

SUMMARY MINUTES

Regular City Commission Meeting
Thursday, May 18, 2006, 7:30 p.m.
City of Sunny Isles Beach, Florida

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

AGENDA

1. CALL TO ORDER/ROLL CALL OF MEMBERS

The meeting was called to order by Mayor Edelpup at 7:30 p.m., with the following officials present:

Mayor Norman S. Edelpup
Vice Mayor Roslyn Brezin
Commissioner Gerry Goodman
Commissioner Danny Iglesias
Commissioner Lewis J. Thaler

City Manager A. John Szerlag
City Attorney Hans Ottinot
City Clerk Jane A. Hines, CMC
Assistant City Manager Jorge Vera
Patricia SaintVil-Joseph, Deputy City Attorney

2. PLEDGE OF ALLEGIANCE/INVOCATION

Action: Mayor Norman S. Edelpup led the Pledge of Allegiance to the flag, and Richard C. Schulman gave an invocation.

Mayor Edelpup gave opening remarks of decorum.

3. APPROVAL OF MINUTES

3A. Regular City Commission Meeting – April 11, 2006.

Action: Commissioner Thaler noted a correction on page 3, at the end of paragraph 3, it should read pocket, not pockets.

Commissioner Goodman moved and Commissioner Thaler 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. Hear Item 5B and 5C before 5A; Defer Item 13A to June 15, 2006 at request of Herbert Abramson; Add on New Items: **Item 10M**, Donation from Sunflower Society, **Item 10N**, Donation from the Concerned Citizens of Northeast Dade County; **Item 12E**, Discussion regarding the City's 10th Anniversary Celebration.

Action: Mayor Edelpup noted that Herb Abramson is ill and could not be here tonight for

item 13A so we will reschedule his comments to the next meeting although we will call on the City Manager for an update on that item when we get to it. He noted the above changes and that he will like to hear Items 10M and 10N before 10A as representatives are here in the audience. Mayor Edelcup changed the ordering of the presentations, 5C becomes 5A and 5A becomes 5C.

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

5. SPECIAL PRESENTATIONS

5A. A Proclamation to be Presented to Raanan Katz Proclaiming May 18, 2006 as “Raanan Katz Day in the City of Sunny Isles Beach”.

Action: Mayor Edelcup on behalf of the City Commission presented a Proclamation to Raanan Katz in honor of his dedication to this City and to its citizens, and as part owner of the Miami Heat. City Manager Szerlag said that he is from the Detroit area, home of the Detroit Pistons and he read a letter from Tom Wilson, President of the Pistons, who extended congratulations to Mr. Katz for his many civic accomplishments and to the Miami Heat, and City Manager Szerlag presented Detroit Pistons hats to Mr. Katz and the Commission. Commissioner Iglesias presented Mr. Katz with a photo taken in Jerusalem where they were selling Miami Heat tee shirts. Mr. Katz thanked the Commission and City Manager Szerlag.

5B. A Proclamation to be Presented to Gene Sweed Proclaiming May 17, 2006 as “Gene Sweed Day in the City of Sunny Isles Beach”.

Action: Mayor Edelcup on behalf of the City Commission presented a Proclamation to Gene Sweed in honor of his dedication to this City and to its citizens. Mr. Sweed, along with his wife Bobbi, thanked the Commission and noted that they will be moving to West Palm Beach.

5CA. Presentation of the City of Sunny Isles Beach **Audit Report** for Fiscal Year 2004/2005.

Action: City Manager Szerlag introduced our City Auditor, Gerry Chioca from Rachlin Cohen & Holtz, who presented the City of Sunny Isles Beach Audit Report for Fiscal Year 2004/2005. Mr. Chioca said that the City is in very good financial shape, and he thanked City Manager Szerlag, Finance Director Jean Watson and special thanks to Assistant Finance Director Linda Dosal for all their hard work. Mayor Edelcup on behalf of the City Commission, thanked Mr. Chioca.

Vice Mayor Brezin moved and Commissioner Iglesias seconded a **motion to accept the Audit Report. The motion was approved by a voice vote of 5-0 in favor.**

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

None

7. ORDINANCES FOR FIRST READING

- 7A.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, **Mandating that Owners and Operators of Food Stores Including Pharmacies Located in the City of Sunny Isles Beach Have Alternate Energy Sources, Such as Emergency Generators, with Sufficient Electrical Charge to Ensure the Uninterrupted Supply of Power During a Declared State of Emergency;** Establishing Definitions; Providing for Approval by the City Manager; Providing for Exemptions for Limited Periods; Establishing Penalties and Enforcement Procedures; 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 Mayor Edelcup reported noting that this ordinance was adopted previously as an emergency ordinance and that it is void after a certain time period.

Public Speakers: none

Commissioner Goodman asked how much time do they have to come into compliance. Mayor Edelcup said that when we passed the emergency Ordinance we gave June 1, 2006 as the date, nothing is changing from that date because that is when the Commission mandated it. Code Enforcement and Licensing Director Robert Solera reported that they provided letters to every location that encompasses this ordinance, noting that inspections will be done on June 1, 2006 to make sure they are in compliance. Commissioner Goodman noted that there is a fine of \$500 per day if they are not in compliance.

City Attorney Ottinot noted a minor amendment on page 21, Section 5, (Compliance) should be deleted. Mayor Edelcup said to waive any permit fees for anyone putting in a generator, they need to go through the permitting process but not to collect a fee on it. City Attorney Ottinot noted that an amendment can be added to item 10J which deals with the permit.

Commissioner Thaler moved and Commissioner Iglesias seconded **a motion to approve the proposed ordinance on first reading, as amended. The motion was approved by a roll call vote of 5-0 in favor. Second reading, public hearing will be held on Thursday, June 15, 2006, at 7:30 p.m.**

Vote:

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

- 7B.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, **Mandating that Owners and Operators of High-Rise Buildings with a Total Height of 75-Feet or Higher Located in the City of Sunny Isles Beach have Alternate Energy Sources, Including Emergency Generators, with Sufficient Electrical Charge to Operate at Least One (1) Elevator Unit within Each Building During a Declared State of Emergency;** Establishing Definitions; Providing for Applicability; Providing for Penalties and Enforcement Procedures; 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 Mayor Edelcup reported noting that this ordinance was adopted previously as an emergency ordinance and that it is void after a certain time period.

Public Speakers: Henry Kay

Code Enforcement and Licensing Director Robert Solera said that they have received numerous letters from condominiums which indicate that they have complied even before the ordinance was adopted.

