

City Commission  
Susan Gottlieb, Mayor

Zev Auerbach  
Bob Diamond  
Teri Holzberg  
Billy Joel  
Michael Stern  
Luz Urbáez Weinberg

# The City of Aventura



City Manager  
Eric M. Soroka, ICMA-CM

City Clerk  
Teresa M. Soroka, MMC

City Attorney  
Weiss Scrota Helfman  
Pastoriza Cole & Boniske

**MAY 3, 2011 6 p.m.**

Government Center  
19200 West Country Club Drive  
Aventura, Florida 33180

1. **CALL TO ORDER/ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **AGENDA:** Request for Deletions/Emergency Additions
4. **ELECTION OF VICE MAYOR**
5. **SPECIAL PRESENTATIONS:** 10 year service awards to employees; Presentation to Raya Elias Pushett
6. **CONSENT AGENDA:** Matters included under the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and considered separately.
  - A. **APPROVAL OF MINUTES:**  
April 5, 2011 Commission Meeting  
April 14, 2011 Commission Meeting  
April 14, 2011 Workshop Meeting
  - B. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE TOWN OF GOLDEN BEACH FOR LAW ENFORCEMENT ACTIVITIES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**
  - C. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA ACCEPTING AND ADOPTING THE ELECTION RESULTS OF THE APRIL 12, 2011 MUNICIPAL SPECIAL MAIL-IN BALLOT ELECTION, AS CERTIFIED BY**

**THE CANVASSING BOARD AND ATTACHED HERETO;  
PROVIDING AN EFFECTIVE DATE.**

- D. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE CITY OF SWEETWATER FOR LAW ENFORCEMENT ACTIVITIES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**
- E. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA DECLARING CERTAIN PROPERTY LISTED UNDER THE ASSETS OF THE CITY AS SURPLUS TO THE NEEDS OF THE CITY; DESCRIBING THE MANNER OF DISPOSAL; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**
- F. MOTION TO ACCEPT THE CITY MANAGER'S REVIEW OF ORDINANCE NO. 2008-08 TRANSPORTATION MITIGATION IMPACT FEE AS CONTAINED IN THE ATTACHED STAFF REPORT**

- 7. ZONING HEARINGS: QUASI-JUDICIAL PUBLIC HEARINGS** – Please be advised that the following items on the Commission's agenda are quasi-judicial in nature. If you wish to object or comment upon any of these items, please inform the Mayor when she requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Commission to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further details of the quasi-judicial procedures may be obtained from the Clerk.

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, DENYING A SIGN VARIANCE FOR HHGREGG, INC. ON THE RETAIL BUILDING LOCATED AT 19925 BISCAVNE BOULEVARD, CITY OF AVENTURA; PROVIDING AN EFFECTIVE DATE.**

- 8. ORDINANCES: FIRST READING--PUBLIC INPUT:**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AMENDING ORDINANCE NO. 2010-10 WHICH ORDINANCE ADOPTED A BUDGET FOR THE 2010/2011 FISCAL YEAR BY REVISING THE 2010/2011 FISCAL YEAR**

**OPERATING AND CAPITAL BUDGET AS OUTLINED IN EXHIBIT “A” ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.**

**9. ORDINANCE – SECOND READING – PUBLIC HEARING:**

**CITY COMMISSION IN ITS CAPACITY AS THE AVENTURA CITY OF EXCELLENCE SCHOOL BOARD OF DIRECTORS:**

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE ATTACHED CHARTER SCHOOL OPERATING AND CAPITAL BUDGET FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL FOR FISCAL YEAR 2011/12 (JULY 1 – JUNE 30), PURSUANT TO SECTION 4.05 OF THE CITY CHARTER; AUTHORIZING EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; PROVIDING FOR BUDGETARY CONTROL; PROVIDING FOR PERSONNEL AUTHORIZATION; PROVIDING FOR GIFTS AND GRANTS; PROVIDING FOR AMENDMENTS; PROVIDING FOR ENCUMBRANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**10. RESOLUTIONS – PUBLIC HEARING:** None.

**11. REPORTS**

**12. PUBLIC COMMENTS**

**13. OTHER BUSINESS:** None.

**14. ADJOURNMENT**

**SCHEDULE OF FUTURE MEETINGS/EVENTS**

|                           |                     |            |  |
|---------------------------|---------------------|------------|--|
| <b>WORKSHOP MEETING</b>   | <b>MAY 12, 2011</b> | <b>9AM</b> | <b>5<sup>TH</sup> FL. EX.CONF.ROOM</b> |
| <b>COMMISSION MEETING</b> | <b>JUNE 7, 2011</b> | <b>6PM</b> | <b>COMMISSION CHAMBER</b>              |

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 305-466-8901, not later than two days prior to such proceeding. One or more members of the City of Aventura Advisory Boards may be in attendance and may participate at the meeting. Anyone wishing to appeal any decision made by the Aventura City Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed at the Office of the City Clerk, City of Aventura Government Center, 19200 W. Country Club Drive, Aventura, Florida, 33180. Anyone wishing to obtain a copy of any agenda item should contact the City Clerk at 305-466-8901.



**MINUTES  
CITY COMMISSION MEETING  
APRIL 5, 2011 6 PM**

Aventura Government Center  
19200 W. Country Club Drive  
Aventura, Florida 33180

**1. CALL TO ORDER/ROLL CALL:** The meeting was called to order by Mayor Susan Gottlieb at 6 p.m. Present were Commissioners Zev Auerbach, Teri Holzberg, Billy Joel, Michael Stern, Luz Urbaz Weinberg, Vice Mayor Bob Diamond, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David Wolpin. As a quorum was determined to be present, the meeting commenced.

**2. PLEDGE OF ALLEGIANCE**

**3. AGENDA: REQUESTS FOR DELETIONS/EMERGENCY ADDITIONS:** None.

**4. SPECIAL PRESENTATIONS:** None.

**5. CONSENT AGENDA:** A motion to approve the Consent Agenda was offered by Commissioner Joel, seconded by Vice Mayor Diamond, passed unanimously and the following action was taken:

**A.** The following minutes were approved:  
March 1, 2011 Commission Meeting  
March 24, 2011 Workshop Meeting

**B.** The following motion was approved:

**MOTION TO RATIFY THE CITY MANAGER'S REAPPOINTMENT OF RAQUEL ROTHMAN, ESQ. AND BARBARA BUXTON, ESQ. AS SPECIAL MASTERS FOR THE CITY OF AVENTURA CODE ENFORCEMENT PROCESS**

**C.** **Resolution No. 2011-27** was adopted as follows:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA DECLARING CERTAIN PROPERTY LISTED UNDER THE ASSETS OF THE CITY AS SURPLUS TO THE NEEDS OF THE CITY; DESCRIBING THE MANNER OF DISPOSAL; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

**D.** The following motion was approved:

**MOTION TO ACCEPT FOR FILING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDED SEPTEMBER**

**30, 2010 AND THE LETTER DATED MARCH 3, 2011 ATTACHED HERETO AS ATTACHMENT "A"**

**E. Resolution No. 2011-28 was adopted as follows:**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED TRAFFIC CONTROL JURISDICTION AGREEMENT BETWEEN CORONADO CONDOMINIUM ASSOCIATION, INC., AND THE CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

**F. Resolution No. 2011-29 was adopted as follows:**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED TRAFFIC CONTROL JURISDICTION AGREEMENT BETWEEN WILLIAMS ISLAND PROPERTY OWNERS ASSOCIATION, INC., AND THE CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

**G. Resolution No. 2011-30 was adopted as follows:**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED TRAFFIC CONTROL JURISDICTION AGREEMENT BETWEEN ELDORADO TOWERS CONDOMINIUM ASSOCIATION, INC., AND THE CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

**H. The following motion was approved:**

**MOTION TO EXTEND THE TIME TO OBTAIN A BUILDING PERMIT FOR THE CONSTRUCTION OF THE NEW NORTHEAST PUBLIC LIBRARY BRANCH FOR A FURTHER SIX (6) MONTHS FROM MAY 4, 2011 TO NOVEMBER 4, 2011.**

A representative of Miami-Dade County Library Services addressed the Commission.

**6. ZONING HEARINGS: QUASI-JUDICIAL PUBLIC HEARINGS** – Please be advised that the following items on the Commission's agenda are quasi-judicial in nature. If you wish to object or comment upon any of these items, please inform the Mayor when she requests public comments. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Commission to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Further details of the quasi-judicial procedures may be obtained from the Clerk.

**None.**

**7. ORDINANCES: FIRST READING/PUBLIC INPUT:**

A. Mr. Wolpin read the following ordinance by title:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AMENDING ORDINANCE NO. 2010-10 WHICH ORDINANCE ADOPTED A BUDGET FOR THE 2010/2011 FISCAL YEAR BY REVISING THE 2010/2011 FISCAL YEAR OPERATING AND CAPITAL BUDGET AS OUTLINED IN EXHIBIT "A" ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.**

A motion for approval was offered by Commissioner Holzberg, and seconded by Commissioner Auerbach. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously.

B. Mr. Wolpin read the following ordinance by title:

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING DIVISION 5 "ARTS AND CULTURAL CENTER ADVISORY BOARD" OF ARTICLE III "ADVISORY BOARDS" OF CHAPTER 2 "ADMINISTRATION" OF THE CITY CODE BY AMENDING SECTION 2-191 "CREATION, COMPOSITION AND QUALIFICATIONS," SECTION 2-192 "APPOINTMENT OF BOARD MEMBERS PROCESS", SECTION 2-193 "ADVISORY CAPACITY ", SECTION 2-194 "RULES OF PROCEDURE; QUORUM", AND SECTION 2-195 "MISSION; JURISDICTION AND DUTIES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.**

A motion for approval was offered by Commissioner Weinberg, and seconded by Commissioner Joel. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously.

**8. ORDINANCES: SECOND READING/PUBLIC HEARING:** Mr. Wolpin read the following ordinance by title:

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING PROVISIONS OF THE POLICE OFFICERS' RETIREMENT PLAN TO COMPLY WITH THE INTERNAL REVENUE CODE; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

A motion for approval was offered by Commissioner Auerbach, and seconded by Commissioner Stern. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously and **Ordinance No. 2001-02** was adopted.

**9. RESOLUTIONS – PUBLIC HEARING:** None.

**10. REPORTS:** As presented. Mr. Wolpin advised that an executive session would be scheduled in the near future in the Burstyn red light camera litigation.

**11. PUBLIC COMMENTS:** Murray Frank, President of Eldorado Towers; Jonathan Evans, Williams Island.

**12. OTHER BUSINESS:** None.

**13. ADJOURNMENT:** There being no further business to come before the Commission at this time, after motion made, seconded and unanimously passed, the meeting adjourned at 6:30 p.m.

\_\_\_\_\_  
Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on \_\_\_\_\_.

Anyone wishing to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



**MINUTES  
CITY COMMISSION  
SPECIAL MEETING  
April 14, 2011 9 a.m.**

Aventura Government Center  
19200 W. Country Club Drive  
Aventura, Florida 33180

**1. CALL TO ORDER/ROLL CALL:** The meeting was called to order at 9 a.m. by Mayor Susan Gottlieb. Present were Commissioners Zev Auerbach, Teri Holzberg, Billy Joel, Michael Stern, Luz Urbaz Weinberg, Vice Mayor Bob Diamond, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk Teresa M. Soroka and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.

**2. CITY COMMISSION IN ITS CAPACITY AS THE AVENTURA CITY OF EXCELLENCE SCHOOL BOARD OF DIRECTORS: ORDINANCE – FIRST READING – PUBLIC INPUT:**

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE ATTACHED CHARTER SCHOOL OPERATING AND CAPITAL BUDGET FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL FOR FISCAL YEAR 2011/12 (JULY 1 – JUNE 30), PURSUANT TO SECTION 4.05 OF THE CITY CHARTER; AUTHORIZING EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; PROVIDING FOR BUDGETARY CONTROL; PROVIDING FOR PERSONNEL AUTHORIZATION; PROVIDING FOR GIFTS AND GRANTS; PROVIDING FOR AMENDMENTS; PROVIDING FOR ENCUMBRANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

A motion for approval was offered by Commissioner Joel and seconded by Commissioner Holzberg. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote.

**3. ORDINANCES– SECOND READING – PUBLIC HEARING:**

A. Mr. Wolpin read the following ordinance by title:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AMENDING ORDINANCE NO. 2010-10 WHICH ORDINANCE ADOPTED A BUDGET FOR THE 2010/2011 FISCAL YEAR BY REVISING THE 2010/2011 FISCAL YEAR OPERATING AND CAPITAL BUDGET AS OUTLINED IN EXHIBIT "A" ATTACHED HERETO; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.**

A motion for approval was offered by Commissioner Holzberg and seconded by Commissioner Stern. Mayor Gottlieb opened the public hearing. There being no

speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote and **Ordinance No. 2011-03** was enacted.

B. Mr. Wolpin read the following ordinance by title:

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING DIVISION 5 "ARTS AND CULTURAL CENTER ADVISORY BOARD" OF ARTICLE III "ADVISORY BOARDS" OF CHAPTER 2 "ADMINISTRATION" OF THE CITY CODE BY AMENDING SECTION 2-191 "CREATION, COMPOSITION AND QUALIFICATIONS," SECTION 2-192 "APPOINTMENT OF BOARD MEMBERS PROCESS", SECTION 2-193 "ADVISORY CAPACITY ", SECTION 2-194 "RULES OF PROCEDURE; QUORUM", AND SECTION 2-195 "MISSION; JURISDICTION AND DUTIES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.**

A motion for approval was offered by Vice Mayor Diamond and seconded by Commissioner Joel. Mayor Gottlieb opened the public hearing. There being no speakers, the public hearing was closed. The motion for approval passed unanimously by roll call vote and **Ordinance No. 2011-04** was enacted.

4. The following motion was made by Commissioner Stern, seconded by Commissioner Weinberg and approved unanimously:

**MOTION TO APPROVE CITY MANAGER'S PERFORMANCE EVALUATION AS OUTLINED ON EXHIBIT "A" TO THE AGENDA.**

5. **ADJOURNMENT:** There being no further business to come before the Commission at this time, after motion made, seconded and unanimously passed, the meeting adjourned at 9:30 a.m.

\_\_\_\_\_  
Teresa M. Soroka, MMC, City Clerk

Approved by the Commission \_\_\_\_\_.

Anyone wishing to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



**MINUTES  
CITY COMMISSION  
WORKSHOP MEETING  
APRIL 14, 2011 9:30 AM**

Aventura Government Center  
19200 W. Country Club Drive  
Aventura, Florida 33180

**CALL TO ORDER/ROLL CALL:** The meeting was called to order at 9:30 a.m. by Mayor Susan Gottlieb. Present were Commissioners Zev Auerbach, Teri Holzberg, Billy Joel, Michael Stern, Luz Urbaz Weinberg, Vice Mayor Bob Diamond, Mayor Gottlieb, City Manager Eric M. Soroka, City Clerk M. Teresa Soroka and City Attorney David M. Wolpin. As a quorum was determined to be present, the meeting commenced.

1. **NALEO CONFERENCE** (Commissioner Weinberg): Commissioner Weinberg requested consensus approval for her attendance and participation in this year's NALEO Conference to be held in San Antonio, Texas.

**CITY MANAGER SUMMARY:** Consensus to approve.

Mayor Gottlieb advised the Commission of the details of the Miami-Dade Mayoral Candidates' Forum scheduled for April 28<sup>th</sup> at the Aventura Turnberry Jewish Center.

Mr. Wolpin presented details to the Commission of a proposed essay contest the law firm would like to offer to high school seniors who are residents of Aventura. The winner of the "Tell Us Why Aventura Is Special" essay contest would be given a prize of \$1,000.

2. **ADJOURNMENT:** There being no further business to come before the Commission at this time, the meeting adjourned at 9:45 a.m.

\_\_\_\_\_  
Teresa M. Soroka, MMC, City Clerk

Approved by the Commission on \_\_\_\_\_.

Anyone wishing to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**CITY OF AVENTURA**

**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager

DATE: April 5, 2011

SUBJECT: **Law Enforcement Mutual Aid Agreement Between the City and the Town of Golden Beach**



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**May 3, 2011 City Commission Meeting Agenda Item 6B**

**RECOMMENDATION**

It is recommended that the City Commission adopt the attached Resolution authorizing execution of the Law Enforcement Mutual Aid Agreement with the Town of Golden Beach.

**BACKGROUND**

In order to improve cooperative relationships between law enforcement agencies and provide a mechanism to share police resources in the event of emergencies or certain demanding situations, Chapter 23, Florida Statutes, Florida Mutual Aid Act allows agencies to enter into Police Services Mutual Aid Agreements. The various departments use a basic Mutual Aid Agreement.

The following list comprises the circumstances and conditions under which mutual aid may be requested:

1. The joint multijurisdictional criminal investigations.
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations and crowd and traffic control measures including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.

5. Terrorist activities including, but not limited to, acts of sabotage.
6. Escapes from disturbances within detention facilities.
7. Hostage and barricade subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-process calls, pursuits, and missing person calls.
9. Enemy attack.
10. Transportation of evidence requiring security.
11. Major events, e.g., sporting events, concerts, parades fairs, festivals and conventions.
12. Security and escort duties for dignitaries.
13. Emergency situations in which one agency cannot perform its functional objective.
14. Incidents requiring utilization for specialized units, e.g., underwater recovery, aircraft, canine motorcycle, bomb, crime scene, marine patrol, and police information.
15. Joint training in areas of mutual need.

The Agreement is beneficial in our mission to protect the safety and quality of life of our residents.

If you have any questions, please feel free to contact me.

EMS/act

Attachment

CCO1737-11

RESOLUTION NO. 2011-\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE TOWN OF GOLDEN BEACH FOR LAW ENFORCEMENT ACTIVITIES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

**Section 1.** The City Manager is hereby authorized on behalf of the City of Aventura to execute and otherwise enter into that certain Mutual Aid Agreement between the City of Aventura and the Town of Golden Beach for law enforcement activities in substantially the form as attached hereto.

**Section 2.** The City Manager is hereby authorized to do all things necessary and expedient in order to effectuate the execution of the attached Agreement described in Section 1 above, and to carry out the aims of this Resolution.

