MEMORANDUM

TO: The Honorable Mayor and City Commission

FROM: Jane A. Hines, CMC, City Clerk

DATE: 7/19/2012

RE: Summary Minutes for the June 21, 2012 City Commission Meeting

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RECOMMENDATION:

Attached for your consideration are the Summary Minutes for the June 21, 2012 Regular City Commission Meeting.

REASONS:

N/A

ATTACHMENTS:

1. Summary Minutes
SUMMARY MINUTES
Regular City Commission Meeting
Thursday, June 21, 2012, 6:30 p.m.
City of Sunny Isles Beach, Florida

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

AGENDA

1. CALL TO ORDER / ROLL CALL OF MEMBERS
The meeting was called to order by Mayor Edelcup at 6:30 p.m. with the following officials present:

Mayor Norman S. Edelcup Acting City Manager/Chief Fred Maas
Vice Mayor Lewis J. Thaler City Attorney Hans Ottinot
Commissioner Isaac Aelion Asst City Manager/Finance Minal Shah
Commissioner Jeanette Gatto City Clerk Jane A. Hines, CMC
Commissioner George “Bud” Scholl Deputy City Attorney Fernando Amuchástegui

2. PLEDGE OF ALLEGIANCE / INVOCATION
Action: Jennifer Levin led the Pledge of Allegiance to the flag, and City Historian Richard C. Schulman gave the invocation.

Mayor Edelcup gave opening remarks of decorum.

3. APPROVAL OF MINUTES
3A. Regular City Commission Meeting – May 10, 2012.
Action: Vice Mayor Thaler moved and Commissioner Aelion seconded a motion to approve the above Summary Minutes. The motion was approved by a voice vote of 5-0 in favor.

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

4A. Request to Hear Items: Withdrawals: Item 10A, Select Architectural & Engineering Firms; Items 10B and 10C, Agreements with FDOT; Deferrals: Item 10D. Agreement with Keith and Schnars; Revised Items: Item 10H. Food Truck Services at Sole; Item 10K. Dragon Boat Race; and Item 10N. 2nd Amendment with Beiswenger, Hoch & Assoc.; Additional Information: Item 10R. Change Orders with Shoreline Foundation, Inc.; Add-On and Hear After Presentations: Item 10S. Appointment of Acting City Manager.

Action: Mayor Edelcup noted the above changes to the agenda.

Commissioner Aelion moved and Commissioner Scholl 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. Proclamations to be Presented to Author Ellen J. Uguccioni and Photographer David Gartner for their Extraordinary Effort in Producing the City's 15th Anniversary Commemorative Book Entitled "A Source of Community Pride: The Architecture of Sunny Isles Beach".

*Action:* Mayor Edelcup asked Cultural and Human Services Director Susan Simpson to give a report of last week's 15th Anniversary activities, and she said that Sunday, June 17, 2012 marked the 15th Anniversary of the incorporation of the City of Sunny Isles Beach and to honor this special occasion the City hosted several events throughout the anniversary week and she gave a brief overview of those festivities. It began on Sunday, June 10, 2012 with the International Olympics at Pelican Community Park. A weeklong Scavenger Hunt led teams to a variety of City Landmarks to solve the word puzzle "A World Class City". "A Source of Community Pride: The Architecture of Sunny Isles Beach" is the exquisite hard cover book that pays tribute to the monumental buildings that transforms this world class City in the past 15 years. It was unveiled with an official Book Signing Ceremony on Tuesday, June 12, 2012 and the author Ellen J. Uguccioni is here tonight. The book is on sale at the Visitors Center. On Thursday, June 14, 2012 in cooperation with the Senior Action Committee, the History of Incorporation came to life with a panel discussion on the efforts of great civic leaders who gave birth to the City with a special thank you to Dennis Stubbolo and David Gartner, and to the panelists, Mayor Edelcup, Senator Gwen Margolis, Susan Fried, and former City Commissioners Roslyn Brezin and Danny Iglesias. After looking into the past, the City looked to the future with the Groundbreaking of Gateway Park. The signature park is the final piece of the Commission's green initiative which provides a park within walking distance of every resident. On Saturday, June 16, 2012 was the Taste of Sunny Isles Beach at Heritage Park with several restaurants offering sample size portions of their gourmet menu while FIU Ensemble Band performed on stage. All this led up to Sunday, June 17, 2012 at Samson Oceanfront Park with a traditional barbeque marking the official anniversary with a cake cutting ceremony and the extraordinary sounds of Nicole Henry. These highlights will be broadcast on SIBTV Channel 77. The week was very successful and it was a team effort. Ms. Simpson read into the record the names of employees and volunteers involved in this weeklong celebration. Mayor Edelcup thanked Ms. Simpson who without her help, none of this would have happened. He also noted at the back of the Chambers, pictures that were taken during the 15th Anniversary week.