City Attorney Ottinot noted a minor amendment on page 26, Section 6, (Compliance) should be deleted. Commissioner Iglesias noted that this ordinance basically pertains to the older buildings.

Commissioner Iglesias moved and Commissioner Thaler seconded **a motion to approve the proposed ordinance on first reading, as amended. The motion was approved by a roll call vote of 5-0 in favor. Second reading, public hearing will be held on Thursday, June 15, 2006, at 7:30 p.m.**

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

Vice Mayor Brezin stated that although the City is doing all that they can do to protect those that will be here during a storm, we don't want them to feel that this is a substitute for evacuation if in fact an evacuation notice is given. She said that we don't want them to feel secure in that we have addressed all of these issues for their comfort to remain where they are because that is not true in the event of a mandatory evacuation. Vice Mayor Brezin said it is very important that when we do have meetings where we will give residents information pertaining to their safety in a hurricane, that they would attend and encourage their neighbors and friends to attend as well.

- 7C.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Addressing **Graffiti on Public and Private Property Within the City Limits**; Defining Graffiti and Establishing Criteria for the Prohibition and Removal of Graffiti; Providing for Penalties and Enforcement, Exemption and Restitution; 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 Code Enforcement and Licensing Director Robert Solera reported noting that this ordinance is picking up Chapter 21 of the County Code to fit the specific needs of the City.

Public Speakers: none

Commissioner Goodman asked if someone puts graffiti on someone's property, is it the owners duty to remove it, and Mr. Solera said it is the owner's duty to remove it but within

the Ordinance we have a stipulation that we are conscious to the fact that a property owner may be targeted and fines would not be imposed. City Attorney Ottinot said that the Ordinance provides some discretionary authority to the City Manager and his staff.

Commissioner Iglesias moved and Commissioner Thaler 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, June 15, 2006, at 7:30 p.m.**

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

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

None

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

- 9A.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Sections 233-3 and 233-5 of the Code of the City of Sunny Isles Beach to **Increase the Application Fee for Special Events Permits**; Creating an Application Fee Schedule for Special Events Permits; Repealing Section 233-5 in its Entirety; Providing for Severability; Providing for Repealer; Providing for Inclusion in the Code; Providing for an Effective Date.
 (First Reading 04/11/06)

Action: City Clerk Hines read the title and Code Enforcement and Licensing Director Robert Solera reported, noting that since FY 2004/05 the Department has received 374 applications for a Special Event Permit.

Public Speakers: none

Commissioner Goodman asked where would these special events be taking place, and Mr. Solera said on private property outside, for instance at a hotel on the east side of Collins Avenue or any residential zone. Commissioner Goodman asked if you own a house and you have a party on your lawn, would you need a permit, and Mr. Solera said if the party on the lawn includes music that creates a problem or affects surrounding property owners, yes, you would have to have a permit. Mr. Solera noted that they have not received any requests from residential zones, it has been more in terms with commercial, such as hotels on the east side.

City Attorney Ottinot noted that in the past the Commission has requested that fees be reviewed on an annual basis and so he will add a provision that management staff should review the fees on an annual basis.

Commissioner Goodman moved and Commissioner Iglesias seconded **a motion to adopt the ordinance, as amended. Ordinance No. 2006-258 was adopted by a roll call vote of 5-0 in favor.**

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

[City Clerk’s Note: Items 10M and 10N were heard after this item.]

10. RESOLUTIONS

10A. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Approving an Agreement with Douglas Haag for Certain Financial Consulting Services**, in an Amount Not to Exceed \$30,000.00 Plus Reimbursable and Per Diem Expenses, 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 Manager Szerlag reported noting that Mr. Haag would be spending approximately ten (10) days per month here during the months of May, June, July, and September, at a cost of about \$65.00 an hour.

Public Speakers: none

Commissioner Iglesias moved and Commissioner Thaler seconded a **motion to approve the resolution. Resolution No. 2006-915 was adopted by a voice vote of 5-0 in favor.**

10B. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving an Agreement with **Black Bear Systems, Inc. for Modification of the PTWin32v2 Software Program in the Building Department and the Training of Staff**, in an Amount Not to Exceed \$12,000.00, Attached Hereto as Exhibit “A”; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of this Agreement; Providing for an Effective Date.

Action: City Clerk Hines read the title and Information Technology Director Derrick Arias reported, noting that this is a sole source contract, that they are the only ones authorized to make modifications to the source code and the only vendor with an official training program on this particular software.

Public Speakers: none

Commissioner Iglesias noted that this is a sole source and sometimes sole source can’t be avoided but he would like to whenever possible get away from sole source and get the best possible bid.

Commissioner Iglesias moved and Commissioner Thaler seconded a **motion to approve the resolution. Resolution No. 2006-916 was adopted by a voice vote of 5-0 in favor.**

10C. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving an Agreement with **Homework, Inc. for the Customization and Installation of PTWin32v2 Software Program in the Building Department**, in an Amount Not to Exceed

\$16,890.00, 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 this Agreement; Providing for an Effective Date.

Action: City Clerk Hines read the title and Information Technology Director Derrick Arias reported.

Public Speakers: none

Commissioner Thaler asked if this was the same situation with sole source and IT Director Arias said no, that he attempted to get three quotes but was unsuccessful. Commissioner Goodman asked if we are upgrading the system and Mr. Arias explained that the Building Department has been using New World but it does not meet their needs. Vice Mayor Brezin noted that the system has been in existence and what we are doing is implementing the system, and Mr. Arias said that the software was purchased but the system was never used.

Commissioner Thaler moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2006-917 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 **JCA Software, Inc. for the Migration of Building Department Data**, in an Amount Not to Exceed \$12,000.00, Attached Hereto as Exhibit “A”; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of this Agreement; Providing for an Effective Date.

Action: City Clerk Hines read the title and Information Technology Director Derrick Arias reported.

Public Speakers: none

Building Official Clay Parker noted that we purchased this system in 2000 it was an off-the-shelf product that several of the cities purchased at the time but it does takes a lot of customization. He said it is a very user-friendly system and enables the Department to look up contract licensing information, and reports are much more available on this system. He noted that the cities of North Miami Beach, Doral and Pinecrest are using this system as well and are very happy with it.

