

City Commission
Susan Gottlieb, Mayor

Enbar Cohen
Teri Holzberg
Billy Joel
Michael Stern
Howard Weinberg
Luz Urbáez Weinberg

The City of Aventura



City Manager
Eric M. Soroka, ICMA-CM

City Clerk
Teresa M. Soroka, MMC

City Attorney
Weiss Serota Helfman
Pastoriza Cole & Boniske

JANUARY 8, 2013 6 PM

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. **SPECIAL PRESENTATIONS: EMPLOYEE SERVICE AWARDS**
5. **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:**
November 13, 2012 Commission Meeting
November 15, 2012 Commission Workshop Meeting
 - B. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA ACCEPTING AND ADOPTING THE ELECTION RESULTS OF THE NOVEMBER 6, 2012 MUNICIPAL CANDIDATE ELECTION, AS CERTIFIED BY THE CANVASSING BOARD AND ATTACHED HERETO; PROVIDING AN EFFECTIVE DATE.**
 - C. **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. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY**

MANAGER TO EXECUTE AND OTHERWISE ENTER INTO THAT AGREEMENT BETWEEN THE CITY OF AVENTURA AND C.A.P. GOVERNMENT, INC. FOR BUILDING INSPECTION AND PLAN REVIEW PROFESSIONAL CONSULTANT SERVICES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

- 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.

7. ORDINANCES: FIRST READING–PUBLIC INPUT:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AVENTURA BY AMENDING THE ZONING DESIGNATION FOR A 0.51 ACRE PARCEL OF LAND LOCATED AT 20605 NE 34 AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, FROM RS2, RESIDENTIAL SINGLE FAMILY DISTRICT TO RMF3A, MULTIFAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

8. ORDINANCES – SECOND READING – PUBLIC HEARING:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AMENDING ORDINANCE NO. 2011-08 WHICH ORDINANCE ADOPTED A BUDGET FOR THE 2011/2012 FISCAL YEAR BY REVISING THE 2011/2012 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. RESOLUTIONS – PUBLIC HEARING: None.

10. REPORTS

11. PUBLIC COMMENTS

12. OTHER BUSINESS: None.

13. ADJOURNMENT

FUTURE MEETINGS

COMMISSION MEETING	FEBRUARY 5, 2013	6PM	COMMISSION CHAMBER
COMMISSION WORKSHOP	FEBRUARY 21, 2013	9am	EXEC. CONFERENCE ROOM

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
NOVEMBER 13, 2012 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 Enbar Cohen, Teri Holzberg, Billy Joel, Michael Stern, Howard Weinberg, Luz Urbaz Weinberg, 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. PLEDGE OF ALLEGIANCE: Led by Police Dept. Lt. Michael Bentolila.

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

4. ELECTION OF VICE MAYOR: After nomination by Commissioner Stern, seconded by Commissioner Holzberg and unanimously approved, Commissioner Luz Weinberg was elected Vice Mayor for the next 6-month period.

5. SPECIAL PRESENTATIONS: Ian Nestler, PGAL Architects, presented a LEED Certification Award from the U.S.Green Building Council for the Aventura Arts & Cultural Center Building.

Chief Steinberg made a presentation of appreciation to Miami-Dade County Fire Department Firefighter Regainne Georges and his fiancée Professor Michelle Thompson for their off-duty assistance to the Police Department and in particular Lt. Michael Bentolila during a dangerous police incident in the City.

Employee Service Awards were presented by the City Manager to: Linda Mazzei, Anthony Mihalko, Kevin Childs, and Cosimo Castronovo.

6. CONSENT AGENDA: A motion to approve the Consent Agenda was offered by Commissioner Joel, seconded by Commissioner Holzberg, passed unanimously and the following action was taken:

A. The following minutes were approved:

October 2, 2012 Commission Meeting
October 29, 2012 Commission Special Meeting

B. **Resolution No. 2012-46** 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.

C. Resolution No. 2012-47 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE AND APPLY FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT AVAILABLE THROUGH THE MIAMI-DADE COUNTY; TO APPLY FOR, RECEIVE, AND EXPEND \$4,123 IN FEDERAL FUNDS FOR THE SCHOOL RESOURCE OFFICER PROJECT; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

D. Resolution No. 2012-48 was adopted as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE AND OTHERWISE ENTER INTO THAT AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA TO REIMBURSE THE STATE FOR THE COST OF STATE ATTORNEY PROSECUTION OF CERTAIN CRIMINAL VIOLATIONS OF THE CITY OF AVENTURA CODE; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

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.

Mr. Wolpin read the quasi-judicial procedures and ex parte communications, if any, were filed with the City Clerk and then read the following resolution by title:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA GRANTING CONDITIONAL USE APPROVAL TO ALLOW THE SALE OF WINE AND BEER AT A COCKTAIL LOUNGE WITHIN SICILIAN

OVEN RESTAURANT LOCATED AT 20475 BISCAYNE BOULEVARD, CITY OF AVENTURA; PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Teresa M. Soroka administered the oath to those interested parties wishing to offer testimony. Community Development Director Joanne Carr addressed the Commission and entered the staff report into the record. A motion for approval was offered by Commissioner Stern and seconded by Commissioner Howard Weinberg. 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 **Resolution No. 2012-49** was adopted.

7. ORDINANCES: FIRST READING/PUBLIC HEARING:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AMENDING ORDINANCE NO. 2011-08 WHICH ORDINANCE ADOPTED A BUDGET FOR THE 2011/2012 FISCAL YEAR BY REVISING THE 2011/2012 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 Joel and seconded by Commissioner Cohen. 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.

8. ORDINANCES: SECOND READING/PUBLIC HEARING: None.

9. RESOLUTIONS – PUBLIC HEARING: None.

10. REPORTS: As presented.

11. PUBLIC COMMENTS:

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 6:37 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
WORKSHOP MEETING
NOVEMBER 15, 2012 9am

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

CALL TO ORDER/ROLL CALL: The meeting was called to order at 9 a.m. by Mayor Susan Gottlieb. Present were Commissioners Enbar Cohen, Teri Holzberg, Billy Joel, Michael Stern, Howard Weinberg, Vice Mayor Luz Urbaz Weinberg, 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. **2013 Meeting Schedule (City Manager):** Mr. Soroka presented a proposed meeting schedule for 2013.

CITY MANAGER SUMMARY: Consensus to change Workshop meeting in June to June 19th and approve remainder as presented.

2. **SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY SHUTTLE BUS SERVICE UPDATE (City Manager):** Mr. Soroka advised that based on information received from members of the Authority, this project is on hold.

CITY MANAGER SUMMARY: No action necessary.

3. **ANNUAL SELECTION OF REPRESENTATIVE TO THE MIAMI-DADE COUNTY LEAGUE OF CITIES (City Manager):** Mr. Soroka noted that with Commissioner Auerbach no longer in office, it would be necessary to select a new representative.

CITY MANAGER SUMMARY: Consensus that Vice Mayor Luz Weinberg be the City Commission's representative to the Miami-Dade County League of Cities.

4. **COMMUNITY SERVICES ADVISORY BOARD (City Manager):** Mr. Soroka advised the Commission that the terms of office of current members expire in January.

CITY MANAGER SUMMARY: Consensus that Commission review applicants and discuss new appointments at January Workshop meeting.

Mr. Soroka distributed and discussed stats on traffic crashes in areas where red light cameras have been installed and noted marked decrease in crashes.

5. **ADJOURNMENT:** There being no further business to come before the Commission at this time, the meeting adjourned at 9:30 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 CLERK

MEMORANDUM

TO: City Commission

FROM: Teresa M. Soroka, MMC, City Clerk

DATE: November 13, 2012

SUBJECT: **November 6, 2012 Election Results**

January 8, 2013 City Commission Meeting Agenda Item 5-B

Recommendation

It is recommended that the City Commission adopt the attached resolution concerning the results of the municipal candidate election held on November 6, 2012.

Background

Pursuant to Section 26-1 of the City Code, the City Clerk shall present a certification of election results to the City Commission for adoption by resolution at the next meeting following the election. Since the County Canvassing Board had not certified the results prior to the November 13, 2012 Commission meeting, they are submitted at this time. The attached resolution submitted for your approval declares that Teri Holzberg, Howard Weinberg and Enbar Cohen were elected to Seats 1, 3, and 5 respectively.

Should you have any questions, please contact me.

/tms
attachment

RESOLUTION NO. 2013-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA ACCEPTING AND ADOPTING THE ELECTION RESULTS OF THE NOVEMBER 6, 2012 MUNICIPAL CANDIDATE ELECTION, AS CERTIFIED BY THE CANVASSING BOARD AND ATTACHED HERETO; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 6, 2012 a Municipal Candidate Election was held in the City of Aventura; 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 November 6, 2012 Municipal Candidate Election, as certified by the Canvassing Board and attached hereto, indicate that the following candidates were elected to the seats as indicated:

Seat 1	Teri Holzberg
Seat 3	Howard Weinberg
Seat 5	Enbar Cohen

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 Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Howard Weinberg	_____
Vice Mayor Luz Urbàez Weinberg	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 8th day of January, 2013.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

*** Official ***

**CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY**

We, the undersigned, SHELLEY J. KRAVITZ, County Judge, Chairperson, PENELOPE TOWNSLEY, Supervisor of Elections, Member, ANDREW S. HAGUE, County Judge, Substitute Member, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Sixteenth day of November, 2012 A.D., and proceeded publicly to canvass the votes given for the several offices and persons herein specified at the **Nonpartisan Election** held on the Sixth day of November, 2012 A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

Retention of Justice R. Fred Lewis of the Supreme Court

Yes 523,664 votes
No 189,779 votes

Retention of Justice Barbara J. Pariente of the Supreme Court

Yes 527,881 votes
No 183,197 votes

Retention of Justice Peggy A. Quince of the Supreme Court

Yes 520,935 votes
No 185,951 votes

Retention of Judge Angel A. Cortifias of the Third District Court of Appeal

Yes 531,714 votes
No 154,418 votes

Retention of Judge Kevin Emas of the Third District Court of Appeal

Yes 506,408 votes
No 167,227 votes

Retention of Judge Ivan F. Fernandez of the Third District Court of Appeal

Yes 527,380 votes
No 152,776 votes

Retention of Judge Leslie B. Rothenberg of the Third District Court of Appeal

Yes 513,659 votes
No 162,609 votes

***** Official *****
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

Retention of Judge Richard J. Suarez of the Third District Court of Appeal

Yes 522,176 votes
No 151,805 votes

For County Court Judge, Group 24, the whole number of votes cast was 557,181 of which number

Greer Elaine Wallace received 257,305 votes
Andrea R. Wolfson received 299,876 votes

For County Commissioner, District 3, the whole number of votes cast was 51,437 of which number

Audrey M. Edmonson received 32,003 votes
Keon Hardemon received 19,434 votes

For County Commissioner, District 5, the whole number of votes cast was 41,721 of which number

Bruno A. Barreiro received 21,681 votes
Luis Garcia received 20,040 votes

For County Commissioner, District 11, the whole number of votes cast was 53,102 of which number

Manny Machado received 24,182 votes
Juan C. Zapata received 28,920 votes

For AVENTURA: COMMISSIONER - SEAT 1, the whole number of votes cast was 8,829 of which number

Teri Holzberg received 6,713 votes
Sergio Vuguin received 2,116 votes

For AVENTURA: COMMISSIONER - SEAT 3, the whole number of votes cast was 8,861 of which number