Mayor Edelcup reported and he and the Commission presented Proclamations to Ellen J. Uguccioni and David Gartner who thanked the Commission.

5B. A Proclamation to be Presented to Loretta de Vries in Honor of her Many Accomplishments.

*Action:* Mayor Edelcup reported and he and the Commission presented the Proclamation to Loretta de Vries who thanked the Commission.

5C. Introduction of Judicial Candidates.

*Action:* Candidates Mauricio Padilla and Judge Andrea R. Wolfson introduced themselves and thanked the Commission.

[City Clerk's Note: After the presentations, the Commission heard Add-On Item 10.]
6. **ZONING**

   None

7. **ORDINANCES FOR FIRST READING**

   [City Clerk’s Note: Item 7A was heard after Item 10S.]

   **7A.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Sections 265-23 and 265-25 of the Land Development Regulations to Provide for **Extension of Payments for Development Rights Purchased Under the Transfer of Development Rights (TDRs) and Bonus Programs**; Providing for Repealer; Providing for Severability; Providing for Inclusion in the Code; Providing for an Effective Date.

   **Action:** City Clerk Hines read the title, and City Attorney Ottinott reported the purpose of this Ordinance is to codify the practice of providing extensions of payments of development rights purchased under the TDR Program and under the Bonus Program, an extension can be granted upon recommendation of the Finance Director and is in the best interest of the City.

   **Public Speakers:** None

   Commissioner Aelion moved and Vice Mayor 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, July 19, 2012, at 6:30 p.m.

   **Vote:**
   - Commissioner Aelion  yes
   - Commissioner Gatto  yes
   - Commissioner Scholl  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.** An Ordinance of the City Commission of the City of Sunny Isles Beach, Florida, Amending Chapter 22 of the Code of Ordinances of the City of Sunny Isles Beach Entitled “**Departments**”; Providing for the Renaming and Integration of Certain City Departments; Providing for Severability; Providing for Repealer; Providing for Inclusion in the Code; Providing for an Effective Date.

   (First Reading 05/10/12)

   **Action:** City Clerk Hines read the title, and Mayor Edelcup noted a minor change that the Department of Cultural and Community Services be changed to Cultural and Community Services Department.

   **Public Speakers:** None

   Commissioner Aelion moved and Vice Mayor Thaler seconded a **motion to adopt the**
ordinance, as amended. Ordinance No. 2012-387 was adopted by a roll call vote of 5-0 in favor.

Vote: Commissioner Aelion yes
Commissioner Gatto yes
Commissioner Scholl yes
Vice Mayor Thaler yes
Mayor Edelcup yes

Sitting in as the Local Planning Agency and the City Commission to Consider the Following 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 Chapter 265 “Zoning” Section 265-37 “Town Center Zoning District” to Clarify that Commercial Jet Skis and Personal Watercraft Launching Facilities are Conditional Uses Within the Town Center Zoning District, Attached as Exhibit “A”; Providing for an Effective Date.

Action: [City Clerk’s Note: Items 9B.1 and 9B.2 were heard together.] City Clerk Hines read the title.

