this so he can go back to staff to make sure they meet all the criteria. Mr. Karp said it would not change the design of the building. Mayor Edelpup said that they would take that as a possible solution to the beach access and asked to move on to the tandem parking part of it.

Commissioner Goodman said that he does not feel that there is 100% tandem parking anywhere, and Mr. Ferro said at Meridian and at Sole. Mayor Edelpup said that the Meridian would have been done under the County zoning. Commissioner Goodman said they have 69 apartments and if they take away the tandem parking they would only have 52 parking spaces. He said when you are talking tandem parking spaces that is one parking space not two and it will become a major problem. He said when people buy a condominium they want a parking space not valet parking. Mr. Karp said that if they look at the parking plans,

they can build more density than what it is that they are proposing and that they are building less but what they are really providing is that they have one parking space for every unit and then above and beyond it an additional space so they are going to meet and beat the Code by having the mechanical lifts which are an asset to them for two reasons: it helps keep the podium of the parking garage as small as possible; and this is not a public facility such as a hotel or a condo hotel. He said the AJA condo/hotel functions as a hotel which has a stronger traffic circulation than a condominium and they have mechanical lifts that was approved as well as Sole and Sayan have the mechanical lifts.

Mr. Karp said they also have a life safety issue on the parking which is that the previous buildings that were approved were under a fire code which recently changed and specifically the modification in the Code requires two areas of staging for the apparatus of mechanical life safety. He said if one was required they could have done it and there would have been a different solution but there isn't and we went back and forth on this with staff to come to this, and a variance is the only solution to this specific site because we have the fire apparatus that has to be accommodated which is controlled by Miami-Dade County. He said a few months ago 100% tandem parking was allowed and now the Code has changed although he feels that the change of the Code is good and viable for all properties above 100-feet, but the properties that are 100-feet or less will have such issues. He said that when they met with staff that there was an opportunity to decrease the size of the pedestal put them all on one line, it works well for them because they are a condominium and they are not maximizing their density, their units are large, it is a luxury product and that is why they are providing valet. Commissioner Goodman asked about the mechanical lifts and Mr. Karp said that they are intended to be used by individual people, it is very simple and easy to use, you drive into one, push a button and the car goes up, and you can drive another one underneath it, and that they will have to use valet parking 100% of the time. Commissioner Goodman said he was concerned about traffic and parking, and Mr. Ferro said that valet parking provides more control over parking.

Vice Mayor Thaler said that other buildings could have been designed to fit that spot, it could have been made smaller or narrower, and he said that he feels they are trying to force a building into that spot. He said that they started on the wrong foot by stating that they could not have a walkway to the beach, and when they start on 100% tandem parking on something that they, this Board passed, they have two strikes on them, and then they come and ask for TDRs on top of it. He said that they are coming in with a building that is oversized, with the wrong parking, and asking for TDRs, and that they should go back and design a different building that can fit on the lot. He said this is being done because of the economics that are involved, a mistake was made from the beginning and you want the Commission to bail you out of the problem that was created. Mr. Karp said that they did start off on the wrong foot with the beach access but they have found a solution for that but he does not have a solution on the tandem, it is a hardship in the situation that they are in. Mr. Karp said they are not asking for densities above and beyond, on the contrary, they are asking for less density, there are only three units per floor. He said that there is nothing that they can do about the life safety issue but there is a solution for the beach access.

Commissioner Iglesias said that in certain issues he would have to agree with Vice Mayor Thaler because one of the things that they have tried to do and have been successful is to make these ordinances in such a way that these little lots will be gobbled up by the larger lots

because once you put lots together you have better units. He said the Jade is the Sunny Isles Beach Club and the Tahiti put together, Jade II and III is the Dunes and the Driftwood put together and they have been very successful. He said the reason some of these little lots were left behind is because the owners saw the prices going up and stayed behind because they wanted to sell their lot at a higher price. He said what happens to over compensate for that you have to put the maximum amount of density that is in there so obviously if you don't, it becomes a hardship issue. He said that the Commission might look at this a little more favorably, first with a beach access which he feels can be accomplished, and maybe come back to address the tandem, he said he doesn't have too much of a problem but he would prefer that some of the tandem spaces be eliminated.

Commissioner Brezin said that the footprint of this building does not fit the size of this lot, they are trying to squeeze too much into too little. Mayor Edelpup said perhaps they can find some way to alleviate some of the tandem parking problems, and that he doesn't have a problem with the TDRs issue because he knows that they are asking for TDRs for only two additional units. He said that all they are asking for is the square footage to make the permitted number of units larger and he doesn't see the TDR issue as a trying to squeeze too much into a building, all they are trying to do is to make the apartments larger and increasing the number of apartments by two. He noted that the beach access is a paramount thing for the Commission and that tandem parking is a concern and he asked if they wanted to come back with a revised plan.