Rosa Naccarato received 2,792 votes
Howard Weinberg received 6,069 votes

***** Official *****
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

For AVENTURA: COMMISSIONER - SEAT 5, the whole number of votes cast was 8,869 of which number

Enbar Cohen	received	5,516 votes
Ian Llobregat	received	658 votes
Gary L Pyott	received	2,695 votes

For CUTLER BAY: VICE MAYOR, the whole number of votes cast was 11,797 of which number

Ernest N Sochin	received	8,278 votes
Ed Wolmers	received	3,519 votes

For DORAL: MAYOR CITY, the whole number of votes cast was 11,213 of which number

Frank Bolanos	received	3,330 votes
Luigi Boria	received	4,626 votes
Pete Cabrera	received	3,257 votes

For DORAL: COUNCILMEMBER - SEAT 1, the whole number of votes cast was 10,138 of which number

Elena Ortega-Tauler	received	3,896 votes
Carlos Ruiz	received	1,305 votes
Sandra Ruiz	received	4,937 votes

For DORAL: COUNCILMEMBER - SEAT 2, the whole number of votes cast was 9,465 of which number

Bettina Rodriguez Aguilera	received	4,786 votes
Clemente Vera	received	4,679 votes

For DORAL: COUNCILMEMBER - SEAT 3, the whole number of votes cast was 10,184 of which number

Christi Fraga	received	4,599 votes
Bibiana Salmon	received	2,245 votes
Robert Van Name	received	3,340 votes

For EL PORTAL: MAYOR, the whole number of votes cast was 1,072 of which number

Daisy M. Black	received	573 votes
Joyce A. Davis	received	190 votes
Teresa Sanchez	received	309 votes

*** Official ***

**CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY**

For KEY BISCAWAYNE: VILLAGE COUNCIL, the whole number of votes cast was 10,138 of which number

Theodore J. Holloway	received	1,692 votes
Michael E. Kelly	received	2,262 votes
Patrick C. Kelly	received	1,428 votes
Ed London	received	2,099 votes
Ed Meyer	received	566 votes
Carlos J. Santamaria	received	722 votes
Charles Viscito	received	1,369 votes

For MEDLEY: MAYOR, the whole number of votes cast was 436 of which number

Roberto Martell	received	384 votes
Gerardo Silva, Jr.	received	52 votes

For MEDLEY: COUNCIL MEMBER 1, the whole number of votes cast was 676 of which number

Griselia DiGiacomo	received	224 votes
Susana Guasch	received	214 votes
Elisabeth Silva	received	42 votes
Eric M. Smith	received	52 votes
Mary Tanner	received	144 votes

For MEDLEY: COUNCIL MEMBER 2, the whole number of votes cast was 424 of which number

Edgar Ayala	received	113 votes
Carlos A. Benedetto	received	17 votes
Dale Blank	received	94 votes
Margarita De Jesus	received	35 votes
Olga G. Quin	received	66 votes
Fidel B. Ugarte	received	99 votes

For MIAMI GARDENS: RES. AREA COUNC. MEM. SEAT 3, the whole number of votes cast was 9,956 of which number

Rodney Harris	received	5,299 votes
Ulysses "Buck" Harvard	received	4,657 votes

For MIAMI LAKES: MAYOR, the whole number of votes cast was 12,338 of which number

Michael Pizzi	received	8,431 votes
Wayne Slaton	received	3,907 votes

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

For MIAMI LAKES: RES. COUNC. MEM. SEAT 1, the whole number of votes cast was 10,909 of which number

Dave "Doc" Bennett	received	4,371 votes
Nelson Rodriguez	received	6,538 votes

For MIAMI LAKES: RES. COUNC. MEM. SEAT 3, the whole number of votes cast was 11,191 of which number

Anthony "Tony" Lama	received	6,234 votes
Richard Pulido	received	4,957 votes

For MIAMI LAKES: RES. COUNC. MEM. SEAT 5, the whole number of votes cast was 11,005 of which number

Manny Cid	received	5,720 votes
Mary Collins	received	5,285 votes

For NORTH BAY VILLAGE: TREASURE ISL. COMMISS., the whole number of votes cast was 1,486 of which number

Stuart Blumberg	received	542 votes
Wendy Duvall	received	944 votes

For NORTH BAY VILLAGE: AT - LARGE COMMISSIONER, the whole number of votes cast was 1,404 of which number

Mario Garcia	received	723 votes
Jorge Gonzalez	received	681 votes

For OPA LOCKA: COMMISSIONERS, the whole number of votes cast was 6,286 of which number

Andre Faustin	received	248 votes
Deborah Sheffield Irby	received	821 votes
Joseph L. Kelley	received	1,426 votes
Gail E. Miller	received	613 votes
Terence K. Pinder	received	1,004 votes
John Riley	received	375 votes
Luis B Santiago	received	1,051 votes
Rose Tydus	received	748 votes

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

For PALMETTO BAY: VICE - MAYOR, the whole number of votes cast was 10,508 of which number

Karyn Cunningham	received	3,200 votes
John Edward DuBois	received	3,679 votes
Brian W. Pariser	received	3,629 votes

For PALMETTO BAY: COUNCIL MEMBER - SEAT 2, the whole number of votes cast was 9,978 of which number

Jim Araiza	received	3,620 votes
Tim Schaffer	received	3,677 votes
Howard J. Tendrich	received	2,681 votes

For PINECREST: COUNCILMEMBER - SEAT 1, the whole number of votes cast was 7,720 of which number

Germaine Katherine Butler	received	877 votes
Bob Ross	received	4,281 votes
Jennifer Wollmann	received	2,562 votes

For PINECREST: COUNCILMEMBER - SEAT 3, the whole number of votes cast was 7,233 of which number

Robert A. "Bob" Hingston	received	3,548 votes
James E. McDonald	received	3,685 votes

For SUNNY ISLES BEACH: RES. AREA COMM. - SEAT 3, the whole number of votes cast was 4,211 of which number

Harvey Busch	received	1,831 votes
George "Bud" Scholl	received	2,380 votes

For Caribe Palm Community Development District, Seat 3, the whole number of votes cast was 166 of which number

Natalie Cedeno	received	82 votes
Ana Hernandez	received	84 votes

For South Dade Venture Community Development District, Seat 1, the whole number of votes cast was 1,427 of which number

Curtis Cooper	received	756 votes
Maycol Enriquez	received	671 votes

*** Official ***

**CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY**

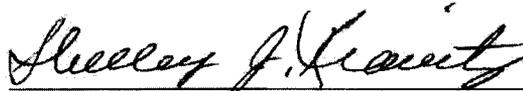
For South Dade Venture Community Development District, Seat 4, the whole number of votes cast was 1,362 of which number

Sonia Castro	received	765 votes
Maykel Jimenez	received	597 votes

For South Dade Venture Community Development District, Seat 5, the whole number of votes cast was 1,368 of which number

Regina A Echols	received	645 votes
Maikel "Mike" Lopez	received	723 votes

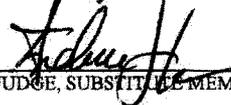
We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.



COUNTY JUDGE, CHAIRPERSON



SUPERVISOR OF ELECTIONS, MEMBER



COUNTY JUDGE, SUBSTITUTE MEMBER

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: December 11, 2012

SUBJECT: **Resolution Declaring Equipment Surplus**



January 8, 2013 Commission Meeting Agenda Item 5-C

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

RESOLUTION NO. 2013-__

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 Enbar Cohen	___
Commissioner Teri Holzberg	___
Commissioner Billy Joel	___
Commissioner Michael Stern	___
Commissioner Howard Weinberg	___
Commissioner Luz Urbàez Weinberg	___
Mayor Susan Gottlieb	___

PASSED AND ADOPTED this 8th day of January, 2013.

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: 10 December 2012

SUBJECT: Surplus Property

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

PC remote control car
Model # 100-022-006B
Serial # 010620001

This remote controlled vehicle is 10 years old and been used by Crime Prevention Specialist Ernie Long as a crime prevention and entertainment tool for children at many, many presentations over the years. It is currently outdated and needs to be surplused.

CITY OF AVENTURA

INFORMATION TECHNOLOGY DEPARTMENT

MEMORANDUM

TO: Eric M. Soroka, City Manager
FROM: Karen J. Lanke, Information Technology Director
DATE: December 26, 2012
SUBJECT: Surplus Computer Equipment

I am requesting that the computer equipment listed on the attached spreadsheet be declared surplus property as the equipment no longer meets the needs of the City.

Please let me know if you have any questions regarding this request.

Attachment

**City of Aventura
Computer Equipment Inventory**

Exhibit A

Asset Tag	Brand	Model	Qty	Serial Number	Type
	Dell	Optiplex 755	1	4SNQGH1	Desktop
	Dell	Optiplex 755	1	5NNQGH1	Desktop
	Dell	Optiplex 755	1	C4FNHG1	Desktop
	Dell	Optiplex 755	1	F4FNHG1	Desktop
	Dell	Optiplex 755	1	G4FNHG1	Desktop
	Dell	Optiplex 760	1	32S4WK1	Desktop
	Dell	Optiplex 760	1	BTH5WK1	Desktop
	Dell	Optiplex 760	1	JSH5WK1	Desktop
	Brother	FAX4750e	1	U60283D5J253317	Fax Machine
	Dell	Latitude D630	1	11J0WD1	Laptop
	Dell	Latitude D630	1	3SX55H1	Laptop
	Dell	Latitude D630	1	4WJ0WD1	Laptop
	Dell	Latitude D630	1	7B0NGH1	Laptop
	Dell	Latitude D630	1	9VJ0WD1	Laptop
	Dell	Latitude D630	1	BC0NGH1	Laptop
	Dell	Latitude D630	1	BGZ82D1	Laptop
	Dell	Latitude D630	1	CWJ0WD1	Laptop
	Dell	Latitude D630	1	DB0NGH1	Laptop
	Dell	Latitude D630	1	FC0NGH1	Laptop
	Dell	Latitude D630	1	FVJ0WD1	Laptop
	Dell	Latitude D630	1	GVJ0WD1	Laptop
	Dell	Latitude E6400	1	13L6WK1	Laptop
	Dell	Latitude E6400	1	92L6WK1	Laptop
	Dell	Latitude D630	1	4VJ0WD1	Laptop
	Dell	Latitude D630	1	8VJ0WD1	Laptop
	Dell	Latitude D630	1	BHZ82D1	Laptop
1538	Toshiba	Satelite Pro 6100	1	72109878PU	Laptop
	Dell	1704FPTt	1	CN-0Y4299-71618-55I-BJ3T	Monitor
	Motorola	V325i	1	SJUG2586BD	Phone
	Motorola	V860	1	J686NS62W3	Phone
2293	Dell	Poweredge 1750	1	5QGNP41	Server
2751	Dell	Poweredge 1750	1	CY1GV91	Server
1960	Dell	Poweredge 1750	1	DT38W31	Server
1901	Dell	Poweredge 1750	1	H37LJ31	Server
2358	Dell	Poweredge 1850	1	8Y0TY51	Server
	Dell	Poweredge 1950	1	2NVGXC1	Server
	Dell	Poweredge 1950	1	9N9JXC1	Server
2357	Dell	Poweredge 2850	1	B0W4Z51	Server
	APC	RS700	1	3B0950X36504	UPS

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

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

DATE: December 14, 2013

SUBJECT: **Agreement for Building Inspection and Plan Review Professional Consultant Services with C.A.P. Government, Inc. – ISQ # 12-08-27-12**

January 8, 2013 City Commission Meeting Agenda Item 5D

RECOMMENDATION

It is recommended that the City Commission approve the attached Resolution authorizing execution of an Agreement for Building Inspection and Plan Review Professional Consultant Services with C.A.P. Government, Inc. in accordance with ISQ # 12-08-27-11

BACKGROUND

As authorized by Resolution No. 2012-41, the City Administration has negotiated a Scope of Services and Fee Schedule for the subject services with CA.P. Government, Inc. This is the firm selected during the ISQ (Invitation to Submit Qualifications) in accordance with the City's purchasing procedures. C.A.P. has been providing services on a contractual basis to the City since 1996.