Commissioner Scholl moved and Commissioner Gatto seconded a motion to approve the resolution. LPA Resolution No. 2012-71 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 Chapter 265 “Zoning” Section 265-37 “Town Center Zoning District” to Clarify that Commercial Jet Skis and Personal Watercraft Launching Facilities are Conditional Uses Within the Town Center Zoning District; Providing for Repealer; Providing for Severability; Providing for Inclusion in the Code; Providing for an Effective Date and Applicability. (First Reading 05/10/12)

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

Public Speakers: None

Commissioner Scholl moved and Commissioner Gatto seconded a motion to adopt the ordinance. Ordinance No. 2012-388 was adopted by a roll call vote of 5-0 in favor.

Vote: Commissioner Aelion yes
Commissioner Gatto yes
Commissioner Scholl yes
Vice Mayor Thaler yes
Mayor Edelcup yes
10. RESOLUTIONS

10A. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Selecting Eleven (11) Professional Architectural & Engineering Firms to Perform Architectural Services Firms Only (CCNA) for the City, in Response to RFQ No. 12-04-02; Authorizing the City Manager or his/her Designee to Enter into Continuing Consultant Agreements with Said Architectural and Engineering Firms, Provided Said Agreements are Approved as to Form and Legal Sufficiency by the City Attorney; Further Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: Withdrawn.

10B. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving an Agreement with Florida Department of Transportation (FDOT) to Install Aesthetic Enhancements of Paver Sidewalks, Stamped Crosswalks and Upgraded Handrails to a Continuous Sidewalk Facility Along Collins Avenue (SR A1A) from Sunny Isles Boulevard (SR 826) Eastbound to Collins Avenue Southbound Off-Ramp, in an Amount Not to Exceed $30,000.00, in Substantially the Same Form Attached Hereto as Exhibit “A”; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager and the City Attorney to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: Withdrawn.

10C. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving an Agreement with Florida Department of Transportation (FDOT) to Install Pattern Pavement Crosswalks to the Intersection on Collins Avenue (SR A1A) and 193rd Street, in an Amount Not to Exceed $21,600.00, in Substantially the Same Form Attached Hereto as Exhibit “A”; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager and the City Attorney to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: Withdrawn.

10D. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Awarding RFP No. 12-04-05 to and Entering into an Agreement with Keith and Schnars, P.A. for Utility Undergrounding Consultant Services for Phase 1, in an Amount Not to Exceed $49,420.00, in Substantially the Same Form 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: Deferred.
10E. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Authorizing a First Amendment, in Substantially the Same Form, to the Agreement with Ashbritt, Inc., for Emergency Debris Clearing and Removal Operations, Attached Hereto as Exhibit “A”; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate the Terms of the Agreement; Providing for an Effective Date.

**Action:** City Clerk Hines read the title, and Assistant City Manager/Finance Shah reported that the pricing is at the same fee schedule as we initially approved the agreement.

**Public Speakers:** None

Commissioner Aelion moved and Vice Mayor Thaler seconded a **motion to approve the resolution. Resolution No. 2012-1914 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, Appointing One (1) New Member and Reappointing Six (6) Members to the Historic Preservation Board for a Two-Year Term, Attached as Exhibit “A”; Providing for an Effective Date.

**Action:** City Clerk Hines read the title, and Mayor Edelcup reported and reappointed Joe Masters as the Chair, and reappointed Shari Blank, Janet Cini, Trina Duluc, Hassida “Cassey” Gabor, and Warren Stamm. Commissioner Scholl nominated Jorge Camaraza, a resident on Atlantic Island to replace Mark Glicksman who had resigned.

**Public Speakers:** None

Commissioner Aelion moved and Commissioner Gatto seconded a **motion to approve the resolution. Resolution No. 2012-1915 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 a Contribution to the American Cancer Society, in an Amount of $2,000.00, Toward the Sponsorship of the “Relay for Life” Event; Authorizing the City Manager To Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

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

**Public Speakers:** None

Commissioner Scholl moved and Commissioner Gatto seconded a **motion to approve the resolution. Resolution No. 2012-1916 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, Regarding the Application for Temporary Use of Food Truck Service at Sole Condominium/Hotel Located at 17315 Collins Avenue; Providing for an Effective Date.

