

SUMMARY MINUTES
Regular City Commission Meeting
Thursday, December 8, 2005, 7:30 p.m.
City of Sunny Isles Beach, Florida

<p><u>ATTENTION ALL LOBBYISTS: CITY LAW REQUIRES YOUR REGISTRATION PRIOR TO ENGAGING IN LOBBYING ACTIVITIES BEFORE CITY STAFF, BOARDS, COMMITTEES OR THE CITY COMMISSION. PLEASE CONTACT THE CITY CLERK FOR FORMS AND ADDITIONAL INFORMATION.</u></p>
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AGENDA

1. CALL TO ORDER/ROLL CALL OF MEMBERS

The meeting was called to order by Mayor Edelcup at 7:30 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: Former Commissioner Connie Morrow led the Pledge of Allegiance to the flag, and Richard C. Schulman gave an invocation.

3. APPROVAL OF MINUTES

3A. Regular City Commission Meeting – November 17, 2005.

Action: Vice Mayor Thaler made a correction on page 3, four lines from the bottom, it should read 27-story, not 26-story.

Vice Mayor Thaler moved and Commissioner Iglesias seconded **a motion to approve the above-mentioned Summary Minutes, as amended. 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 announced the following add-on Items: 5A, a Proclamation to St. Mary Magdalen Catholic Church; 12C, a discussion regarding the Homewood Suites Condo/Hotel; and 12D, a discussion regarding Public Relations function for the City. He also noted that Item 10B would be heard after 6A, and 10G would be heard after 6C.

5. SPECIAL PRESENTATIONS

5A. Add-On

Proclamation to be Presented to St. Mary Magdalen Catholic Church upon their 50th Anniversary.

Action: Mayor Edelcup said that last Sunday, December 4, 2005, was the 50th Anniversary of St. Mary Magdalen Catholic Church here in Sunny Isles Beach. He noted that Interim City Manager Maas would accept the Proclamation on behalf of the Church. Interim City Manager Maas thanked the Commission on behalf of Father Honold.

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

6A. (Hearing Continued from 11/17/05)

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 265-46(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).
2. 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.
3. 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, noting that this application came before the Commission at the last Commission meeting and that it was deferred for further staff review and to get the beach access in place and the parking layout. He said that the architect worked with staff and provided a beach access but the issue of the parking has remained the same, and he recommended approval with conditions.

Public Speakers: Clifford Schulman, Esq.; Kobi Karp, Architect; Gloria Taft; Jack Shor; Mary Ann Eicke-Shaw; Henry Kay; Bob Welsh; Irving Diamond; Bud Scholl

Clifford Schulman, Esq., representing the applicant, reported that some things have noticeably changed about this application since the last meeting, including unfortunately the former Desert Inn, Club One, is no longer with us due to a fire. He thanked the City and County staff

for the tremendous effort in containing that fire, particularly he thanked Interim City Manager Maas and the Police Department, as well as Building Official Clay Parker.

Mr. Schulman reported that they have submitted plans that meet the City Code requirements for a beach access and therefore at this point he is withdrawing any request that they had to waive the beach access requirement, as they have been able to come up with an engineering solution. He asked the project's Architect Kobi Karp to present renderings of the beach access. Mr. Karp said that they are proposing two beach accesses on the south and north side of the property, and that it will be landscaped and lit up, and they created a promenade with a fountain with a place to walk and sit. He also presented a sample material board.

Mr. Schulman said that the way they were able to do this is to provide a mechanical lift to get people from the street up to that area and then through and to the beach. He said in addition to the beach access they will also dedicate an easement on both sides of their property to add to the Jade II and the Ocean Four access the 3-feet that they have which will make it a wider beach access on either side of their property.

Mr. Schulman said regarding the tandem parking, the Fire Department told them that they have to provide 20-feet of access for a fire truck, not only on the west side of the building, but also on either the north side or the south side of the building, and the only way that they could do it was with 100% tandem parking. He said that they provided to the City, and it is now a condition of the suggested approval, that they will have 24/7 valet parking, that no resident will be allowed to park their own car in the building, and because of the fact that this property is unusual and due to the life safety requirements, they requested that the Commission grant this variance.