The major points of the Agreement are as follows:

1. City continues to employ the Building Official as a City employee.
2. C.A.P. will be compensated at a rate equal to 70% of the monthly gross building permit fees collected by the City. If the permit fees exceed \$50,000 in any month, the split will be reduced to 65%. The current agreement provides for the fees to exceed \$100,000 in a month before the split is reduced to 65%.
3. The Agreement expires January 2016. The City reserves the right to extend the Contract for one additional; three year period.
4. C.A.P. will contribute up to \$12,000 per year toward the purchase of the software and hardware to implement field data input.

5. Performance Service Standards: Building inspections will be provided within 24 hours after the City receives a request for inspection during normal business hours. Plan reviews will be completed within ten working days after the City receives a request for plan review.
6. This Agreement may be terminated by the City upon Ten (10) days notice with or without cause and by the Consultant upon Ninety (90) day's written notice with or without cause.

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

EMS/aca

Attachment

RESOLUTION NO. 2013-__

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE AND OTHERWISE ENTER INTO THAT AGREEMENT BETWEEN THE CITY OF AVENTURA AND C.A.P. GOVERNMENT, INC. FOR BUILDING INSPECTION AND PLAN REVIEW PROFESSIONAL CONSULTANT SERVICES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING 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 authorized to execute and otherwise enter into that certain Agreement attached hereto between the City of Aventura and C.A.P. Government, Inc. for building inspection and plan review professional consultant services.

Section 2. The City Manager is authorized to do all things necessary 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 Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbàez Weinberg	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 8th day of January, 2013.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CITY OF AVENTURA

AGREEMENT FOR BUILDING INSPECTION AND PLAN REVIEW PROFESSIONAL CONSULTANT SERVICES

THIS AGREEMENT is made and entered into this 8th day of January, 2013, by and between the City of Aventura, hereinafter referred to as "City" and C. A. P. Government, Inc., a Florida Corporation, 8350 N. W. 52nd Terrace, Suite 209, Doral, Florida 33166, hereinafter referred to as "Consultant".

IN CONSIDERATION of the mutual covenants set forth in this Agreement, the parties agree as follows:

1. SCOPE OF SERVICES

- A. The Consultant agrees to provide plans review of building, structural, electrical, mechanical and plumbing and inspections of building, accessibility, roofing, electrical, mechanical, gas and plumbing requirements as contained in the Florida Building Code, including any Miami Dade County High-Velocity Zone and City amendments thereto.
- B. Services shall be provided by Consultant personnel in accordance with the job classifications contained in Exhibit "A". All such personnel shall be and remain employees of the Consultant and not the City.
- C. The Consultant shall also provide additional support services as may be reasonably requested by the City Manager relating to organization and coordination of the various activities with City staff .

Both parties understand that City will employ its own Building Official as defined by the Florida Building Code and F. S. 553. Employees of the Consultant shall coordinate their work through the City's Chief Building Official.

2. FEES FOR SERVICES

- A. The Consultant agrees to charge the City and the City agrees to pay the Consultant the following fees for the Consultant's services:
 - i. For services provided pursuant to Paragraph 1A, Consultant shall be compensated at a rate equal to Seventy Percent (70%) and the City shall receive Thirty Percent (30%) of the gross building permit fee amounts collected by the City.
 - ii. If the gross permit fees exceed Fifty Thousand dollars (\$50,000) in any one or more month(s), Consultant's portion for that month, or any like month shall be reduced to Sixty Five Percent (65%) and calculated on a calendar month basis and the City shall receive Thirty Five Percent (35%).

However, notwithstanding the above, the Consultant shall receive only Thirty Five Percent (35%) of the gross building permit fees for all projects owned, paid for and to be operated by the City.

- B. For services provided pursuant to Paragraph 1C, additional support services, City shall compensate Consultant at the rates shown in "Exhibit B" for the hours worked by the Consultant and approved by the City.
- C. City shall pay Consultant within thirty (30) days of invoice by Consultant consistent with Florida's Prompt Payment Act.

3. TERM OF AGREEMENT

This Agreement shall become effective upon signature of both parties and shall continue in full force and effect for a period of three (3) years. The City reserves the right to extend the Contract for One (1) additional three (3) year term providing: (a) both parties to the Contract agree to the extension; (b) all the terms, conditions, and specifications remain the same, subject to satisfactory performance by the Consultant as determined by the City Manager.

4. GENERAL TERMS AND CONDITIONS

- A. All original I.D. cards, badges, sketches, tracings, drawings, computations, details, design, calculations, work papers and other documents and plans that result from the Consultant providing Consultant specified services shall be the property of the City. Upon termination of this Agreement or upon request of the City during the terms of this Agreement, any and all such document shall be delivered to the City by the Consultant.
- B. Consultant shall provide all necessary vehicles, mobile phones and/or radios and equipment for Consultant's employees to perform the services required by this Agreement.
- C. City shall provide badges, photo I.D., workspace and telephones for all inspectors employed by Consultant to perform the services required by this Agreement.

5. AUTOMATION, SUPPORT AND SOFTWARE

Consultant agrees to work with City in order to implement a program that will permit Consultant's personnel to enter data into an internet-based software application that processes, tracks and monitors permit, plan review, and inspection activity; contains plan review comments and approvals; schedules pending and daily inspections and records the date of the issuance of the Certificate of Occupancy/Completion. Consultant shall provide the City with unrestricted access to information in the elected software application. Consultant shall contribute up to \$12,000 per year

toward the purchase of the necessary software and equipment to implement this program. Both parties agree that the Consultant may utilize the software application with other municipal entities that may be clients of the Consultants.

6. SERVICE STANDARDS

Consultant agrees to provide the services as required by Paragraph 1 A based on the following standards for service:

- A. Consultant shall seek to provide building inspection services within twenty four (24) hours after the City's Community Development Department receives a request for inspection during normal business days.
- B. Plan reviews shall be completed within Ten (10) working days after the Community Development Department receives a request for plan review.
- C. Consultant shall seek to maintain their personnel available for customer service assistance during normal hours and as a minimum between 8:30 A.M. and 10:00 A.M.

7. INSURANCE

The Consultant shall at all times carry professional liability insurance, worker's compensation insurance, public liability and property damage insurance, and automotive public liability and property damage insurance within minimum policy limits in the amount of One Million and No/100 (\$1,000,000.00) per occurrence, except that the dollar amount of Worker's Compensation coverage shall be as provided by Chapter 440, Fla Stat. The City shall be named as an additional insured on all of the above insurance policies. Each insurance policy shall state that it is not cancelable without written notice to the City thirty (30) days prior to the effective date of cancellation.

8. ASSIGNMENT

This Agreement shall not be assignable by Consultant.

9. PROHIBITION AGAINST CONTINGENT FEES

The Consultant warrants that is has not employed or retained any company or person, other than a bona fide employee working solely for the Consultant, to solicit or secure this Agreement, and that it has not paid or agreed to pay any person(s), company, corporation, individual or firm, other than a bona fide employee working solely for the Consultant any fee, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making this Agreement.

10. TERMINATION

This Agreement may be terminated by the City upon Ten (10) days notice with or without cause and by the Consultant upon Ninety (90) day's written notice with or without cause. Any scope of work performed by Consultant through the date of Notice of Termination shall be paid by the City to the Consultant; however, it shall be within the City's sole discretion to permit the Consultant to complete plans examination and/or inspection on any one or more projects that the City may advise and City shall pay the Consultant its professional fees according to the terms of this Agreement.

11. NON EXCLUSIVE AGREEMENT

The services to be provided by the Consultant pursuant to this Agreement shall be non exclusive and nothing herein shall preclude the City from engaging other firms to perform the same or similar services for the benefit of the City within the City's sole and absolute discretion. The cost of those services will be deducted from the monthly amount due to the Consultant.

12. ENTIRE AGREEMENT

The parties agree that this is the entire agreement between the parties. This Agreement can not be amended or modified without the express written consent of the parties.

13. WARRANTIES OF CONSULTANT

The Consultant hereby warrants and represents that at all times during the term of this Agreement it shall maintain in good standing all required licenses, certifications and permits required under federal, state and local laws necessary to perform the services under this Agreement. A copy of all such required licenses, certifications and permits shall be provided to the City.

14. ATTORNEY'S FEES

In the event any party hereto institutes litigation or arbitration to enforce its rights or remedies hereunder, the party prevailing in such litigation or arbitration shall be entitled to an award for costs incurred in connection with such litigation or arbitration.

15. NOTICES

All notices and communications to the parties shall be in writing and shall be deemed to have been properly given if transmitted by registered or certified mail, postage pre-paid, or hand delivery. All notices and

communications shall be effective upon receipt. Notices shall be addressed as follows:

As to the City:

Mr. Eric M. Soroka
City Manager
City of Aventura
City of Aventura Government Center
19200 West Country Club Drive
Aventura, Florida 33180

As to the Consultant:

Mr. Carlos A. Penin
President
C.A.P. Government, Inc.
8350 N. W. 52nd Terrace
Suite 209
Doral, Florida 33166

16. GOVERNING LAW

This Agreement shall be construed in accordance with the laws of the State of Florida.

17. VENUE; WAIVER OF JURY TRIAL

A. Venue for any arbitration or litigation hereunder shall be in Miami-Dade County, Florida.

B. In the event of any litigation between the parties which in any way arises from or concerns this Agreement or the services provided hereunder, the parties hereby voluntarily waive any right to trial by jury.

IN WITNESS WHEREOF, the parties have accepted, made and executed this Agreement upon the terms and conditions above stated on the day and year above written.

CONSULTANT:

C.A.P. Government, Inc.
8350 N.W. 52nd Terrace
Doral, FL 33166

By: _____
Carlos A. Penin, President

Attest: _____

CITY

City of Aventura
19200 West Country Club Drive
Aventura, Florida 33180

By: _____
Eric M. Soroka, City Manager

Attest: _____
Teresa M. Soroka, MMC
City Clerk

Approved: _____
City Attorney

Exhibit "A"

JOB CLASSIFICATIONS

- A. **Contract Project Manager:** A consultant employee who will monitor and coordinate the daily operations between the City and the Consultant.
- B. **Structural Plan Reviewer:** A consultant employee who is certified by the Miami Dade County Board of Rules and Appeals, who is a Florida registered Professional Engineer and who performs structural review of building permit plans as mandated by the Florida Building Code.
- C. **Chief Building Inspector:** A consultant employee who is certified by the Miami Dade County Board of Rules and Appeals and who performs all plans review and field inspection of structural, building, A.D.A. and roofing components, per requirements of the Florida Building Code. Is responsible for supervising inspection activities of all trades, the Threshold Building and special inspectors.
- D. **Threshold Buildings Inspector, Mechanical, Plumbing and Electrical Officials:** Consultant employees who are delegated power by the Building Official to enforce the Florida Building Code to interpret the Code requirements of their respective trades and to supervise the construction activity and progress.
- E. **P/T Building Clerk Assistant:** A Consultant employee reporting to the City who is assigned to be in charge of the permit counter. This employee assists with the coordination of received inspections, distribution for the inspectors, plan reviews and filing systems, also performs record retention functions for the division and coordination with the scanning contracted company.