**Section 3.** This Resolution shall become effective immediately upon its adoption.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

|                                  |       |
|----------------------------------|-------|
| Commissioner Zev Auerbach        | _____ |
| Commissioner Bob Diamond         | _____ |
| Commissioner Teri Holzberg       | _____ |
| Commissioner Billy Joel          | _____ |
| Commissioner Michael Stern       | _____ |
| Commissioner Luz Urbàez Weinberg | _____ |
| Mayor Susan Gottlieb             | _____ |

**PASSED AND ADOPTED** this 3rd day of May, 2011.

\_\_\_\_\_  
SUSAN GOTTLIEB, MAYOR

ATTEST:

\_\_\_\_\_  
TERESA M. SOROKA, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
CITY ATTORNEY

**MUTUAL AID AGREEMENT**  
**Between the City of Aventura**  
**and the Town of Golden Beach**

**WHEREAS**, it is the responsibility of the governments of the City of Aventura, Florida and the Town of Golden Beach, Florida to ensure the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

**WHEREAS**, because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of the services, personnel, equipment of facilities of the participating municipal police departments; and

**WHEREAS**, in order to ensure that preparation of these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the participating Miami-Dade County municipalities; and

**WHEREAS**, the participating Miami-Dade County municipalities have the authority under Chapter 23, Florida Statutes, Florida Mutual Aid Act, to enter into a mutual aid agreement;

**NOW, THEREFORE, BE IT KNOWN** that the City of Aventura, subdivision of the State of Florida, and the Town of Golden Beach, subdivision of the State of Florida, undersigned representatives, in consideration for mutual promises to render valuable aid in times of necessity, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions:

1. **Short title:** Mutual Aid Agreement
  
2. **Description:** Since this Mutual Aid Agreement provides for the requesting and rendering of assistance for both routine and law enforcement intensive situations, this Mutual Aid Agreement combines the elements of both a voluntary cooperation agreement and a requested operational assistance agreement, as described in Chapter 23, Florida Statutes.

**3. Definitions:**

a) Joint declaration: A document which enumerates the various conditions or situations where aid may be requested or rendered pursuant to this Agreement, as determined by concerned agency heads.

Subsequent to execution by the concerned agency heads, the joint declaration shall be filed with the clerks of the respective political subdivisions and shall thereafter become part of this Agreement. Said declaration may be amended or supplemented at any time by the agency heads by filing subsequent declarations with the clerks of the respective political subdivisions.

b) Agency or participating law enforcement agency: Either the Aventura City Police Department or the Town of Golden Beach Police Department.

c) Agency head: Either the Chief of the Aventura City Police Department, or the Chief's designees; and the Chief of Police of the Town of Golden Beach Police Department, or the Chief's designees.

d) Participating municipal police department: The police department of any municipality in Miami-Dade County, Florida, that has approved and executed this Agreement upon the approval of the governing body of the municipality.

e) Certified law enforcement employee: Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.

**4. Operations:**

a) In the event that a party to this Agreement is in need of assistance as specified in the applicable joint declaration, an authorized representative of the police department requiring assistance shall notify the agency from whom such assistance is requested. The authorized agency representative whose assistance is sought shall evaluate the situation and his available resources, and will respond in a manner deemed appropriate.

b) Each party to this Agreement agrees to furnish necessary manpower, equipment, facilities, and other resources and to render services to the other party as required to assist the requesting party in addressing the situation which caused the request; provided, however, that no party shall be required to deplete unreasonably its own manpower, equipment, facilities, and other resources and services in rendering such assistance.

c) The agency heads of the participating law enforcement agencies, or their designees, shall establish procedures for giving control of the mission definition to the requesting agency, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel or equipment provided pursuant to this Agreement to the providing agency.

**5. Powers, Privileges, Immunities, and Costs:**

a) All employees of the participating municipal police department, including certified law enforcement employees as defined in Chapter 943, Florida Statutes, during such time that said employees are actually providing aid outside of the jurisdictional limits of the employing municipality pursuant to a request for aid made in accordance with this Agreement, shall, pursuant to the provisions of Chapter 23, Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivision in which they are normally employed.

b) The political subdivision having financial responsibility for the law enforcement agency providing services, personnel, equipment, or facilities pursuant to the provisions of this Agreement shall bear any loss or damage to same and shall pay any and all expenses incurred in the maintenance and operation of same.

c) The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement shall compensate all of its employees rendering aid pursuant to this Agreement, during the time of the rendering of such aid, and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid.

Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. Such compensation shall also include all benefits normally due such employees.

d) All exemption from ordinance and rules, and all pension, insurance, relief, disability, workers' compensation salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any such agency, when performing their respective functions within the territorial limits of their respective agencies, shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extraterritorially under the provisions of the Mutual Aid Agreement. The provisions of this Agreement shall apply with equal effect to paid and auxiliary employees.

**6. Indemnification:**

The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement agrees to hold harmless, defend, and indemnify the requesting law enforcement agency and its political subdivision in any suit, action or claim for damages resulting from any and all acts or conduct of employees of said providing agency while providing aid pursuant to this Agreement, subject to Chapter 768, Florida Statutes, where applicable.

**7. Forfeitures:**

It is recognized that during the course of the operation of this Agreement, property subject to forfeiture under the Florida Contraband Forfeiture Act, Florida Statutes, may be seized. The property shall be seized, forfeited, and equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency. This shall occur pursuant to the provisions of the Florida Contraband Forfeiture Act.

**8. Conflicts:**

Any conflicts between this Agreement and the Florida Mutual Aid Act will be controlled by the provisions of the latter, whenever conditions exist that are within the definitions stated in Chapter 23 Florida Statutes.

**9. Effective Date and Duration:**

This Agreement shall be in effect from date of signing, through and including January 1, 2015. Under no circumstances may this Agreement be renewed, amended or extended except in writing.

**10. Cancellation:**

This Agreement may be canceled by either party upon sixty (60) days written notice to the other party. Cancellation will be at the discretion of the chief executive officers of the parties hereto.

AGREED TO AND ACKNOWLEDGED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
City Manager,  
City of Aventura, Florida

  
\_\_\_\_\_  
Town Mayor,  
Town of Golden Beach, Florida

ATTEST:  
  
\_\_\_\_\_  
City Clerk,  
City of Aventura, Florida

ATTEST:  
  
\_\_\_\_\_  
Town Clerk,  
Town of Golden Beach, Florida

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:  
  
\_\_\_\_\_  
City Attorney,  
City of Aventura, Florida

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:  
  
\_\_\_\_\_  
Town Attorney,  
Town of Golden Beach, Florida

JOINT DECLARATION OF THE CHIEF OF THE  
CITY OF AVENTURA POLICE DEPARTMENT  
AND THE CHIEF OF THE TOWN OF GOLDEN BEACH POLICE  
DEPARTMENT PURSUANT TO MUTUAL AID AGREEMENT

A police officer of either of the participating law enforcement agencies shall be considered to be operating under the provisions of the mutual aid agreement when:

- participating in law enforcement activities that are pre-planned and approved by each respective agency head, or
- appropriately dispatched in response to a request for assistance from the other law enforcement agency.
- spontaneous response where assistance or aid is apparent (see #9 below)

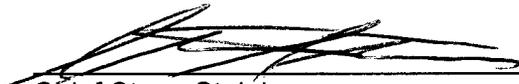
In compliance with, and under the authority of, the Mutual Aid Agreement, heretofore entered into by the City of Aventura and the Town of Golden Beach, Florida, it is hereby declared that the following list comprises the circumstances and conditions under which mutual aid may be requested and rendered regarding police operations pursuant to the agreement. Said list may be amended or supplemented from time to time, as needs dictate by subsequent declarations.

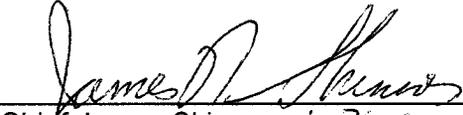
1. Joint multi-jurisdictional criminal investigations.
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations, crowd and traffic control measures, including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.
5. Terrorist activities including, but not limited to, acts of sabotage.
6. Escapes from or disturbances within detention facilities.
7. Hostage and barricaded subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits, and missing persons calls.

9. Participating in exigent situations without a formal request which are spontaneous occurrences such as area searches for wanted subjects, perimeters, crimes in progress, escaped prisoners. Traffic stops near municipal boundaries, request for back-up assistance and no local unit is available or nearby, calls or transmissions indicating an officer is injured, calls indicating a crime or incident has occurred in which a citizen may likely be injured and the assisting municipality is closer to the area than the officer receiving the call.
10. Enemy attack.
11. Transportation of evidence requiring security.
12. Major events; e.g., sporting events, concerts, parades, fairs, festivals, and conventions.
13. Security and escort duties for dignitaries.
14. Emergency situations in which one agency cannot perform its functional objective.
15. Incidents requiring utilization of specialized units; e.g., underwater recovery, aircraft, canine, motorcycle, bomb, crime scene, marine patrol, and police information.
16. Joint training in areas of mutual need.

DATE: 3/20/11

DATE: \_\_\_\_\_

  
 Chief Steve Steinberg  
 Aventura Police Department

  
 Chief James Skinner 1-31-11  
 Golden Beach Police Department

ATTEST:  
 \_\_\_\_\_  
 City Clerk

ATTEST:  
  
 Town Clerk

**AGENDA ITEM NO. 6-C**

**RESOLUTION NO. 2011-\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA ACCEPTING AND ADOPTING THE ELECTION RESULTS OF THE APRIL 12, 2011 MUNICIPAL SPECIAL MAIL-IN BALLOT ELECTION, AS CERTIFIED BY THE CANVASSING BOARD AND ATTACHED HERETO; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on April 12, 2011, a Municipal Special Mail-In Ballot Election was held in the City of Aventura pursuant to Resolution 2011-17 which proposed amendments to the City Charter pursuant to the recommendation of the Aventura Charter Revision Commission; and

**WHEREAS**, Section 26-1 of the Aventura City Code provides that the City Clerk shall present a certification of election results to the City Commission at the first meeting of the City Commission following the election; and

**WHEREAS**, the Canvassing Board has canvassed and certified the election results and this Commission wishes to adopt the election results as certified by the Canvassing Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:**

**Section 1.** The results of the April 12, 2011 Municipal Special Mail-in Ballot Election, as certified by the Canvassing Board and attached hereto, indicate that the proposed Charter amendment was not approved by the electors.

**Section 2.** This Resolution shall become effective immediately upon its adoption.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner, and upon being put to a vote, the vote was as follows:

|                                  |       |
|----------------------------------|-------|
| Commissioner Zev Auerbach        | _____ |
| Commissioner Bob Diamond         | _____ |
| Commissioner Teri Holzberg       | _____ |
| Commissioner Billy Joel          | _____ |
| Commissioner Michael Stern       | _____ |
| Commissioner Luz Urbaez-Weinberg | _____ |
| Mayor Susan Gottlieb             | _____ |

Resolution No. 2011-\_\_  
Page 2

**PASSED AND ADOPTED** this 3<sup>rd</sup> day of May, 2011.

\_\_\_\_\_  
SUSAN GOTTLIEB, MAYOR

ATTEST:

\_\_\_\_\_  
TERESA M. SOROKA, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
CITY ATTORNEY

**CERTIFICATE OF COUNTY CANVASSING BOARD**

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

We, the undersigned, County Court Judge SHELLEY J. KRAVITZ, **Chairperson**, County Court Judge, DON S. COHN, **Substitute Member**, and County Court Judge, NORMA S. LINDSEY, **Substitute Member**, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the 13th day of April, A.D., 2011, and proceeded to publicly canvass the votes cast for the question herein specified at the **Aventura Special Mail Ballot Election** held on the 12th day of April, A.D., 2011, as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

**Revised Limit on Total Combined Years of Service as Mayor and Commissioner**

The City Charter currently allows a person to serve up to 8 consecutive years as Mayor and Commissioner, regardless of whether that person serves as Mayor or Commissioner or serves separately in both capacities. It is proposed that the City Charter be amended to allow a person to serve a combined total of 12 consecutive years, for any person who serves as both Mayor and Commissioner.

Shall the above-described Charter amendment be adopted?

Yes 580

No 2,674

**\*\*Official\*\***

**MIAMI-DADE COUNTY CANVASSING BOARD:**



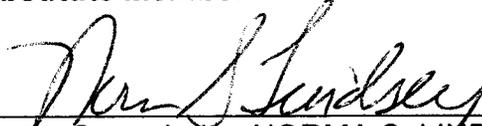
---

County Court Judge SHELLEY J. KRAVITZ  
**Chairperson**



---

County Court Judge DON S. COHN  
**Substitute Member**



---

County Court Judge NORMA S. LINDSEY  
**Substitute Member**

RUN DATE:04/13/11 11:03 AM

VOTES PERCENT

|                                     |        |        |
|-------------------------------------|--------|--------|
| PRECINCTS COUNTED (OF 8) . . . . .  | 8      | 100.00 |
| REGISTERED VOTERS - TOTAL . . . . . | 17,978 |        |
| BALLOTS CAST - TOTAL . . . . .      | 3,290  |        |
| VOTER TURNOUT - TOTAL . . . . .     |        | 18.30  |

QUESTION 1 CITY:AVENTURA

|                       |       |       |
|-----------------------|-------|-------|
| Vote for 1            |       |       |
| YES/SI . . . . .      | 580   | 17.82 |
| NO/NO. . . . .        | 2,674 | 82.18 |
| Over Votes . . . . .  | 10    |       |
| Under Votes . . . . . | 26    |       |

*James M. Foster*  
*Shelley G. Keating*  
*Norm J. Sanchez*  
*DT*

PRECINCT REPORT

OFFICIAL SPECIAL ELECTION  
AVENTURA, FLORIDA  
APRIL 12, 2011

OFFICIAL RESULTS

RUN DATE:04/13/11 11:05 AM

REPORT-EL30

PAGE 1020-01

1020 PRECINCT 102.0

VOTES PERCENT

|                                     |      |       |
|-------------------------------------|------|-------|
| REGISTERED VOTERS - TOTAL . . . . . | 3066 |       |
| BALLOTS CAST - TOTAL . . . . .      | 598  |       |
| VOTER TURNOUT - TOTAL . . . . .     |      | 19.50 |

QUESTION 1 CITY:AVENTURA

Vote for 1

|                       |     |       |
|-----------------------|-----|-------|
| YES/SI . . . . .      | 112 | 18.73 |
| NO/NO. . . . .        | 486 | 81.27 |
| Over Votes . . . . .  | 0   |       |
| Under Votes . . . . . | 0   |       |

RUN DATE:04/13/11 11:05 AM

REPORT-EL30

PAGE 1030-01

1030 PRECINCT 103.0

VOTES PERCENT

|                                     |      |       |
|-------------------------------------|------|-------|
| REGISTERED VOTERS - TOTAL . . . . . | 2905 |       |
| BALLOTS CAST - TOTAL . . . . .      | 548  |       |
| VOTER TURNOUT - TOTAL . . . . .     |      | 18.86 |

QUESTION 1 CITY:AVENTURA

Vote for 1

|                       |     |       |
|-----------------------|-----|-------|
| YES/SI . . . . .      | 102 | 18.89 |
| NO/NO. . . . .        | 438 | 81.11 |
| Over Votes . . . . .  | 1   |       |
| Under Votes . . . . . | 7   |       |

RUN DATE:04/13/11 11:05 AM

1090 PRECINCT 109.0

VOTES PERCENT

|                                     |      |       |
|-------------------------------------|------|-------|
| REGISTERED VOTERS - TOTAL . . . . . | 3607 |       |
| BALLOTS CAST - TOTAL . . . . .      | 571  |       |
| VOTER TURNOUT - TOTAL . . . . .     |      | 15.83 |

QUESTION 1 CITY:AVENTURA

Vote for 1

|                       |     |       |
|-----------------------|-----|-------|
| YES/SI . . . . .      | 99  | 17.62 |
| NO/NO. . . . .        | 463 | 82.38 |
| Over Votes . . . . .  | 4   |       |
| Under Votes . . . . . | 5   |       |

RUN DATE:04/13/11 11:05 AM

REPORT-EL30

PAGE 1110-01

1110 PRECINCT 111.0

VOTES PERCENT

|                                     |      |       |
|-------------------------------------|------|-------|
| REGISTERED VOTERS - TOTAL . . . . . | 4209 |       |
| BALLOTS CAST - TOTAL . . . . .      | 717  |       |
| VOTER TURNOUT - TOTAL . . . . .     |      | 17.03 |

QUESTION 1 CITY:AVENTURA

Vote for 1

|                       |     |       |
|-----------------------|-----|-------|
| YES/SI . . . . .      | 131 | 18.48 |
| NO/NO. . . . .        | 578 | 81.52 |
| Over Votes . . . . .  | 2   |       |
| Under Votes . . . . . | 6   |       |

RUN DATE:04/13/11 11:05 AM

REPORT-EL30

PAGE 1120-01

1120 PRECINCT 112.0

VOTES PERCENT

|                                     |     |       |
|-------------------------------------|-----|-------|
| REGISTERED VOTERS - TOTAL . . . . . | 548 |       |
| BALLOTS CAST - TOTAL . . . . .      | 89  |       |
| VOTER TURNOUT - TOTAL . . . . .     |     | 16.24 |

QUESTION 1 CITY:AVENTURA

Vote for 1

|                       |    |       |
|-----------------------|----|-------|
| YES/SI . . . . .      | 15 | 17.05 |
| NO/NO. . . . .        | 73 | 82.95 |
| Over Votes . . . . .  | 0  |       |
| Under Votes . . . . . | 1  |       |

RUN DATE:04/13/11 11:05 AM

REPORT-EL30

PAGE 1130-01

1130 PRECINCT 113.0

|                                     | VOTES | PERCENT |
|-------------------------------------|-------|---------|
| REGISTERED VOTERS - TOTAL . . . . . | 1052  |         |
| BALLOTS CAST - TOTAL . . . . .      | 246   |         |
| VOTER TURNOUT - TOTAL . . . . .     |       | 23.38   |

QUESTION 1 CITY:AVENTURA

| Vote for 1            |     |       |
|-----------------------|-----|-------|
| YES/SI . . . . .      | 33  | 13.41 |
| NO/NO. . . . .        | 213 | 86.59 |
| Over Votes . . . . .  | 0   |       |
| Under Votes . . . . . | 0   |       |

RUN DATE:04/13/11 11:05 AM

REPORT-EL30

PAGE 1840-01

1840 PRECINCT 184.0

VOTES PERCENT

|                                     |      |       |
|-------------------------------------|------|-------|
| REGISTERED VOTERS - TOTAL . . . . . | 2520 |       |
| BALLOTS CAST - TOTAL . . . . .      | 514  |       |
| VOTER TURNOUT - TOTAL . . . . .     |      | 20.40 |

QUESTION 1 CITY:AVENTURA

Vote for 1

|                       |     |       |
|-----------------------|-----|-------|
| YES/SI . . . . .      | 88  | 17.46 |
| NO/NO. . . . .        | 416 | 82.54 |
| Over Votes . . . . .  | 3   |       |
| Under Votes . . . . . | 7   |       |

RUN DATE:04/13/11 11:05 AM

REPORT-EL30

PAGE 1860-01

1860 PRECINCT 186.0

VOTES PERCENT

|                                     |    |      |
|-------------------------------------|----|------|
| REGISTERED VOTERS - TOTAL . . . . . | 71 |      |
| BALLOTS CAST - TOTAL . . . . .      | 7  |      |
| VOTER TURNOUT - TOTAL . . . . .     |    | 9.86 |

QUESTION 1 CITY:AVENTURA

Vote for 1

|                       |   |        |
|-----------------------|---|--------|
| YES/SI . . . . .      | 0 |        |
| NO/NO. . . . .        | 7 | 100.00 |
| Over Votes . . . . .  | 0 |        |
| Under Votes . . . . . | 0 |        |



ELECTION: AVENTURA SPECIAL MAIL BALLOT ELECTION

miamidade.gov

DATE OF ELECTION: APRIL 12, 2011

**CERTIFICATION OF ELECTION TABULATION**

I, the undersigned, Teresa M. Soroka, Clerk of City of Aventura, do by my signatures hereto, certify that to the best of my knowledge:

1. On April 12, 2011, commencing at approximately 7:00 p.m the Miami-Dade County Supervisor of Elections had the absentee ballot tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for the candidates and/or issues, which have been voted on in the Aventura Special Mail Ballot Election, held on April 12, 2011

2. The testing materials of the Public Test, delivered still under Seal No. 72580, opened in my presence, were used and the procedures of Paragraph Two, Certification of Logic and Accuracy were followed.