Action: [City Clerk's Note: A revised cover memo was distributed prior to the meeting.] City Clerk Hines read the title, and Assistant City Manager/Community Development Sharon Ragoonan reported that the applicant is requesting time to October 2012 and staff is recommending one month and that they are required to pull permits to ensure they have the proper service connection for the food truck.

Public Speakers: Robin Hess

Robin Hess of Sole said the food truck is used as a mobile catering truck and is a temporary use until the kitchen is completed and they can open up a restaurant there. They have a contract to have a celebrity chef open the restaurant who is also associated with the food truck. The chef is Ralph Pergatti who is associated with Gulfstream. The truck is not open, not detailed and is not blocking anything. No one can walk up to the window and buy anything, it is just catering to the hotel where their servers take the order, give it to the truck. The truck prepares the food, and the server delivers it and charges it to their room. Ms. Hess said it is going to take 90 days for the kitchen to be complete and so they are asking for the 90 days to allow the truck to be there and then it will be gone. They have already applied for the permits. Mayor Edelcup asked where on the property the truck would be located. Ms. Hess said it will be on the north side of the building in the back on the third level which is half in the garage and half out because the top doesn’t fit under it. Ms. Hess handed out a site plan.

Vice Mayor Thaler asked how they are covered by the health inspections for the truck, given that it is portable instead of a permanent installation. Ms. Hess said the truck is licensed through the Board of Health State of Florida. She added it is also well known as it has won awards for the top hamburger in the City of Miami, and is also inspected by the State of Florida. They are also applying for the tax receipt and the certificate of use in Sunny Isles Beach. The kitchen build out will take three months. Commissioner Aelion said in the event that you don’t finish the kitchen in 90 days you will come back and ask us for an extension? Mayor Edelcup said what passes tonight will determine that, and reiterated they asked for 90 days and staff is recommending 30 days. City Attorney Ottinot said that after the workshop, the recommendation was amended to 90 days.

Commissioner Scholl said it is fairly unobtrusive in the back but why the sense of urgency now when you haven’t had a restaurant there in a long time? Ms. Hess said that they have always used outside caterers and now cannot handle the amount of business that Sole does. She further stated they do not want to drop that amenity to their guests as they are No. 2 in the City overall in Trip Advisor, and they are No. 1 in Trendy Hotels in Sunny Isles Beach and do not want to lose any standing on that. Mayor Edelcup asked if they have their contract in place now for the kitchen, or are they still negotiating? Ms. Hess said the contract is in place with Chef Pergatti. Mayor Edelcup said he wanted to make sure it was in place because he doesn’t want them coming back for an extension and we don’t want to set an example of having a food truck providing for food service in the City instead of regular kitchens. Mayor Edelcup said he is feeling cautious about making sure that it is done within
their timeframe.

Commissioner Scholl said because it is out of the way, he would probably make the recommendation to approve it just because of the nature of the way that they have it situated. Commissioner Scholl further stated that for the record, if it was in the public eye in any meaningful way, then it would not get approved because clearly we can’t have everybody coming in wanting food trucks parked in front of their buildings. On that basis, he would make a motion to approve for 90 days with the caveat that it stays on the location that is described on the site plan, and cannot be parked anywhere else. City Attorney Ottinot said that the Resolution will be revised accordingly. Commissioner Aelion asked about electricity to the truck, and Ms. Hess said the truck is self-contained.