Mr. Ferro said the law changed after they closed on the property, not only the tandem parking law but also the Fire Code, were it not for that they would be here just for a site plan approval and not asking for a waiver of anything. He said they have a true hardship and believes that they meet the seven criteria, but they will go back to the drawing board and obviously they will be able to address the beach access issue, and he does not know if they can address the tandem parking issue. Mayor Edelpup said that they have agreed that there is an opportunity for them to redesign the beach access, he doesn't see the TDR as being an issue, and that he hears them on the tandem parking and that they have made some valid points and that it is something that they need to look at and that it only effects the 69 residents that will be living in that building and does not really have an impact on the rest of the community but listening to his colleagues he is hearing that there may be not necessarily an amenity in his conclusion therefore he suggested that maybe they want to talk about it. Mr. Karp said that is fine and he has made a little sketch which shows how the parking would go vertical on the building and because the lot is 100-feet wide, is that the building can only be 60-feet wide and when you bring the structure through there you can see that it really doesn't facilitate that and if there was a solution he would love to bring it to the Commission but there isn't one and that is why they are here, and that this design is the least amount, least intrusive design. Commissioner Iglesias said that he agrees with what the Mayor said, that not all of them may agree in every single thing but they all agree on the beach access and strongly suggested that they go back.

City Attorney Ottinot said that the deferral should be a date certain if they want a deferral, and Mr. Ferro said yes they want it deferred, and the Commission asked if they would be ready for the December 8, 2005 City Commission meeting, and Mr. Karp said that the plans are substantially the same, that they are going to modify the glass element on the water site, and the design can accommodate that. Commissioner Iglesias reminded them to bring the colors of the building and the three-dimensional to the next Commission meeting.

Vice Mayor Thaler said that they said that they are not going to change the tandem parking at all, and Assistant City Manager Vera said that is what they are saying. Vice Mayor Thaler said all they are talking about is the beach access and that there is no change in the tandem parking or the building at all. Mr. Karp said that is correct. Commissioner Goodman asked for clarification on a chart that they have provided with 20% tandem parking, 50% tandem parking, and 100% tandem parking. Mr. Karp said what they did was to study options to increase the parking and do what they suggested which is to decrease the quantity of tandem parking in the building and it shows you in that section as we go from 100% the variance is basically to ask for a variance of 100% instead of the 20% but as you go with percentages of less and less tandem we will need side yard setback variances which are shown in the exhibit in purple and they felt it would be a stronger harsher variance to request. Mr. Ferro said that they are going to try to address the issue of tandem parking and modify the plans to show beach access.

Assistant City Manager Vera said that if they are going to also address the issue of tandem parking that will more than likely, by looking at these sketches, will require a variance, so that we will have to look at and he will have to change his plans substantially and he doesn't know if they can have it by the 8th. Mr. Karp said that is right, he would have to ask for another variance instead of this one and besides that he will not meet the life safety at the second staging area. Mr. Ferro said that right now they are asking for 100%, if you leave the same advertisement for 100% and were you to be able to and again we are not making any promises to come back for a smaller variance, he thinks they would still fit within the 100%. Assistant City Manager Vera said they would still be within the scope of the ad but the issue is that the plans that Mr. Karp would have to modify if he is going less than 100% and he doesn't know if he would have the time for that. Commissioner Goodman asked if the Fire Department already approved the 100 and Mr. Karp said yes and that this decision on the 20% is a valid decision but it just can't be accommodated in 100-foot, and when they met with staff they showed them different options and studies, so they could say which one do you prefer, and 100% was the least amount of impact. Commissioner Brezin said that they would really need another floor for their parking in order to accommodate these requirements and Mr. Karp said yes, as you go higher the parking doesn't work on this lot, they even tried to go down two floors and they couldn't do that because if you speak with Clay Parker, he will tell you that you can't set the basement below the water table, so they set the floor as low as possible. Commissioner Brezin asked if they can get one other area for parking even if it is only half of a floor, and Mr. Karp said they have it, they have done that, they have one level of tandem parking and another half a level on the upper floor, the problems start because you can't go any higher because then you start to puncture the setback which then creates another variance above and beyond the tandem. He said there is no solution to this. Mayor Edelcup asked him to explain why they can't add a third floor for parking, and Mr. Karp said if you look at the plans you will see what they did, they have one and half floors for parking. He said as they start to go up into the 50%, the parking starts to go into the building vertical because the building is so tight, 60-foot wide, you have staircases, shear walls, elevators, going down through it, so he cannot make a ramp and park and make a ramp to go up to the next level because that would be 100 to 130-foot wide and he cannot do that here and that is his hardship. Assistant City Manager Vera said that basically Mr. Karp's hands are tied by the requirements because he could have come in and created the pedestal wider and go up and ask for a variance of setback and it could be the 20% parking but then what happened is the