3. At the completion of the above test all counters were zeroed, and all votes cast in the above election were counted. Steps have been taken to ensure the security of said materials prior to, during and subsequent to the election, except when said materials were properly in the possession of the Elections Department staff appointed to conduct the election.

4. Except as otherwise specifically set forth and declared in this certification, in our presence and sight, no absentee ballot was removed from or added, and no absentee ballot was in any manner altered or tampered with by any person, and no person touched any absentee ballot or PEB, except a person authorized to do so pursuant to Section 101.5612, Florida Statutes.

5. At the completion of the vote count, the absentee ballot tabulating equipment was again tested to ascertain that the equipment correctly counted the votes cast for the candidates and/or issues.

6. Stored in a container(s), sealed, dated and signed by me, were placed the voted absentee ballots [ ], voided ballots [ ], Logic and Accuracy reports [ ], and test materials [ ]. The sealed container(s) was/were delivered to the undersigned and placed in my custody.

Signature of Municipal Clerk

Teresa M. Soroka 4-13-11  
Teresa M. Soroka Date

**CITY OF AVENTURA**  
**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: April 8, 2011

SUBJECT: **Law Enforcement Mutual Aid Agreement Between the City and the City of Sweetwater**

---

**May 3, 2011 City Commission Meeting Agenda Item 6D**

**RECOMMENDATION**

It is recommended that the City Commission adopt the attached Resolution authorizing execution of the Law Enforcement Mutual Aid Agreement with the City of Sweetwater.

**BACKGROUND**

In order to improve cooperative relationships between law enforcement agencies and provide a mechanism to share police resources in the event of emergencies or certain demanding situations, Chapter 23, Florida Statutes, Florida Mutual Aid Act allows agencies to enter into Police Services Mutual Aid Agreements. The various departments use a basic Mutual Aid Agreement.

The following list comprises the circumstances and conditions under which mutual aid may be requested:

1. The joint multijurisdictional criminal investigations.
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations and crowd and traffic control measures including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.
5. Terrorist activities including, but not limited to, acts of sabotage.

6. Escapes from disturbances within detention facilities.
7. Hostage and barricade subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-process calls, pursuits, and missing person calls.
9. Enemy attack.
10. Transportation of evidence requiring security.
11. Major events, e.g., sporting events, concerts, parades fairs, festivals and conventions.
12. Security and escort duties for dignitaries.
13. Emergency situations in which one agency cannot perform its functional objective.
14. Incidents requiring utilization for specialized units, e.g., underwater recovery, aircraft, canine motorcycle, bomb, crime scene, marine patrol, and police information.
15. Joint training in areas of mutual need.

The Agreement is beneficial in our mission to protect the safety and quality of life of our residents.

If you have any questions, please feel free to contact me.

EMS/act

Attachment

CCO1738-11

RESOLUTION NO. 2011-\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE CITY OF SWEETWATER FOR LAW ENFORCEMENT ACTIVITIES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

**Section 1.** The City Manager is hereby authorized on behalf of the City of Aventura to execute and otherwise enter into that certain Mutual Aid Agreement between the City of Aventura and the City of Sweetwater for law enforcement activities in substantially the form as attached hereto.

**Section 2.** The City Manager is hereby authorized to do all things necessary and expedient in order to effectuate the execution of the attached Agreement described in Section 1 above, and to carry out the aims of this Resolution.

**Section 3.** This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

|                                  |       |
|----------------------------------|-------|
| Commissioner Zev Auerbach        | _____ |
| Commissioner Bob Diamond         | _____ |
| Commissioner Teri Holzberg       | _____ |
| Commissioner Billy Joel          | _____ |
| Commissioner Michael Stern       | _____ |
| Commissioner Luz Urbàez Weinberg | _____ |
| Mayor Susan Gottlieb             | _____ |

PASSED AND ADOPTED this 3<sup>rd</sup> day of May, 2011.

\_\_\_\_\_  
Susan Gottlieb, Mayor

Attest:

\_\_\_\_\_  
Teresa M. Soroka, MMC  
City Clerk

Approved as to Form and Legal Sufficiency:

\_\_\_\_\_  
City Attorney

/tms

**LAW ENFORCEMENT MUTUAL AID AGREEMENT  
FOR  
VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE  
BETWEEN  
THE CITY OF AVENTURA AND THE CITY OF SWEETWATER  
MUNICIPAL POLICE DEPARTMENTS**

**WHEREAS**, it is the responsibility of the governments of the City of Sweetwater, and the City of Aventura to ensure the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

**WHEREAS**, there is an existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of the services, personnel, equipment, or facilities of the City of Sweetwater or the City of Aventura; and

**WHEREAS**, in order to ensure that preparation of these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the City of Sweetwater and the City of Aventura; and

**WHEREAS**, the City of Sweetwater and the City of Aventura have the authority under Section 23.12, Florida Statutes, et seq., the Florida Mutual Aid Act, to enter into a Mutual Aid Agreement;

**NOW, THEREFORE, BE IT KNOWN** that the City of Sweetwater, a political subdivision of the State of Florida, and the City of Aventura, a political subdivision of the State of Florida, in consideration for mutual promises to render valuable aid in times of necessity, do hereby agree to fully and faithfully abide by and be bound by the following

terms and conditions:

1. Short title: Mutual Aid Agreement
2. Description: Since this Mutual Aid Agreement provides for the requesting and rendering of assistance for both routine and law enforcement intensive situations, this Mutual Aid Agreement combines the elements of both a voluntary cooperation agreement and a requested operational assistance agreement, as described in Chapter 23, Florida Statutes.
3. Definitions:
  - a. Chief executive official: Either the City Mayor of the City of Sweetwater, or the chief executive official of the City of Aventura, who has the authority to contractually bind the agency and has executed this Agreement, upon the approval of the governing body of each governmental entity. Subsequent to the execution by the executive officials, this Agreement shall be filed with the City Clerk of the City of Sweetwater, and the Clerk of the City of Aventura. The Agreement may be amended at any time by filing subsequent Amendment(s), which will be subject to the same approval process, and shall thereafter become a part of this Agreement.
  - b. Agency head: Either the Chief of Police of the Sweetwater Police Department or his designee, and the Chief of Police of the Aventura Police Department, or the Chief's designees.
  - c. Participating law enforcement agency: The police department of any municipality in Miami-Dade County, Florida, that has approved and executed this Agreement.

- d. Certified law enforcement employee: Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.

## **SECTION I. TERMS AND PROCEDURES**

### **1. Operations:**

a. In the event that a party to this Agreement is in need of assistance as specified herein, an authorized representative of the police department requiring assistance shall notify the agency from whom such assistance is requested. The authorized agency representative whose assistance is sought shall evaluate the situation and the available resources, and will respond in a manner deemed appropriate.

b. Each party to this Agreement agrees to furnish necessary manpower, equipment, facilities, and other resources and to render services to the other party as required to assist the requesting party in addressing the situation which caused the request; provided, however, that no party shall be required to deplete unreasonably its own manpower, equipment, facilities, and other resources and services in rendering such assistance.

c. The agency heads of the participating law enforcement agencies, or their designees, shall establish procedures for giving control of the mission definition to the requesting agency, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel or equipment provided pursuant to this Agreement to the providing agency.

### **2. Powers, Privileges, Immunities, and Costs:**

a. All employees of the participating municipal police department, including certified law enforcement employees as defined in Chapter 943, Florida Statutes, during such time that said employees are actually providing aid outside of the jurisdictional limits of the employing municipality pursuant to a request for aid made in accordance with this Agreement, shall, pursuant to the provisions of Chapter 23, Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivision in which they are normally employed.

b. The political subdivision having financial responsibility for the law enforcement agency providing services, personnel, equipment, or facilities pursuant to the provisions of this Agreement shall bear any loss or damage to same and shall pay any and all expenses incurred in the maintenance and operation of same.

c. The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement shall compensate all of its employees rendering aid pursuant to the Agreement during the time of the rendering of such aid and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. Such compensation shall also include all benefits normally due such employees.

d. All exemption from ordinances and rules, and all pension, insurance, relief,

disability, workers' compensation, salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any such agency when performing their respective functions within the territorial limits of their respective agencies shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extra territorially under the provisions of this Mutual Aid Agreement. The provisions of this Agreement shall apply with equal effect to paid, reserve and auxiliary employees.

3. Indemnification: Each party engaging in any mutual cooperation and assistance pursuant to this agreement agrees to assume responsibility for the acts, omissions, or conduct of such party's own employees while engaged in rendering such and pursuant to this agreement, subject to the provisions of Section 768.28, Florida Statutes, where applicable.
4. Forfeitures: It is recognized that during the course of the operation of this Agreement, property subject to forfeiture under the Florida Contraband Forfeiture Act, Florida Statutes, may be seized. The property shall be seized, forfeited, and equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency, less the costs associated with the forfeiture action. Any participating agencies must request sharing, in writing, before the entry of a Final Order of Forfeiture, or they will be barred from claiming any portion of the property forfeited. The agency pursuing the forfeiture action shall have the exclusive right to control and the responsibility to maintain the property, including, but not

limited to, the complete discretion to bring the action, or to dismiss the action, or settlement. This shall occur pursuant to the provisions of the Florida Contraband Forfeiture Act.

5. Conflicts: Any conflicts between this Agreement and the Florida Mutual Aid Act will be controlled by the provisions of the latter, whenever conditions exist that are within the definitions stated in Chapter 23, Florida Statutes.

## **SECTION II. COMMAND AND SUPERVISORY RESPONSIBILITY**

1. Command: The personnel and equipment that are assigned by the assisting entity shall be under the immediate command and direct supervision of a supervising officer designated by the Chief of Police or his/her designee.
2. Conflicts: Whenever an officer is rendering assistance pursuant to this agreement, the officer shall abide by and be subject to the rules and regulations, personnel policies, general orders, and standard operating procedures of his or her own employer. If any such rule, regulation, personnel policy, general order or standard operating procedure is contradicted, contravened or otherwise in conflict with a direct order of a superior officer of the requesting agency, then such rule, regulation, policy, general order or procedure of the assisting agency shall control, and shall supersede the direct order.
3. Complaints: Whenever there is cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this agreement, the Chief of Police, or his/her designee of the agency employing the officer who is the subject of the complaint shall be responsible for the investigation of the complaint. The Chief of Police or designee of the requesting agency should ascertain at a minimum:

- a. The identity of the complainant;
- b. an address where the complaining party can be contacted;
- c. the specific allegation; and;
- d. the identity of the employees accused without regard as to agency affiliation.

If it is determined during the investigation of a complaint that the accused is an employee of the assisting agency, the above information, with all pertinent documentation gathered during the receipt and processing of the complaint, shall be forwarded without delay to the agency for administrative review. The requesting agency may conduct a review of the complaint to determine if any factual basis for the complaint exists and/or whether any of the employees of the requesting agency violated any of their agency's policies or procedures.

### **SECTION III. PROVISIONS FOR VOLUNTARY AND OPERATIONAL ASSISTANCE**

A police officer of either of the participating law enforcement agencies shall be considered to be operating under the provisions of the mutual aid agreement when: participating in law enforcement activities that are preplanned and approved by each respective agency head, or appropriately dispatched in response to a request for assistance from the other law enforcement agency.

In compliance with and under the authority of the Mutual Aid Agreement heretofore entered into by the participating municipalities, it is hereby declared that the following list comprises the nature of assistance, and the circumstances and conditions under which mutual aid may be requested and rendered regarding police operations

pursuant to the agreement. The list includes, but is not necessarily limited to, dealing with the following:

Voluntary:

1. Joint multi-jurisdictional criminal investigations.
2. Major events; e.g., sporting events, concerts, parades, fairs, festivals and conventions.
3. Joint training in areas of mutual need.
4. Off-duty special events.
5. Joint multi-jurisdictional marine interdiction operations.
6. Security and escort duties for dignitaries.

Operational:

7. Hostage and barricaded subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits, and missing person calls.
9. Enemy attack.
10. Transportation of evidence requiring security.

11. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes, and strikes.
12. Any natural, technological or manmade disaster.
13. Emergency situations in which one agency cannot perform its functional objective.
14. Incidents requiring utilization of specialized units; e.g., underwater recovery, aircraft, canine, motorcycle, bicycle, mounted, Special Response Teams, bomb, crime scene, marine patrol, and police information.
15. Incidents which require rescue operations and crowd and traffic control measures including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.
16. Terrorist activities including, but not limited to, acts of sabotage.
17. Escapes from or disturbances within detention facilities.
18. Criminal Traffic Enforcement which require immediate law enforcement intervention to safeguard lives and property. Including, but not limited to, DUI and Reckless Driving.

#### **SECTION IV. PROCEDURES FOR REQUESTING MUTUAL AID**

The following procedures will apply in mutual aid operations:

1. Mutual aid requested or rendered will be approved by the Director/Chief of Police or designee.
2. Specific reporting instructions for personnel rendering mutual aid should be included in the request for mutual aid. In the absence of such instructions, personnel will report to the ranking on-duty supervisor on the scene.
3. Communications instructions will be included in each request for mutual aid and the Miami-Dade Police Department Communications Bureau will maintain radio contact with the involved agencies until the mutual aid situation has ended.
4. Incidents requiring mass processing of arrestees, transporting prisoners and operating temporary detention facilities will be handled per established procedures.

#### **SECTION V. CONCURRENT JURISDICTION**

It is to the mutual benefit of the participating municipal agencies through voluntary cooperation, to exercise concurrent jurisdiction over the areas described in subparagraphs a. and b. below, in that officers, while in another jurisdiction, are often present at events where immediate action is necessary, or are able to expeditiously conclude an investigation by identifying and arresting an offender.

- a. Concurrent law enforcement jurisdiction in and throughout the territorial limits of the participating municipalities, for arrests, made pursuant to the laws of arrest, for felonies and misdemeanors, including arrestable traffic offenses, which spontaneously take place in the presence of the arresting officer, at such times as the arresting officer is traveling from place to place on official business outside of his or her jurisdiction, for example, to or from court, or at any time when the officer is within the territorial limits of his or her jurisdiction, and provided that, in the context of this Mutual Aid Agreement, "official business outside of his or her jurisdiction" shall not include routine patrol activities. This mutual aid agreement excludes those areas within the territorial limits of the municipalities not participating in the Mutual Aid Agreement.
- b. Concurrent law enforcement jurisdiction in and throughout the territorial limits of participating municipalities, for arrests, made pursuant to the laws of arrest, of persons identified as a result of investigations of any offense constituting a felony or any act of Domestic Violence as defined in Section 741.28, Florida Statutes, when such offense occurred in the municipality employing the arresting officer. However, absent a search warrant, concurrent jurisdiction under this subparagraph does not include authority to make nonconsensual or forcible entries into private dwellings, residences, living spaces or business spaces which are not open to the public, i.e., authority derived pursuant to this subparagraph may be exercised only when in places open to the public or private places into

which the arresting officer has entered with the consent of an occupant entitled to give consent. When operating under mutual aid, municipal law enforcement officers may execute search warrants for offenses which occurred in the municipality. Municipal officers may execute the search warrant, impound all property, make arrests, and file the Return and Inventory. This concurrent jurisdiction excludes those areas within the territorial limits of the municipalities not participating in the Mutual Aid Agreement.

Prior to any officer taking enforcement action pursuant to either paragraph a. or b. above, the officer shall notify the designated officer of the jurisdiction in which the action shall will be taken, unless exigent circumstances prevent such prior notification, in which case notification shall be made as soon after the action as practicable. Furthermore, all arrests made pursuant to subparagraph (a) above shall be processed and coded pursuant to directions of the Clerk of the Court, in such manner as to ensure that any revenues or surcharges generated as a result of said arrests shall be directed to the jurisdiction in which the arrest was made.

1. General Requirements:

- a. Officers shall not utilize unmarked vehicles to make traffic stops or to engage in vehicle pursuits.
- b. Concurrent law enforcement jurisdiction pursuant to this Mutual Aid Agreement does include preplanned operations, undercover investigations, stings, or sweeps.
- c. Officers shall not conduct routine patrol activities outside of their jurisdiction.