Commissioner Thaler asked if a completely new system would have been substantially a lot more money, and Mr. Parker said yes. Vice Mayor Brezin asked what the cost is, and Mr. Parker said that the current cost we have in the system to date is approximately \$12,000, and with these additional funds, it would bring it up to about \$25,000, and the minimum for a new permit system would cost about \$200,000.

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2006-918 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 a **Software License Agreement and a Companion Software Support Agreement with Sungard HTE Inc.**, in an Aggregate Amount Not to Exceed \$505,805.61, to Provide for the **Automation and Intergration of Police Telecommunications Software and Related**

Software Technical Support; Authorizing the Mayor to Execute Said Agreements; 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 Police Captain Michael Grandinetti reported noting that this would be funded through the Forfeiture Fund.

Public Speakers: none

Commissioner Goodman moved and Vice Mayor Brezin seconded a **motion to approve the resolution. Resolution No. 2006-919 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, Authorizing the **Purchase of Computer Servers, Workstations, and Other Related Hardware and Software from Dell for the Police Department,** Under State of Florida IT Hardware Contract #250-000-03-1, in a Total Amount Not to Exceed \$20,489.46, Attached Hereto as Exhibit "A"; 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 Police Captain Michael Grandinetti reported noting that this would be funded through the Forfeiture Fund.

Public Speakers: none

Commissioner Iglesias moved and Commissioner Goodman seconded a **motion to approve the resolution. Resolution No. 2006-920 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, Authorizing the **Chief of Police,** in Accordance with the Comprehensive Crime Control Act of 1984 to **Expend \$738,241.20 from the Federal Forfeiture Fund** for the Purposes as Set Forth Herein; Providing for an Effective Date. (See Related Items 10E and 10F above)

Action: City Clerk Hines read the title and Police Captain Michael Grandinetti reported noting these funds are for the purchase of the hardware and software above [10E and 10F].

Public Speakers: none

Vice Mayor Brezin moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2006-921 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, **Ratifying the Purchase of Fifteen (15) Vehicles and Equipment** in the Total Amount of \$344,579.91, Attached Hereto as Composite Exhibit "A"; 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 Public Works Director James Watts reported noting that these vehicles were for five (5) separate departments. Mayor Edelcup noted that this was a housekeeping item that the vehicles were already purchased.

Public Speakers: none

Mayor Edelcup said that he would like to get a report on a quarterly basis as to how well we are ridding ourselves of the surplus equipment or old equipment that this new equipment is replacing so that this Commission can be apprised of not only what we are authorizing to purchase but what net offset may result by selling off some of the surplus equipment. City Manager Szerlag said that by taking a lead from the Police Department who details vehicles to make them look very good and put them on the auction block, we can do that for all of our rolling stock and will provide a report on what is being recycled or traded in and how much money we received for that trade.

Commissioner Thaler asked if any of the 15 vehicles have been disposed of yet, and Mr. Watts said no and that most of them will not, as a lot of them are additions to their department, and that only the Police Department has replacement cars (9), and we are in the process of stripping those cars out now, once they are finished then there will be an advertisement for an auction. Vice Mayor Brezin asked how many vehicles does the City currently have, and Mr. Watts said he does not have that information here but he would provide it to the Commission. City Manager Szerlag said that they will get that information to the Commission, and that it would be part of all future budget documents.

Commissioner Goodman moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2006-922 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, Approving an **Agreement with Zambelli Fireworks Manufacturing Company, Inc. to Provide a Fireworks Display for the City's Ninth Anniversary Celebration on Saturday, June 17, 2006**, in the Amount of \$28,500.00, 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 this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title and Cultural and Human Services Director Susan Simpson reported and noted that they will coordinate the fireworks with the music that the Commission requested.

Public Speakers: none

Commissioner Thaler moved and Commissioner Iglesias seconded a **motion to approve the resolution. Resolution No. 2006-923 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, Amending Resolution No. 2005-850 Extending the Period of Time **Waiving Any and All City Building Permit Fees for Property Owners for Emergency Repairs Due to Hurricane Wilma for an Additional Three-Month Period, Effective Through July 26, 2006 and Waiving Any and All City Building Permit Fees for Generators for Property Owners of Stores, High-Rise Buildings, and Gas Stations for a Three-Month Period, Effective Through July 26, 2006**; Ratifying Any and All Waivers Granted; 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 Building Official/Administrator Clayton L. Parker reported.

Public Speakers: Rafael Barrera

Mayor Edelcup noted that this will include the waiver of permit fees for the generators for stores, high-rises, and gas stations.

Commissioner Goodman moved and Vice Mayor Brezin seconded a **motion to approve the resolution, as amended. Resolution No. 2006-924 was adopted by a voice vote of 5-0 in favor.**

- 10K.** A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Amending Resolution No. 2005-861 to Approve a **Revised Investment Policy** of the City of Sunny Isles Beach; Providing the City Manager with the Authority to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

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

Public Speakers: none

Commissioner Thaler moved and Vice Mayor Brezin seconded a **motion to approve the resolution. Resolution No. 2006-925 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, **Accepting a Donation of Five (5) Large Flower Pots from Williams Island Ocean Club**; 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 Public Works Director James Watts reported.

Public Speakers: none

Mayor Edelcup asked if these were clay pots, and Mr. Watts said yes. Commissioner Thaler asked that the basketball court be moved from in front of those clay pots.

Vice Mayor Brezin moved and Commissioner Thaler seconded a **motion to approve the resolution. Resolution No. 2006-926 was adopted by a voice vote of 5-0 in favor.**

[City Clerk's Note: The Commission broke for a five-minute recess. City Clerk Hines

called roll after the five-minute break and all members were present.]

10M. Add-On:

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, , **Approving the Acceptance of a Donation in the Amount of \$4,500.00 from the Sunflower Society to Sponsor Children to Attend the City Summer Day Camp Program**; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: [City Clerk's Note: Added to the agenda, see Item 4A] City Clerk Hines read the title and Human Services Director Susan Simpson reported noting that this donation will send 11 children to camp who otherwise would not be able to attend. Commissioner Thaler along with Sunflower Society members Madi Thaler, Alan and Anh Kuhl presented the check to Ms. Simpson.