issue of the Fire Department that they needed a second staging area and the only way in these lots to create a second staging area is to the north or to the south and once you put a pedestal, that is four or five stories up, the Fire Department is not going to be able to make it up there with a fire truck and so that is one of the reasons the Fire Department did not approve the two other options. He said the reason they came in for the 100% is for just that reason that they could not increase their floor height and the pedestals or else they would have asked for variance of setbacks. He asked Mr. Karp if he could look at the site and leave the first floor like he has but as he gets towards half of the property towards the ocean the rear half create the parking garage structure to be multi-level there, thereby eliminating the 100% tandem, and Mr. Karp said they studied that and it doesn't work because of the staging area. Assistant City Manager Vera said if they are able to talk to the Fire Department and tell them that he can get their trucks half way into the lot and that will be their staging area and Mr. Karp said they already did, but the lesser of two evils on this variance would be to ask for the smaller mass of a parking structure.

Assistant City Manager Vera asked about notification for the deferral and City Attorney Ottinot said it is deferred to a date certain so no notification is required.

Commissioner Iglesias moved and Commissioner Goodman seconded **a motion to Defer to a date certain of December 8, 2005. The motion was approved by a voice vote of 5-0 in favor.**

[Clerk's Note: The Commission took a five-minute recess.]

6B. Request of Mansiana Ocean Residences LLC., Owner of the Property Located at 15701 Collins Avenue for the Following: (a/k/a AJA)
(Hearing #Z2005-06)

1. Pursuant to Section 265-23 of the Code of the City of Sunny Isles Beach, the applicant is requesting a transfer of 68,694 square feet of development rights and 31 units as follows:
 - a. An adjustment to be made for a decrease of 63,820 square feet and 37 units from the City's Transferable Development Rights Bank and 4,874 square feet and 3 units from Porto Bellagio Strip Bank
2. Pursuant to Section 265-18 of the Code of the City of Sunny Isles Beach, the applicant is requesting a site plan approval for a proposed 51 stories in height condominium tower, containing 134 residential units, and the hotel portion contains 140 hotel rooms.
 Protests 0 Waivers 0 Ex Parte 0

Action: *[Clerk's Note: This item was heard before 6A at the request of the Applicant]* 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 administered the oath to the witnesses for the Zoning hearing. Assistant City Manager Vera reported noting that this is a mixture of a condominium and a hotel, with 140 hotel rooms and 134 residential units. He said that after staff review, he has recommended approval with conditions. Mayor Edelcup clarified that this was the site that was previously

approved for Fantasy on the Beach and is across the street from the Arlen House on the Ocean.

Public Speakers: Simon Ferro, Esq.; John Jenkins, Architect; Charles Rosner; Daniel Samet; Harold Gordon; Dominic Santoro; Henry Kay

Simon Ferro, Esq., representing the applicant, reported and noted that the name of the project is AJA, located at 15701 Collins Avenue. John Jenkins, Architect, presented renderings of the project as well as 3-Dimensional models with and without TDRs. He said they have two curb cuts coming in and out of Collins Avenue, the building is situated with a 20-foot setback on either side, the 90-foot podium base sits back even further which houses the parking structure and the tower rises above that, the loading bays are located to the north, and the required public beach access occurs along the south. Commissioner Goodman asked how wide the lot is and Mr. Jenkins said 150-feet wide. Mayor Edelcup said that no variances are being asked for as this is a as-of-right building with TDRs added to it.

Assistant City Manager Vera said that they also have a 10,000-foot public beachfront park in the rear of the property and they have added the amenities as far as foot wash, showers, and that they are in the plans through the beach access. Mayor Edelcup asked how they were addressing the Art in Public Places provision and Mr. Jenkins said that they a waterwall that is located in the front facing Collins Avenue, and distributed a rendering of it.