Exhibit "B"
Building Department Services
Hourly Fee Schedule

Position	Hourly Rate
Building Official	\$185.00
Professional Structural Engineering / Plans Examiner	\$125.00
Professional Civil, Electrical, Mechanical Engineer	\$100.00
Project Manager	\$100.00
Engineer / Designer / Plans Examiner (Other than Structural)	\$ 85.00
CADD Technician	\$ 65.00
Field Inspector	\$ 75.00
Zoning Inspector	\$ 55.00
Administrative Assistant	\$ 45.00
Clerical	\$ 30.00
Vehicle Travel (with proper documentation)	\$0.55 / Mile
Out of Pocket (pass-thru)	Cost + 10%

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: December 17, 2012

SUBJECT: Application to Amend the Official Zoning Map of the City of Aventura by amending the zoning designation for property at 20605 NE 34 Avenue, containing 0.51 acres more or less, from RS2, Single Family Residential District to RMF3A, Multifamily Medium Density Residential District. (01-REZ-13)

January 8, 2013 Local Planning Agency Agenda Item 4

January 8, 2013 City Commission Meeting Agenda Item 7

February 5, 2013 City Commission Meeting Agenda Item _____

RECOMMENDATION

It is recommended that the City Commission approve an amendment of the Official Zoning Map of the City of Aventura by amending the zoning designation for the parcel of land with municipal address 20605 NE 34 Avenue, containing 0.51 acres, more or less, from RS2, Single Family Residential District, to RMF3A, Multifamily Medium Density Residential District, with acceptance of the applicant's proffer to prepare and record in the Public Records of Miami-Dade County, at its expense and in a form satisfactory to the City Attorney, a covenant restricting the density on the property to no more than five (5) residential dwelling units.

THE REQUEST

The applicant, Aventura 34th AV, LLC, is requesting an amendment of the Official Zoning Map of the City of Aventura by amending the zoning designation for the parcel at

the northeast corner of NE 34 Avenue and North Country Club Drive with municipal address 20605 NE 34 Avenue from RS2, Single Family Residential District to RMF3A, Multifamily Medium Density Residential District. (See Exhibit #1 for Letter of Intent)

BACKGROUND

OWNER OF PROPERTY: 5 AV, LLC
NAME OF APPLICANT Aventura 34th AV, LLC
LOCATION OF PROPERTY 20605 NE 34 Avenue
See Exhibit #2 for Location Map
SIZE OF PROPERTIES Approximately 0.51 acres

BACKGROUND

This site is a vacant parcel of land on the east side of NE 34 Avenue at North Country Club Drive, formerly known as a private park named “George Berlin Park.” It contains approximately 0.51 acres.

The site is currently designated Medium High Density Residential on the City’s Future Land Use Map and zoned RS2, Single Family Residential District on the City’s zoning map.

HISTORY

Historically, during development of the Country Club Drive area, this parcel was used as private open space and had signs erected by private parties designating it as “George Berlin Park.” Upon enactment of the City’s Land Development Regulations in July of 1999, this parcel of land was zoned CF, Community Facilities District, to recognize its past and then current use as a private park.

In 2004, the landowners applied to the City Commission for rezoning of this parcel from CF, Community Facilities District, to RMF4, Multifamily High Density Residential District. That request was denied by the City Commission because it did not meet the standards for review of amendments to the Official Zoning Map as set out in Section 31-77(f) of the City Code.

On October 1, 2005, the City of Aventura and the landowners, Aventura-Ensenada, Inc., and Aventura Land and Development Corporation, entered into a Settlement Agreement in connection with the subject property, (Resolution 2005-61, passed and adopted on October 11, 2005). The terms of the Settlement Agreement included consideration of the rezoning of the property from Community Facilities to RS2, Single Family Residential District and development of five (5) single family dwelling units.

The rezoning of this property to the RS2, Single Family Residential District, was subsequently granted pursuant to Ordinance No. 2005-16 passed on November 1, 2005.

The property was sold after passage of the rezoning ordinance and the new owner submitted a site plan that complied with the terms of the Settlement Agreement and with the site development criteria of the RS2 zoning district. That site plan was approved, along with an entrance feature approval in 2007 and these approvals remain in place to date. The approved site plan for the five (5) single family dwellings is attached as Exhibit #3 to this report.

ANALYSIS

The applicant is a new purchaser of the parcel and wishes to build the same number of units as approved by the Settlement Agreement, however, the applicant desires to build those units vertically in a multi-family residential structure, rather than by way of separate single family homes. The applicant has submitted its administrative site plan approval application concurrent with this application for rezoning. The proposal is a six (6) story building, with parking on the first floor and one unit on each of five (5) floors. Each unit has approximately 4,340 square feet of interior space with 1,625 square feet of balcony space. Proposed height is 66 feet to the roof deck. Amenities for the building are proposed on the roof deck, including a pool, deck and enclosed recreation room. The top of the recreation room roof is proposed at 77 feet. The proposed site plan for the proposed building is attached as Exhibit #4 to this report.

The current RS2 zoning district allows zero lot line single family detached dwellings, with a maximum of 25 dwelling units per acre (restricted by recorded covenant to a maximum of five (5) units on this parcel) and a maximum height of three (3) stories or 55 feet.

In order to develop the proposed vertical multifamily residential building, the applicant is requesting a rezoning to RMF3A, Multifamily Medium Density Residential District. This zoning category permits multifamily residential buildings with a maximum density of 45 dwelling units per acre and a maximum height of seven (7) stories or 80 feet. The applicant has proffered a restrictive covenant to restrict the maximum number of dwelling units to five (5) as previously approved in 2005 and to record a covenant to that effect. This proffer has been added to the proposed rezoning ordinance.

Future Land Use Designation

Subject Property:	Medium High Density Residential
Properties to the North:	Water
Properties to the South:	Parks & Recreation and Medium-High Density Residential
Properties to the East:	Medium-High Density Residential

Properties to the West: Medium-High Density Residential

Zoning

Subject Property: RS2, Residential Single Family District
Properties to the North: RMF4, Multifamily High Density Residential District
Properties to the South: ROS, Recreation Open Space and
RMF4, Multifamily High Density Residential District
Properties to the East: RMF4, Multifamily High Density Residential District
Properties to the West: RMF4, Multifamily High Density Residential District

Existing Land Use

Subject property: vacant
Properties to the North: condominium boat slips
Properties to the South: residential condominium and townhomes
and golf course
Properties to the East: residential condominium
Properties to the West: residential condominium

Access – The parcel access is from NE 34 Avenue. The applicant's concurrent administrative site plan application indicates that the location of the access approved on the 2007 site plan and a similar entry gate approved also approved in 2007 will remain the same.

Conformity to City Comprehensive Plan – The proposed amendment conforms to the City's Comprehensive Plan. The existing future land use designation is Medium-High Density Residential. The type of housing typically permitted in this category includes low, medium and high rise apartments.

Standards for reviewing proposed amendments to the Official Zoning Map found in Section 31-77 of the Land Development Regulations:

1. *Whether or not the proposed amendment is consistent with goals, objectives and policies of the City's Comprehensive Plan.*

The proposed amendment will be consistent with goals, objectives and policies of the City's Comprehensive Plan. The existing future land use designation for this parcel is Medium-High Density Residential.

2. *Whether or not the proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.*

The proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses. The buildings immediately to the east, west and south are zoned RMF4, which is the multifamily high density residential district. The

property immediately to the north, although developed as a marina condominium, is also zoned RMF4. The heights of existing buildings to the east, west and south respectively range from eight (8) stories (Ensenada condominium), 18 stories (Bonavista condominium), two (2) stories (DelVista townhomes) to 25 stories (DelVista condominium). The height for the proposed building which is the subject of this application is six (6) stories.

3. *Whether or not the subject property is physically suitable for the uses permitted in the proposed district.*

The subject property is physically suitable for the uses permitted in the proposed district. A conceptual site plan for the proposed development has been submitted to show lot configuration and access.

4. *Whether or not there are sites available in other areas currently zoned for such use.*

There is a vacant site at NE 207 Street and NE 30 Avenue that is zoned for RMF3A uses.

5. *If applicable, whether or not the proposed change will contribute to redevelopment of an area in accordance with an approved redevelopment plan.*

This standard is not applicable to this proposed amendment.

6. *Whether or not the proposed change would adversely affect traffic patterns or congestion.*

There is no change in density proposed from the existing zoning category. The applicant proposes to use driveway access from NE 34 Avenue, which was previously approved by the City in 2007. Therefore, the proposed change will not adversely affect traffic patterns or congestion. The applicant will be required, as part of the site plan approval process, to reconfigure the existing median on NE 34 Avenue to ensure safe traffic movements in and out of the proposed development. The City is in the approval process to construct a right turn lane on North Country Club Drive across the northerly frontage of this site. The proposed development will not adversely affect that construction project since the applicant's driveway access is proposed from NE 34 Avenue.

7. *Whether or not the proposed change would adversely impact population density such that the demand for water, sewers, streets, recreational areas and facilities, and other public facilities and services would be adversely affected.*

There is no increase in population density proposed by this rezoning application due to the applicant's proffer to restrict development to five (5) residential units which is the same as the existing density restriction on this property. Therefore, the proposed change would not adversely affect population density such that the

demand for water, sewers, streets, and other public facilities and services would be adversely affected.

8. *Whether or not the proposed change would have an adverse environmental impact on the vicinity.*

The proposed change will not have an adverse environmental impact on the vicinity.

9. *Whether or not the proposed change would adversely affect the health, safety, and welfare of the neighborhood or the City as a whole.*

The proposed change will not adversely affect the health, safety, and welfare of the neighborhood or the City as a whole. The proposed vertical development of five (5) residential units will be a benefit to the community by way of increased setbacks, increased landscaped area and decreased lot coverage as compared to the existing approval for five (5) single family homes.

Traffic Generation – There will be no increase in traffic generation due to this rezoning application. The existing density of five (5) units on this site will remain the same as currently approved. This maximum density of five (5) units will be enforced by the proffered restrictive covenant to be recorded by the applicant, at its expense.

School Impacts – The application has been provided for comment to the Miami Dade County School Board in accordance with the Interlocal Agreement entered into between the City and the Board. Also in accordance with the Interlocal Agreement, the School Board has been invited as a non-voting member of the Local Planning Agency for this application.

The School Board has previously reserved public school concurrency for the five (5) single family homes approved in 2007. Since the development has changed from five (5) single family homes to five (5) multifamily units, the School Board is processing the application through its concurrency management system. The Board's analysis is not complete as of the date of writing of this report, however, it is anticipated that this development will continue to meet the level of service standard. If for some reason it is determined by the School Board that it does not meet that service standard, the applicant will be required to reach a mitigation agreement acceptable to the School Board and the City, as set out in our Interlocal Agreement for Public School Concurrency. City staff will report on this item at second reading of the ordinance.