Public Speakers: none

Commissioner Iglesias moved and Commissioner Thaler seconded a **motion to approve the resolution. Resolution No. 2006-927 was adopted by a voice vote of 5-0 in favor.**

10N. Add-On:

A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, **Approving the Acceptance of a Donation in the Amount of \$600.00 from Concerned Citizen's of Northeast Dade County to Sponsor Children to Attend the City Summer Day Camp Program**; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: [City Clerk's Note: Added to the agenda, see Item 4A] City Clerk Hines read the title and Cultural and Human Services Director Susan Simpson reported noting that this donation will send two (2) children to camp who otherwise would not be able to attend. Richard Schulman reported on behalf of the Concerned Citizen's of Northeast Dade County.

Public Speakers: none

Commissioner Iglesias moved and Vice Mayor Brezin seconded a **motion to approve the resolution. Resolution No. 2006-928 was adopted by a voice vote of 5-0 in favor.**

11. MOTIONS

11A. Call for a Motion to Accept the Resignation of Joseph J. Ades from the Community Activities and Health Committee, and confirm the following appointments to the Mayor's Advisory Council (MAC) (Spiro Colivas declined appointment to the Long Range Planning and Intergovernmental Affairs Committee):

- Commissioner Goodman's Appointment of Moshe Mann to the Long Range Planning and Intergovernmental Affairs Committee.
- Commissioner Thaler's Appointment of Sylvia Busch to the Community Activities and Health Committee.

Action: Commissioner Goodman reported that he would like to appoint Moshe Mann to the Long Range Planning and Intergovernmental Affairs Committee; and Commissioner Thaler reported that Joseph J. Ades has resigned from the Community Activities and Health Committee and that he would like to appoint Sylvia Busch to fill that vacancy.

Commissioner Thaler noted that Loretta de Vries resigned from the Traffic and Safety Committee as well, which is Commissioner Iglesias' appointment. Commissioner Iglesias appointed Anh Kaul to the Committee.

Commissioner Thaler moved and Commissioner Iglesias seconded a **motion to accept the resignations and appointments. The motion was approved by a voice vote of 5-0 in favor.**

12. DISCUSSION ITEMS

12A. Discussion regarding the Board of Rules and Appeals Giving **Discretionary Authority to Building Officials for Repair or Replacement of Glass Doors, Windows and Balconies.**

Action: City Manager Szerlag reported noting that Building Official Parker will give a power-point presentation which will explain what constitutes a repair or replacements for windows and doors, floor to ceiling glass curtain wall systems, and balcony railings and safeguard systems. City Manager Szerlag noted that a copy of the power-point presentation had been distributed to the Commission. Building Official Parker's presentation included a background of the 2005 tropical storm season.

Mr. Parker noted that he had a meeting yesterday (May 17, 2006) with a group of his peers and engineers where he gave this presentation, and they filled out a survey to see if they agreed or disagreed with our conclusions, and 100% of them agreed. He said he is now going to take this presentation to the South Florida Building Officials Association and ask them if they agree or disagree so we can be uniform throughout the County.

Public Speakers: Mercedes Cantrell; Andrew Tagleomonte; Judge Shore; Rafael Barrera; Iris Cornell; Allen Kaul

Mayor Edelcup said it is a sober conclusion because it looks like rather than take the most safe way of handling a situation, the County has chosen to take some risks and perhaps gamble with lives. He said he had hoped that the County would have been more severe on the replacement requirements but we have to follow the law and accept their decision.

Vice Mayor Brezin asked about a terrace or railings without glass and what the specification was to replace a railing and Building Official Parker said it depends on when the building was built, if they have to replace that railing with pickets it has to meet the current code, it does not have to go through the same rigorous test as glass has to go through.

Commissioner Iglesias noted on page 45 of the presentation "The new glass and frames must pass the test required in Section 1618.4.6, but remaining undamaged glass and frames can remain as long as it meets the Code as built under." Building Official Parker said it is catch 22, you have to use common sense. Mayor Edelcup noted that shutters were not mentioned

in the presentation, and Building Official Parker said that they are trying to implement code changes, but that they always encourage shutters. Mayor Edelcup said that the message really should go out that if you really value your life you will exceed the standards that the County has now set up and that you can certainly do more to protect yourself and that you need to make the decision. Building Official Parker said that he would encourage people to either do shutters now and change glazing to impact glazing. He said in the impact code anything 30-foot and below has to meet the large missile impact, and 30-foot and above have to meet the small missile impact which is pebbles being blown at the glass.

Commissioner Thaler suggested that Building Official Parker utilize our newspaper and explain to the people what you have done here in layman's language so that they can understand where they stand even though they repaired their windows. He said it is very difficult to go through the City and explain to people that they have to spend more money than they think they should and it is all an economic situation that we are dealing with here and is very dangerous for everybody else with flying debris. He said he agrees with Mayor Edelcup in the fact that he believes that Miami-Dade County made the wrong decision in letting it being replaced with the old windows because we are going to have the same thing if we have a similar storm. Building Official Parker made a clarification that if the glass breaks they can replace it back to the code it was built under but if they have to replace any windows, balconies, or frames, it has to come up to today's code. He said that the only place where he feels the County let us down was in the interpretation of broken glass and looking at it as a repair, a minor replacement in maintenance. He said it was not maintenance, it was storm damage that not only blew out the glass but it blew out the walls and the corridor walls.

Mayor Edelcup said that we have to state what is allowable under the County Ordinance but we can also give advice as to what you should do to exceed what the County Ordinance is requesting you to do if you really value your life and those of the people surrounding you because as Commission Thaler has mentioned, when the window blows out it doesn't just blow into the apartment it blows outside as well and injures people in other apartments and in other buildings.

Mercedes Cantrell requested that all construction debris such as 2 x 4's, etc., be placed in an area where it will not become a projectile. She also noted condemned property on the north and the south side of the Pinnacle that needs to be addressed. Building Official Parker reported that when a declaration is posted they go to every job to make sure they tie down all the loose 2 x 4's, etc. He said they plan on having a meeting with the developers and contractors and they will make this a big issue on the agenda to see that they take the extra effort. He said they visit every job, every house that has a permit, and they go to all the roof jobs to make sure the tiles are strapped up and tied down. Commissioner Goodman asked what they did with the cranes, and Building Official Parker said there is nothing that can be done with the cranes. He said they are designed for 93 MPH winds and they spin around, there is no way to take them down or tie them down.

Mayor Edelcup said current code provisions give you whatever authority you need to get the enforcement because it is our emergency situation and we don't have time to waste when the alerts go out. Building Official Parker said that we utilize Code Enforcement at that time,

also we go to every building to put out the warnings, and he said he is preparing another presentation for Hurricane Preparedness. Mayor Edelcup said we need to make this a very tight ordinance with whatever powers are needed and he asked City Manager Szerlag to review with staff to make sure our Code gives whatever latitude is needed.