Commissioner Goodman asked Assistant City Manager Vera if in comparison, would he say this is a better design than what was in the original plan of the hotel they wanted to build in 2000, and he said yes it is a lot better than the prior design. Commissioner Brezin asked what the capacity would be for the 4,000-foot Ballroom, and Mr. Jenkins said they have not calculated the capacity yet. She asked if they have allocated enough parking spaces to deal with that ballroom should you have a function. Mr. Jenkins said they are providing an additional 30-parking spaces above what is required anticipating that there could be times when overflow would be an issue, and they envision this as being a fully valet service building. Mayor Edelcup asked if there were plans for a restaurant, and Mr. Jenkins said they are looking at the possibility of providing some level of food service on the ground floor in the form of a terrace that overlooks the beach, the actual kitchen area is located upper level amenities on the ballroom floor, and noted that they have a DEP requirement that the kitchen be elevated above lobby level.

Commissioner Goodman asked where the tandem parking will be and if it is for the hotel or the condominium, and Mr. Jenkins said it is for the hotel and is the lower two levels of the parking structure. Commissioner Brezin asked if the spa is for hotel only or if it is for the public as well, and who is running the spa? Mr. Jenkins said they are interviewing different hotel operators and at this point they don't know.

Vice Mayor Thaler asked where the building color palettes were, and Mr. Ferro said he was not aware that he needed to bring them, however, the glass color is a clear glass with a light blue tint so it reflects some of the color of the sky and the ocean, the expressed balcony edges are envisioned to be white stucco and the parking structure, the vegetative screen is intended to be white in color and that would be painted metal, and behind that would be a light gray louvered system so to accentuate the pattern in the front. He said they are very subdued

colors, very cool neutral colors. Vice Mayor Thaler asked for a color pattern be sent here or presented to staff.

Commissioner Goodman asked about the deliveries and the off-street parking for the deliveries, and Mr. Jenkins said the deliveries are located back on the northern edge of the building with four loading bays, three of them are 10 x 25 and one of them is 11 x 35, and these are all located off from Collins Avenue and you would not be able to see that on the lower level, set back beyond 75-feet and it is envisioned to have a decorative screen gate there that recalls the pattern of the parking garage to hide that.

Commissioner Brezin asked if they could also put in a drinking fountain at the beach access, and Mr. Jenkins said yes they would. Mayor Edelpcup opened/closed the public hearing and some residents were concerned about noise from cars in the parking garage and the height.

Mr. Ferro said that the Architect did what he needed to do to buffer the effects from the parking lot. He said they are committed to do the fountain on the beach access, and they will establish a relationship with their neighbors to make sure any management issues on the building are going to be addressed to everyone’s satisfaction. Mayor Edelpcup reiterated that this is an as-of-right building, and when the Zoning laws were passed in this City they were passed to permit this kind of construction on the east side of Collins Avenue which permits up to 550-feet in height. Mr. Ferro said that the hotel will be a five-star hotel and well managed.

Vice Mayor Thaler asked to amend the approval that staff has to approve the colors before this is approved, and Assistant City Manager Vera said that he will have the Architect bring in a sample of glass and the mesh, at the December 8, 2005 meeting. City Attorney Ottinot also reminded the Commission of the drinking fountain in the beach access.

Vice Mayor Thaler moved and Commissioner Iglesias seconded **a motion for approval, subject to staff conditions, as amended by adding a drinking fountain and presenting the color palette. Resolution No. 05-Z-98 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 Edelpcup yes

[Clerk’s Note: The Commission took a five-minute recess.]

7. ORDINANCES FOR FIRST READING

- 7A.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 265-18(I) of the Land Development Regulations Relating to **Site Plan Modifications**; Providing for Severability; Providing for Repealer; Providing for Inclusion in the Code; Providing for an Effective Date.

Action: City Clerk Hines read the title, and Assistant City Manager Vera reported.

Public Speakers: none

Commissioner Goodman moved and Commissioner Brezin seconded a **motion to approve the proposed ordinance 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, December 8, 2005, at 7:30 p.m.**

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

- 7B.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 265-5 of the Land Development Regulations to **Revise the Definition of the Term Height**; Providing for Severability; Providing for Repealer; Providing for Inclusion in the Code; Providing for an Effective Date.

Action: City Clerk Hines read the title, and City Attorney Ottinot and Assistant City Manager Vera reported that this ordinance does not increase the height, all the different zones within the City will remain the same. However, several single-family residents have come before the Building Department and they have been wanting to put fireplaces in their residences, and the smoke stack normally has to extend a minimum of three-feet above the highest point of the roof so the smoke can ventilate through and not get caught in between the rooms. He said they also included parapet walls, which are small walls on flat roofs.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to approve the proposed ordinance 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, December 8, 2005, at 7:30 p.m.**

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

- 7C.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Section 96-19 of the City Code Relating to Fire Alarms to **Require Homeowners Associations and Condominium Associations to Provide to the Police Department Security Codes for Any Mechanical Entry Point within a Multi-Family Building**; Providing for Penalty; Providing for Severability; Providing for Repealer; Providing for Inclusion in the Code; Providing for an Effective Date.