November 30, 2012

Joanne Carr
City of Aventura
Government Center
19200 W. Country Club Drive, 4th Floor
Aventura, Florida 33180

**Re: Application for Rezoning of Property Located at 20605 N.E. 34th Avenue
Folio No. 28-1235-090-0010 (the "Property")**

Dear Ms. Carr:

LETTER OF INTENT

Please consider this our formal letter of intent in connection with a request to rezone the Property. This firm represents the applicant, Aventura 34th AV, LLC, as the contract purchaser of the Property.¹

The Property is owned by 5 AV, LLC, which previously obtained administrative site plan approval for five residential units, a variance related to enclosed parking spaces and an entrance feature for a controlled access gate. The City of Aventura granted extension of these approvals, and the approvals remain valid at this time.

The Property is currently zoned RS-2 and is designated medium-high density residential on the City of Aventura's Comprehensive Land Use Plan. As the City is aware, the Property was the subject of a settlement agreement related to the area formerly known as George Berlin Park. A complete history of the Property is part of Administrative Site Plan Approval 04-SP-06.

Our client requests the Property be rezoned from RS-2 to RMF-3A. While the RMF-3A zoning district authorizes a much higher density, our client intends to develop only five units, the same number currently approved under the existing ASPR. The purpose of the request for RMF-3A zoning is not to maximize density on the Property, but to develop the five units in a

¹ The application inquires whether there is an option to purchase or lease the Property predicated on the approval of this application. There is a contract to purchase the Property; however, the purchase is not predicated on approval of this application. Therefore, while we marked "no" under this question, we did specifically disclose the contract purchaser in the Disclosure of Interest section and are specifically disclosing the existence of a contract for purchase.

single structure. The current RS-2 zoning only permits the units as detached dwelling units. Therefore, in order to assure the City that our client is only seeking the total of five units, as part of this application, our client will voluntarily proffer a covenant limiting development parameters, including limiting density to a maximum of five units.

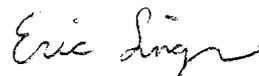
The proposed rezoning contains several benefits over the existing plan. The current ASPR approval contains five free-standing single family homes on the slightly more than half-acre Property. In order to accommodate the structures, the more liberal RS-2 zoning setbacks were utilized, some, as low as six feet.

The proposed new development, if the rezoning is granted, will be a five-unit residential structure consisting of ground-level and surface parking with five stories of residential above the ground floor parking with one unit per floor. By combining the five units into a single structure, on-site circulation is enhanced, parking is increased, and the developer is able to create an attractive glass feature façade with extensive balconies. Because the site is approximately one-half acre, centralizing the structure on the parcel and abiding by the increased 25-foot setbacks on all sides creates an overall more functional site.

Our client intends to proceed immediately with administrative site plan approval for a new development. On the proposed plans, the roof, in addition to the cooling and mechanical equipment, contains a pool, landscaping and an indoor recreational room. These features result in an attractive exterior to the adjacent, higher and denser residential developments. As part of the new administrative site plan application, our client will also proffer a declaration of restrictions, to preclude the conversion of the recreational room or any roof area to residential space, as well as limiting the mean roofline for the residential units to a maximum of 66 feet in height, and the top of the recreational room to a maximum of 80 feet in height.

Based on the foregoing, we respectfully request the above application for rezoning be approved. Should you have any questions, please contact me at 305-350-2351.

Sincerely,



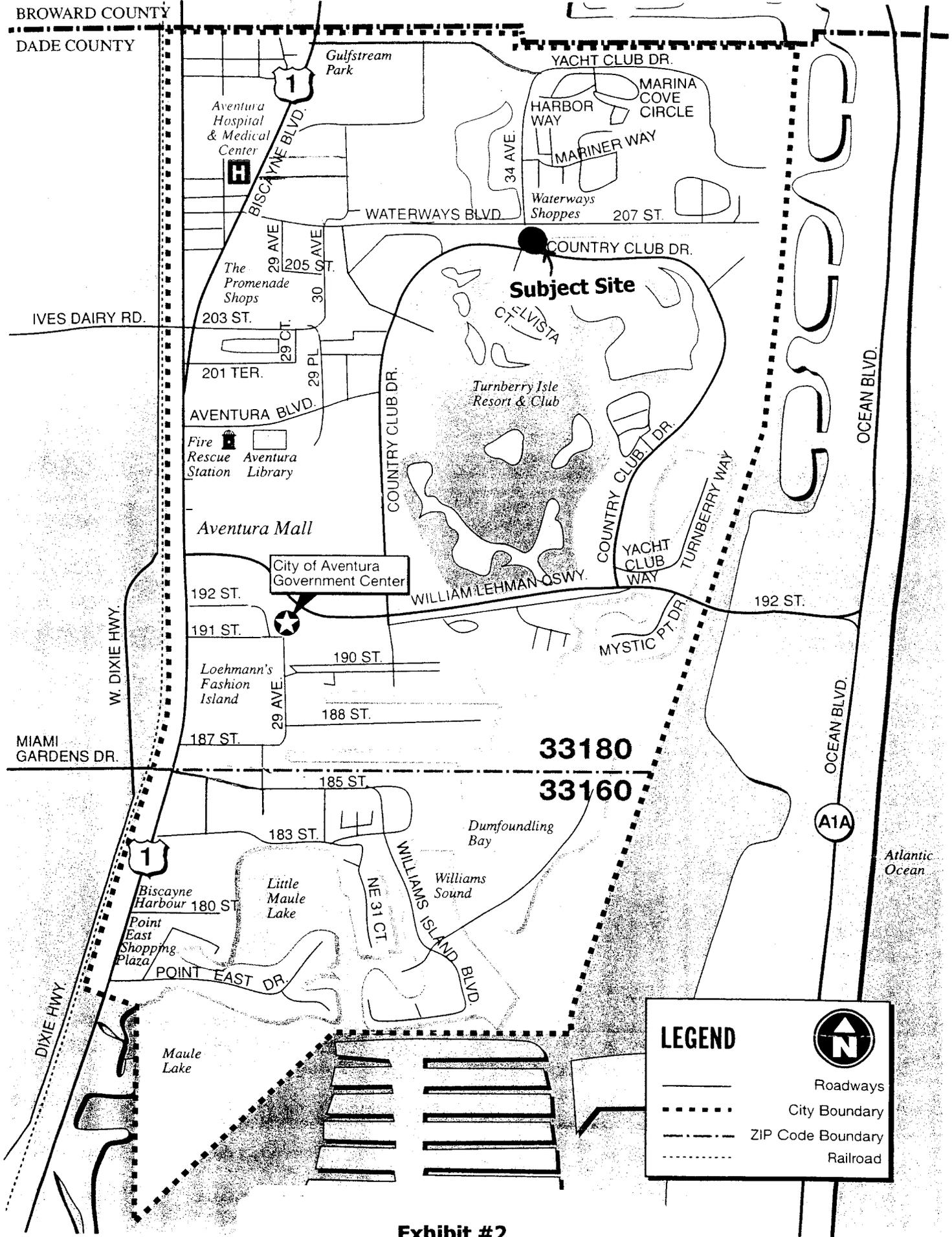
Fol Brian Adler

BSA/mp

MIAMI 3427386.1 80043/41289



BROWARD COUNTY
DADE COUNTY



33180
33160

LEGEND

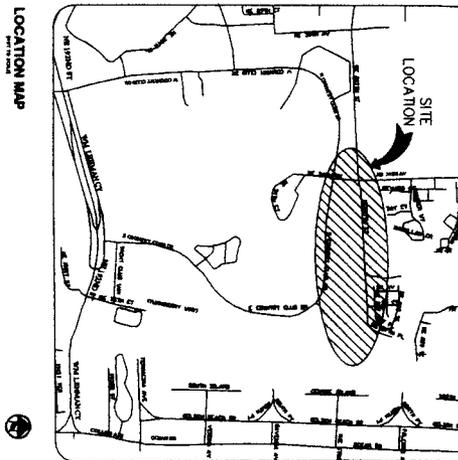
-  Roadways
-  City Boundary
-  ZIP Code Boundary
-  Railroad

Exhibit #2
01-REZ-13



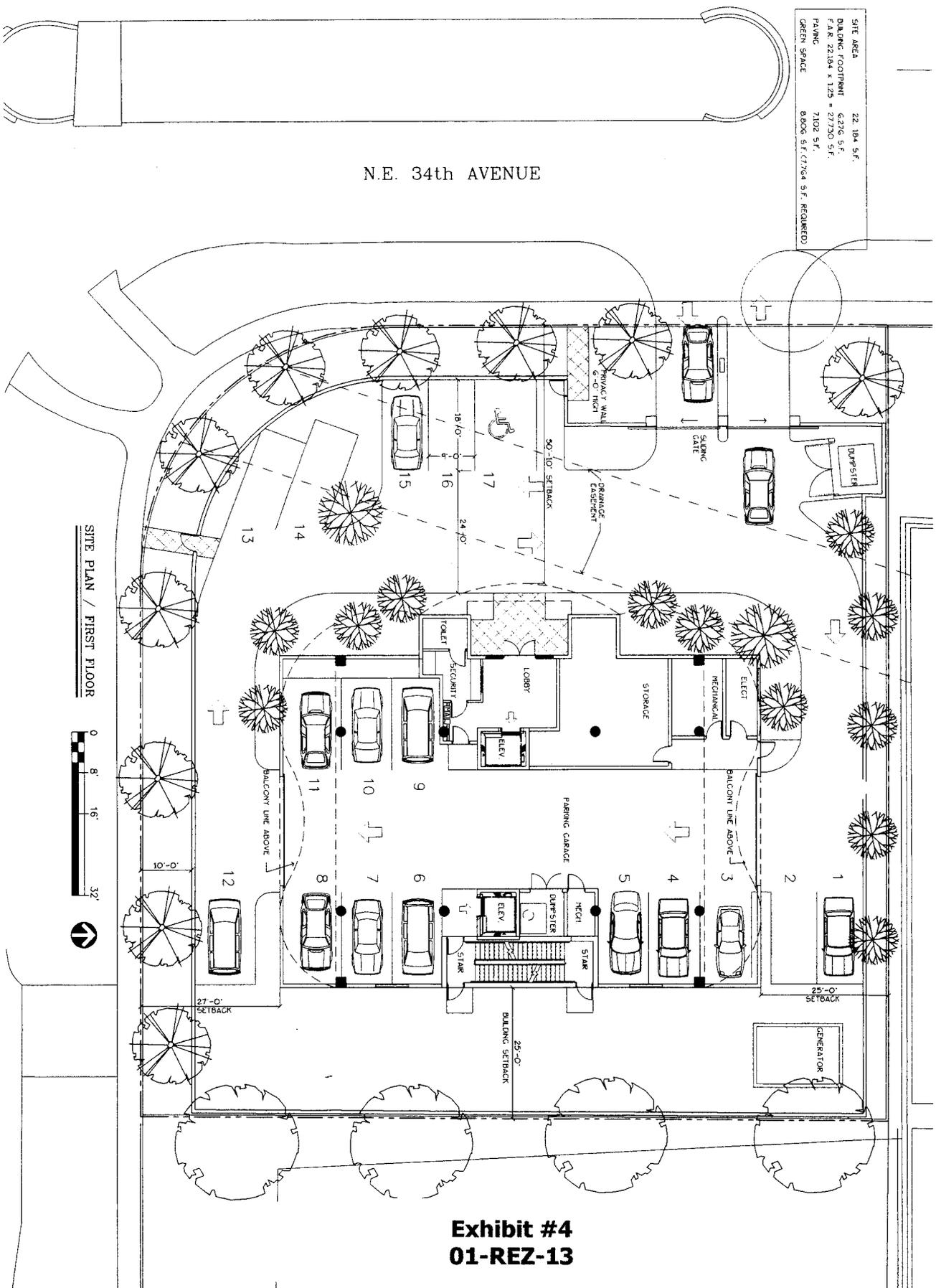
Exhibit #3
 01-REZ-13

ZONING		ZONING LEGEND	
Rear Deck Height		Single Family 4 Duplex	
Min. Lot Area		517' (44' Building)	
		2138 SF @ 0.51 Acres	
LOT	SETBACKS	REQUIRED	PROVIDED
Lot 1	FRONT	10'-0" MAX (50%)	17'-0"
	SIDE	5'-0" MIN (50%)	0'
	REAR	15'-0"	15'-0"
Lot 2	FRONT	10'-0" MAX (50%)	17'-0"
	SIDE	5'-0" MIN (50%)	0'
	REAR	15'-0"	15'-0"
Lot 3	FRONT	10'-0" MAX (50%)	17'-0"
	SIDE	5'-0" MIN (50%)	0'
	REAR	15'-0"	15'-0"
Lot 4	FRONT	10'-0" MAX (50%)	17'-0"
	SIDE	5'-0" MIN (50%)	0'
	REAR	15'-0"	15'-0"
Lot 5	FRONT	10'-0" MAX (50%)	17'-0"
	SIDE	5'-0" MIN (50%)	0'
	REAR	15'-0"	15'-0"