Commissioner Thaler said that there was a point brought up on condemned buildings and asked what we are doing about condemned buildings. Building Official Parker said that we have had four engineers reports, and City Manager Szerlag said one thing that we are doing now is instead of relying on engineering reports from structural experts that represent an interested party, we will still receive those, but then we are going to have an independent analysis that the City will pay for to do a "Peer Review" and we are currently doing that through Calvin Giordano and Associates on one of the buildings that is believed should be condemned by some parties, the La Playa structure. Commissioner Thaler asked what are we going to do if we get a hurricane or storm on June 1 what has been done, and City Manager Szerlag said that he knows there is a time issue involved and assuming the Peer Review indicates that the structure should be condemned, there is a permitting and appeal process which will extend well into the hurricane season. He said we have to take these things as they come and review them in an expedient manner when they come to our attention. City Attorney Ottinot said regarding La Playa there is a likelihood that what ever decision that the City makes in respect to certain unit owners they will appeal the decision to the County agency that deals with unsafe structures.

Mayor Edelcup said that there may be other buildings, he knows there is one just north of the Park, and Building Official Parker said they have already applied for a demo permit. Mayor Edelcup said that we need to make sure on any demo permits then that we somehow expedite it, we need to help make it happen and whatever we can do in that respect we should accelerate those and give them priority treatment. Building Official Parker said that they received an application late this afternoon for a demo permit for the La Playa, and City Attorney Ottinot said that there are some legal issues that he needs to speak to Building Official Parker on, there is some pending litigation between unit owners and the developer interest that controls the board and there are some legal issues that need to be resolved if we are going to act on this demo permit and he will issue a legal opinion to the City Manager and copy the City Commission.

Commissioner Thaler asked if the Commission can be kept up on those buildings that have been condemned and where they are and where we stand, such as a monthly report or be updated every month. Mayor Edelcup said even though there are legal issues, life safety should take preeminent over these issues because that can be done after an event has occurred, and not to hold up anything because of legal issues. City Attorney Ottinot said he would issue a legal opinion, and that if the permit applicant believes that he has complete authority and legal support for that permit, he can write his own legal opinion and he would review it, but there are some serious issues that he has researched in terms of who has control of the Association.

Building Official Parker addressed Ms. Cornell's concerns on impact glass and noted that the glazing around the building is the envelope of the building and should be controlled by the Building's Association, and that we will always recommend that you protect yourself and your building as well as you can. He said that your Association needs to look for low-

interest loans and that we have been doing some research on trying to find a way to help with low-interest loans and to see if there are any grants out there.

12B. Discussion regarding Options for Identification/Entry Signage of Various Communities in Sunny Isles Beach.

Action: City Manager Szerlag reported that Shahin Hekmat of Calvin Giordano and Associates is in the audience and that we will have a power-point presentation as well as a handout of the presentation of signage that essentially gives the schematic, costs as well as the outside dimensions, horizontally and vertically. Mayor Edelcup noted that the signs we are talking about here are the monument signs that will be identifying certain neighborhoods, these are not commercial signs.

Shahin Hekmat noted that this is just a guideline of what they can do for the City, and he proceeded through the power-point presentation of the different options available for entry signage. Commissioner Iglesias questioned the costs of construction of the signs and said that there are ways of getting similar design without going through this detail, and that the City can be proud of a sign between the \$20,000 and \$30,000 range. He handed out photos of his backyard consisting of three small columns, two large columns and balusters which cost him \$5,700 about two years ago, and today he priced it at \$6,300.

Mayor Edelcup said the plan was to bring up some ideas for signage which was Phase I, and now we can get more specific and give a guideline to staff that we like the signs but we want to see signs produced in the range of \$25,000 to \$30,000 and to come back to us as Phase II. He asked for three to five choices of signs in that price range similar to what was done here tonight, and at that time we need to establish the locations where these signs will be placed throughout the City.

12C. Discussion regarding the SIB TV Programming and General Policy Guidelines.

Action: Information Technology Director Arias reported noting that there are three items of discussion relating to this: the Policy Document itself; programming and what it is that the Commission would like to see us producing for broadcast on our Government Access Channel; and broadcasting the Commission Meeting, and noted that a DVD sample was distributed that was produced of the last Commission Meeting with edited titles, etc. He said he distributed a report at the City Manager's request what it took to produce that using the existing equipment that we have, another option to reduce that time is going to require us to purchase additional equipment and we are looking into that.

Public Speakers: Cassey Gabor

Commissioner Thaler said it has been months now that we have had this program live and when broadcast of the Commission meetings are delayed two days and we have nothing else scheduled, there is something wrong with the concept. He said this was set up so that we could show the people within Sunny Isles Beach what we are doing, for those who cannot get out of their homes or couldn't make it. He said once a month we have the Serenade, that is not on here, we had a Fun Day with the children and he doesn't see that being broadcast

here, we have other programs that we have had and he has seen people photographing/video taping it, what is happening to all that film, and why isn't it going into this scheduling. IT Director Arias said that the video that is being taken for events is being used to produce promotionals for the events in the future. He said that they have not been directed to produce those events for broadcast on the cable channel with the exception of a couple of things that we have discussed like the dance contest.

Commissioner Thaler said he thinks that we are going about this the wrong way, this was set up not to have a flag raising, this station was set up to give people a chance to see what is happening within Sunny Isles Beach that we are doing, what the cultural areas are doing, what this Commission is doing, and he doesn't see that happening. City Manager Szerlag said that our philosophy is that we can do anything as long as we have the attendant resources to go along with it and he said he believes that the role of the Commission is what do you want, and the role of professional management is how it is going to be accomplished. He said initially maybe there was a communication issue. Mayor Edelcup said that where he thinks we are at is when we first started to talk about all this programming, one of the first things we suggested was that the Commission meetings get on, but we really want to move on to the full array of television events on channel 77 that disseminates to the public what is happening in Sunny Isles Beach, whether it be the Sunny Serenades, the Easter Egg Hunt, or the City's upcoming 9th Anniversary. He said we want some assurance from staff that we are ready to move on quickly now that we have tested it and found that we can get Commission meetings on, now our desire is how fast can we get everything else on that would make this enjoyable programming for the residents of the City.