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

Public Speakers: none

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

proposed ordinance 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, December 8, 2005, at 7:30 p.m.

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

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

None

9. ORDINANCES FOR SECOND READING (Public Hearings)

None

10. RESOLUTIONS

10A. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Accepting the Results of the General Election Which Was Held on Tuesday, November 8, 2005 and Declaring Gerald (Gerry) Goodman to be Elected as Commissioner, Seat 2; Declaring Norman S. Edelcup as Mayor, and Roslyn Brezin as Commissioner, Seat 4, Who Were Automatically Elected,** Having No Opponents; Discharging the Canvassing Board for Said General Election; Providing for an Effective Date.

Action: City Clerk Hines read the title and thanked Emanuel Pine for serving on the Canvassing Board.

Public Speakers: Jack Cohen; Henry Kay

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-847 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, Ratifying the **“Declaration of a Local Emergency”** Imposed by the Interim City Manager on October 23, 2005 and the **“Termination of a Local Emergency”** Issued on November 1, 2005 Due to **Hurricane Wilma;** 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

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to approve the**

resolution. Resolution No. 2005-848 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, Ratifying a Motion of the City Commission to Provide the Interim City Manager with the **Authority to Purchase Any and All Goods and Services Necessary Due to Hurricane Wilma** and a Motion of the City Commission to **Suspend the City’s Formal Purchasing Procedures During the Declared State of Emergency**; Authorizing the Interim City Manager 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.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-849 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, Ratifying a Motion of the City Commission to **Waive Any and All City Building Permit Fees for Property Owners for Emergency Repairs Due to Hurricane Wilma for a Six-Month Period**; Authorizing the Interim City Manager 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.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-850 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 Calvin Giordano & Associates, Inc. for Atlantic Avenue Roadway and Drainage Improvements**, in an Amount Not to Exceed \$58,254.00, Attached Hereto as Exhibit “A”; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of the Agreement; Providing for an Effective Date.

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

Public Speakers: none

Commissioner Brezin moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-851 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 the **181st Drive Active Park Construction Management Agreement with Calvin Giordano & Associates, Inc. for Contract Administration and Construction Oversight Services**, in an Amount Not to Exceed \$102,978.75, Attached Hereto as Exhibit “A”;

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 Assistant City Manager Vera reported.

Public Speakers: none

Commissioner Iglesias moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2005-852 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, Calling on the Miami-Dade Board of County Commissioners to **Oppose any Extension to the Urban Development Boundary** at the Present Time, to Encourage Infill Development and Adherence to the County Development Master Plan as Currently Adopted; 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. 2005-853 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, Authorizing the City Manager to Apply For, Receive and Expend Grant Funds from the Miami-Dade County Federal Drug Control & System Improvement Formula Grant Program (**Byrne Grant**) in the Amount of \$7,808.00, Representing a 75% (\$5,856.00) Grant Award and 25% (\$1,952.00) in Matching Funds; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

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

Public Speakers: none

Commissioner Iglesias moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2005-854 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, Authorizing the **Chief of Police to Expend \$25,000.00 in Forfeiture Monies**, in Accordance with Section 932.7055, F.S. for the Purposes as Set Forth Herein; Providing for an Effective Date.

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

Public Speakers: none

Commissioner Brezin moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-855 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 a **Lease Agreement with Miami-Dade County for the Lease of Property Located at 17200 Collins Avenue for a Fire Station**, in the Amount of \$1.00 per Year, Attached hereto as Exhibit “A”; Providing the Mayor with the Authority to Execute the Agreement; Providing the City Manager with the Authority to Do All Things Necessary to Effectuate the Terms of the Agreement; Providing for an Effective Date.

(Deferred from 6/9/05)

Action: City Clerk Hines read the title and City Attorney Ottinot noted that Carlos Heredia for the Miami-Dade County Fire Department was here to report on this.

Public Speakers: Carlos Heredia

Mr. Heredia reported that the purpose of the lease is to obtain City-owned land for the renovation of Fire Station No. 10, located off from 172nd Street just west of Collins Avenue. He said this is an old station that has been deteriorating throughout the years and needs some major renovation. He said that they have had meetings with City officials in the past to discuss various options in regards to remodeling, expanding, rebuilding the station. He said they recognize all the proposed developments that we are seeing that there will be a definite increase in calls throughout the years for fires and emergency services.