Mr. Schulman offered to the City, in addition to whatever other monetary payments that they have to make to the City, an additional \$1 Million to the City for a public school or other public purposes as determined by this Commission, that they would pay prior to the issuance of a Building Permit. He said that this means in addition to the \$4.8 Million that they are already paying to the City for Bonuses, as well as TDRs, they would also pay an additional \$1 Million at the time of the Building Permit, which would be a total of \$5.8 Million.

Mr. Schulman said that they are buying 43,000 square feet of TDRs, and someone said that they are asking for too many units, but they are buying only two additional units. Mr. Schulman further stated that they are entitled to build 67 units on this property, they could build an additional 25 units but they are only building 2 additional units, for a total of 69 units. He said out of the TDR Bank, those 25 units, 23 of which he is never going to use, and no other developer in the City will ever be able to use those units, they are gone from the bank, therefore there is a net decrease of units in the TDR Bank of 23, and they are only using two. He said they are taking the square footage and making bigger, more luxurious and more expensive units, but it adds to the City's benefit in having units of a higher quality and value.

In summary, Mr. Schulman asked the Commission to follow staff's recommendation for approval, to approve the project with two additional conditions: 1) accept the voluntary offer of \$1 Million prior to the issuance of the Building Permit for such purposes that the City deems appropriate; and, 2) accept their offer of additional beach access easements of 3-feet on either side of the property to coordinate with those of Jade and Ocean 4, and to accept a

dedication of those by easement to the City.

Vice Mayor Thaler was very happy with the corrections that have been made and laid out to them, and he is sure the school children would appreciate the \$1 Million that they are giving to the City for the projected school here, and he still had two points to make regarding the parking area. He said he would like the wording, if it can be changed in the condo documents, to “valet parking for the lifetime of the building”; and secondly, he would like a “dedicated generator” to this area so in case of emergencies this dedicated generator will operate without electricity. Mr. Schulman said that they have no problem with the 24/7 valet parking, and even stronger than the condominium documents is a condition of this Commission’s approval that says that and suggested that it be added to the condition, and Vice Mayor Thaler asked staff to do that. Mr. Schulman said that this building will have an emergency generator, the parking facilities will be keyed into the emergency generator so that they will operate, and noted that when the electric goes off on these facilities, there is one thing that works on a above-car tandem parking, you press a button, and the car that is above, by gravity, goes down slowly.

Commissioner Goodman asked who is going to be responsible to take care of the lifts in the beach accesses, and Mr. Schulman said it is the responsibility of the condo association, and said that these facilities are also used by the owners. Commissioner Goodman asked what type of lift is it and how high is it going to go up, and Mr. Karp said one floor and hydraulic elevator.

Mayor Edelpcup said that they appreciate the \$1 Million offer for the school and that they will earmark it to be used specifically for a school whether it be the public school that they anticipate or if that would fail, then for a Charter School. Commissioner Brezin asked the developer for a shower, drinking fountain, and foot wash to be placed in the beach access, and Mr. Schulman said that they would agree to that.

Commissioner Brezin moved and Vice Mayor Thaler seconded **a motion for approval, subject to staff conditions, and to all of the above mentioned-conditions: \$1 Million for the school; additional beach access easements of 3-feet on either side of the property; 24/7 valet parking for the lifetime of the building; dedicated generator with the parking facilities keyed into the generator; a shower, drinking fountain, and foot wash to be placed in the beach access. Resolution No. 05-Z-99 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

[City Clerk’s Note: 10B was heard after this item]

6B. Request of 17070 Collins Avenue Shopping Center, Ltd., Owner of the Property Located at 17100 Collins Avenue, #107 for the Following:

(Hearing #Z2005-07)

- 1. Variance pursuant to Section 265-15(c)(3) of the Code of the City of Sunny Isles Beach from Section 33-150 of the Code of Miami-Dade County as adopted by the City of Sunny Isles Beach, to permit a liquor package store spaced closer than 1,500 feet from another existing alcoholic beverage uses.