Commissioner Scholl moved and Vice Mayor Thaler seconded a motion to approve the resolution, as amended. Resolution No. 2012-1917 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, Supporting the Central Everglades Planning Project for the Restoration of the Central Everglades; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

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

Public Speakers: None

Vice Mayor Thaler moved and Commissioner Gatto seconded a motion to approve the resolution. Resolution No. 2012-1918 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, Authorizing the Submission of a Grant Application to the Florida Division of Cultural Affairs Cultural Facilities Program Requesting $500,000.00 for the Pelican Community Park Expansion Project, and Further Authorizing an Amount of $1 Million as the City’s Required Matching Funds; Authorizing the City Manager to Do All Things to Effectuate this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title, and Assistant City Manager/Finance Shah reported that the grant expenditures must occur after July 1, 2013, and the City is required to match $1 Million. The grant does allow for the City to have a look back period where the City can look back five years from the grant application date to use those funds for that respective project and use it as a match. Since Pelican Community Park was actually built less than five years ago, we are able to use those funds to match for the expansion.

Public Speakers: None

Commissioner Scholl moved and Commissioner Aelion seconded a motion to approve the resolution. Resolution No. 2012-1919 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, Authorizing a Contribution in an Amount Not to Exceed $10,000-$20,000 to Sponsor the 10th Annual Dragon Boat Race; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: [City Clerk’s Note: An amended Resolution was distributed prior to the meeting.] City Clerk Hines read the title, and Cultural and Human Services Director Susan Simpson reported noting that the City is proposed to host the event and they are looking for a donation of up to $10,000. The actual race will take place at Haulover Park, and we would host a couple of events here to kick off the event.

Public Speakers: Keith Oliver

Vice Mayor Thaler moved and Commissioner Scholl seconded a motion to approve the resolution, as amended. Resolution No. 2012-1920 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, Approving the Second Amendment to Agreement with Tenex Enterprises, Inc. for Collins Avenue Streetscape Improvements and Landscaping Services for the Installation of Trees and an Meandering Walkway in the Intracoastal Parks, in an Amount Not to Exceed $372,157.36, Attached Hereto as Exhibit “A”; Authorizing the Mayor to Execute Said Second Amendment to 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/Finance Shah reported this is for the improvements of the landscaping along Collins Avenue sidewalk westbound as well as the meandering walkway within the Park.

Public Speakers: None

Vice Mayor Thaler moved and Commissioner Aelion seconded a motion to approve the resolution. Resolution No. 2012-1921 was adopted by a voice vote of 5-0 in favor.

10M. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Expressing Support for the Establishment of a Unique Zip Code for the City of Sunny Isles Beach; 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 Vice Mayor Thaler reported that in 2007 he had tried to get the City’s own zip code, and we had very little response from the residents. Since 2007 the City has not only grown but most people now realize that unless we get our own zip code we will always be known as North Miami Beach. We are making an effort to go back and try to get our own zip code for Sunny Isles Beach. He introduced Jennifer Levin who has been put in charge of doing the legwork for getting us a zip code.

Public Speakers: Jennifer Levin

Jennifer Levin said she is the Chairperson of the Special Projects Subcommittee of the City Advisory Committee. The resurrection of the effort to gain a new zip code for the City was
recently advised. Her Subcommittee has been conducting some research in preparation for making the request to the Post Office. Although the Post Office must address its internal operations, based upon a 2006 Congressional Research Service Report prepared for Congress by Nigh Stevens concerning the change of zip code boundaries, the Post Office should give careful objective consideration to community wishes even if they are based only on identity concerns. This Congressional Research Report also stated that zip codes misalign with municipal boundaries can cause higher insurance rates, confusion over voter registration, misdirected property and sales tax revenues for municipalities and diminishment of housing values. Because a shared zip code places a municipality in a less prestigious community. Community identity is also robbed. Further problems include misdirection of jury duty notices and emergency services. Particularly as to Sunny Isles Beach, mail is miss-delivered because we do not have direction such as northeast, southeast, etc. in our street addresses and it is inconvenient to retrieve mail from the North Miami Beach Post Office. Based upon the foregoing and for other reasons which may not yet be clear, and the fact that there are no known substantial reasons why acquiring a unique zip code may be detrimental, it is in the interest of the City to pursue the branding of its unique identity and proceed with the application.