SITE AREA 22,184 S.F.
 BUILDING FOOTPRINT 6,276 S.F.
 P.A.R. 22184 X 125 = 27700 S.F.
 P.A.V.C. 7102 S.F.
 GREEN SPACE 8806 S.F. (7764 S.F. REQUIRED)

N.E. 34th AVENUE



SITE PLAN / FIRST FLOOR



Exhibit #4
01-REZ-13

2.1

DATE: 9/9/13
 DRAWN BY: JTB
 REVISIONS:
 NO. DATE

AVENTURA CONDOMINIUM
 20605 N.E. 34th AVE., AVENTURA, FLORIDA
 SITE PLAN 3/32"=1'-0"

ALAN STRASSLER ARCHITECTS, INC.
 20605 N.E. 34th AVE., SUITE 200
 AVENTURA, FLORIDA 33180
 TEL: 305-444-1111 FAX: 305-444-1112
 WWW.ASARCHITECTS.COM
 LICENSE NO. 13000
 REGISTERED PROFESSIONAL ARCHITECT
 STATE OF FLORIDA
 PLAN NO. 2013-001



APPLICANT REPRESENTATIVE AFFIDAVIT

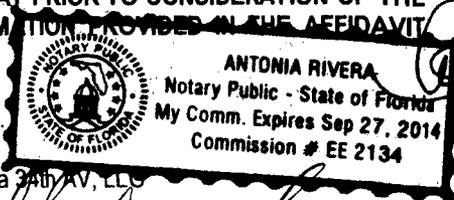
Pursuant to Section 31-71(b)(2)(i) of the City of Aventura Land Development Code, this Applicant Representative Affidavit is hereby made and submitted. The undersigned authorized representative of the individual or entity applying for the Development Permit, which is identified in the accompanying application, 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:

<u>Name</u>	<u>Relationship (i.e. Attorneys, Architects, Landscape Architects, Engineers, Lobbyists, Etc.)</u>
<u>Stanley B. Price</u>	<u>Attorney</u>
<u>Brian S. Adler</u>	<u>Attorney</u>
<u>Eric Singer</u>	<u>Attorney</u>
<u>Mariano Corral</u>	<u>Landscape Architect</u>
<u>Felix Pardo</u>	<u>Architect</u>
<u>Douglas Deans</u>	<u>Surveyor</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 21 DAY OF December, 2012.



AUTHORIZED REPRESENTATIVE OF APPLICANT:

Aventura 34th AV, LLC

By: _____
 Stanley B. Price
 Title: Attorney
 Address: 1450 Brickell Avenue, Suite 2300
Miami, FL 33131

By: [Signature]
 Salo Wagenberg
 Title: Registered Agent
 Address: 2010 NE 214 TER
MIAMI FLA 33179

By: _____
 Brian S. Adler
 Title: Attorney
 Address: 1450 Brickell Avenue, Suite 2300
Miami, FL 33131

By: _____
 Eric Singer
 Title: Attorney
 Address: 1450 Brickell Avenue, Suite 2300
Miami, FL 33131

By: _____
 Mariano Corral
 Title: Landscape Architect
 Address: 3001 S.W. 109th Ct.
Miami, FL 33165

By: _____
 Felix Pardo
 Title: Architect
 Address: _____

By: _____
Douglas Deans
Title: Surveyor
Address: _____

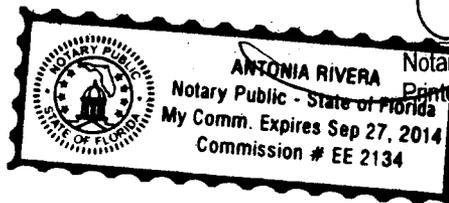
By: _____
Title: _____
Address: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Salo Wagenberg, as the Registered Agent of the owner of the property subject to the application, who being first by me duly sworn, did swear or affirm that he executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME this 21 day of December, 2012.

My commission expires: 9/27/2014



Notary Public State of Florida At Large
Printed Name of Notary _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me the undersigned authority personally appeared Stanley B. Price 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 they executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME this ___ day of _____, 2012.

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 Brian S. Adler 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 they executed this Affidavit for the purposes stated therein and that it is true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME this ___ day of _____, 2012.

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 Eric Singer 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 they executed this Affidavit for the purposes stated therein and that it is true and correct.



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 _____ DAY OF _____, 2011.

APPLICANT REPRESENTATIVE:

By: _____ (Signature)
 Name: Stanley B. Price (Print)
 Title: Attorney (Print)

By: _____ (Signature)
 Name: Brian S. Adler (Print)
 Title: Attorney (Print)

By: _____ (Signature)
 Name: Mariano Corral (Print)
 Title: Landscape Architect (Print)

By: _____ (Signature)
 Name: Eric Singer (Print)
 Title: Attorney (Attorney)

By: _____ (Signature)
 Name: Felix Pardo (Print)
 Title: Architect (Print)

By: _____ (Signature)
 Name: Douglas Deans (Print)
 Title: Surveyor (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 2012.

PROPERTY OWNER:

By: [Signature] (Signature)
 Name: Salo Wagenberg (Print)
 Title: Owner, Representative, Registered Agent (Print)

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

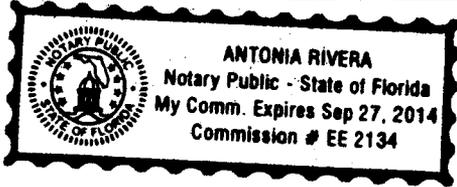
NOTARIZATION PROVISION

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Salo Wagenberg, 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.

Salo Wagenberg
SALO WAGENBERG

SWORN TO AND SUBSCRIBED before me this 12 day of December, 2012.



[Signature]
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 Stanley B. Price, 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.

BRIAN S. ADLER

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2012.

Notary Public State of _____
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Brian S. Adler, 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.

BRIAN S. ADLER

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2012.

Notary Public State of _____
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Eric Singer, 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.

ERIC SINGER

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2012.

Notary Public State of _____
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)



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)

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- 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:
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 _____ (List City Commission or City Advisory Board upon which member serves).

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- 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 21st DAY OF December, 2012.

APPLICANT REPRESENTATIVE:

By: [Signature] (Signature)
 Name: Stanley B. Price (Print)
 Title: Attorney (Print)

By: [Signature] (Signature)
 Name: Brian S. Adler (Print)
 Title: Attorney (Print)

By: [Signature] (Signature)
 Name: Eric Singer (Print)
 Title: Attorney (Attorney)

By: _____ (Signature)
 Name: Felix Pardo (Print)
 Title: Architect (Print)

By: _____ (Signature)
 Name: Mariano Corral (Print)
 Title: Landscape Architect (Print)

By: _____ (Signature)
 Name: Douglas Deans (Print)
 Title: Surveyor (Print)

WITNESS MY HAND THIS 21st DAY OF December, 2012.

PROPERTY OWNER:

By: _____ (Signature)
 Name: Salo Wagenberg (Print)
 Title: Owner Representative, Registered Agent (Print)

*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 21st DAY OF December, 2012

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: _____ (Signature)
Name: Salo Wagenberg (Print)
Title: Registered Agent (Print)

By: _____ (Signature)
Name: Felix Pardo (Print)
Title: Architect (Print)

By: Stanley B. Pice (Signature)
Title: Attorney (Signature)

By: _____ (Signature)
Name: Douglas Deans (Print)
Title: Surveyor (Print)

By: Brian S. Adler (Signature)
Name: Brian S. Adler (Print)
Title: Attorney (Print)

By: Eric Singer (Signature)
Name: Eric Singer (Print)
Title: Attorney (Print)

By: _____ (Signature)
Name: Mariano Corral (Print)
Title: Landscape Architect (Print)

By: _____ (Signature)
Name: _____ (Print)
Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

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)

Before me, the undersigned authority, personally appeared Salo Wagenberg, 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.

SALO WAGENBERG

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2012.

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 Stanley B. Price, 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.

STANLEY B. PRICE

SWORN TO AND SUBSCRIBED before me this 21 day of December, 2012.



ELIZABETH ORTIZ
MY COMMISSION # EE 043223
EXPIRES: December 17, 2014
Bonded Thru Budget Notary Services

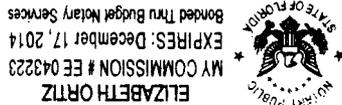
Notary Public State of Florida
ELIZABETH ORTIZ
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Brian S. Adler, 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.

BRIAN S. ADLER

SWORN TO AND SUBSCRIBED before me this 21 day of December, 2012.



ELIZABETH ORTIZ
MY COMMISSION # EE 043223
EXPIRES: December 17, 2014
Bonded Thru Budget Notary Services

Notary Public State of Florida
ELIZABETH ORTIZ
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Eric Singer, 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.

ERIC SINGER

SWORN TO AND SUBSCRIBED before me this 21 day of December, 2012.



ELIZABETH ORTIZ
MY COMMISSION # EE 043223
EXPIRES: December 17, 2014
Bonded Thru Budget Notary Services

Notary Public State of Florida
ELIZABETH ORTIZ
Printed Name of Notary
My commission expires: _____



BUSINESS RELATIONSHIP AFFIDAVIT*

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 _____ (List City Commission or City Advisory Board upon which member serves).

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- 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 21 DAY OF December 2012

APPLICANT REPRESENTATIVE:

By: _____ (Signature)
 Name: Brian S. Adler (Print)
 Title: Attorney (Print)


 Name: Mariano Corral (Print)
 Title: Landscape Architect (Print)

By: _____ (Signature)
 Name: Felix Pardo (Print)
 Title: Architect (Print)

By: _____ (Signature)
 Name: Douglas Deans (Print)
 Title: Surveyor (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 2012.