- d. Reports of any action taken pursuant to this Mutual Aid Agreement shall be faxed to the agency head of the agency, within whose jurisdiction the action was taken, as soon as possible after the action has taken place.
- e. Any conflicts regarding jurisdiction will be resolved by allowing the agency within whose jurisdiction the action took place to take custody of any arrestees and/or crime scenes.
- f. All concurrent jurisdiction stationary surveillance activities shall require notification of the agency within whose jurisdiction the surveillance takes place. The notification shall include the general location of the surveillance, and a description of the vehicles involved. Mobile surveillance shall not require notification unless concurrent jurisdiction enforcement activities take place.

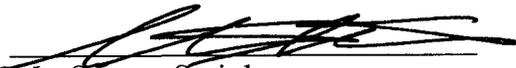
#### **SECTION VI. EFFECTIVE DATE**

This Agreement shall be in effect from date of signing, through and including, **January 1, 2016**. Under no circumstances may this Agreement be renewed, amended, or extended except in writing.

#### **SECTION VII. CANCELLATION**

This Agreement may be cancelled by either party upon sixty (60) days written notice to the other party. Cancellation will be at the discretion of the chief executive officers of the parties hereto.

AGREED TO AND ACKNOWLEDGED this \_\_\_\_ day of \_\_\_\_\_, 2011

  
Mr. Steven Steinberg,  
Chief of Police  
City of Aventura, Florida

  
Mr. Roberto Fulgueira  
Chief of Police  
City of Sweetwater, Florida

\_\_\_\_\_  
Mr. Eric Soroka, City Manager  
City of Aventura, Florida

  
Mr. Manuel Maroño, Mayor  
City of Sweetwater, Florida

**ATTEST:**

\_\_\_\_\_  
Mrs. Teresa Soroka, City Clerk  
City of Aventura, Florida

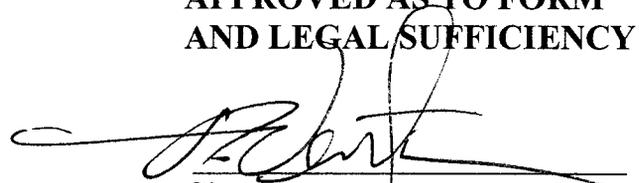
**ATTEST:**

  
Mr. Marie O. Schmidt, City Clerk  
City of Sweetwater, Florida

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

\_\_\_\_\_  
City Attorney  
City of Aventura, Florida

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

  
City Attorney  
City of Sweetwater, Florida

## **JOINT DECLARATION BETWEEN THE CHIEF OF THE CITY OF SWEETWATER POLICE DEPARTMENT AND THE CHIEF OF THE CITY OF AVENTURA POLICE DEPARTMENT PURSUANT TO A MUTUAL AID AGREEMENT**

A police officer of either of the participating law enforcement agencies shall be considered to be operating under the provisions of the mutual aid agreement when:

- participating in law enforcement activities that are preplanned and approved by each respective agency head, or
- appropriately dispatched in response to a request for assistance from the other law enforcement agency.

In compliance with and under the authority of the Mutual Aid Agreement heretofore entered into by the City of Aventura, Florida and the City of Sweetwater, Florida, it is hereby declared that the following list comprises the circumstances and conditions under which mutual aid may be requested and rendered regarding police operations pursuant to the agreement. Said list may be amended or supplemented from time to time as needs dictate by subsequent declarations.

1. Joint multi-jurisdictional criminal investigations.
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes, and strikes.
3. Any natural disaster.
4. Incidents which require rescue operations and crowd and traffic control measures including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.
5. Terrorist activities including, but not limited to, acts of sabotage.
6. Escapes from or disturbances within detention facilities.
7. Hostage and barricaded subject situations, and aircraft piracy.
8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits, and missing person calls.
9. Enemy attack.
10. Transportation of evidence requiring security.
11. Major events; e.g., sporting events, concerts, parades, fairs, festivals and conventions.

12. Security and escort duties for dignitaries.
13. Emergency situations in which one agency cannot perform its functional objective.
14. Incidents requiring utilization of specialized units; e.g., underwater recovery, aircraft, canine, motorcycle, bomb, crime scene, marine patrol, and police information.
15. Joint training in areas of mutual need.
16. Joint multi-jurisdictional marine interdiction operations.

The following procedures will apply in mutual aid operations:

1. Mutual aid requested or rendered will be approved by the Chief of Police or designee.
2. Specific reporting instructions for personnel rendering mutual aid should be included in the request for mutual aid. In the absence of such instructions, personnel will report to the ranking on-duty supervisor on the scene.
3. Communications instructions will be included in each request for mutual aid.
4. Incidents requiring mass processing of arrestees, transporting prisoners, and operating temporary detention facilities will be handled per established procedures.

  
\_\_\_\_\_  
Steven Steinberg, Chief  
Aventura Police Department

4/7/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Roberto Fulgueira, Chief  
City of Sweetwater Police Department

4/01/11  
\_\_\_\_\_  
Date

**CITY OF AVENTURA**  
**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: April 12, 2011

SUBJECT: **Resolution Declaring Equipment Surplus**

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**May 3, 2011 Commission Meeting Agenda Item 6 E**

**RECOMMENDATION**

It is recommended that the City Commission adopt the attached Resolution declaring certain equipment as surplus to the needs of the City.

**BACKGROUND**

Section 2-258 of the City Code of Ordinances provides that any property owned by the City which has become obsolete or which has outlived its usefulness may be disposed of in accordance with procedures established by the City Manager, so long as the property has been declared surplus by a resolution of the City Commission.

If you have any questions, please feel free to contact me.

EMS/act

Attachment

CCO1740-11

RESOLUTION NO. 2011-\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA DECLARING CERTAIN PROPERTY LISTED UNDER THE ASSETS OF THE CITY AS SURPLUS TO THE NEEDS OF THE CITY; DESCRIBING THE MANNER OF DISPOSAL; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Manager desires to declare certain property as surplus to the needs of the City; and

**WHEREAS**, Ordinance No. 2000-09 provides that all City-owned property that has been declared surplus cannot be disposed of prior to the preparation and formal approval of a resolution by the City Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:**

**Section 1. Recitals Adopted.** The above recitals are hereby confirmed and adopted herein.

**Section 2.** The property listed on Exhibit "A" has been declared surplus and is hereby approved for disposal.

**Section 3.** The City Manager is authorized to dispose of the property listed on Exhibit "A" through a public auction, sale, trade-in, transfer to other governmental agency or, if of no value, discarded.

**Section 4.** The City Manager is hereby authorized to do all things necessary to carry out the aims of this Resolution.

**Section 5.** This Resolution shall become effective immediately upon its adoption.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

|                                  |       |
|----------------------------------|-------|
| Commissioner Zev Auerbach        | _____ |
| Commissioner Bob Diamond         | _____ |
| Commissioner Teri Holzberg       | _____ |
| Commissioner Billy Joel          | _____ |
| Commissioner Michael Stern       | _____ |
| Commissioner Luz Urbàez Weinberg | _____ |
| Mayor Susan Gottlieb             | _____ |

PASSED AND ADOPTED this 3<sup>rd</sup> day of May, 2011.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

**CITY OF AVENTURA**  
**POLICE DEPARTMENT**  
**INTER OFFICE MEMORANDUM**

**TO:** Eric M. Soroka, City Manager

**FROM:** ~~Steven Steinberg, Chief of Police~~

**DATE:** 8 April 2011

**SUBJECT:** Surplus Property

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I would like to have the below listed city property declared Surplus Property as per City of Aventura APDP, Chapter 6, Subsection 5, Page 1 as these items have become inadequate for public purposes:

Please surplus the below listed property:

2 - FlashMax PS50 portable sign systems trailers as noted below:

Make : National Signal Corporation

Model : HIS-INFO-15172  
VIN: 1s9s110012L358172

Model : HIS-INFO-1567  
VIN: 1S9S110182L358167

**CITY OF AVENTURA**

**POLICE DEPARTMENT**

**INTER OFFICE MEMORANDUM**

**TO:** Eric M. Soroka, City Manager

**FROM:**   
Steven Steinberg, Chief of Police

**DATE:** 14 April 2011

**SUBJECT:** Surplus Property

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I would like to have the below listed city property declared Surplus Property as per City of Aventura APDP, Chapter 6, Subsection 5, Page 1 as these items have become inadequate for public purposes:

Please surplus the below listed property:

| Year | VIN               | Make/Model | Veh # |
|------|-------------------|------------|-------|
| 2009 | 2FAHP71V89X128833 | Ford C/V   | 3981  |
| 2005 | 2FAFP71W15X172635 | Ford C/V   | 2536  |
| 2005 | 2FAFP71W55X132557 | Ford C/V   | 3535  |
| 2004 | 2FAFP71W34X124729 | Ford C/V   | 3461  |

**CITY OF AVENTURA**  
**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager

DATE: April 22, 2011

SUBJECT: Review of Ordinance No. 2008-08  
Transportation Mitigation Impact Fee



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**May 3, 2011 City Commission Meeting Agenda Item 6-f**

**RECOMMENDATION**

It is recommended that the City Commission accept the City Manager's review of Ordinance No. 2008-08.

**BACKGROUND**

Section (f) of Ordinance No. 2008-08 provides that the City Manager shall review the provisions of the Ordinance at least every three years and, if appropriate, make recommendations to the City Commission to revise it. The review has been completed and is attached to this memorandum.

If you have any questions, please feel free to contact me.

## **CITY OF AVENTURA**

### **CITY MANAGER'S REVIEW OF ORDINANCE NO. 2008-08 TRANSPORTATION MITIGATION IMPACT FEE AS OF JANUARY 1, 2011**

#### **I. OVERVIEW**

On January 8, 2008, the City Commission passed Ordinance No. 2008-08 establishing a Transportation Mitigation Impact Fee and Schedule for mitigation of transportation impacts by new development. The effective date of Ordinance No. 2008-08 was January 1, 2009. Due to economic conditions on January 1, 2009, the City Commission passed Ordinance No. 2009-4 extending the effective date to April 1, 2009 and further passed Ordinance No. 2009-08 extending the effective date to September 30, 2009.

#### **II. PURPOSE OF THE ORDINANCE**

The Ordinance was enacted to support and fund mobility within the City's Transportation Concurrency Exception Area by collecting a transportation mitigation impact fee to allow the expansion, operation and maintenance of the City's Circulator System, also known as the Aventura Express.

#### **III. ADMINISTRATION OF THE ORDINANCE**

Section (a) of the Ordinance provides that any application for building permit or development activity shall be subject to the assessment of a transportation mitigation impact fee in the manner and amount set forth in the Ordinance. The schedule of fees is set out in Section (b) and provides the method of calculation and option for developers to provide alternative fee studies. Section (c) provides for exemptions and refunds. Sections (d) and (e) provide for expenditures of impact fees collected and establishment of the fund respectively.

Section (f) of the Ordinance provides that the City Manager shall review the Ordinance at least every three years and, if appropriate, make recommendations to the City Commission to revise it. The first such review shall be no later than January 1, 2011. The City Commission shall consider the City Manager's recommended revision(s) to the Ordinance and decide whether to adopt them.

#### **IV. STATUS AS OF JANUARY 1, 2011**

There has been no new development to which the impact fee applied during the period September 30, 2009 to January 1, 2011. The need to support mobility within our City remains unchanged.

#### **V. RECOMMENDATION**

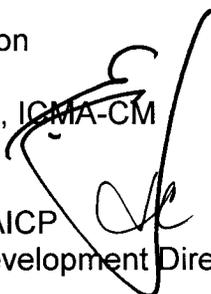
No revision to the provisions of Ordinance No. 2008-08, as amended by Ordinances Nos. 2009-04 and 2009-08, is recommended as of this review. The next review is scheduled for January 1, 2014.

**CITY OF AVENTURA**

**COMMUNITY DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM  
City Manager 

BY: Joanne Carr, AICP  
Community Development Director 

DATE: April 12, 2011

SUBJECT: Request of hhgregg, Inc. for Sign Variance  
19925 Biscayne Boulevard, City of Aventura  
(01-SV-11)

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**May 3, 2011 City Commission Meeting Agenda Item 7**

**RECOMMENDATION**

It is recommended that the City Commission deny the request for variance to permit a wall sign measuring 294 square feet on the west building elevation; where one sign measuring 162 square feet is permitted by Code, for the hhgregg appliances & electronics store at 19925 Biscayne Boulevard.

**THE REQUEST**

The applicant, Bonnie Miskel, Esq. on behalf of hhgregg, Inc. is requesting variance from Section 31-191(g)(2)a. of the City Code to permit a wall sign on a one-story retail building in the plaza at 19915-19925 Biscayne Boulevard measuring 294 square feet, where a wall sign measuring 162 square feet is permitted by Code. (See Exhibit #1 for Letter of Intent)

**BACKGROUND**

**OWNER OF PROPERTY**

Deer Capital LLC

**APPLICANT**

Bonnie Miskel, Esq. for  
Hhgregg, Inc. (tenant)

**LOCATION OF PROPERTY**

19925 Biscayne Boulevard  
(See Exhibit #2 for Location Map)

**LEGAL DESCRIPTION**

Part Tract A-12, Aventura Twelfth Addition, Plat Book 146, Page 19 of the Public Records of Miami-Dade County, City of Aventura, Florida  
(See Exhibit #3 for complete legal description)

**ZONING**

|                        |   |
|------------------------|---|
| Subject property:      | B2, Community Business District                       |
| Property to the North: | RMF3, Multifamily Medium Density Residential District |
| Property to the South: | B2, Community Business District                       |
| Property to the East:  | B2, Community Business District                       |
| Property to the West:  | Biscayne Boulevard                                    |

**EXISTING LAND USE**

|                        |                         |
|------------------------|-------------------------|
| Subject property:      | Retail Plaza            |
| Property to the North: | Residential Condominium |
| Property to the South: | Regional Mall           |
| Property to the East:  | Medical Office Building |
| Property to the West:  | Biscayne Boulevard      |

**FUTURE LAND USE** – According to the City of Aventura Comprehensive Plan, the following properties are currently designated as follows:

|                        |                                 |
|------------------------|---------------------------------|
| Subject property:      | Business and Office             |
| Property to the North: | Medium-High Density Residential |
| Property to the South: | Business and Office             |
| Property to the East:  | Business and Office             |
| Property to the West:  | Biscayne Boulevard              |

**The Site** - The subject site lies on the east side of Biscayne Boulevard at its intersection with NE 199 Street (Aventura Boulevard). There are two large retail tenant spaces in the most easterly building. One of these spaces is occupied by Artefacto furniture store and the other space is the proposed location of this applicant, hhgregg, an appliance and electronics store. There is outparcel building in the southwest corner of the site occupied by Chili’s restaurant.

**The Project** – The applicant is proposing to open a 30,000 square foot electronics and appliance store in the tenant space formerly occupied by Borders book store. The applicant has submitted a sign package for the new store, which is comprised of one wall sign and a tenant panel on each of the two monument signs on this site.

The sign package, showing the requested size and location of the wall sign, is attached as Exhibit #4.

The hhgregg tenant space has 162 lineal feet of store frontage. Our City's Sign Code permits one wall sign measuring a maximum of 162 square feet. The applicant is proposing one 294 square foot wall sign on the front (west) elevation of the building facing Biscayne Boulevard.

**Citizen Comments** - The Community Development Department has not received any written or verbal citizen comments.

## **ANALYSIS**

Section 31-191(g)(2)a. of the City Code regulates wall signs on retail buildings. One wall sign per building is permitted, except two wall signs may be permitted for corner or through locations. This is not a corner or through location. The maximum size of the sign is one square foot for each one lineal foot of store frontage. This tenant space has 162 lineal feet of store frontage; therefore, one wall sign at 162 square feet is permitted by Code.

The criteria for approval of sign variances are set out in Section 31-191(j)(8) of the City of Aventura Land Development Regulations, as follows:

*"The Sign Variance maintains the basic intent and purpose of these regulations; particularly as it affects the stability and appearance of the City and provided that the variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required."*

The basic intent and purpose of the sign regulations is to allow signage that is effective in indexing the environment, serves as an index to needed goods and services, enhances the physical appearance of the City, promotes traffic safety while preventing visual distraction and is compatible with its surroundings, while discouraging signage that functions primarily as a marketing or publicity device.

The applicant requests approval to install a wall sign measuring 294 square feet on the front (west) elevation of the store. This is 82% larger than the sign permitted by Code. Below we have set forth the components of the applicant's letter of intent and our corresponding staff analysis, as follows:

*I. Applicant Statement:* The applicant feels that as a new entry into the Florida market, the larger sign is needed to adequately identify its presence and provide recognition for customers.

*Staff Analysis:* As stated in the basic intent and purpose of the sign regulations, a sign is to provide direction not marketing or publicity.

*II. Applicant Statement:* The building is approximately 220 feet setback from the road. The City Code allows larger signs for buildings that are setback 300 feet or more from the right of way.

*Staff Analysis:* The sign regulations allow a wall sign measuring 1.5 square feet for each 1 lineal feet of tenant frontage for stores that are setback 300 or more feet from the right of way. This store location does not fall within that setback. The applicant has made façade improvements to its frontage as shown on the sign package. The sign will have red illuminated letters on a white background with yellow columns as shown in the sign package. This will provide clear visibility from the street.

*III. Applicant Statement:* The site has significant challenges that other retail properties do not have, including its location at a busy intersection, the visual obstruction of the Ives Dairy overpass, barricade elements on the overpass and highway directional signage.

*IV. Staff Analysis:* This plaza frontage is adjacent to the Ives Dairy overpass on Biscayne Boulevard. As part of the cure plan approved after the FDOT right of way taking along the frontage of this property and after construction of the overpass, the City Commission approved a sign variance permitting relocation and enlargement of the monument sign on Biscayne Boulevard to compensate for the visual impact of the overpass. A monument sign measuring 18' high and 8' wide or 144 square feet was approved by Resolution No. 98-56, where an 8' high by 6' wide or 48 square foot monument sign is permitted by Code. As part of the application documents submitted with that sign variance request, the owner of the property provided a sight distance drawing showing that the relocated, larger monument sign would be visible to southbound drivers on Biscayne Boulevard at 771 feet to the north, thereby allowing time to make turning decisions into this plaza. The monument sign allowed by Resolution No. 98-56 is currently in place at this plaza. The hhgregg store will have an illuminated tenant panel on this larger monument sign which will provide visibility and direction to its store.