Commissioner Aelion recognized the effort of Ms. Levin. Commissioner Scholl said the only issue that he would have is that they will lump us with Golden Beach. Vice Mayor Thaler said that he has spoken to the Commission at Golden Beach and they are having a meeting tonight. Commissioner Scholl said he doubts that the Post Office would carve us out and leave Golden Beach with a zip code that is not contiguous. Commissioner Scholl added that his only concern would be when the computers worldwide get updated and you punch in 33160, it doesn’t say Golden Beach, they are going to have the same problem that we are going to have, because what happens is there are these data bases that self populate the city field based on when you punch a zip code in. Mayor Edelcup said it is not for us to determine what they do in Golden Beach, and that we apply for Sunny Isles Beach in hopes that the zip code they assign is strictly for us.

Vice Mayor Thaler moved and Commissioner Scholl seconded a motion to approve the resolution. Resolution No. 2012-1922 was adopted by a voice vote of 5-0 in favor.

10N. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving the Second Amendment to Agreement with Beiswenger, Hoch and Associates, Inc. (BH&A), to Provide Post Design Services for the Sunny Isles Beach/Newport Fishing Pier, in an Amount Not to Exceed $7,310.00, Attached Hereeto as Exhibit "A"; Rescinding Resolution No. 2012-1910 Adopted on May 10, 2012; 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's Note: An amended Resolution was distributed prior to the meeting.] City Clerk Hines read the title, and Assistant City Manager/Finance Shah reported that the change order relates to two items: one is doing additional design as a result our border is extending from the original to a little more west, as well as relocating the electrical box on wiring from outside on the first floor to the inside of the kitchen building. The second item is the LaPerla Agreement [Resolution No. 2012-1910] is being rescinded so we are no longer
committed to the $10,000.00.

Public Speakers: None

Commissioner Scholl moved and Vice Mayor Thaler seconded a motion to approve the resolution, as amended. Resolution No. 2012-1923 was adopted by a voice vote of 5-0 in favor.

10O. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving a First Amendment to Agreement with Logistics Management Group to Provide Logistical and Event Management Services for the Fifth Annual Jazz Fest 2012 on October 11-14, 2012, in an Amount Not to Exceed $65,000.00, Attached Hereto as Exhibit “A”; Authorizing the Mayor to Execute Said Agreement; Authorizing the City Manager to Do All Things Necessary to Effectuate this Resolution; Providing for an Effective Date.

Action: City Clerk Hines read the title, and Cultural and Human Services Director Susan Simpson reported this is the First Amendment to extend the Agreement with Logistics Management Group. They produced Jazz Fest 2011 and we would like them to also produce Jazz Fest 2012. By committing early with them we will be able to secure the performance by David Benoit for our Saturday night main concert. This is the same amount as last year.

Public Speakers: None

Commissioner Gatto moved and Commissioner Aelion seconded a motion to approve the resolution. Resolution No. 2012-1924 was adopted by a voice vote of 5-0 in favor.

10P. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Awarding Bid No. 11-10-02 to and Entering into an Agreement with Shiff Construction & Development, Inc. for Design, Fabrication, and Installation of an Aluminum Security Barrier at the Heritage Parking Garage Top Floor, in an Amount Not to Exceed $73,923.30, 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/Finance Shah reported that soon after the Heritage Parking Garage was opened, we recognized that there were some safety issues at the top floor of the Heritage Park Garage, as a result during the Budget Workshop, we had included doing security fencing. When we initially went out for pricing it was $160,000, we have found an alternative solution job costing contract and this is $73,923.30 with the recommendations that were made at the workshop to ensure that the covering of the fencing blends in with the building.

Public Speakers: None

Commissioner Aelion said because of its important location, its height and paramount look over the City, he had asked for a rendering be brought to workshop prior to the implementation of the project. Mayor Edelecuip asked that it be circulated to the Commission, and stated we don’t need to bring it up at a Workshop. Vice Mayor Thaler said he thinks we were looking for the color.
Commissioner Scholl moved and Vice Mayor Thaler seconded a motion to approve the resolution. Resolution No. 2012-1925 was adopted by a voice vote of 5-0 in favor.