[Deferred by Staff]

- 6C. Presentation of the Color Palette for Mansiana Ocean Residences LLC Owner of the Property Located at 15701 Collins Avenue a/k/a AJA, Zoning Hearing Z2005-06 approved at the November 17, 2005 City Commission Meeting.

Action: Assistant City Manager Vera reported that this was approved at the November 17, 2005 City Commission meeting but at that time the color palette was not available and the applicant was asked to come back tonight with the color palette.

Public Speakers: Mario Garcia-Serra, Esq.; John Jenkins, Architect

Mario Garcia-Serra, Esq., representing the applicant, reported, and the project’s Architect, John Jenkins presented the color palette.

Commissioner Brezin moved and Commissioner Iglesias seconded **a motion for approval, and was approved by a roll call vote of 5-0 in favor [Resolution No. 05-Z-98 was approved by a roll call vote of 5-0 in favor on November 17, 2005].**

Vote:

Commissioner Brezin	<u>yes</u>
Commissioner Goodman	<u>yes</u>
Commissioner Iglesias	<u>yes</u>
Vice Mayor Thaler	<u>yes</u>
Mayor Edelcup	<u>yes</u>

[City Clerk’s Note: 10G was heard after this item]

7. ORDINANCES FOR FIRST READING

- 7A. An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Ordinance No. 2005-230 and Section 265-23.3(C) of the Land Development Regulations, Relating to **Transfer of Development Rights from Privately-Owned Sender Sites**; Providing for Severability; Providing for a Repealer; Providing for Inclusion in the Code; Providing for an Effective Date.

Action: City Clerk Hines read the title, and Mayor Edelcup reported that this amendment will provide incentives to property owners with properties abutting Collins Avenue to convert these properties into parks.

Public Speakers: Henry Kay

Mayor Edelcup said that certain properties exist today along Collins Avenue that would best be turned into park land rather than have residents build on it. He said we would not be

increasing the citywide density because when you take that property you can no longer build on that property other than a park. He said one example is the area that is on the west side of Collins Avenue from Sunny Isles Beach Boulevard south to the Arlen House which are very narrow, and another example is the Texaco property. Commissioner Iglesias noted that TDRs have a timeframe of five years.

Commissioner Brezin 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, January 19, 2006, 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*)

9A. Sitting in as the Local Planning Agency and the City Commission, to Consider an Ordinance Amending the Land Development Regulations (LDRs)

9A.1 A Resolution of the Local Planning Agency of the City of Sunny Isles Beach, Florida, Recommending to the City Commission of Sunny Isles Beach, the Ordinance Amending Section 265-18(I) of the Land Development Regulations Relating to **Site Plan Modifications**, Attached as Exhibit “A”; Providing for an Effective Date.

Action: City Clerk Hines read the title.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Goodman seconded a **motion to approve the resolution. LPA Resolution No. 2005-32 was adopted by a voice vote of 5-0 in favor.**

9A.2 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 a Repealer; Providing for Inclusion in the Code; Providing for an Effective Date.

(First Reading 11/17/05)

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

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Goodman seconded **a motion to adopt the ordinance. Ordinance No. 2005-240 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 Edelpcup yes

9B. Sitting in as the Local Planning Agency and the City Commission, to Consider an Ordinance Amending the Land Development Regulations (LDRs)

9B.1 A Resolution of the Local Planning Agency of the City of Sunny Isles Beach, Florida, Recommending to the City Commission of Sunny Isles Beach, the Ordinance Amending Section 265-5 of the Land Development Regulations to **Revise the Definition of the Term Height**, Attached as Exhibit “A”; Providing for an Effective Date.

Action: City Clerk Hines read the title.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Brezin seconded **a motion to approve the resolution. LPA Resolution No. 2005-33 was adopted by a voice vote of 5-0 in favor.**

9B.2 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 a Repealer; Providing for Inclusion in the Code; Providing for an Effective Date.