*V. Applicant Statement:* The property is adjacent to the Aventura Mall which has larger signage that will cause people to focus on that signage, that this peripheral retailer gets lost in the shadow of the large regional mall and that because of its proximity to the mall, many customers will expect that it is located in the Mall, therefore requiring a clearer and more visible sign.

*Staff Analysis:* The hhgregg store will have an illuminated wall sign, an illuminated tenant panel on the existing large monument sign on Biscayne Boulevard allowing drivers to make turning decisions and an illuminated tenant panel on the existing second monument sign on Aventura Boulevard at its

southerly entrance, all of which will clearly and visibly direct customers to its location.

*VI. Applicant Statement:* The clearer and more visible sign will enable drivers to have more time and be better prepared to make necessary turning decisions.

*Staff Analysis:* The staff analysis of the applicant's statement on the visual impacts of the Ives Dairy overpass, detailed in "III" above, shows that it has previously been determined by City Commission that the larger monument sign on Biscayne Boulevard provides visibility and time to allow drivers to make necessary turning decisions.

*VII. Applicant Statement:* Due to the struggling economy, support of new retail businesses and allowing adequate identification and visibility is of the utmost importance.

*Staff Analysis:* The City supports all its new businesses and has previously permitted larger monument signage on the Biscayne Boulevard frontage of this property to allow adequate identification and visibility.

*VIII. Applicant Statement:* Increased wall signage is needed to adequately inform the consumer of the nature of the business. The description "appliances and electronics" is needed to identify the products for sale and it would be inequitable to deprive the applicant of that detail or shrink the full logo down to a very small area in order to fit all the letters in the overall signage calculation.

*Staff Analysis:* The sign regulations provide that signs in our City are measured by a rectangle enclosing all letters, symbols and logos. All signs in our City are reviewed in this manner. The two products, "appliances and electronics" are permitted by Code, at the tenant's option, but are included in the sign area calculation.

It is staff's opinion that this request does not preserve the unique character of the City and is in conflict with the basic intent and purpose of the sign code for the reasons set out above. A wall sign at 294 square feet will not be compatible with surrounding land uses. A wall sign measuring 162 square feet in size on the hgregg store, along with the tenant panels on the two monument signs allowed by Code will clearly and visibly direct customers approaching from both the north and south and from the east and west of the building to the store location.

Prior to submission of this application for sign variance, the applicant provided, for staff review and discussion, a sign package showing a wall sign measuring 600 square feet, a wall sign measuring 384 square feet, a wall sign measuring

294 square feet and a code compliant wall sign measuring 154 square feet<sup>1</sup>. This sign package is attached as Exhibit #5. After a careful review of that package, staff advised the applicant that a code compliant-sized sign would provide clear direction and visibility.

Staff also reviewed a similarly situated plaza, the Promenade Shops that also fronts the Ives Dairy overpass. The Promenade Shops has similar monument signage, that is, one larger than permitted monument sign on Biscayne Boulevard and one code compliant monument sign on its secondary entrance on NE 207 Street. This plaza was also granted a larger monument sign after construction of the overpass. Its monument sign is 20 feet high and 10 feet wide. This is larger than the subject property's monument sign; however, the Promenade Shops plaza is much larger than the subject property. A new retail store in this plaza recently opened in this plaza with a code compliant wall sign at 159 square feet for a store frontage of 182 lineal feet. The store is setback approximately 200 feet from the road. The wall sign is in place and does provide direction and visibility for customers.

Subsequent to submission of the sign variance application, the applicant has proffered to install additional landscaping along the northerly limit of the property to screen a larger wall sign.

Staff has suggested to the applicant that it may revise its request to permit a 162 square foot sign to be placed higher on the façade to match the top elevation of the columns. The sign would then be more than 50% above the roofline, which would require a sign variance, but staff would recommend approval of this higher placement as it would be proportionate to the façade design and staff would also recommend acceptance of the applicant's landscape proffer. Staff has further suggested to the applicant that it may erect, with the property owner's approval, a 4 square foot directional sign as permitted by Code, at the northerly property entrance to direct customers to the store from that entrance.

---

<sup>1</sup> The plan showing the sign at 154 square feet was not measured as per City Code. The actual measurement of the sign as shown using the code calculation formula is 176 square feet, which is 14 square feet larger than permitted for this tenant space with 162 lineal feet of store frontage.

# SIEGEL, LIPMAN, DUNAY, SHEPARD & MISKEL, LLP

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JONATHAN L. SHEPARD  
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BOCA RATON, FLORIDA 33486

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## **Exhibit #1 01-SV-11**

Ms. Joanne Carr, Director  
Community Development Department  
City of Aventura  
19200 W. Country Club Drive  
Aventura, Florida 33180

APR - 7 2011

### **Re: Letter of Intent for the Requested hhgregg Wall Sign Variance**

Dear Ms. Carr:

The undersigned is requesting a variance from Section 31-191(j)(2) to permit tenant wall signage in excess of that allowed by the City's Land Development Regulations ("Code"). Specifically, petitioner is requesting on behalf of the owner relief from Section 31-191(j)(2) to permit tenant wall signage for hhgregg appliances & electronics for a maximum of 294 square feet with a maximum letter size of 5' 8" for the primary wall signage (west elevation). A graphic depiction of the proposed signage is attached hereto as Exhibit "A". The property in question is located at 19925 Biscayne Boulevard in the old Borders retail space adjacent to the Aventura Mall and is generally located on the northeast corner of Northeast 199<sup>th</sup> street and Biscayne Boulevard. The tenant, hhgregg appliances and electronics, is a national retailer moving into the South Florida market. The business was founded in 1955 with its first store in Indianapolis. Since that time, hhgregg has added stores in Alabama, Indiana, Kentucky, Ohio, North Carolina, South Carolina, Tennessee, and Georgia. Today, hhgregg is one of the nation's leading appliance and electronics retailers and continues to be owned and operated by the Gregg family.

The tenant space is approximately 30,000 square feet located on the Northern end of the Property. The tenant space was previously a Borders Store which closed its doors to the public due to poor performance. The Property has struggled in this economy as the contiguous space was a Linens 'n Things which relocated and ultimately closed. The neighboring space has been leased to a Brazilian furniture store (ArteFacto) and is currently open for business. In association with the new tenancy and entry into the market, petitioner is requesting to increase the allowable wall sign area to adequately identify its presence and provide recognition for consumers. The proposed wall signage reflects the federally registered logo of the hhgregg retailer.

The proposed wall signage meets the intent of the Code, although it does not specifically comply with the Code requirements set forth in Chapter 31-191 it does meet the basic intent of the regulation and is compatible with our neighbor to the South as discussed in greater detail below. Under Section 31-191(j)(2), maximum sign area for wall business identification is one square foot for each one lineal foot of tenant frontage for each sign located within 300 feet of a street on which the building fronts. In cases where the building is more than 300 feet from the street, the area is 1.5 square feet for each 1 foot of tenant frontage. This building is more than 200 feet from the street which is not quite 300 but should not be treated the same as a building 10 feet from the street. As the City recognizes that distance is a factor and should be taken into account in the maximum area of the sign, this request is in keeping with that principle. If the building was approximately 80 feet further, we would be permitted to have 243 square feet. To allow the same amount as a building 10 or more from the street is somewhat inequitable as the more distant a building is from the road, the more difficult it is to be seen.

The Property's location creates significant challenges that other retail properties do not have to overcome. First, the Property is located on Biscayne Boulevard, one of the busiest thoroughfares with multiple lanes. It is a significant commercial corridor for the City with a great deal of traffic. The intersection of Biscayne Boulevard and Aventura Boulevard is equally busy. In addition, the Property is visually obstructed at this intersection and along Biscayne, as the hhgregg store is directly adjacent to the overpass, roadway split and ramp for Biscayne. Further to this significant visual obstacle, the Property's view is obstructed by the barricade elements (i.e. landscape buffer wall fence) designed to protect the Property from the ramp, etc. The large highway signage abutting the Property is yet another visual obstruction as well as distraction for drivers. Photographs of the foregoing are attached hereto as Exhibit "B."

To add to the site challenges, the Property is directly adjacent to and on the periphery of the Aventura Mall. Most people travelling north and south on Biscayne will naturally focus on the larger mall signage and buildings putting the peripheral retail stores and improvements out of focus. Peripheral retailer parcels get lost in the shadow of the large regional mall improvements and signage. The Aventura Mall is allowed larger signage with up to 500 square feet of wall signage in accordance with Section 31-191(j)(8) for the anchor stores. This store is not of the size of the neighboring anchors but certainly is greater than the typical 5000 square foot infill retail and should be allowed some relief given the mid box size. Further, because of the proximity to the mall, many customers will expect the store to be located within the mall. The added signage will give the consumers better clarity over the actual location. The clearer and more visible the sign, not only will put the neighboring signage in focus, but from a safety perspective, will enable the driver to have more time and be better prepared to make necessary turning decisions. From a safety perspective, on this very busy thoroughfare and at this very busy intersection, it makes sense to allow this request.

Granting the requested hhgregg sign special exception is warranted and justified to protect, preserve, and enhance the City's tax base and to prevent or eradicate conditions of economic blight. As mentioned above, the hhgregg retailer is poised to occupy otherwise vacant retail space within a smaller shopping center that is in proximity to the Aventura Mall. This occupancy is a result of the current

economic struggles facing many large and small retailers – failing business. Given that several large national retailers, including those that typically anchor shopping centers, such as Blockbuster, Loehmann’s, Barnes & Noble and Toys R Us, are all struggling, vacancies along this retail corridor could easily become an epidemic, impacting future economic development and the tax base well into the future. As such, supporting new retail business and providing adequate identification and visibility is of the utmost importance to promote the economic viability of the business as well as the overall marketplace.

Finally, the increased wall signage is needed to adequately inform the consumer of the nature of the business. Unlike Sports Authority and other retailers whose name puts the consumer on notice of what it sells or does, hhgregg means little to anyone who has not been inside one of its Midwestern stores. In fact, very early on in its history, hhgregg added the phrase “appliances and electronics” to identify to the consumer the nature of its business. That phrase has been incorporated into and is now a part its registered trademark. The description of its business is needed to put the consumer on notice of what it sells. It would be inequitable to deprive the petitioner of that detail or to shrink the full logo down to a very small area in order to fit all the letters in the overall signage calculation.

In closing, this sign variance request is in harmony with the general purpose and intent of Chapter 31 and will not be inconsistent with the neighboring properties. Although not technically part of the Aventura Mall, the shared access leads the consumer to believe that it is part of the Mall retail community. Being located on the periphery of the Mall, the size of the proposed signage is in keeping with the surrounding properties.

In consideration of the foregoing, hhgregg respectfully requests that the City grant the requested wall sign variance for a maximum of 294 square feet with a maximum letter size of 5’ 8” for the primary wall signage (west elevation), as depicted in the attached Exhibit “A”.

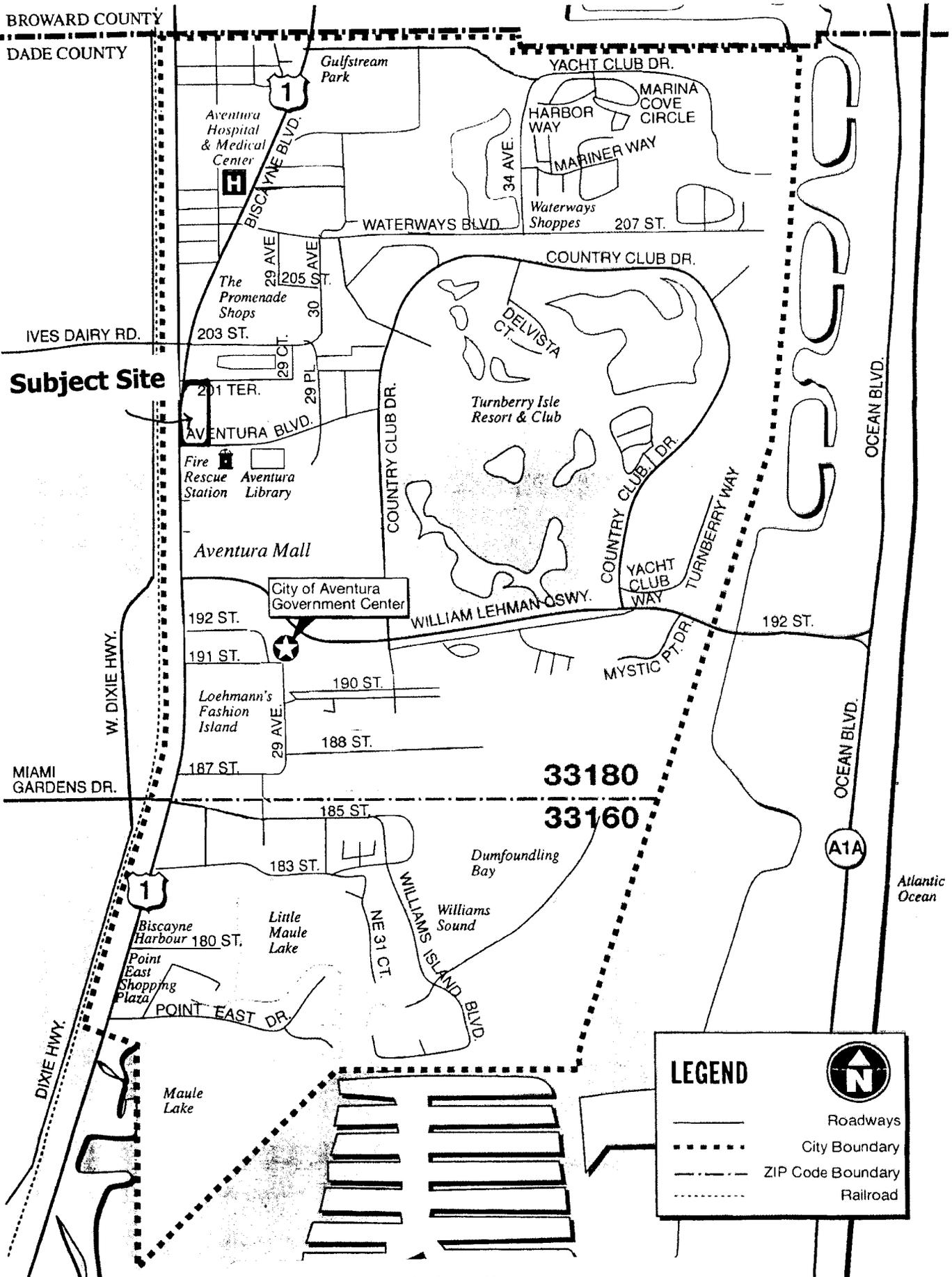
Sincerely,

A handwritten signature in black ink that reads "Bonnie Miskel". The signature is written in a cursive, flowing style.

Bonnie Miskel, Esq.

Attachments: Exhibits A - B

BROWARD COUNTY  
DADE COUNTY



**LEGEND**

- Roadways
- City Boundary
- ZIP Code Boundary
- Railroad

**Exhibit #2**  
**01-SV-11**

Legal Description

TRACT "A-12", AVENTURA TWELFTH ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 146, PAGE 19, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS AND EXCEPT THEREFROM THE FOLLOWING PARCEL VESTED IN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION PURSUANT TO THAT CERTAIN ORDER OF TAKING RECORDED APRIL 3, 1998, IN OFFICIAL RECORDS BOOK 18041, PAGE 3522, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA:

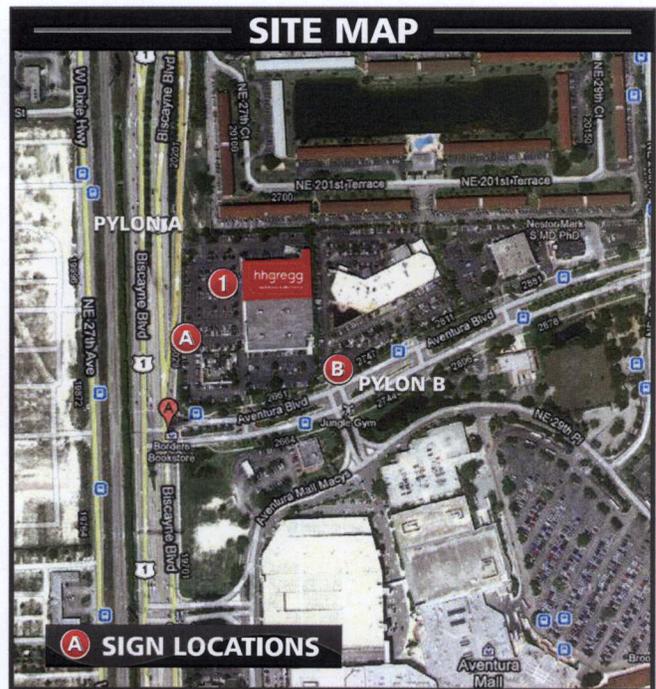
BEGIN AT THE NORTHWEST CORNER OF TRACT "B-12" OF SAID PLAT OF AVENTURA TWELFTH ADDITION; THENCE ALONG THE NORTH LINE OF SAID TRACTS "A-12" AND "B-12", NORTH 87°33'08" EAST, A DISTANCE OF 21.102 METERS (69.23 FEET) TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 1,687.000 METERS (5,534.77 FEET) AND A TANGENT BEARING OF SOUTH 00°48'11" WEST; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 01°55'32" FOR A DISTANCE OF 56.695 METERS (186.01 FEET) TO REFERENCE POINT "C" AND THE POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 603.000 METERS (1,978.34 FEET); THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 06°26'15" FOR A DISTANCE OF 67.752 METERS (222.28 FEET) TO A NON-TANGENT POINT ON A CIRCULAR CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 1,156.328 METERS (3,793.72 FEET) AND A TANGENT BEARING OF SOUTH 01°37'10" WEST; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CIRCULAR CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 02°25'46" FOR A DISTANCE OF 49.030 METERS (160.86 FEET); THENCE ALONG THE EAST LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NO. 5 (BISCAYNE BOULEVARD) FOR THE FOLLOWING TWO (2) COURSES: (1) NORTH 28°05'09" WEST A DISTANCE OF 9.346 METERS (30.66 FEET); (2) NORTH 05°24'59" WEST A DISTANCE OF 63.659 METERS (208.85 FEET); THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 5 (BISCAYNE BOULEVARD) FOR THE FOLLOWING TWO (2) COURSES: (1) SOUTH 87°30'59" WEST A DISTANCE OF 4.267 METERS (14.00) FEET; (2) NORTH 02°07'21" WEST A DISTANCE OF 101.121 METERS (331.76) FEET TO THE POINT OF BEGINNING.