City Manager Szerlag said that our next step then would be to develop a business case indicating what the associated costs are to have an enhanced programming venue compared to what we currently have. He said he comes from a larger City that had top-drawer award winning cable programming but it cost a factor of probably 3 or 4 of what we are spending here for personnel. Mayor Edelcup said since we are in the budgetary process there is no better time to address this and we will have some alternatives for the budget of what our hopes and desires are and if that is too expensive, what the next layer down could achieve for us, and the Commission agreed.

Mayor Edelcup said that he would also like to suggest that maybe when we finally get more interesting programs on Channel 77, that we have a contest where we name a resident's name and if they call in within 10 minutes after seeing it, we will give them a prize and maybe that will get more people to watch. Vice Mayor Brezin said that you will get a viewing audience as those who attended these functions will see themselves on television and it encourages them to tell a neighbor. Commissioner Thaler agreed with Vice Mayor Brezin and if you want to take it to the next level it will get people to watch it, so that even if we have emergencies they are going to think of this station, nobody thinks of this station today.

Commissioner Goodman said what Building Official Parker did tonight with his presentation was interesting to the public and all the people living in Sunny Isles Beach has been having difficulty with Code Enforcement repairs, etc. Commissioner Iglesias said advertising would maybe generate something for programming itself like Channel 2 for example, the Sunny Isles Beach Resort Association had a very good 15-minute presentation about this area

regarding hotels that have gone up, etc., and what has been happening in the area, and something like that is really interesting and could be played, the developments that we were thinking of doing at the very beginning and where we are, and that is in the files.

Cassey Gabor suggested historic moments like old motels, some educational things, and Mayor Edelcup said we may be able to film History Hall with a commentary from our City Historian Richard Schulman. Mayor Edelcup suggested if any of the residents do have ideas of what they would like to see on Channel 77 to please contact us in writing so we will have a file of what it is that residents may like to see, and if we can work it into a systematic programming, it will only enhance what we are able to do.

12D. Discussion on the Status of Negotiations relating to FPL Franchise Fees.

Action: City Attorney Ottinot reported giving some background information noting that the County has agreed to repay two years out of the four years. Mayor Edelcup reported that this has been an ongoing dispute by the five cities of Aventura, Key Biscayne, Pinecrest, Miami Lakes and Sunny Isles Beach. He said three cities have met this week to discuss the County's recent proposal to us which was to give us half of the money that was owed to us, for the first two years of the four years they withheld monies to us in the neighborhood of \$400,000 and noting for the total four years they withheld monies that we believe belong to the City of over \$800,000. Mayor Edelcup said that they have suggested that perhaps to admit their error in withholding this and it was withheld unilaterally it was not by a consent on our part, and they suggested that they would pay back the \$400,000 over a longer period of time, some four years. He said in addition, the County would like to rewrite into the future, the amount of the monies that they would refund to us for franchise fees and they are suggesting a number for Sunny Isles Beach that would basically be maybe a third of what we feel is the shortfall that we are experiencing every year. He said in our discussion with the other two cities, that the amount they are offering Sunny Isles Beach the one-third of the differential was much smaller than what they were offering some of the other cities so their formula still is not necessarily being fair to the City of Sunny Isles Beach nor are they being fair in trying to only give us back half of what we are entitled to.

Mayor Edelcup stated that his position is, and he hopes the other cities will agree, that we should not settle for anything less than the full amount of the monies that we were entitled to under our agreements with the County. He said as it relates out into the future, if the County wants to sit down and negotiate future and not past we would be willing to sit down with the cities affected by this and discuss a new formula that if the County can convince us it is a more fair treatment for all parties involved then certainly we wouldn't take a hard stand position of what the formula was before.

Mayor Edelcup said what we are asking the County to do is to first agree to pay the four years that they withheld from us even if they can't pay it in one lump sum that we would take it over a period of time as long as they admit that they are responsible to pay us for the shortfall, and we would agree to sit down with them and discuss a new formula going forward as long as it is fair not only for the County but fair for each of the cities and respectively fair between the cities, and if we can achieve that then we can settle this, short of any other legal action. He said if we cannot settle it that way then he will be back before this Commission asking for whatever authority that City Attorney Ottinot would need to

either mediate this or bring it before a judicial body if we have to go that way. He said that the next meeting is May 30, 2006 and that he would come back and report at the June 15, 2006 City Commission meeting the outcome of that meeting and what the County's position is.

Mayor Edelcup said what the County doesn't want to recognize is that they sat down with us and this was part of the Interlocal Agreement when we left the County as unincorporated, the County came up with this agreement, we accepted this agreement, now they have decided that they don't like the agreement that they suggested and have unilaterally just changed the formula to give them the answer that they want without informing us ahead of time as to whether or not we agreed to that or not. City Attorney Ottinot said that we will keep the Commission apprised of all the negotiations and also will provide a written status report after the meeting on May 30, 2006.

12E. Add-On:

Discussion regarding Landscaping of Samson Oceanfront Park and the Medians.

Action: City Manager Szerlag said that this issue is time sensitive because he would like the Commission to be aware as well as receive their input on projects that we are going to do in the future and asked Public Works Director James Watts to do a power-point presentation, and noted that a copy of the presentation has been handed out to the Commission. Public Works Director Watts said that they will be discussing landscaping in the medians and in Samson Oceanfront Park, and the seasonal color change.

Public Speakers: Andrew Tagleomonte

Public Works Director Watts said we are having difficulties on Collins Avenue because we are having a fence put in and have not decorated that; we have damage from hurricanes where plants burned up and were completely taken out; and there are a lot of places that need to be filled from damage of people walking through flowers and from vehicles.

Mr. Watts said the plants that they use on the medians are Green Buttonwood, Silver Buttonwood, and Ficus Green Island plants which is an excellent slow growing plant, does not need a lot of trimming or care, and is highly adaptable to the weather, whereas Red Cocoplum burned up very quickly from salt and wind damage. He said that we want plants and trees badly but so does everyone else and so the plants that we have got are very small and will take a couple of years of growing. He said currently we have 12 noses on Collins Avenue and we have 26 noses located on 174th Street and we would like to recommend we do colored noses on every island in the City. He said right now we are doing 38 and now there will be another 38 which will double our cost from \$34,000 per change to \$70,000 per change or \$210,000 per year. He said we have three basic colors that we are using, the Begonias which is a summer flower and stands well under the heat, we have the fall plants which are the Caladium, and Impatiens do well in the winter in cooler weather with many different colors. Commissioner Thaler said that there are many different sizes that one can get on Begonias, and we use the smallest thing that we can find, can't we start with something a little bigger, and Mr. Watts said we can visit that but we are going by what the contract said four years ago, the plants would cost \$1.45 each. City Manager Szerlag said if it is a question of cost we can go with larger plants at a higher cost. Mr. Watts said we can

go with one-gallon plants.