HECTOR M. RODRIGUEZ
 MY COMMISSION # DD 978860
 EXPIRES: August 5, 2014
 Bonded thru Budget Notary Services

PROPERTY OWNER:

By: _____ (Signature)
 Name: Salo Wagenberg (Print)
 Title: Owner Representative, Registered Agent (Print)

*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 _____, 2012

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: _____ (Signature)

By: _____ (Signature)

Name: Salo Wagenberg (Print)

Name: Felix Pardo (Print)

Title: Registered Agent (Print)

Title: Architect (Print)

By: _____ (Signature)

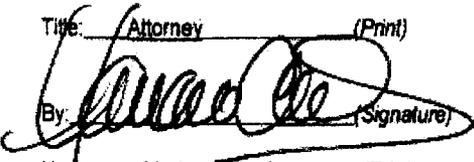
By: _____ (Signature)

Name: Brian S. Adler (Print)

Name: Douglas Deans (Print)

Title: Attorney (Print)

Title: Engineer (Print)

By:  (Signature)

By: _____ (Signature)

Name: Mariano Corral (Print)

Name: _____ (Print)

Title: Landscape Architect (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

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By: _____ (Signature)

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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)

Before me, the undersigned authority, personally appeared Salo Wagenberg, 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.

SALO WAGENBERG

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2012.

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 Brian S. Adler, 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.

BRIAN S. ADLER

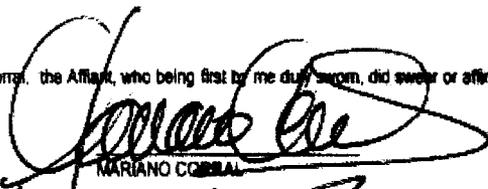
SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2012.

Notary Public State of

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Mariano Corral, 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.



MARIANO CORRAL

SWORN TO AND SUBSCRIBED before me this 21 day of December, 2012.

Notary Public State of Florida At Large
HECTOR M. RODRIGUEZ
MY COMMISSION ID 978080
Printed Name of Notary
My commission expires: August 5, 2014
Under This Budget Notary Services

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Felix Pardo, 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.

FELIX PARDO

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2012.

Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: _____



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 _____ DAY OF _____, 2011.

APPLICANT REPRESENTATIVE:

By: _____ (Signature)
 Name: Brian S. Adler (Print)
 Title: Attorney (Print)

By: _____ (Signature)
 Name: Mariano Corral (Print)
 Title: Landscape Architect (Print)

By: _____ (Signature)
 Name: Felix Pardo (Print)
 Title: Architect (Print)

By: _____ (Signature)
 Name: Douglas Deans (Print)
 Title: Surveyor (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 2012.

PROPERTY OWNER:

By: _____ (Signature)
 Name: Salo Wagenberg (Print)
 Title: Owner Representative, Registered Agent (Print)

*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 _____, 2012

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: _____ (Signature)

Name: Salo Wagenberg (Print)

Title: Registered Agent (Print)

By: _____ (Signature)

Name: Brian S. Adler (Print)

Title: Attorney (Print)

By: _____ (Signature)

Name: Mariano Corral (Print)

Title: Landscape Architect (Print)

By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: Felix Pardo (Print)

Title: Architect (Print)

By: _____ (Signature)

Name: Douglas Deans (Print)

Title: Engineer (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

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)

Before me, the undersigned authority, personally appeared Salo Wagenberg, 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.

SALO WAGENBERG

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 2012.

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 Brian S. Adler, 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.

BRIAN S. ADLER

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 2012.

Notary Public State of

Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Mariano Corral, 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.

MARIANO CORRAL

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 2012.

Notary Public State of Florida At Large

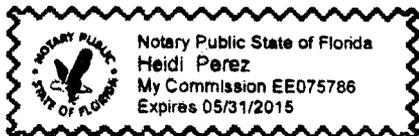
Printed Name of Notary
My commission expires: _____

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Felix Pardo, 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.

FELIX PARDO

SWORN TO AND SUBSCRIBED before me this 21st day of December, 2012.



Notary Public State of Florida At Large

Printed Name of Notary
My commission expires: 5/31/15



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 _____ DAY OF _____, 2011.

APPLICANT REPRESENTATIVE:

By: _____ (Signature)
 Name: Brian S. Adler (Print)
 Title: Attorney (Print)

By: _____ (Signature)
 Name: Mariano Corral (Print)
 Title: Landscape Architect (Print)

By: _____ (Signature)
 Name: Felix Pardo (Print)
 Title: Architect (Print)

By: [Signature] (Signature)
 Name: Douglas Deans (Print)
 Title: Surveyor (Print)

WITNESS MY HAND THIS _____ DAY OF _____, 2012.

PROPERTY OWNER:

By: _____ (Signature)
 Name: Salo Wagenberg (Print)
 Title: Owner Representative, Registered Agent (Print)

*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 _____, 2012

REPRESENTATIVE: (Listed on Business Relationship Affidavit)

By: _____ (Signature)

Name: Salo Wagenberg (Print)

Title: Registered Agent (Print)

By: _____ (Signature)

Name: Brian S. Adler (Print)

Title: Attorney (Print)

By: _____ (Signature)

Name: Mariano Corral (Print)

Title: Landscape Architect (Print)

By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

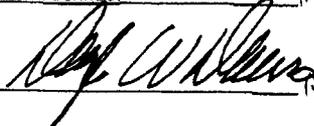
Title: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

Name: Felix Pardo (Print)

Title: Architect (Print)

By:  (Signature)

Name: Douglas Deans (Print)

Title: Surveyor (Print)

By: _____ (Signature)

Name: _____ (Print)

Title: _____ (Print)

By: _____ (Signature)

By: _____ (Signature)

Title: _____ (Print)

Title: _____ (Print)

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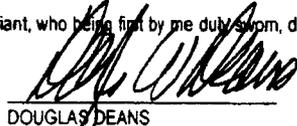
Title: _____ (Print)

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.

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared Douglas Deans, 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.



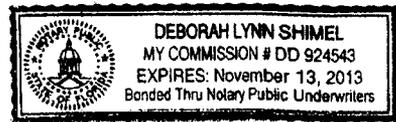
DOUGLAS DEANS

SWORN TO AND SUBSCRIBED before me this 14TH day of December, 2012.



Notary Public State of Florida At Large

Printed Name of Notary _____
My commission expires _____



ORDINANCE NO. 2013- _____

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AVENTURA BY AMENDING THE ZONING DESIGNATION FOR A 0.51 ACRE PARCEL OF LAND LOCATED AT 20605 NE 34 AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, FROM RS2, RESIDENTIAL SINGLE FAMILY DISTRICT TO RMF3A, MULTIFAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, Aventura 34th AV, LLC, through Application 01-REZ-13, has applied to amend the Official Zoning Map of the City of Aventura by amending the zoning designation of the parcel legally described in Exhibit A attached hereto, from RS2, Residential Single Family District to RMF3A, Multifamily Medium Density Residential District; and

WHEREAS the applicant has proffered to prepare and record a declaration of restrictive covenants in a form satisfactory to the City Attorney, restricting density on the parcel of land subject of this rezoning request to no more than five (5) residential dwelling units, and the City Commission of the City of Aventura ("City Commission") has accepted such proffer; and

WHEREAS, the City Commission has been designated as the local planning agency for the City pursuant to Section 163.3174, Florida Statutes, and as the local planning agency has held a public hearing and determined that the rezoning is consistent with the applicable provisions of the City Comprehensive Plan; and

WHEREAS, the City Commission has held the required public hearing, duly noticed in accordance with law; and

WHEREAS, the City Commission has reviewed the application for rezoning and has considered the testimony of all interested parties at the public hearings, and has determined that the rezoning action set forth in this Ordinance is consistent with the Comprehensive Plan and the intended use of the land.

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

Section 1. Recitals. The foregoing whereas clauses are hereby ratified and incorporated within this Ordinance.

Section 2. Official Zoning Map Amended. That the Official Zoning Map of the City of Aventura is hereby amended by amending the zoning designation for a 0.51 acre parcel of land located at 20605 NE 34 Avenue (Folio Number 28-1235-010-0010) from RS2, Residential Single Family District, to RMF3A, Multifamily Medium Density Residential District. (see Exhibit "A" for Legal Description)

Section 3. 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 4. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a

part of the Code of the City of Aventura, and that the Official Zoning Map of the City shall be revised so as to accomplish such intentions.

Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

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

Commissioner Howard Weinberg	_____
Commissioner Teri Holzberg	_____
Commissioner Enbar Cohen	_____
Commissioner Michael Stern	_____
Commissioner Billy Joel	_____
Vice Mayor Luz Urbàez Weinberg	_____
Mayor Susan Gottlieb	_____

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 Howard Weinberg	_____
Commissioner Teri Holzberg	_____
Commissioner Enbar Cohen	_____
Commissioner Michael Stern	_____
Commissioner Billy Joel	_____
Vice Mayor Luz Urbaez Weinberg	_____
Mayor Susan Gottlieb	_____

PASSED on first reading this 8th day of January, 2013.

PASSED AND ADOPTED on second reading this 5th day of February, 2013.

SUSAN GOTTLIEB, MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

This Ordinance was filed in the Office of the City Clerk this ____ day of _____, 2013.

CITY CLERK

EXHIBIT "A"

LEGAL DESCRIPTION OF PARCEL OF LAND

A parcel of land described as a portion of Tract "F" of First Addition Biscayne Yacht and Country Club, according to the Plat thereof, as recorded in Plat Book 89 at Page 100 of the Public Records of Dade County (now Miami-Dade County), Florida, more particularly described as follows:

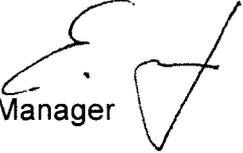
Commence at the west $\frac{1}{4}$ corner of Section 35, Township 51 South, Range 42 East, City of Aventura, Miami-Dade County, Florida; Thence $S02^{\circ}00'25''E$ for 1.60 feet to a point of curvature of a circular curve concave to the northwest; Thence along the arc of said curve, having a radius of 1091.35 feet and a central angel of $10^{\circ}19'43''$ for 196.74 feet to a point on said curve; Thence $S81^{\circ}40'42''E$ on a line radial to the point on curve for 50.00 feet to a point on the boundary of said Tract "F"; Thence $S08^{\circ}19'18''W$ for 1.69 feet to the point of beginning of said parcel of land; Thence along the boundary of said Tract "F" for the following three (3) courses; (1) Thence continue $S08^{\circ}19'18''W$ for 96.00 fee to a point of curvature of a circular drive concave to the northeast; (2) Thence along the arc of said curve, having a radius of 50.00 feet and a central angle of $90^{\circ}00'00''$ for 78.54 feet to the point of tangency; (3) Thence $S81^{\circ}40'42''E$ for 106.00 feet to a point on said boundary of Tract "F"; Thence $N08^{\circ}19'18''E$ for 146.00 feet; Thence $N81^{\circ}40'42''W$ for 156.00 feet to the point of beginning.

This also being the same parcel of land described as Tract "A" of "Aventura Villas", according to the Plat thereof, as recorded March 22, 2010 in Plat Book 168 at Page 67 of the Public Records of Miami-Dade County, Florida.

CITY OF AVENTURA
FINANCE DEPARTMENT

MEMORANDUM

TO: City Commission

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

BY:  Brian K. Raducci, Finance Director

DATE: November 7, 2012

SUBJECT: **End of Year Budget Amending Ordinance – FY 2011/12**

1st Reading November 13, 2012 City Commission Meeting Agenda Item 8
2nd Reading January 8, 2013 City Commission Meeting Agenda Item _____

RECOMMENDATION

It is recommended that the City Commission approve the attached ordinance amending the FY 2011/12 budget. *This budget amendment is expected to have little to no impact on the FY 2011/12 overall budget or the carryover utilized in the preparing the FY 2012/13 budget.*

BACKGROUND

As you are aware, the Finance Department is preparing the City's official books and records for the upcoming FY 2011/12 year-end audit. Now that most of our year-end adjustments have been posted, we have the necessary information to formally amend the FY 2011/12 budget. This "clean up" amendment is a normal part of our year-end fiscal operations and is prepared to ensure that the "final" adopted budget contains sufficient appropriations to satisfy all actual expenditures.