(First Reading 11/17/05)

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

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Goodman seconded **a motion to adopt the ordinance. Ordinance No. 2005-241 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 Edelpcup yes

9C. 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.
(First Reading 11/17/05)

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

Public Speakers: none

Commissioner Brezin moved and Commissioner Iglesias seconded a **motion to adopt the ordinance. Ordinance No. 2005-242 was adopted by a roll call vote of 5-0 in favor.**

Vote:

Commissioner Brezin	<u>yes</u>
Commissioner Goodman	<u>yes</u>
Commissioner Iglesias	<u>yes</u>
Vice Mayor Thaler	<u>yes</u>
Mayor Edelcup	<u>yes</u>

10. RESOLUTIONS

- 10A.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, in Conjunction with the Northeast Miami-Dade Mayors’ Joint Task Force on Transportation, **Supporting the Miami-Dade County Metropolitan Planning Organization (MPO) Funding for the South Florida East Coast Corridor Transit Analysis;** Providing for an Effective Date.

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

Public Speakers: none

Commissioner Goodman moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2005-866 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, **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.
(Deferred from 11/17/05)

Action: [City Clerk’s Note: This item was taken out of order and heard after 6A.] City Clerk Hines read the title and Assistant City Manager Vera reported and noted that they will be submitting the 10% deposit for TDRs within the three days.

Public Speakers: Mario Garcia-Serra, Esq.

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

resolution. Resolution No. 2005-867 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 the Concept of a **Public Facilities Building, Inclusive of Public Restrooms, for the Town Center Park**; 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 Cultural and Human Services Director Susan Simpson reported.

Public Speakers: none

Commissioner Iglesias moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2005-868 was adopted by a voice vote of 5-0 in favor.**

- 10D.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving an Agreement with **Stanley Security Solutions for the Purchase and Installation of Automatic Door Openers and Related Equipment**, in the Amount of \$11,075.00, Attached Hereto as Exhibit "A"; 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 Information Technology Director Derrick Arias reported.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-869 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 **Ronald L. Book, Esq. for Professional Legislative Relations and Lobbying Services**, in an Amount of \$55,000.00 per Year, Effective from October 1, 2005 through September 30, 2006, with an Option for a Second Year, 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 City Attorney Ottinot reported. Mayor Edelcup noted that Ron Book has delivered to the City over \$5 Million worth of grants from State or Federal funding.

Public Speakers: none

Commissioner Iglesias moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2005-870 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 an Agreement with Calvin Giordano & Associates, Inc. for the Provision of Planning and Zoning Services**, in the Amount of \$1,100.00 per Week, Attached Hereto as Exhibit “A”; 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 Assistant City Manager Vera reported.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-871 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, Approving the **Release of a Declaration of Restrictions and Grant of Easement**, Attached Hereto as Exhibit “A”; Providing the City Manager with the Authority to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date. [Fantasy of the Ocean]

Action: [City Clerk’s Note: This item was taken out of order and heard after 6C.] City Clerk Hines read the title and Assistant City Manager Vera reported.

Public Speakers: none

Vice Mayor Thaler moved and Commissioner Goodman seconded a **motion to approve the resolution. Resolution No. 2005-872 was adopted by a voice vote of 5-0 in favor.**

[City Clerk’s Note: City Commission took a 5-minute break]

- 10H.** 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 126,737 Square Feet of Floor Area and Fifty (50) Dwelling Units to **Sunny Isles Development Company, LLC**. from the Bank Account Owned by Bellagio Strip Bank; Directing the Zoning Administrator or Designee to Transfer the TDRs from the Sub-Bank Account in Accordance with Zoning Resolution No. 04-Z-85; 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. Mayor Edelcup noted that this was the SEA and is now Paramount Beach.

Public Speakers: none

Commissioner Iglesias moved and Commissioner Brezin seconded a **motion to approve the resolution. Resolution No. 2005-873 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, Declaring Roslyn Brezin as **Vice Mayor**; Providing for an Effective Date.

Action: Mayor Edelcup thanked Commissioner Thaler for his service as Vice Mayor and proposed Commissioner Brezin as Vice Mayor for the ensuing year. Vice Mayor Thaler officially gave Commissioner Brezin the Vice Mayor Car License Plate.

Public Speakers: none

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2005-874 was adopted by a voice vote of 5-0 in favor.**

11. MOTIONS

None

12. DISCUSSION ITEMS

12A. Discussion regarding the Status of LaPerla Opening the Beachfront.