Mayor Edelcup said when they were in Netanya, Israel the flower arrangements were much more beautiful than the typical Caladiums, Begonias, and plants that we are so accustomed to seeing over here, and they were using plants like Snapdragons, and flowering annuals that had a multitude of coloring. Vice Mayor Brezin said the colors were magnificent and as she is reviewing this presentation, she can see that there is some color added but doesn't feel that it is sufficient. She said she can understand that a lot of these were recommended to us because they require less care. She said what has been shown tonight where we have the fencing most of it is just green hedge, it might be different types of green hedge but it is not floral, it is not what we would really like to see in the City.

Commissioner Iglesias said what they saw were layers but to go to Atlantic Isle there is nothing but green where you could have different tiers and different color and he understands that we are limited in certain areas but we are not, for example, in the Park. He said you need to put something on the median that is sturdy and looks nice but maybe something bigger that will make an impact, or have layers with different sizes. He said what we need to do is something that will catch your eye and make the City more beautiful. He said we now have Town Center Park that people love and use, and at the very beginning of it we can, next to those trees, use a couple of rocks as well to add to different layers of different colors of flowers. Commissioner Thaler agreed but he felt that staff should also look on a different level for the entranceways to the City, we can put in a layered flowering area, we need color.

Mayor Edelcup said a mixture of color, not all one color. He said the Commission would like to see some variety, not everything looking uniform within the City, different beds of flowers will attract your eye as opposed to seeing the same bed again and again throughout the City. Commissioner Thaler said if you would look at the Pinnacle you will see to some extent as to what they are talking about, they have three or four different layers, and they are all different flowers, with all different colors, which is the closest in the City what the Commission is trying to relay to staff. Commissioner Goodman said coming across the William Lehman Causeway you can see that sign there and there is nothing underneath the sign, no beauty or flowers, and Public Works Director Watts said that Crown of Thorns were there but looked bad and were torn out and replaced, but we can do better. He said as far as flowers are concerned we can get larger and more colorful flowers. Commissioner Iglesias said entrances to communities like Poinsianna, Atlantic Isle, Winston Towers, Arlen House, Golden Shores, main entrances, in addition to the seasonals, there are other things we can put in like boulders, rocks, where you have a larger tree behind it, and different flowers, something that when you drive by you say wow this is nice, in the Park in certain areas you can do that as well.

City Manager Szerlag asked Assistant City Manager Vera and Public Works Director Watts, if the Commission is willing to do this, to have a special meeting in a couple of weeks, if we can get with our Landscape Architect to come back with a Plan as well as associated costs for an upgrade in the medians, and it was the consensus of the Commission to hold a meeting in 2-3 weeks. Public Works Director Watts said as far as the plants are concerned on Collins Avenue that is it, there are none bigger, they are 12-inches and we need 30-inches. Commissioner Thaler said that he thinks they are talking about the color and layering and if

you can put that together, and someone needs to talk to them about what plants are ingenious to this part of Florida, and how they can be leveled the same as Netanya.

Public Works Director Watts said that they want to get Samson Oceanfront Park done by the City's birthday celebration [June 17, 2006]. He said we lost 23 palm trees in that Park due to the hurricane, most of them that we are going to replace as palm trees are inside the elbow, and we are doing that for two reasons: palm trees are there now, we want to put like trees with them; and they are of 10 to 12-foot of wood and a Police Officer can sit on Collins Avenue and see somebody in the building at the rear and if we have broad leafed trees in there he can't do that. He said on the outsides of the sidewalks where the palm trees were at, we came up with a different idea, a Brazilian Beautyleaf which is a shade tree and doesn't grow too tall and we have decided to put three each on the outside of the sidewalk in conjunction with the park benches, this will give people that use the park some shade, and by adding the nine (9) trees to the outside of the Park we add one more tree variety. He said a couple of the palm trees that we had to tear down were in the kids play area and we are not going to replace those trees because next year they are expanding the play area.

Vice Mayor Brezin said that the trees are beautiful but are there any flowers in this Park, we are going to have a beautiful party and we would like to see them plant something that would add a lot of color to it. Mr. Watts said the only flowers that we have right now are right in the direct center in the front of the Park, and those are currently Begonias and they are going to be right in front of the new statue that we are going to put in. Mr. Watts said that he intends, with the City Manager's permission, to surround that statue with flowers as soon as we are finished with the work there because that ground is going to be torn up anyway, and we can make that look beautiful. Vice Mayor Brezin said with a lot of color, Flambago that has that beautiful purple blue color to it and that also works well as hedging and in addition to that it flowers all the time in Florida year round, there are also bright red cherry look things with color. She said Hibiscus grows in abundance here and is in yellows, whites, reds, etc., and the Bougainvillea is beautiful and colorful, and it would climb the fences.

12F. Add-On:

Discussion regarding the City's 10th Anniversary Celebration.

Action: Mayor Norman S. Edelcup reported that next month will be the 9th Anniversary celebration on June 17, but a more historic anniversary will be our 10th Anniversary coming up on June 16, 2007 which will coincide with a Saturday, and also our date of incorporation. He said because a 10th Anniversary is a significant one, he knows that City Manager Szerlag has already put together a staff project to work out all the things that we would like to see happen for our 10th Anniversary celebration. He said additionally there are people outside of government employees that he knows would like to work on this project and so he asked City Manager Szerlag to meet with some of the people that want to get involved in this project other than staff, and perhaps form a committee of the lay people in the community that have some input. He suggested for instance, Madi Thaler indicated that she would be very helpful in this area and have some good suggestions. He said he knows that there are other people that would like to get involved, and again would like to suggest to the public that they contact City Manager Szerlag and he is sure that he would accommodate by creating a committee. He said we don't want to create an overburdening committee because

if we get 100 people we will get 100 ideas and nothing will get done, but perhaps from all the applicants that the Manager will receive, maybe he can pick five or six people, and blend that in with the staff people and hopefully we can come up with a grand and glorious 10th Anniversary.