10Q. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Rescinding Resolution No. 09-Z-117 Adopted on March 19, 2009; Approving Beach Club Use for Le Meridian Beach Resort a/k/a Marenas Resort (“Applicant”) Located at 18683 Collins Avenue; Providing the City Manager and the City Attorney 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 Ottinnot reported.

**Public Speakers:** None

Commissioner Aelion moved and Commissioner Scholl seconded a motion to approve the resolution. Resolution No. 2012-1926 was adopted by a voice vote of 5-0 in favor.

10R. Change Orders to Agreement with Shoreline, Foundation, Inc.

1. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving Change Order Numbers 1, 2, 3, and 4 to Agreement with Shoreline Foundation, Inc. for the Newport Fishing Pier Demolition and Construction Project, Decreasing the Agreement by $818,158.79, 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’s Note: Change Order Numbers 1-4 were distributed prior to meeting. Items 10R.1 and 10R.2 were heard together.] City Clerk Hines read the title, and Assistant City Manager/Finance Shah reported that this relates to a Sales Tax Incentive Program. Although we are not paying Shoreline Foundation $818,158.79, the City was obligated to pay that amount less $40,000 in sales tax savings to the Subcontractors, and so we are recognizing a $40,000 savings as a result to doing direct purchases.

**Public Speakers:** None

Vice Mayor Thaler moved and Commissioner Scholl seconded a motion to approve the resolution. Resolution No. 2012-1927 was adopted by a voice vote of 5-0 in favor.

2. A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Approving Change Order No. 5 to Agreement with Shoreline Foundation, Inc. for the Newport Fishing Pier Demolition and Construction Project, Increasing the Agreement by $37,605.00, for Remobilization, 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’s Note: Change Order No. 5 was distributed prior to meeting.] City Clerk Hines read the title, and Assistant City Manager/Finance Shah reported that this is the result of remobilizing their equipment.

**Public Speakers:** None

Vice Mayor Thaler moved and Commissioner Scholl seconded a motion to approve the resolution. Resolution No. 2012-1928 was adopted by a voice vote of 5-0 in favor.
10S. Add-On:
A Resolution of the City Commission of the City of Sunny Isles Beach, Florida, Appointing Police Chief Fred Maas as “Acting City Manager” Pending the Appointment of a Permanent City Manager by the City Commission; Providing the Mayor and City Attorney with the Authority to Do All Things Necessary to Effectuate the Terms of this Resolution; Providing for an Effective Date.

Action: [City Clerk’s Note: This item was distributed prior to meeting, and heard after the Presentations.] City Clerk Hines read the title, and Mayor Edelcup reported that the current City Manager Alan J. Cohen had submitted his letter of resignation departing on Wednesday, June 20, 2012. Pursuant to the City Charter Section 3-3, he recommended, and the City Commission concurred with, the appointment of Police Chief Fred Maas to serve as our Acting City Manager until such time a permanent City Manager is appointed by the City Commission. Chief Maas thanked the Commission and he joined the dais.

Public Speakers: None

Commissioner Scholl moved and Vice Mayor Thaler seconded a motion to approve the resolution, as amended. Resolution No. 2012-1929 was adopted by a voice vote of 5-0 in favor.

[City Clerk’s Note: The Commission went back to Item 7A and heard the remainder of the agenda in order.]

11. MOTIONS
   None

12. DISCUSSION ITEMS
   None

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

13A. Jennifer Viscarra: Jennifer Viscarra said the community newspaper has not published an article on a subject of her concern.

14. ADJOURNMENT

Mayor Edelcup adjourned the meeting at 7:31 p.m.

Respectfully submitted by:  

[Signature]
Jane A. Hines, CMC, City Clerk

Approved by the City Commission on July 19, 2012

[Signature]
Norman S. Edelcup, Mayor