Mr. Heredia said that they have reached the conclusion that a new station would be the most agreeable thing to do on the property. He said that they will demolish it and build a brand new state-of-the-art station. Mr. Heredia said that the new station will be a one-story building, CBS, approximately 7000 square feet and will accommodate the Fire Department staff along with staff parking and base for the units. He said that presently they have two units at the station, a rescue unit and a suppression which is a fire truck, and that are going to add a third bay anticipating that there will be an increase in calls so that they will have housing for this third bay which will save time as far as future construction.

Mr. Heredia stated that they will continue service for the City and that they are searching for a site within the vicinity where they can still maintain their response time adequately. He said they have explored several sites and have targeted one site within the vicinity. He said the General Services Office downtown is negotiating a deal with the owner of the land and anticipate that will go through soon. He stated that once they secure that parcel, their intent is to relocate the units as well as staff to this location. He said they anticipate that it will take approximately three years in regards to the relocating, demolition and reconstruction of the new station. He said that they have utilized the additional property that the City owns for the new design, in that sense they can keep all their amenities on the site including staff parking, three units, and all the accommodations necessary to operate the fire station.

Mayor Edelcup said that we need to know that there is an alternative site before any demolition. Mr. Heredia noted that Operations Division Chief Christine Rogers is here and that she would address any questions regarding operation. He said that the site that they have identified is St. Mary Magdalen Catholic Church [located at 17775 North Bay Road], and that they have spoken with Father Arnold on utilizing a portion along North Bay Road to temporarily house trailers and locations for the two units throughout this process. He said this is pretty much a secured deal and that they are very pleased with the location and the

response that they have gotten from the Church regarding this request.

Commissioner Goodman said that it has taken us a long time and that we finally got what we wanted and he was appreciative of their efforts and the work they have put in to this. Mr. Heredia thanked Commissioner Goodman for his support throughout this time. Commissioner Goodman asked which part of the church they will be using, and Mr. Heredia said that it is along North Bay Road and that it is a side access roadway, and has designated approximately a 12,000 square foot area that they will be utilizing.

Interim City Manager Chief Maas asked if he can assume that the Archdiocese will be the final approval and that they will be involved in the negotiations with Father Mitchell. Mr. Heredia said yes that the Archdiocese will be the landlord and that they will need to get their blessing. Commissioner Goodman expressed his hope that they are still looking to build a fire station in the northern end of the City and that it comes to fruition.

Mayor Edelcup said that he is still pushing for the satellite office for the Fire Department and Assistant City Manager Vera said that they have already received reports from other cities so they will send the reports from the City to Mr. Heredia that require fire permitting. Mr. Heredia said he works with the Fire Marshall and will accept the reports.

Mr. Heredia said that he also wanted to address one more thing that was raised at a prior meeting and that was the screening or a buffer in between the newly constructed park and the work on the site and they will work with the City to find a comfortable means of buffering between the two sites. He said when the site is finally constructed they will come back to figure out something that would be a good buffering between the Park and the station.

Commissioner Brezin moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-856 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, **Accepting a Donation of 31 Coconut Palm Trees, 3 Medjool Date Palm Trees, and 2,500 Gallons of Fuel from Acqualina;** Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and Mayor Edelcup noted that Public Works Director James Watts was supposed to make this presentation but that he is in the hospital. Commissioner Goodman asked where the palms are going and Mayor Edelcup said they are going in the City's landscaping inventory and that we are just accepting them tonight.

Public Speakers: none

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-857 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, Authorizing the City Manager and/or his Designee to Apply for, Receive and Expend Grant Funds from the **State of Florida Department of Environmental Protection ("DEP")**, in the Amount

Not to Exceed \$400,000.00, **for the Central Island Stormwater Improvements Project**, Committing the City to Provide 50% Matching Funds; Further Authorizing the City Manager and/or his Designee to Execute the State Financial Assistance Agreement, Attached Hereto as Exhibit "A", and to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and Assistant City Manager Vera reported that this is a grant for the Central Island Drainage project and that it is from 174th to 183rd west of Collins Avenue. He said that we are still waiting to enter into an interlocal agreement with the County to get more money from them and Assistant to the City Manager Jeff Maxim is working on that.

Public Speakers: none

Mayor Edelcup noted that in this \$5 Million that \$2.5 Million funding of that is expected to come from the County Bond Issue.