**Exhibit #3  
01-SV-11**

Prepared for:



**Aventura, FL.**  
8/26/10

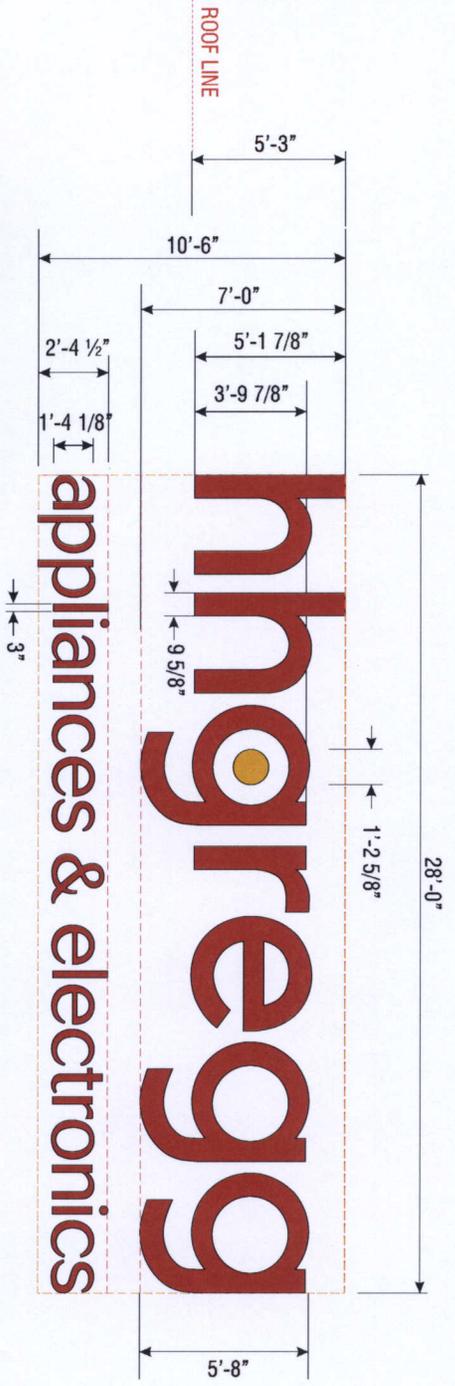


| Client: | Revisions:  |  |      | <br>125 Phyllis Drive<br>Croydon, PA 19021<br>(215) 826-0880 Phone<br>(215) 826-0514 Fax | Design and construction documents as instruments of service are given in confidence and remain property of Imageone Industries. The use of this design and construction documents for purposes other than the specific project named herein is strictly prohibited without the express written consent of Imageone Industries. | Location: 19925 Biscayne Blvd.<br>Aventura, FL | Drawn By: MP | Date: 9/2/10 |        |                          |    |   |        |   |    |   |         |                                |    |   |         |  |    |   |         |                 |    |
|---------|---|--|------|--|--|--|--------------|--------------|--------|--------------------------|----|---|--------|---|----|---|---------|--------------------------------|----|---|---------|--|----|---|---------|-----------------|----|
|         | <table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>9/2/10</td> <td>CHANNEL LETTERS PER CODE</td> <td>MP</td> </tr> <tr> <td>2</td> <td>9/2/10</td> <td>CHANNEL LETTERS PER ARCHITECTURAL RENDERING</td> <td>MP</td> </tr> <tr> <td>3</td> <td>1/12/11</td> <td>CHANGE ARCHITECTURAL RENDERING</td> <td>MP</td> </tr> <tr> <td>4</td> <td>1/24/11</td> <td>SHOW OPTIONAL LETTER SIZES (6 &amp; 7) WITH SOFT OPTIONS</td> <td>MP</td> </tr> <tr> <td>5</td> <td>3/24/11</td> <td>REVISE DRAWINGS</td> <td>MP</td> </tr> </tbody> </table> | REV  | DATE |  |  | DESCRIPTION                                    | BY           | 1            | 9/2/10 | CHANNEL LETTERS PER CODE | MP | 2 | 9/2/10 | CHANNEL LETTERS PER ARCHITECTURAL RENDERING | MP | 3 | 1/12/11 | CHANGE ARCHITECTURAL RENDERING | MP | 4 | 1/24/11 | SHOW OPTIONAL LETTER SIZES (6 & 7) WITH SOFT OPTIONS | MP | 5 | 3/24/11 | REVISE DRAWINGS | MP |
| REV     | DATE  | DESCRIPTION  | BY   |  |  |  |              |              |        |                          |    |   |        |   |    |   |         |                                |    |   |         |  |    |   |         |                 |    |
| 1       | 9/2/10  | CHANNEL LETTERS PER CODE                             | MP   |  |  |  |              |              |        |                          |    |   |        |   |    |   |         |                                |    |   |         |  |    |   |         |                 |    |
| 2       | 9/2/10  | CHANNEL LETTERS PER ARCHITECTURAL RENDERING          | MP   |  |  |  |              |              |        |                          |    |   |        |   |    |   |         |                                |    |   |         |  |    |   |         |                 |    |
| 3       | 1/12/11   | CHANGE ARCHITECTURAL RENDERING                       | MP   |  |  |  |              |              |        |                          |    |   |        |   |    |   |         |                                |    |   |         |  |    |   |         |                 |    |
| 4       | 1/24/11   | SHOW OPTIONAL LETTER SIZES (6 & 7) WITH SOFT OPTIONS | MP   |  |  |  |              |              |        |                          |    |   |        |   |    |   |         |                                |    |   |         |  |    |   |         |                 |    |
| 5       | 3/24/11   | REVISE DRAWINGS                                      | MP   |  |  |  |              |              |        |                          |    |   |        |   |    |   |         |                                |    |   |         |  |    |   |         |                 |    |
|         |   |  |      |  |  | Drawing No.: 09806-1.0                         |              |              |        |                          |    |   |        |   |    |   |         |                                |    |   |         |  |    |   |         |                 |    |

**Exhibit #4**



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**1 SIGN DETAIL (7' LETTER SET)**  
SCALE: 1/4" = 1'-0"



Revisions:

| REV# | DATE    | DESCRIPTION   | BY |
|------|---------|---|----|
| 1    | 8/27/10 | CHANNEL LETTERS PER CODE  | MP |
| 2    | 11/1/10 | CHANGE LETTERS PER CODE   | MP |
| 3    | 1/13/11 | CHANGE LETTERS PER CODE   | MP |
| 4    | 1/24/11 | CHANGE ARCHITECTURAL RENDERING  | MP |
| 5    | 3/24/11 | SHOW OPTIONAL LETTER SIZES (6' & 7') WITH SCAFF OPTIONS REVISE DRAWINGS | MP |

**imageone** (INC.)  
Identification specialists  
125 Phyllis Drive  
Croydon, PA 19021  
(215) 825-0880 Phone  
(215) 825-0514 Fax

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Location: **19925 Biscayne Blvd. Aventura, FL**  
Description: **W. Elevation - 7ft Letter Set**

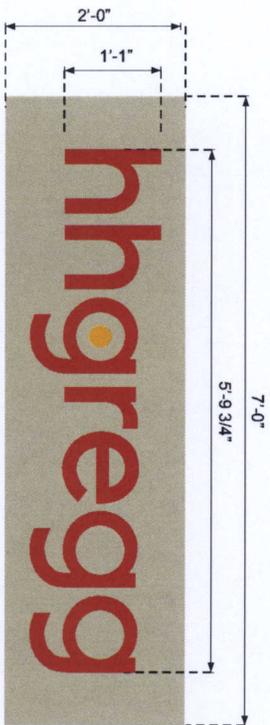
Drawn By: **MP** Date: **9/2/10**  
Job No.: **09-806 R4** Scale: **AS NOTED**  
Drawing No.: **09806-6.0**



Client:



**PYLON A**



**PYLON A**



**PYLON B**

**A/B**  
NTS  
**PYLON FACE REPLACEMENT**

**PYLON B**

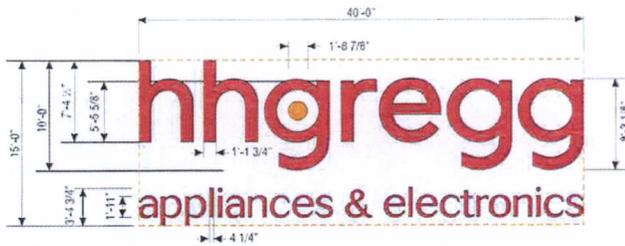
- SUPPLY & INSTALL (2) NEW FACES ON EACH TENANT PYLON
  - ROUTED ALUMINUM BACKED BY ACRYLIC W/ VINYL OVERLAY
  - DIMENSIONS TO BE CONFIRMED PRIOR TO FABRICATION
- RED: PMS#711C  
GOLD: PMS#7409C



| Client:  |   | Revisions:   |         |             |    |   |        |                          |    |   |         |                           |    |   |         |                                |    |   |         |  |    |   |         |                 |    |   |  |  |  |  |   |
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|  |   | 1  | 8/2/10  |             |    |   |        |                          |    |   |         |                           |    |   |         |                                |    |   |         |  |    |   |         |                 |    |   |  |  |  |  |   |
|  |   | 2  | 1/12/11 |             |    |   |        |                          |    |   |         |                           |    |   |         |                                |    |   |         |  |    |   |         |                 |    |   |  |  |  |  |   |
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|  |   | 4  | 1/24/11 |             |    |   |        |                          |    |   |         |                           |    |   |         |                                |    |   |         |  |    |   |         |                 |    |   |  |  |  |  |   |
|  |   | 5  | 3/24/11 |             |    |   |        |                          |    |   |         |                           |    |   |         |                                |    |   |         |  |    |   |         |                 |    |   |  |  |  |  |   |
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| REV  | DATE  | DESCRIPTION  | BY      |             |    |   |        |                          |    |   |         |                           |    |   |         |                                |    |   |         |  |    |   |         |                 |    |   |  |  |  |  |   |
| 1  | 8/2/10  | CHANNEL LETTERS PER CODE                             | MP      |             |    |   |        |                          |    |   |         |                           |    |   |         |                                |    |   |         |  |    |   |         |                 |    |   |  |  |  |  |   |
| 2  | 1/12/11   | CHANNEL LETTERS REWORKING                            | MP      |             |    |   |        |                          |    |   |         |                           |    |   |         |                                |    |   |         |  |    |   |         |                 |    |   |  |  |  |  |   |
| 3  | 1/24/11   | CHANGE ARCHITECTURAL RENDERING                       | MP      |             |    |   |        |                          |    |   |         |                           |    |   |         |                                |    |   |         |  |    |   |         |                 |    |   |  |  |  |  |   |
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| 5  | 3/24/11   | REVISE DRAWINGS                                      | MP      |             |    |   |        |                          |    |   |         |                           |    |   |         |                                |    |   |         |  |    |   |         |                 |    |   |  |  |  |  |   |
| 125 Phyllis Drive<br>Croydon, PA 19021   |   |  |         |             |    |   |        |                          |    |   |         |                           |    |   |         |                                |    |   |         |  |    |   |         |                 |    |   |  |  |  |  |   |
| (215) 328-0800 Phone<br>(215) 328-0514 Fax   | Identification specialists<br>Design and construction documents as<br>instruments of service are given in confidence<br>and remain property of imageone industries.<br>No part of this design or other<br>documents for design or other<br>specific project named herein is to be<br>copied, reproduced, or otherwise<br>disclosed without the express written<br>consent of imageone industries. |  |         |             |    |   |        |                          |    |   |         |                           |    |   |         |                                |    |   |         |  |    |   |         |                 |    |   |  |  |  |  |   |
| Location: 19925 Biscayne Blvd.<br>Aventura, FL   |   | Drawn By: MP<br>Job No.: 09-806 R4<br>Date: 9/2/10   |         |             |    |   |        |                          |    |   |         |                           |    |   |         |                                |    |   |         |  |    |   |         |                 |    |   |  |  |  |  |   |
| Description: PYLONS  |   | Scale: AS NOTED<br>Drawing No.: 09806-10.0           |         |             |    |   |        |                          |    |   |         |                           |    |   |         |                                |    |   |         |  |    |   |         |                 |    |   |  |  |  |  |   |



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**1 SIGN DETAIL (10' LETTER SET)**  
SCALE: 1/8" = 1'-0"

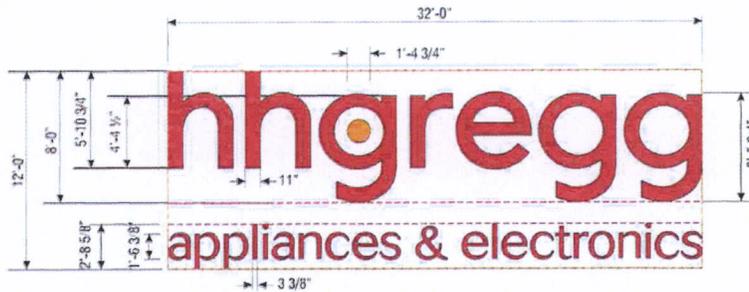


| Client:<br><b>hhgregg</b><br>appliances & electronics | Revisions:   |   | <br>identification specialists<br>125 Pugh's Drive<br>Graydon, PA 19921<br>(215) 624-0300 Phone<br>(215) 624-0514 Fax | Design and construction documents are prepared by the design professional and are not to be used for any other purpose without the written consent of Imageone Estimating. The use of this design and construction documents for purposes other than the specific project named herein is strictly prohibited without the expressed written consent of Imageone Estimating. | Location<br><b>19925 Biscayne Blvd.<br/>Aventura, FL</b> | Drawn By<br>MP | Date<br>9/2/10 |   |        |                        |    |   |        |  |    |   |        |                                |    |   |        |   |    |
|---|--|---|---|---|--|----------------|----------------|---|--------|------------------------|----|---|--------|--|----|---|--------|--------------------------------|----|---|--------|---|----|
|   | <table border="1"> <thead> <tr> <th>REV#</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>9/2/10</td> <td>QUAN LETTERS FOR QUOTE</td> <td>MP</td> </tr> <tr> <td>2</td> <td>9/2/10</td> <td>CHANGE LETTERS FOR ARCHITECTURAL RENDERING</td> <td>MP</td> </tr> <tr> <td>3</td> <td>9/2/11</td> <td>CHANGE ARCHITECTURAL RENDERING</td> <td>MP</td> </tr> <tr> <td>4</td> <td>9/2/11</td> <td>SHOW OPTIONAL LETTER SIZES (4 &amp; 7) WITH 50% OFF PRICING</td> <td>MP</td> </tr> </tbody> </table> | REV#  |   |   | DATE   | DESCRIPTION    | BY             | 1 | 9/2/10 | QUAN LETTERS FOR QUOTE | MP | 2 | 9/2/10 | CHANGE LETTERS FOR ARCHITECTURAL RENDERING | MP | 3 | 9/2/11 | CHANGE ARCHITECTURAL RENDERING | MP | 4 | 9/2/11 | SHOW OPTIONAL LETTER SIZES (4 & 7) WITH 50% OFF PRICING | MP |
| REV#  | DATE   | DESCRIPTION   | BY  |   |  |                |                |   |        |                        |    |   |        |  |    |   |        |                                |    |   |        |   |    |
| 1   | 9/2/10   | QUAN LETTERS FOR QUOTE                                  | MP  |   |  |                |                |   |        |                        |    |   |        |  |    |   |        |                                |    |   |        |   |    |
| 2   | 9/2/10   | CHANGE LETTERS FOR ARCHITECTURAL RENDERING              | MP  |   |  |                |                |   |        |                        |    |   |        |  |    |   |        |                                |    |   |        |   |    |
| 3   | 9/2/11   | CHANGE ARCHITECTURAL RENDERING                          | MP  |   |  |                |                |   |        |                        |    |   |        |  |    |   |        |                                |    |   |        |   |    |
| 4   | 9/2/11   | SHOW OPTIONAL LETTER SIZES (4 & 7) WITH 50% OFF PRICING | MP  |   |  |                |                |   |        |                        |    |   |        |  |    |   |        |                                |    |   |        |   |    |
|   |  |   |   |   |  | Drawing No.    | 09806-2.0      |   |        |                        |    |   |        |  |    |   |        |                                |    |   |        |   |    |

**Exhibit #5**



**WEST ELEVATION**  
SCALE 1/8" = 1'-0"



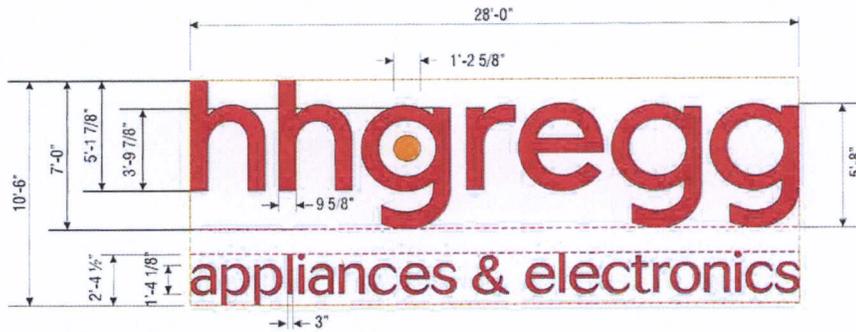
**2 SIGN DETAIL (8' LETTER SET)**  
SCALE 3/16" = 1'-0"



|        |  |             |                               |  |  |          |                                      |          |          |             |           |
|--------|--|-------------|-------------------------------|--|--|----------|--------------------------------------|----------|----------|-------------|-----------|
| Client |  | Revisions   |                               | <br>125 Phyllis Drive<br>Orryton, PA 19071<br>(215) 626-0862 Phone<br>(215) 626-6574 Fax | Design and construction documents as instruments of service are a result of the diligence and honest practice of ImageOne Solutions. The use of this design and construction documents for purposes other than the specific project named herein is strictly prohibited without the express written consent of ImageOne Solutions. | Location | 19925 Biscayne Blvd.<br>Aventura, FL | Drawn by | MP       | Date        | 9/2/10    |
|        |  | Description | W. Elevation - 8ft Letter Set |  |  | Job No.  | 09-806_R4                            | Scale    | AS NOTED | Drawing No. | 09806-4.0 |