Commissioner Goodman asked if we should have a workshop on this and Mayor Edelcup said that this is a major budget item and City Manager Szerlag will need approval for it which would result in a workshop or public discussion. Mayor Edelcup said that the budget will have to come up with a rounded number as to what we will allot to celebrate and then the details will follow on how that money is spent and what alternatives we have to spend it.

City Manager Szerlag said that the Fiscal Year starts October 1, 2006 and that next month he would like to begin sessions preliminary with the City Commission on the budget process.

12G. Add-On:

Mayor Edelcup mentioned that the City lost a great friend and compatriot and a tireless worker when Bill Lone passed away last week, and that we would have an appropriate memorial presentation at the July 20, 2006 City Commission Meeting.

Mayor Edelcup noted the passing of a fine Commissioner that was in Aventura, Manny Grossman who was elected to the Aventura City Commission in 2001 and served four (4) years, and when he retired from the City after losing an election for Mayor, he worked diligently with the Greater Miami Jewish Federation and donated the remainder of his life to that cause. He said that Manny was always a very helpful compatriot for many of the commissioners and him as well here in Sunny Isles Beach.

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

13A. Request of Herbert Abramson to Discuss the Status of the Beachwalk.

Action: Mayor Edelcup said that Herbert Abramson is ill and has asked that this item be deferred to June 15, 2006 but noted that City Manager Szerlag has begun to do some research in this area and he thought this would be an opportune time to give the Commission his thoughts on this.

City Manager Szerlag stated that initially based on what he has read on this topic there were two schools of thought: one was to have a piping of an 8 to 10-foot strip on the sand along a portion of the beach for compaction to see if that would work and that would take the place of or be in lieu of a crushed seashell type of path that would have permanence to it, in order to have a path or walkway of that sort with permanence, there first has to be a dune in place and nurtured for approximately one year. He said we could pipe a portion of the beach and he would let the Commission know what day that would occur, on the Commission's own volition without working together, they would walk various portions on the compacted area to get a sense of how it works, if there is enough compaction here so that will really be worth doing on a periodic basis. He said in the alternative, he is then going to have staff perform what is called a stake and location in an area contiguous to Samson Oceanfront Park whereby in the public area we will stake out a public property where a dune and associated

path can be constructed. He said we will stake out the area in terms of the cross section of the dune, and he is not sure at this point what grade is required if it is one on sixth, or one on eighth, but we will find that out as well as a 6 or 8-foot wide pathway and the Commission will be able to get a physical look at least in terms of dimension perspective of how that would look and what space would be available at least in front of Samson Oceanfront Park from the end of the dune to the waterfront and then we will take it from there.

Mayor Edelcup said what City Manager Szerlag is saying is that we have alternatives, one is the rolling of the sand which requires very little effort to do, and if we don't like that approach, that there is another alternative but that other alternative comes with a catch to it and that is that a berm has to be built and that berm would have to be eastward of the path. City Manager Szerlag said that he would suggest that we conduct a public meeting to discuss the issue of what the Commission's sense was on the compaction via piping as well as on the dimension areas for a dune and walkway approximate to the water's edge. Commissioner Thaler asked the size of the berm and City Manager Szerlag said he did not know if there was a specification for a dune or not, but the cross section would actually stake out the smallest type of dune that would be acceptable to the appropriate permitting agency. Commissioner Goodman said to make the dune and with the beach erosion you would be taking away the public part of the beach. Commissioner Thaler suggested doing the first alternative with rolling piping of the beach and see how far that goes and we can get a number of people to go on it and look at it and then have a workshop and get their opinion. City Manager Szerlag said for expediency sake and to draw direction on the matter, in conjunction with the walk on the compacted sand from the pipe, he doesn't think it will be that big of an issue to stake and locate a public area contiguous to Samson Oceanfront Park about how wide a cross section would be again staked for a dune and then where you would place the walkway that would give you a sense of scale to the water's edge. Mayor Edelcup said to expedite it you need to see both and then we will know once and for all rather than always guessing which way we should be going.

Public Speakers: Gloria Taft; Cassey Gabor

Gloria Taft said she served on the Beachwalk Initiative Fact Finding Committee and it was her understanding that certain issues that were brought up about the crushed seashells was not permitted. She said the Committee had some issues with the County with DERM, we had the turtle business with the fish and wildlife, we investigated and we made a presentation back in the fall of 2005. She said that the conclusion that they came to was that we could have more or less piping that would be the best route to take, it may not be the most beautiful but it would interfere very little with the different organizations that we came into contact with including the turtles and that was the route we sought to take and that seemed to be pleasing to the people, and we all agreed to at that time. Commissioner Goodman agreed and said that we already did this.

Mayor Edelcup said that City Manager Szerlag read the report and came to a different conclusion, and City Manager Szerlag quoted page 2, second paragraph from the report "Accordingly what is left to us in the context of this discussion is the space between the 50-foot setback line and the erosion control or private property line. That space varies greatly, there are places, particularly on the north end of the City, that are very limited and others where it is a little larger. However, even within this area, the only thing that can occur is

what the state would consider “minor construction” and that “minor construction” can only occur if there is a frontal dune already existing to put it behind it.” He said what this is saying is within that public space, sometimes it is narrow, and sometimes it is not, you would first have to establish a frontal dune and get permission from DERM, keep it in place for a year, and then if DERM agreed, you could then place minor construction, such as a bicycle or walk path, something minor within that public space, that could occur.

Mayor Edelcup said what he is hearing is that we are not interested in the DERM approach and in that event that City Manager Szerlag just has to show us the piping. Commissioner Thaler said he didn’t think the piping would hold. Mayor Edelcup said that we will move forward on the piping at Samson Oceanfront Park area and hopefully we will see that before the June 15, 2006 City Commission meeting and at that meeting it will be on the agenda to either approve it or discuss why it is not working after we have seen what it looks like.

13B. Add-On: Cassey Gabor said that Town Center Park is a beautiful Park and it needs some flowers but the main problem is the hours of the Park. She said she would like the Park to open at 7:00 a.m. and close at 9:00 p.m.

Mayor Edelcup said that the Commission will give City Manager Szerlag instructions right now that Town Center Park will remain open during Daylight Saving Time from 7:00 a.m. to 9:00 p.m.

14. ADJOURNMENT

Mayor Edelcup adjourned the meeting at 11:20 p.m.

Respectfully submitted by:

Approved by the City Commission on June 15, 2006

Jane A. Hines, CMC, City Clerk

Norman S. Edelcup, Mayor