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-858 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, **Acceptance of the Appraised Land Value of \$13,200,000.00 for the Property Generally Located at 17141 Collins Avenue**; Providing for Payment in the Amount of \$3,959,713.30 by the Applicant for the Transfer of Development Rights ("TDRs") in the Amount of 42,368 Square Feet of Floor Area and 2 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 **Mully SB LLC.**; Providing the City Manager with the Authority to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: Deferred to December 8, 2005. [*Clerk's Note: See action under Item 6A*].

10N. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Acceptance of the Appraised Land Value of \$18,500,000.00 for the Property Generally Located at 15701 Collins Avenue**; Providing for Payment in the Amount of \$5,156,017.80 by the Applicant for the Transfer of Development Rights ("TDRs") in the Amount of 63,820 Square Feet of Floor Area and 28 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 **Mansiana Ocean Residences, LLC.**; 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 Assistant City Manager Vera reported that they will be submitting 10% of that within the three days.

Public Speakers: none

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

the resolution. Resolution No. 2005-859 was adopted by a voice vote of 5-0 in favor.

- 10O.** 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 4,874 Square Feet of Floor Area and Three (3) Dwelling Units to **Mansiana Ocean Residences, LLC.** from the Sub-Bank Account Owned by Porto Bellagio Partners, LLC.; Directing the Zoning Administrator or Designee to Transfer the TDRs from the Sub-Bank Account in Accordance with Zoning Resolution No. 05-Z-98; Providing for Consent to Transfer TDRs from Sub-Bank Account; 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 Assistant City Manager Vera reported that this comes from Porto Bellagio’s strip bank and basically with this and another one is going to the old Sea property, the Paramount, that bank is at zero. City Attorney Ottinot noted a scrivener’s error on page 326, on the resolution, the TDRs are coming from Porto Bellagio not Fortune or Related.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to approve the resolution, as amended. Resolution No. 2005-860 was adopted by a voice vote of 5-0 in favor.**

- 10P.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving an **Investment Policy for Surplus Funds**; Providing the Interim City Manager and the Finance Director 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 Edelcup reported that the City has been operating without a policy and is recommending that this policy be adopted which allows the City Manager and the Finance Department to invest surplus funds in conservative government securities or agencies. He said that the City has approximately \$35 – 40 Million of surplus funds in various accounts and this will give us an opportunity to earn interest on that money.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-861 was adopted by a voice vote of 5-0 in favor.**

- 10Q.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing the **Conceptual Purchase and Installation of Additional Lighting and Perimeter Fencing for Town Center Park**; Providing the Interim City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and Cultural and Human Service Director Susan Simpson reported.

Public Speakers: none

Commissioner Iglesias said that we will see that a lot of people parking there will not be going to the Park but across the street, so if the Police sees that is going on they can act on it, perhaps with signage saying "Parking Only for the Park". Ms. Simpson said that Public Works Director Watts has already ordered signage, and once the signs are up, the Police can enforce it.

Vice Mayor Thaler said he would like bathrooms included for the Park. He said that we have discussed it and it is possible for it to be done by pulling it across the street, 172nd Street, to put the bathrooms here. He said it is an important factor, and Mayor Edelcup suggested coming back with another resolution. Vice Mayor Thaler said he would like to have it on the December 8, 2005 agenda. Ms. Simpson said we can do conceptual approval as we did on this one for December 8, 2005. She said she spoke to Bill O'Leary and there are several issues that has to be discussed as far as setbacks from the mangrove areas are concerned and that we have already talked about where the bathrooms can go, so we do need an engineer to look into it. Commissioner Brezin asked if we can get a portable in there for now, but it was the consensus of the Commission not to because of DERM issues, permitting issues, water and sewer, it would require electric and running water.

Ms. Simpson said that residents are asking for more benches and if the Commission wants staff to look into that as well. Mayor Edelcup said that we are also thinking in that area about a sculpture in that Park, and said to take it step by step, put the lighting in and worry about the benches later.

Ms. Simpson said that this is directing staff to move forward and that the agreements will come back to Commission for approval. She said that the fencing is a minor issue but that the lighting will take a while as it requires it to be planned out and designed. Mayor Edelcup said for clarification that this also included the additional lighting for the playground area.

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-862 was adopted by a voice vote of 5-0 in favor.**

- 10R.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the **Purchase of Vertex UHF Repeater Package, Vertex UHF Portable Radios with Chargers, and Vertex UHF Base Package from Comtech Global Solutions, Inc.**, in an Amount of \$24,500.00, Attached Hereto as Exhibit "A"; Authorizing the Interim City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and Cultural and Human Service Director Susan Simpson reported that this is primarily to expand on the communications that we have in the City, and noted that it has not been upgraded in the five years since we started this program. She said we have one repeater which is located on top of Winston Towers 700 and are looking to add four additional repeaters.