Action: City Attorney Ottinot introduced the representative from Cornerstone.

Public Speakers: Len Markowitz

Len Markowitz with Cornerstone reported that the park progress is going according to schedule, they have completed all of the curbing, the grating will be finished by tomorrow, and the sand and pavers will be delivered on Monday (December 12, 2005). He said that their landscaper is committed to begin on December 27, 2005, and expect to have the Park turned over to the City on the extended date of January 10, 2006 due to the Hurricane delays that were agreed to.

Mayor Edelcup said that since the Commission had set a December 20, 2005 date, we are now acknowledging that, because of Hurricanes Katrina and Wilma, the City is allowing an extension to January 10, 2006.

12B. Discussion regarding the 172nd Street Pedestrian Bridge.

Action: Mayor Edelcup reported noting that the bridge is between 172nd and 174th. He said when the City did their original Comprehensive Plan eight (8) years ago, there was a provision in that Plan that basically provided that at some point in the future that the City would move forward with a pedestrian bridge and providing access for emergency vehicles. He said a study was made about a year ago and the Commission had approved it and said he felt we should bring this up again considering the fact that we had the fire on the day before Thanksgiving [November 23, 2005] that totally gridlocked Collins Avenue and certainly demonstrated the need to have an emergency evacuation area in the event that something happens on Collins Avenue, and we need to have the ability to move people throughout the City. He said the people in Vista View were completely blocked and could not get out.

Mayor Edelcup stated that there are a number of reasons why the pedestrian bridge is needed. He noted that we recently built Town Center Park and the people that live north to that park can have the ability to be able to go across that pedestrian bridge through what will

be an extension of that Park at the west end, into the Park and not have to go all the way up to Collins Avenue. He said that within two years we will be building a school at 182nd and North Bay Road, and for the people that live in that back area along the western fringe, the Bellagio, Vista View, Plaza of Americas, children from that area need to be able to get to school and it is not appropriate to have children walk along Collins Avenue and fight heavy traffic every day to get to school. He said also those who want to travel by foot and walk throughout the City, there is a definite plus by having this bridge there again for the same reason not to have to walk along Collins Avenue with heavy traffic. He said this road is only for pedestrian traffic and solely to be opened for emergency vehicles, the road will be built with a gate and the gate key would be kept by the Police Department or the Fire Department and they would only have the ability to open that road when they deemed that there was an emergency situation or disaster in the City. He said he is recommending today that this Commission authorize staff to move forward with the development with a bridge for that area, that doesn't mean it will get built tomorrow, there is a lot of studying and engineering work that needs to be done. He said we are talking about something that is going to happen sometime in the future but now is the time to start that project.

Assistant City Manager Vera said another thing is that the bridge will provide a connection to the Town Center Park, since it is going to lean right into the strip that we acquired from the Bellagio and it will connect the whole park area, so it will be comfortable for people to walk across. Vice Mayor Thaler said that it would also save time for the 911 emergency trucks, they won't have to go on to Collins Avenue and they will be able to get to Winston Towers and that area on North Bay Road and Atlantic Boulevard faster and in many cases you are dealing with seconds to save lives.

Commissioner Iglesias said that he spoke with the City's Grant Coordinator George Fisher that there is money out there in the County in the FDOT that actually does pedestrian/emergency, and noted that he was able to get \$3 Million from FDOT for Sunny Isles Boulevard and that there may be \$500,000 to \$1 Million out there that we can use for this project. Mayor Edelcup said that the State has made this a priority to get traffic provided for. Commissioner Brezin said that the children are very important and this would be a safe crossing for them where they have access to the school. Commissioner Goodman said that we must get approvals from DERM, the Federal government, and we have to go through a lot of things before it is approved, it has to do with a waterway, land use, etc., so it will be a while.