**WEST ELEVATION**  
SCALE: 1/4" = 1'-0"



**3 SIGN DETAIL (7' LETTER SET)**  
SCALE: 1/4" = 1'-0"



|  |                  |  |                      |   |   |  |  |                      |
|--|------------------|--|----------------------|---|---|--|--|----------------------|
| Client<br><b>hhgregg</b><br>appliances & electronics | Revisions        |  | BY<br>EM<br>MP<br>MP | <b>imageone</b><br>identification specialists<br>125 Phyllis Drive<br>Croydon, PA 19021<br>(215) 628-0160 Photo<br>(215) 626-0214 Fax | Design and construction documents are instruments of service and are to be used only for the project and site identified herein. The use of this design and construction documents for purposes other than the specific project named herein is strictly prohibited without the express written consent of imageone®/idatone. | Location<br>19925 Biscayne Blvd.<br>Aventura, FL   | Drawn By<br>MP                               | Date<br>9/2/10       |
|  | 1<br>2<br>3<br>4 | 9/2/10<br>9/2/10<br>1/13/11<br>1/24/11 |                      |   |   | CHANNEL LETTERS PER QUOTE<br>CHANNEL LETTERS PER ARCHITECTURAL RENDERING<br>CHANGE ARCHITECTURAL RENDERING<br>SIGNAL OPTIONAL LETTER SIZES OF A 7' HIGH 10' FT OPTICAL | Description<br>W. Elevation - 7ft Letter Set | Job No.<br>09-806_R4 |
|  |                  |  |                      |   |   | Drawing No.<br>09806-6.0   |  |                      |





# APPLICANT REPRESENTATIVE AFFIDAVIT

Pursuant to Section 31-71(b)(2)(i) of the City of Aventura Land Development Code, this Applicant Representative Affidavit is hereby made and submitted. The undersigned authorized representative of the individual or entity applying for the Development Permit, which is identified in the accompanying application, and the owner of the property subject to the application (if different) hereby lists and identifies all persons representing the individual or entity applying for the Development Permit in connection with the application, as follows:

| Name                       | Relationship <small>(i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)</small> |
|----------------------------|--|
| <u>Bonnie Miskel, Esq.</u> | <u>Attorney</u>  |
| _____                      | _____  |
| _____                      | _____  |
| _____                      | _____  |

(Attach Additional Sheets If Necessary)

**NOTICE: ANY STATEMENT OR REPRESENTATION MADE BY ANY PERSON LISTED ON THE APPLICANT REPRESENTATIVE AFFIDAVIT SHALL BE BINDING UPON THE INDIVIDUAL OR ENTITY APPLYING FOR THE DEVELOPMENT PERMIT AND THE OWNER OF THE SUBJECT PROPERTY. APPLICANTS AND AFFIANTS ARE ADVISED TO TIMELY SUPPLEMENT THIS AFFIDAVIT PURSUANT TO SEC. 31-71(B)(2)(IV) OF THE CITY'S LAND DEVELOPMENT REGULATIONS IN THE CITY CODE, IN THE EVENT THAT PRIOR TO CONSIDERATION OF THE APPLICATION BY THE CITY BOARD OR COMMISSION, THE INFORMATION PROVIDED IN THE AFFIDAVIT BECOMES INCORRECT OR INCOMPLETE.**

WITNESS MY HAND THIS 5<sup>th</sup> DAY OF April, 2011.

AUTHORIZED REPRESENTATIVE OF APPLICANT:

By: Bonnie Miskel  
(Signature)  
 Name: Bonnie Miskel  
(Print)  
 Title: Shareholder of Siegel Lipson  
 Address: 5355 Town Center Rd.  
Boca Raton, Fl. 33486

OWNER

By: [Signature]  
(Signature)  
 Name: Jorge Linkewer for  
(Print) Deer Capital LLC  
 Title: MANAGER  
 Address: 18205 Biscayne Blvd., #2202  
Aventura, Florida 33160

STATE OF FLORIDA )  
COUNTY OF ~~MIAMI-DADE~~  
PALM BEACH

Before me the undersigned authority personally appeared Bonnie Miskel as the authorized representative of the Applicant ~~and/or~~ the owner of the property subject to the application, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME this 5 day of April, 2011

Bonnie Miskel  
 AFFIANT  
 2011  
Ruth McGlynn

Notary Public State of Florida At Large  
 Printed Name of Notary \_\_\_\_\_  
 My commission expires: \_\_\_\_\_  
 NOTARY PUBLIC-STATE OF FLORIDA  
 Ruth McGlynn  
 Commission # DD698223  
 Expires: SEP. 13, 2011  
 BONDED THRU ATLANTIC BONDING CO., INC.



# BUSINESS RELATIONSHIP AFFIDAVIT\*

This Affidavit is made pursuant to Section 31-71(b)(2)(ii) of the City of Aventura Land Development Code. The undersigned Affiant hereby discloses that: (mark with "x" applicable portions only)

- 1. Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.
- 2. Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

\_\_\_\_\_ (List name of Commissioner or Advisory Board Member) who serves on the  
 \_\_\_\_\_ (List City Commission or City Advisory Board upon which member serves).

The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 5<sup>th</sup> DAY OF April, 2001.

APPLICANT:

By: Bonnie Miskal (Signature)  
 Name: Bonnie Miskal (Print)  
 Title: Shareholder/agent (Print)

WITNESS MY HAND THIS 6 DAY OF April, 2001.

PROPERTY OWNER:

By: [Signature] (Signature)  
 Name: Jorge Linkewer for (Print)  
 Title: Manager (Print)

Deer Capital, LLC

\*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_.

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

Name: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

Title: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

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By: \_\_\_\_\_ (Signature)

Title: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

By: \_\_\_\_\_ (Signature)

Title: \_\_\_\_\_ (Print)

Title: \_\_\_\_\_ (Print)

**NOTE: 1) Use duplicate sheets if disclosure information for Representative varies**

2) Applicants and Affiants are advised to timely supplement this Affidavit pursuant to Sec. 31-71(b)(2)(iv) of the City's Land Development Regulations in the City Code, in the event that prior to consideration of the application by the City Board or Commission, the information provided in the Affidavit becomes incorrect or incomplete.

**NOTARIZATION PROVISION**

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )  
**PALM BEACH**

Before me, the undersigned authority, personally appeared Bonnie Miskel the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

Bonnie Miskel  
AFFIANT

SWORN TO AND SUBSCRIBED before me this 5 day of April, 2011

Ruth McGlynn  
Notary Public State of Florida At Large  
Printed Name of Notary: **Ruth McGlynn**  
My commission expires: **Commission # DD698223 Expires: SEP. 13, 2011**  
BONDED THRU ATLANTIC BONDING CO., INC.

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

Before me, the undersigned authority, personally appeared Jorge Linkewer the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

Jorge Linkewer  
AFFIANT

SWORN TO AND SUBSCRIBED before me this 6 day of April, 2011

Marta I. Bracikowski  
Notary Public State of Florida At Large  
Printed Name of Notary: **MARTA I. BRACIKOWSKI**  
My commission expires: **Notary Public - State of Florida My Comm. Expires Jan 8, 2015 Commission # EE 27159 Bonded Through National Notary Assn.**

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

Before me, the undersigned authority, personally appeared \_\_\_\_\_ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

\_\_\_\_\_  
AFFIANT

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_

\_\_\_\_\_  
Notary Public State of Florida At Large  
Printed Name of Notary  
My commission expires: \_\_\_\_\_

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

Before me, the undersigned authority, personally appeared \_\_\_\_\_ the Affiant, who being first by me duly sworn, did swear or affirm that he/she executed this Affidavit for the purposes stated therein and that it is true and correct.

\_\_\_\_\_  
AFFIANT

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_

\_\_\_\_\_  
Notary Public State of Florida At Large  
Printed Name of Notary  
My commission expires: \_\_\_\_\_



# BUSINESS RELATIONSHIP AFFIDAVIT\*

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Affiant does not have a Business Relationship with any member of the City Commission or any City Advisory Board to which the application will be presented.

Affiant hereby discloses that it does have a Business Relationship with a member of the City Commission or a City Advisory Board to which the application will be presented, as follows:

\_\_\_\_\_ (List name of Commissioner or Advisory Board Member) who serves on the \_\_\_\_\_ (List City Commission or City Advisory Board upon which member serves).

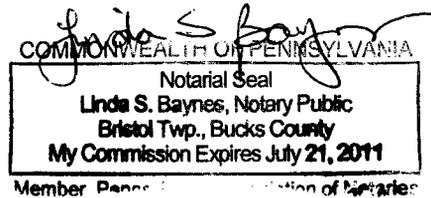
The nature of the Business Relationship is as follows:

- i. Member of City Commission or Board holds an ownership interest in excess of 1% of total assets or capital stock of Applicant or Representative;
- ii. Member of City Commission or Board is a partner, co-shareholder (as to shares of a corporation which are not listed on any national or regional stock exchange) or joint venturer with the Applicant or Representative in any business venture;
- iii. The Applicant or Representative is a Client of a member of the City Commission or Board or a Client of another professional working from the same office or for the same employer as the member of the City Commission or Board;
- iv. A City Commissioner or Board member is a Client of the Applicant or Representative;
- v. The Applicant or Representative is a Customer of the member of the City Commission or Board (or of his or her employer) and transacts more than \$10,000.00 of the business of the member of the City Commission or Board (or his or her employer) in a given calendar year;
- vi. The member of the City Commission or Board is a Customer of the Applicant or Representative and transacts more than \$25,000.00 of the business of the Applicant or Representative in a given calendar year.

WITNESS MY HAND THIS 15<sup>th</sup> DAY OF April, 2011

APPLICANT:

By: [Signature] (Signature)  
Name: Thomas A. Giannini (Print)  
Title: V.P. Operations, Integrity (Print)



WITNESS MY HAND THIS 21 DAY OF April, 2011

PROPERTY OWNER: Deer Capital LLC

By:  [Signature] (Signature)  
Name: Jorge Linkewer (Print)  
Title: Manager for Deer Capital LLC (Print)

\*The terms "Business Relationship," "Client," "Customer," "Applicant," "Representative" and "Interested Person" are defined in Section 2-395 of the Aventura City Code.

RESOLUTION NO. 2011-\_\_\_\_\_

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, DENYING A SIGN VARIANCE FOR HHGREGG, INC. ON THE RETAIL BUILDING LOCATED AT 19925 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the property described herein is zoned B2, Community Business District; and

**WHEREAS**, the Applicant, Bonnie Miskel, Esq. for hhgregg, Inc., through Application No. 01-SV-11, has requested a sign variance to permit one wall sign measuring 294 square feet, where one wall sign measuring 162 square feet, is permitted by Code; and

**WHEREAS**, following proper notice, the City Commission has held a public hearing as provided by law; and

**WHEREAS**, the City Commission finds that the application does not meet the criteria of the applicable codes and ordinances to the extent the application is denied herein; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:**

**Section 1.** Application No. 01-SV-11 for Sign Variance to allow a wall sign measuring 294 square feet, where a wall sign measuring 162 square feet is permitted by Code, for the retail building at 19925 Biscayne Boulevard, City of Aventura, on property legally described in Exhibit "A" to this resolution, is hereby denied.

**Section 2.** This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by \_\_\_\_\_, who moved its adoption. The motion was seconded by \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

|                                  |       |
|----------------------------------|-------|
| Commissioner Zev Auerbach        | _____ |
| Commissioner Bob Diamond         | _____ |
| Commissioner Teri Holzberg       | _____ |
| Commissioner Billy Joel          | _____ |
| Commissioner Michael Stern       | _____ |
| Commissioner Luz Urbaez-Weinberg | _____ |
| Mayor Susan Gottlieb             | _____ |

**PASSED AND ADOPTED** this 3<sup>rd</sup> day of May, 2011.

\_\_\_\_\_  
Susan Gottlieb, Mayor

ATTEST:

\_\_\_\_\_  
Teresa M. Soroka, MMC, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
CITY ATTORNEY

This Resolution was filed in the Office of the City Clerk this \_\_\_\_ day of May, 2011

\_\_\_\_\_  
CITY CLERK

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

Tract A-12, Aventura Twelfth Addition, according to the plat thereof recorded in Plat Book 146, Page 19 of the Public Records of Miami-Dade County, Florida, less and except therefrom the following parcel vested in the State of Florida Department of Transportation pursuant to that certain order of taking recorded April 3, 1998 in Official Records Book 18041, Page 3522 of the Public Records of Miami-Dade County, Florida:

Begin at the northwest corner of Tract B-12 of said plat of Aventura Twelfth Addition; Thence along the north line of said Tracts A-12 and B-12, North  $87^{\circ}33'08''$  East a distance of 21.102 meters (69.23 feet) to a point on a circular concave to the east and having a radius of 1,687.000 meters (5,534.77 feet) and a tangent bearing of South  $00^{\circ}48'11''$  West; Thence run southerly along the arc of said circular curve to the left through an angle of  $01^{\circ}55'32''$  for a distance of 56.695 meters (186.01 feet) to reference point "C" and the point of reverse curvature with a circular curve concave to the west and having a radius of 603.000 meters (1,978.34 feet); Thence run southerly along the arc of said circular curve to the right through a central angle of  $06^{\circ}26'15''$  for a distance of 67.752 meters (222.28 feet) to a non-tangent point on a circular curve concave to the east and having a radius of 1,156.328 meters (3,793.72 feet) and a tangent bearing of South  $01^{\circ}37'10''$  West; Thence run southerly along the arc of said circular curve to the left through a central angle of  $02^{\circ}25'46''$  for a distance of 49.030 meters (160.86 feet); Thence along the east limited access right of way line of State Road No. 5 (Biscayne Boulevard) for the following two (2) courses: (1) North  $28^{\circ}05'09''$  West a distance of 9.346 meters (30.66 feet); (2) North  $05^{\circ}24'59''$  West a distance of 63.659 meters (208.85 feet); Thence along the east right of way line of State Road No. 5 (Biscayne Boulevard) for the following two (2) courses: (1) South  $87^{\circ}30'59''$  West a distance of 4.267 meters (14.00 feet); (2) North  $02^{\circ}07'21''$  West a distance of 101.121 meters (331.76 feet) to the point of beginning.

SIEGEL, LIPMAN, DUNAY, SHEPARD & MISKEL, LLP

GARY S. DUNAY  
KENNETH W. LIPMAN  
BONNIE MISKEL  
JONATHAN L. SHEPARD  
CARL E. SIEGEL

THE PLAZA • SUITE 801  
5355 TOWN CENTER ROAD  
BOCA RATON, FLORIDA 33486

(561) 368-7700  
FAX: (561) 368-9274

WWW.SLDSMLAW.COM

SCOTT BACKMAN  
LINDA B. LYMAN

May 3, 2011

Via Email

Joanne Carr, AICP  
Community Development Director  
City of Aventura  
19200 West Country Club Drive  
Aventura, FL 33180

Re: hhgregg sign variance request for premises at 19925 Biscayne Boulevard, Aventura, Florida

Dear Joanne:

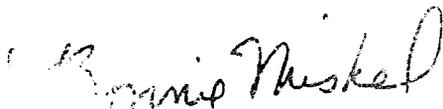
As we discussed, we hereby request a postponement of the above-described matter, which is item 7 of the Agenda for the City Commission meeting tonight, May 3, 2011. We would like to postpone this item until the meeting held on June 7, 2011. We were expecting a national representative and consultants from out of town to be able to attend the meeting tonight, however some of them were detained and are not able to attend.

Therefore, we request the above postponement. Perhaps also we can discuss an alternative sign plan that could satisfy the City in the interim.

Please advise as to whether I need to attend the meeting tonight to postpone, or whether this letter will suffice.

Thank you very much for your consideration.

Sincerely yours,



Bonnie Miskel, Esq.

BM/rmm

cc: Richard Russo

CITY OF AVENTURA  
FINANCE DEPARTMENT

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager

BY:  Brian K. Raducci, Finance Director

DATE: April 26, 2011

SUBJECT: **Mid-Year Budget Amending Ordinance – FY 2010/11**

---

1<sup>st</sup> Reading May 3, 2011 City Commission Meeting Agenda Item 8  
2<sup>nd</sup> Reading June 7, 2011 City Commission Meeting Agenda Item \_\_\_\_\_

**RECOMMENDATION**

It is recommended that the City Commission approve the attached ordinance amending the FY 2010/11 budget.

**BACKGROUND**

Now that we are a little more than half way through FY 2010/11, it is necessary to make a few “clean up” adjustments to our current year Budget. This amendment will assist us in preparing our FY 2011/12 Budget, as well as assist us in ensuring that the “final” FY 2010/11 Adopted Budget contains sufficient appropriations to satisfy all actual expenditures.

We are only required to amend budgets when a Department’s total budget has been exceeded. In all cases, we will only amend the specific expenditure accounts that are primarily responsible for the amendment and in some cases, associated revenues may be increased to justify the overage in expenditures. Listed below is a summary of the amendments by fund, department and the circumstances that support each recommendation.

**General Fund – (001) – \$454,000 (net increase)**

Office of the City Manager (0501) – \$44,000

1201 – Employee Salaries & 2201 – Pension

Requires a budget amendment increase of \$39,000 and \$5,000 respectively, due to the incorrect calculation of an individual’s salary and related items stemming from the following:

You may recall that in the FY 2010/11 Adopted Budget, the Capital Projects Manager/Code Officer position was allocated 60%/40% to the City Manager and Community Development Departments respectively. Unfortunately, when the Assistant to City Manager/Personnel Officer’ salary and related items were projected, only 60% (instead of the correct 100%) of such costs were allocated to the City Manager’s

Department, as part of the formula from the Capital Projects Manager/Code Officer position was inadvertently applied to the Assistant to City Manager/Personnel Officer' salary. This amendment will properly gross up the Assistant to City Manager/Personnel Officer' salary in the City Manager's Department. The increase described above will be offset by a corresponding decrease of \$44,000 in the General Fund Capital Reserve (6999) budgeted funds.