Public Speakers: none

Commissioner Iglesias moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2005-863 was adopted by a voice vote of 5-0 in favor.**

- 10S.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Directing the Interim City Manager or Building Official to Provide a Written Report to the City Commission regarding **Unsafe Structures** that Currently Exist in the City as a Result of Hurricane Wilma; Providing for an Effective Date.

Action: City Clerk Hines read the title and Commissioner Iglesias reported. It was the consensus of the Commission that this does not need a resolution. Building Official Clayton Parker said that they are proceeding with a report to the Commission and plan on doing a presentation but he does not think he can have the presentation ready by the December 8, 2005 meeting. He said that he will get the report to the Commission as soon as possible. Mayor Edclup said that the important issue is to get a report to the Commission as soon as he can. Commissioner Iglesias said the concern that he has is that a lot of these places are motel/condos that are being patched up so that when the season comes in they can put people in there. Mr. Parker said he has to go through a process and procedures for unsafe structures, and that they also have some ongoing issues, and will keep the Commission updated.

Public Speakers: none

Commissioner Iglesias withdrew this item.

- 10T.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving **Addendum No. 1 to the Agreement with Tenex Enterprises, Inc., for the Golden Shores Entrance Wall**, in an Amount of \$13,587.50, Increasing Contract Time to Include 60 Non-Compensable Calendar Days to Perform this Work, Attached Hereto as Exhibit "A"; Authorizing the Mayor to Execute Said Addendum; Authorizing the Interim City Manager to Do All Things Necessary to Effectuate the Terms of the Addendum; Providing for an Effective Date.

Action: City Clerk Hines read the title and Assistant City Manager Vera reported. Vice Mayor Thaler noted that they did a very nice job on the entrance wall.

Public Speakers: none

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-864 was adopted by a voice vote of 5-0 in favor.**

- 10U.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving an Agreement with **Driveway Maintenance, Inc., for Construction of a New Asphalt Parking Area and Sealcoating of Existing Parking Area**, in an Amount Not to Exceed \$15,125.00, Attached Hereto as Exhibit "A"; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of the Agreement; Providing for an Effective Date.

Action: City Clerk Hines read the title and Assistant City Manager Vera reported that this is

for half of the Alamo property facing Atlantic Boulevard. He said this will be used to park City vehicles such as Police and work force.

Public Speakers: none

Commissioner Goodman moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2005-865 was adopted by a voice vote of 5-0 in favor.**

11. MOTIONS

None

12. DISCUSSION ITEMS

12A. Discussion regarding a **Beachwalk**.

Action: Mayor Edelcup said that we had a report a couple of months ago from the Beachwalk Fact Finding group and at that time we heard their report and found from the facts that the only area that we would accomplish in that beachwalk proposal is to have a cement truck with a trailer pulling a cement iron barge to create a compressed sand approach for the beachwalk. He suggested that staff look at the feasibility of doing this from Samson Oceanfront Park south to the Newport and see if we can implement a test basis on that area of sand and see if we can accomplish a compressed sand walk in that area. Vice Mayor Thaler said he agreed with that direction and that we will find that they are still working on the Sole and those buildings and that they are throwing dirt and bringing dirt onto the beach from there, and if they try to put the compression on there that we are going to lose it or it is going to be covered. Assistant City Manager Vera said the movement of the sand is only going to take a couple of days. Mayor Edelcup said that we basically are directing staff to come up with a plan and time table.

Public Speakers: none

12B. **Add-On New Item:**

Discussion regarding Closure of Beach Access.

Action: Assistant City Manager Vera said he received a letter from the Sole project which is just north of Florida Ocean Club and they are requesting to close that beach access for approximately three and a half (3 ½) weeks so they can raise the second floor because they fear if they keep that beach access opened it will be a safety hazard for patrons that are using it. It was the consensus of the Commission to close it but to do it as soon as possible.

Mayor Edelcup said that we also have to follow-through on a letter back to the LaPerla project to make sure that we get that piece of property back and get that beachfront open again. Assistant City Manager Vera said that he has been talking to City Attorney Ottinot about that. Mayor Edelcup said he wants it placed on the December 8, 2005 Commission meeting agenda so we will know where we are at.

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

None

14. ADJOURNMENT

Commissioner Iglesias moved and Vice Mayor Thaler seconded a motion to adjourn the meeting, and Mayor Edelcup adjourned it at 11:08 p.m.

Respectfully submitted by:

Approved by the City Commission on Dec. 8, 2005

Jane A. Hines, City Clerk

Norman S. Edelcup, Mayor