Public Speakers: Henry Kay; Lou Marmer; Cassey Gabor; Isaac Aelion; Marianna Talalaevsky

Several citizens expressed their concerns that the bridge would open to regular vehicular traffic, and Mayor Edelcup assured them that when that road gets built it will only be used for emergency vehicular traffic for the health, welfare, safety and quality of life of its residents. Cassey Gabor suggested locking the gate at night, and Mayor Edelcup said that would not be a problem, it would be the same as when the Park closes at night. Vice Mayor Thaler said that we are not talking about a regular road, this is a 12-foot wide road, so the most that could happen is for one vehicle to go in one direction at a time. Ms. Gabor suggested building the bridge in a special design to add to the beauty of Sunny Isles Beach, and Mayor Edelcup said it could be built like the Atlantic Isle Bridge.

Marianna Talaevsky asked if there were any plans for the Golden Shores area to connect to the rest of the City. Mayor Edelcup noted that this was discussed at the 5:30 p.m. Workshop when they discussed the Publix site. He said that we have a commitment from the Publix people and Dezer to give us the cut-through of a permanent two-lane road on the Publix property to connect Golden Shores where the school will be built.

Mayor Edelcup asked the Commission to recommend to staff that they come forward in the near future with a recommendation and a plan as to how we can achieve building the road.

Commissioner Iglesias moved and Vice Mayor Thaler seconded **a motion for staff to move forward and come up with a plan to build this road. The motion was approved by a voice vote of 5-0 in favor.**

12C. Add-On

Discussion regarding the Status of the Homewood Suites.

Action: Mayor Edelcup noted that the Homewood Suites was a condo/hotel that was built on North Bay Road in which the hotel was no longer operating as that and we need to have a clarification of what we are doing in the way of a violation there. City Attorney Ottinot said they have received several letters from the Attorney who represents the condo association of the hotel management who at first requested that we increase the 5% occupancy ratio to 25% and we told him no. He said the next step is to enforce the Code against the hotel operator and also the condo association and we will take some steps not only to enforce through Code Enforcement but also if we have to take them to court we will do so. Mayor Edelcup said that City Attorney Ottinot has the full support of this Commission, and he asked him to give the Commission another update in 30-60 days as to the status.

12D. Add-On

Discussion regarding Hiring a Public Relations Company.

Action: Mayor Edelcup said that for a number of years we have been operating the City without a public relations director or a firm to represent us in the area of promoting the City as a destination, a luxury community and whatever PR is necessary to help recognize that Sunny Isles Beach is a world-renowned City. He said in January we will be in the position of having a new City Manager but he would like to at least get the Commissioners thoughts on whether we should proceed at some point in the near future to hire someone to perform those duties for us on a part-time basis. He said that Sydney Davis is here in the audience and that she has worked from time to time with many of us and she has indicated an interest in participating in that role if the Commission so desires to talk to her further.

Vice Mayor Thaler said he believes that we absolutely should, we have businesses in this area that don't even know our name, for instance, earlier at the Workshop, Publix still has us as Sunny Isles. He said some of the restaurants ads say North Miami Beach, so he said he feels that we really need some promotional/advertising area to get us on the map. He said rarely do you see Sunny Isles Beach on a weather map on television, and that he has had a campaign with the radio stations sending them letters and that 610 just recently changed

from Sunny Isles to Sunny Isles Beach and that was because of a letter that he sent them. He said it is the same with some of the realty companies in this City calling it Sunny Isles or North Miami Beach, and he has sent them letters informing them that this is Sunny Isles Beach and it has been for the last eight years.

Mayor Edelcup noted that a week ago on Saturday, the *Wall Street Journal* did recognize Sunny Isles Beach in its travel section, and it was a very favorable article on our City as an alternative place for people to visit and that we have a beautiful beach here.

Commissioner Goodman said that he has called the newspaper on several occasions when they put their maps in the paper, they don't include Sunny Isles Beach. Commissioner Goodman suggested to place this on an agenda after we hire our new City Manager.

Public Speakers: Lou Marmer

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

14. ADJOURNMENT

Commissioner Goodman moved and Commissioner Iglesias seconded a motion to adjourn the meeting, and Mayor Edelcup adjourned it at 9:49 p.m.

Respectfully submitted by:

Approved by the City Commission on Jan. 19, 2006

Jane A. Hines, City Clerk

Norman S. Edelcup, Mayor