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Public Safety (2001) – \$334,000

1390 – Court Time

Requires a budget amendment increase of approximately \$50,000 due to the Department's operational needs and the Intersection Safety Camera Program. This overage will be offset by \$50,000 in additional Intersection Safety Camera Program revenue (3542000).

2201 – Pension

Requires a budget amendment increase primarily due to an anticipated overage of approximately \$284,000 in Pension-related costs. The overage described above should be offset by \$284,000 in Section 185 Premium Tax revenue (3125200) which is required to be deposited into the appropriate Police Officers' Retirement Trust Fund as provided in §185.11, Florida Statutes. Prior to FY 2009/10, the additional pension-related cost and revenue were simply netted against each other for Financial Statement Purposes. Recently, our previous auditors recommended that these amounts be presented at gross to better reflect the full cost of the Pension Plan. Since this recommendation was made after the adoption of the FY 2010/11 Budget, the current year budget does not reflect this new practice and thus necessitates the above amendment.

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Community Services (5001) – \$120,000

4854 – Summer Recreation

Requires a budget amendment primarily due a projected overage of approximately \$120,000 in Summer Recreation costs. This is due to higher than anticipated activity that is expected throughout the remaining fiscal year. This overage is expected to be offset by an additional \$120,000 in Summer Recreation revenue (3475000).

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Non-departmental (9001) – \$21,000

4620 – R&M - Government Center

This amendment pertains to the unanticipated purchase of a four year extended Factory Warranty for parts and labor for the Government Center Chillers. This purchase will extend the original factory warranty coverage through May 11, 2015, and should prevent costly repairs to the units over the same time. The overage will be offset by a corresponding decrease of \$21,000 in the General Fund Capital Reserve (6999) budgeted funds.

Capital Outlay (8050/8070/8090) – \$175,000 “Reallocation”

Community Services (8050) 6310 – Entrance Monument Sign

Requires a budget amendment of \$50,000 due to the decision to install two Entrance Monument signs after the FY 2010/11 Budget was adopted. The project involves the removal and disposal of two existing City entrance signs located on Biscayne at the City’s north and south limits and replacing them with two new illuminated monument signs.

Arts & Cultural Center (8070) 6301 – Improve. Other Than Bldg/Marquee

Requires a budget amendment of \$125,000 due to the decision to install an Informational Sign at the Mall after the FY 2010/11 Budget was adopted.

Non-Departmental (8090) 6999 – Capital Reserve

Both capital outlay overages above will be offset by a corresponding decrease of \$50,000 and \$125,000 respectively in the General Fund Capital Reserve (6999) budgeted funds.

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**F M L C 1999 Debt Service Fund – (230) – \$5,565,000**

*The following budget amendment is due to the refinancing of the remaining portion of the original 1999 F M L C Loan with a Bank of America Bank Loan in January of 2011. You will recall that this transaction resulted in a nearly \$530,000 NPV savings over the life of the loan.*

0100 – Payment to Refund Bond Escrow

Requires a budget amendment in the amount of \$5,505,000 due to the planned refinancing in January 2011 of the remaining portion of the original 1999 loan. This overage will be offset by the receipt of \$5,565,000 in new debt proceeds (3850100).

7330 – Other Debt Service Costs

Requires a budget amendment of \$60,000 due to the payment of closing costs associated with the refinancing. This overage will be offset by the receipt of new debt proceeds (3850100).

The budget amendments outlined above, are expected to have little to no impact on the FY 2010/11 overall budget or carryover that was utilized in the preparation of the FY 2010/11 Adopted Budget. Based on this analysis, I recommend approval of the attached Ordinance.

CITY OF AVENTURA  
GENERAL FUND 001  
FY 2010/11 BUDGET AMENDMENT

REVENUES

| OBJECT<br>CODE<br>NO. | CATEGORY                           | 2010/11<br>ADOPTED<br>AMOUNT | 2010/11<br>AMENDED<br>AMOUNT | 2010/11<br>REVISED<br>BUDGET |
|-----------------------|------------------------------------|------------------------------|------------------------------|------------------------------|
| 3125200               | Section 185 Premium Tax            | \$ -                         | \$ 284,000                   | \$ 284,000                   |
| 3475000               | Summer Recreation                  | 300,000                      | 120,000                      | 420,000                      |
| 3542000               | Intersection Safety Camera Program | 500,000                      | 50,000                       | 550,000                      |
|                       | Total Revenue                      | <u>\$ 800,000</u>            | <u>\$ 454,000</u>            | <u>\$ 1,254,000</u>          |
|                       | TOTAL AMENDMENTS - REVENUE         |                              | <u>\$ 454,000</u>            |                              |

EXPENDITURES

| OBJECT<br>CODE<br>NO. | CATEGORY                                   | 2010/11<br>ADOPTED<br>AMOUNT | 2010/11<br>AMENDED<br>AMOUNT | 2010/11<br>REVISED<br>BUDGET |
|-----------------------|--|------------------------------|------------------------------|------------------------------|
|                       | <b>OFFICE OF THE CITY MANAGER (0501)</b>   |                              |                              |                              |
|                       | <u>PERSONAL SERVICES</u>                   |                              |                              |                              |
| 1201                  | Employee Salaries                          | \$ 468,314                   | \$ 39,000                    | \$ 507,314                   |
| 2201                  | Pension                                    | 83,852                       | 5,000                        | 88,852                       |
|                       | Total City Manager                         | <u>\$ 552,166</u>            | <u>\$ 44,000</u>             | <u>\$ 596,166</u>            |
|                       | <b>PUBLIC SAFETY (2001)</b>                |                              |                              |                              |
|                       | <u>PERSONAL SERVICES</u>                   |                              |                              |                              |
| 1390                  | Court Time                                 | \$ 50,000                    | \$ 50,000                    | \$ 100,000                   |
| 2201                  | Pension                                    | 1,654,800                    | 284,000                      | 1,938,800                    |
|                       | Total Public Safety                        | <u>\$ 1,704,800</u>          | <u>\$ 334,000</u>            | <u>\$ 2,038,800</u>          |
|                       | <b>COMMUNITY SERVICES (5001)</b>           |                              |                              |                              |
|                       | <u>OTHER CHARGES &amp; SERVICES</u>        |                              |                              |                              |
| 4854                  | Summer Recreation                          | \$ 180,000                   | \$ 120,000                   | \$ 300,000                   |
|                       | Total Community Services                   | <u>\$ 180,000</u>            | <u>\$ 120,000</u>            | <u>\$ 300,000</u>            |
|                       | <b>NON-DEPARTMENTAL (9001)</b>             |                              |                              |                              |
|                       | <u>OTHER CHARGES &amp; SERVICES</u>        |                              |                              |                              |
| 4620                  | R&M - Government Center                    | \$ 124,000                   | \$ 21,000                    | \$ 145,000                   |
|                       | Total Non-Departmental                     | <u>\$ 124,000</u>            | <u>\$ 21,000</u>             | <u>\$ 145,000</u>            |
|                       | <b>CAPITAL OUTLAY - (8050/8070/8090)</b>   |                              |                              |                              |
|                       | <u>Community Services - 50-541</u>         |                              |                              |                              |
| 6310                  | Entrance Monument Sign                     | \$ -                         | \$ 50,000                    | \$ 50,000                    |
|                       | <u>Arts &amp; Cultural Center - 70-575</u> |                              |                              |                              |
| 6301                  | Improve. Other Than Bldg/Marquee           | \$ -                         | \$ 125,000                   | \$ 125,000                   |
|                       | <u>Non-Departmental - 90-590</u>           |                              |                              |                              |
| 6999                  | Capital Reserve                            | \$ 15,433,488                | \$ (240,000)                 | \$ 15,193,488                |
|                       | Total Capital Outlay                       | <u>\$ 15,433,488</u>         | <u>\$ (65,000)</u>           | <u>\$ 15,368,488</u>         |

TOTAL AMENDMENTS - EXPENDITURES

\$ 454,000

CITY OF AVENTURA  
F M L C 1999 DEBT SERVICE FUND 230  
FY 2010/11 BUDGET AMENDMENT

REVENUES

| OBJECT<br>CODE<br>NO. | CATEGORY                      | 2010/11<br>ADOPTED<br>AMOUNT | 2010/11<br>AMENDED<br>AMOUNT | 2010/11<br>REVISED<br>BUDGET |
|-----------------------|-------------------------------|------------------------------|------------------------------|------------------------------|
| 3850100               | Proceeds from Refunding Bonds | \$ -                         | \$ 5,565,000                 | \$ 5,565,000                 |
|                       | Total                         | \$ -                         | \$ 5,565,000                 | \$ 5,565,000                 |

TOTAL AMENDMENTS - REVENUE

\$ 5,565,000

EXPENDITURES

| OBJECT<br>CODE<br>NO. | CATEGORY                      | 2010/11<br>ADOPTED<br>AMOUNT | 2010/11<br>AMENDED<br>AMOUNT | 2010/11<br>REVISED<br>BUDGET |
|-----------------------|-------------------------------|------------------------------|------------------------------|------------------------------|
|                       | <u>DEBT SERVICE</u>           |                              |                              |                              |
|                       | <u>Non-Departmental - 590</u> |                              |                              |                              |
| 0100                  | Payment to Refund Bond Escrow | \$ -                         | \$ 5,505,000                 | \$ 5,505,000                 |
| 7330                  | Other Debt Service Costs      | 20,000                       | 60,000                       | 80,000                       |
|                       | Total                         | \$ 20,000                    | \$ 5,565,000                 | \$ 5,585,000                 |

TOTAL AMENDMENTS - EXPENDITURES

\$ 5,565,000

ORDINANCE NO. 2011-05

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE ATTACHED CHARTER SCHOOL OPERATING AND CAPITAL BUDGET FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL FOR FISCAL YEAR 2011/2012 (JULY 1 – JUNE 30), PURSUANT TO SECTION 4.05 OF THE CITY CHARTER; AUTHORIZING EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; PROVIDING FOR BUDGETARY CONTROL; PROVIDING FOR PERSONNEL AUTHORIZATION; PROVIDING FOR GIFTS AND GRANTS; PROVIDING FOR AMENDMENTS; PROVIDING FOR ENCUMBRANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AS FOLLOWS:

**Section 1.** The 2011/2012 Operating and Capital Improvement Program Budget for the Aventura City of Excellence School, a copy of said budget being attached hereto and made a part hereof as specifically as if set forth at length herein, be and the same is hereby established and adopted.

**Section 2.** Expenditure of Funds Appropriated in the Budget Authorized. Funds appropriated in the Budget may be expended by and with the approval of the City Manager in accordance with the provisions of the City Charter and applicable law. Funds of the City shall be expended in accordance with the appropriations provided in the Budget adopted by this Ordinance and shall constitute an appropriation of the amounts specified therein. Supplemental appropriations or the reduction of appropriations, if any, shall be made in accordance with Section 4.07 of the City Charter.

**Section 3.** Budgetary Control. The Budget establishes a limitation on expenditures by department total. Said limitation requires that the total sum allocated to the Charter School department for operating and capital expenses may not be increased or decreased without specific authorization by a duly-enacted Resolution affecting such amendment or transfer. Therefore, the City Manager may authorize transfers from one

individual line item account to another, so long as the line item accounts are within the same department and fund.

**Section 4. Personnel Authorization.** The "Personnel Allocation Summary" enumerates all authorized budgeted positions. However, the City Manager may amend said authorized budgeted positions in order to address the operating needs of the department so long as sufficient budgeted funds are available.

**Section 5. Grants and Gifts.** When the City of Aventura receives monies from any source, be it private or governmental, by Grant, Gift, or otherwise, to which there is attached as a condition of acceptance any limitation regarding the use or expenditures of the monies received, the funds so received need not be shown in the Operating Budget nor shall said budget be subject to amendment of expenditures as a result of the receipt of said monies, but said monies shall only be disbursed and applied toward the purposes for which the said funds were received. To ensure the integrity of the Operating Budget, and the integrity of the monies received by the City under Grants or Gifts, all monies received as contemplated above must, upon receipt, be segregated and accounted for based upon generally accepted accounting principles and where appropriate, placed into separate and individual trust and/or escrow accounts from which any money drawn may only be disbursed and applied within the limitations placed upon the Gift or Grant as aforesaid.

**Section 6. Amendments.** Upon the passage and adoption of the Charter School Fund Budget for the City of Aventura, if the City Manager determines that the Department Total will exceed its original appropriation, the City Manager is hereby authorized and directed to prepare such Resolutions as may be necessary and proper to modify any line item from the Budget hereby.

**Section 7.** Encumbrances. All outstanding encumbrances at June 30, 2011 shall lapse at that time; and all capital outlay encumbrances and/or capital outlay expenditures not spent during the fiscal year may be re-appropriated in the 2011/2012 fiscal year.

**Section 8.** Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 9.** Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner Joel, who moved its adoption on first reading. This motion was seconded by Commissioner Holzberg and upon being put to a vote, the vote was as follows:

|                                 |     |
|---------------------------------|-----|
| Commissioner Zev Auerbach       | yes |
| Commissioner Teri Holzberg      | yes |
| Commissioner Billy Joel         | yes |
| Commissioner Michael Stern      | yes |
| Commissioner Luz Urbaz Weinberg | yes |
| Vice Mayor Bob Diamond          | yes |
| Mayor Susan Gottlieb            | yes |

The foregoing Ordinance was offered by Commissioner \_\_\_\_\_, who moved its adoption on second reading. This motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

|                                 |       |
|---------------------------------|-------|
| Commissioner Zev Auerbach       | _____ |
| Commissioner Bob Diamond        | _____ |
| Commissioner Teri Holzberg      | _____ |
| Commissioner Billy Joel         | _____ |
| Commissioner Michael Stern      | _____ |
| Commissioner Luz Urbaz Weinberg | _____ |
| Mayor Susan Gottlieb            | _____ |

**PASSED AND ADOPTED** on first reading this 14<sup>th</sup> day of April, 2011.

**PASSED AND ADOPTED** on second reading this 3<sup>rd</sup> day of May, 2011.

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SUSAN GOTTLIEB, MAYOR

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TERESA M. SOROKA, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

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CITY ATTORNEY

# MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared V. PEREZ, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF AVENTURA - PUBLIC HEARING - MAY 3, 2011  
APPLICANT NAME/NUMBER: HHGREGG, INC. (01-SV-11)

in the XXXX Court,  
was published in said newspaper in the issues of

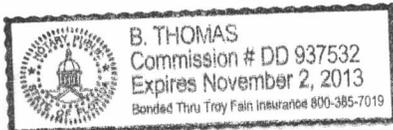
04/20/2011

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*V. Perez*  
\_\_\_\_\_  
Sworn to and subscribed before me this  
20 day of APRIL A.D. 2011  
*B. Thomas*  
\_\_\_\_\_

(SEAL)

V. PEREZ personally known to me



## CITY OF AVENTURA NOTICE OF PUBLIC HEARING

**Date and Time of Public Hearing:** Tuesday, May 3, 2011  
6:00 p.m.

**Applicant Name/Number:** hhgregg, Inc.  
(01-SV-11)

**Applicant Request:** Variance from Section 31-191(g)(2)a. of the City Code to permit a wall sign measuring 294 square feet on a building located at 19925 Biscayne Boulevard, where a wall sign measuring 162 square feet is permitted by Code.

**Location of Subject Property:** 19925 Biscayne Boulevard, City of Aventura

**Legal Description:** Part Tract A-12, Aventura Twelfth Addition, Plat Book 146, Page 19 of the Public Records of Miami-Dade County, City of Aventura, Florida (complete legal description available at the Community Development Department)

Plans are on file and may be examined during regular business hours at the City of Aventura Government Center, Community Development Department, 19200 West Country Club Drive, Aventura, Florida, 33180. Plans may be modified at or before the Public Hearing. The application may change during the hearing process.

The Public Hearing will be held in the City Commission Chamber at City of Aventura Government Center at 19200 West Country Club Drive, Aventura, Florida, 33180. Your comments may be made in person at the hearing or filed in writing prior to the hearing date. Refer to applicant/property on correspondence and mail same to City of Aventura Government Center, Community Development Department at the address above. For further information, please call (305) 466-8940.

In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the City Clerk, (305) 466-8901, not later than two business days prior to such proceedings.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Teresa M. Soroka, MMC, City Clerk  
11-3-123/1685802M

4/20

# MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF AVENTURA  
PROPOSED ORDINANCES - MEETING - MAY 3, 2011

in the XXXX Court,  
was published in said newspaper in the issues of

04/14/2011

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

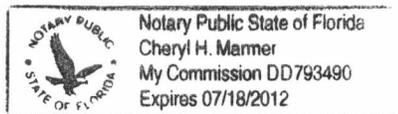
Sworn to and subscribed before me this

14 day of APRIL, A.D. 2011



(SEAL)

MARIA MESA personally known to me



CITY OF AVENTURA

## PUBLIC NOTICE OF PROPOSED ORDINANCES

NOTICE IS HEREBY GIVEN that on Tuesday, the 3rd day of May, 2011, at a meeting of the City Commission of the City of Aventura to be held at 6 p.m. in the Commission Chamber at the Aventura Government Center, 19200 West Country Club Drive, Aventura, Florida, the City Commission will consider the adoption of the following Ordinance on second reading, entitled:

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE ATTACHED CHARTER SCHOOL OPERATING AND CAPITAL BUDGET FOR THE AVENTURA CITY OF EXCELLENCE SCHOOL FOR FISCAL YEAR 2011/2012 (JULY 1 - JUNE 30), PURSUANT TO SECTION 4.05 OF THE CITY CHARTER; AUTHORIZING EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; PROVIDING FOR BUDGETARY CONTROL; PROVIDING FOR PERSONNEL AUTHORIZATION; PROVIDING FOR GIFTS AND GRANTS; PROVIDING FOR AMENDMENTS; PROVIDING FOR ENCUMBRANCES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

The proposed Ordinance may be inspected by the public at the Office of the City Clerk, 19200 West Country Club Drive, Aventura, Florida. Interested parties may appear at the Public Hearing and be heard with respect to the proposed Ordinance. Any person wishing to address the City Commission on any item at this Public Hearing may do so after the Mayor opens the public hearing.

In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the City Clerk, 305-466-8901, not later than two business days prior to such proceedings.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

4/14

Teresa M. Soroka, MMC City Clerk  
11-4-123/1682824M