This Ordinance will appear on the November 2012 and January 2013 agendas to comply with, Section 166.241 (4) of the Florida Statutes. Although this section requires all budget amendments be made "within up to 60 days following the end of the fiscal year," we will be unable to have the ordinance on second reading until January 2013 as there is no December meeting. This process is consistent with the City's past practice as the Ordinance will appear on first reading prior to the November 29, 2012 deadline.

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 for the City's General Fund, by department and two (2) of the City's Debt Service Funds and the circumstances that support each recommendation.

General Fund – (001) – (\$1,230,000 net increase)

City Clerk's Office (0801) – (\$14,000 increase)

4911 – Legal Advertising

Requires a \$14,000 budget amendment due to Legal Advertising costs primarily related to zoning changes and those made to the Comprehensive Plan. This overage will be offset by \$14,000 in additional Half Cent Sales Tax revenue (3351800).

Public Safety (2001) – \$268,000

2201 – Pension

Requires a budget amendment due to an overage of approximately \$48,000 in Pension Costs as it relates to the Police Department's Pension Plan audit for 09/30/2012. According to the Plan's auditors, the City owed additional funds even though it made all of its required contributions, based on our actuarially-determined contribution percentage of 20.955%. The State's contribution of \$268,692.30 came out to a lower percentage than the projected 4.133% used by the actuary and therefore the City needs to make up the State's shortfall. This overage will be offset by \$48,000 in additional Half Cent Sales Tax revenue (3351800).

3190 – Prof. Services – Traffic Safety Program

Requires a budget amendment primarily due an overage of approximately \$220,000 in Intersection Safety Camera Program processing costs due to higher than anticipated activity experienced during the year. This overage will be offset by \$220,000 in additional Intersection Safety Camera Program revenue (3542000).

Community Development (4001) – (\$560,000 increase)

3101 – Building Inspection Services

Requires a budget amendment primarily due an overage of approximately \$500,000 in Building Inspection Services due to the following:

- ✓ higher than anticipated activity experienced during the year which will be offset by \$330,000 in additional Building Permit revenue (3221000)
- ✓ it appears that this account was inadvertently budgeted at only 50% of Building Permit revenue (3221000) instead of the 70% that we normally use. This likely occurred towards the end of the budget process when certain assumptions are revised as better information becomes available. It appears that we may have revised our preliminary budgeted Building Permit revenue (3221000) account without making the corresponding change to the 3101 – Building Inspection Services expenditure account. The \$170,000 true up to the expenditure that is now required will be offset by \$170,000 in additional Half Cent Sales Tax revenue (3351800).

4730 – Records Retention

Requires a budget amendment primarily due an overage of approximately \$60,000 in Records Retention Services due to higher than anticipated imaging activity for the building permit records and zoning that was experienced during the year. This overage will be offset by \$60,000 in additional Half Cent Sales Tax revenue (3351800).

Community Services (5001) – (\$85,000 increase)

4620 – R&M Buildings

Requires a budget amendment primarily due an overage of approximately \$35,000 in unanticipated miscellaneous building repairs (i.e., flooring, electrical, plumbing and air conditioning) that occurred during the year. This overage will be offset by \$35,000 in additional Half Cent Sales Tax revenue (3351800).

4854 – Summer Recreation

Requires a budget amendment primarily due an overage of approximately \$50,000 in Summer Recreation expenditures due to higher than anticipated participation in the Program that was experienced during the year. This overage will be offset by \$50,000 in additional Summer Recreation revenue (3475000).

Capital Outlay – (\$303,000 increase)

Public Safety (8020) 6206 – Police Training Room

Requires a budget amendment of \$20,000 for capital outlay funds that were appropriated by the Commission on January 19, 2012 as part of the Police Training Room project. This expenditure will be offset by \$20,000 in additional Half Cent Sales Tax revenue (3351800).

Community Services (8050) 6307 – Lighting Improvements

Requires a budget amendment of \$240,000 for the funds that were expended during Phase I of the street lighting project along the eastside of Biscayne Boulevard that were not reappropriated at the end of FY 2010/11. This overage will be offset by \$240,000 in additional American Recovery Reinvestment Act Revenue that was received for this project (3312276).

Community Services (8050) 6341 – Transportation System Improve.

Requires a budget amendment of \$43,000 for the funds that were primarily expended for engineering fees during Phase I of the street lighting project along the eastside of Biscayne Boulevard and the bus shelter. This expenditure will be offset by \$43,000 in additional Half Cent Sales Tax revenue (3351800).

In September 2002, the City issued \$12,610,000 in Series 2002 Revenue Bonds to finance the acquisition of land and the construction of a charter school as well as the

construction of the community recreation center. Two (2) separate debt service funds were established to properly account for each respective project. On June 15, 2012, the City took advantage of a very favorable interest rate environment and refunded (*refinanced*) the remaining debt of the 2002 Revenue Bonds. The City issued \$9,885,000 in Series 2012 Revenue Bonds with SunTrust Bank at a rate of 2.18%, resulting in a more than \$2.5M NPV savings over the life of the loan. *As a result, the following budget amendments are necessary to provide for the transaction's proper accounting treatment and recordation. Although the amounts below appear large, they have very little impact on the City's overall operations as the City simply replaced one debt instrument with a cheaper one. No additional debt was incurred by the City as a result of the above.*

CURRENT NAME OF FUND

2012 (A) LOAN DEBT SERVICE FUND 250 – (\$4,671,190 net increase)

FORMER NAME OF FUND

2002 LOAN DEBT SERVICE FUND 250

0100 – Payment to Refund Bond Escrow

Requires a budget amendment in the amount of \$4,635,749 due to the planned refinancing in June 2012 of the original Series 2002 Revenue Bonds. This overage will be offset by the receipt of \$4,671,190 in debt proceeds (3850100).

7330 – Other Debt Service Costs

Requires a budget amendment of \$35,441 due to the payment of closing costs associated with the refinancing. This overage will be offset by the receipt of debt proceeds (3850100).

CURRENT NAME OF FUND

2012 (B) LOAN DEBT SERVICE FUND 290 – (\$5,213,810 net increase)

FORMER NAME OF FUND

FIFC LOAN DEBT SERVICE FUND 290

0100 – Payment to Refund Bond Escrow

Requires a budget amendment in the amount of \$5,174,251 due to the planned refinancing in June 2012 of the original Series 2002 Revenue Bonds. This overage will be offset by the receipt of \$5,213,810 in debt proceeds (3850100).

7330 – Other Debt Service Costs

Requires a budget amendment of \$39,559 due to the payment of closing costs associated with the refinancing. This overage will be offset by the receipt of debt proceeds (3850100).

The budget amendments outlined above, are expected to have little to no impact on the FY 2011/12 overall budget or carryover that was utilized in the preparation of the FY 2012/13 budget. Based on this analysis, I recommend approval of the attached Ordinance.

ORDINANCE NO. 2013-__

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AMENDING ORDINANCE NO. 2011-08 WHICH ORDINANCE ADOPTED A BUDGET FOR THE 2011/2012 FISCAL YEAR BY REVISING THE 2011/2012 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.

WHEREAS, upon the periodic review and analysis of current budgetary commitments and obligations, and based upon the projected needs and requirements of the City and upon the recommendations of the City Manager (and the concurrence of the Finance Director as to Accounting Principles), it is deemed necessary to adjust, amend and implement the 2011/2012 Operating and Capital Budget as set forth in Exhibit "A" attached hereto and made a part hereof.

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

Section 1. The recitals contained in the preamble to this Ordinance are incorporated by reference herein.

Section 2. The City Commission hereby authorizes the amendment of Ordinance No. 2011-08, which Ordinance adopted a budget for the 2011/2012 fiscal year, by revising the 2011/2012 budget as set forth on the attached Exhibit "A" which exhibits are deemed incorporated by reference as though set forth in full herein.

Section 3. The City Manager is hereby authorized to do all things necessary to carry out the aims of this Ordinance.

Section 4. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading and shall be applicable retroactively from and after October 1, 2011.

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

Commissioner Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbàez Weinberg	_____
Mayor Susan Gottlieb	_____

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 Enbar Cohen	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Howard Weinberg	_____
Commissioner Luz Urbàez Weinberg	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED on first reading this 13th day of November, 2012.

PASSED AND ADOPTED on second reading this 8th day of January, 2013.

SUSAN GOTTLIEB, MAYOR

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

CITY OF AVENTURA
GENERAL FUND 001
FY 2011/12 BUDGET AMENDMENT

REVENUES

OBJECT CODE NO.	CATEGORY	2011/12 ADOPTED AMOUNT	2011/12 AMENDED AMOUNT	2011/12 REVISED BUDGET
3221000	Building Permits	\$ 1,300,000	\$ 330,000	\$ 1,630,000
3312276	American Recovery Reinvestment Act	-	240,000	240,000
3351800	Half Cent Sales Tax	1,725,000	390,000	2,115,000
3475000	Summer Recreation	445,000	50,000	495,000
3542000	Intersection Safety Camera Program	1,050,000	220,000	1,270,000
	Total Revenue	<u>\$ 4,520,000</u>	<u>\$ 1,230,000</u>	<u>\$ 5,750,000</u>
	TOTAL AMENDMENTS - REVENUE		<u>\$ 1,230,000</u>	

EXPENDITURES

OBJECT CODE NO.	CATEGORY	2011/12 ADOPTED AMOUNT	2011/12 AMENDED AMOUNT	2011/12 REVISED BUDGET
	CITY CLERK'S OFFICE (0801)			
	<u>OTHER CHARGES & SERVICES</u>			
4911	Legal Advertising	\$ 30,000	\$ 14,000	\$ 44,000
	Total City Clerk's Office	<u>\$ 30,000</u>	<u>\$ 14,000</u>	<u>\$ 44,000</u>
	PUBLIC SAFETY (2001)			
	<u>PERSONAL SERVICES</u>			
2201	Pension	\$ 1,994,879	\$ 48,000	\$ 2,042,879
	Subtotal	<u>\$ 1,994,879</u>	<u>\$ 48,000</u>	<u>\$ 2,042,879</u>
	<u>CONTRACTUAL SERVICES</u>			
3190	Prof. Services - Traffic Safety Program	\$ 393,000	\$ 220,000	\$ 613,000
	Subtotal	<u>\$ 393,000</u>	<u>\$ 220,000</u>	<u>\$ 613,000</u>
	Total Public Safety	<u>\$ 2,387,879</u>	<u>\$ 268,000</u>	<u>\$ 2,655,879</u>
	COMMUNITY DEVELOPMENT (4001)			
	<u>CONTRACTUAL SERVICES</u>			
3101	Building Inspection Services	\$ 650,000	\$ 500,000	\$ 1,150,000
	Subtotal	<u>\$ 650,000</u>	<u>\$ 500,000</u>	<u>\$ 1,150,000</u>
	<u>OTHER CHARGES & SERVICES</u>			
4730	Records Retention	\$ 35,000	\$ 60,000	\$ 95,000
	Subtotal	<u>\$ 35,000</u>	<u>\$ 60,000</u>	<u>\$ 95,000</u>
	Total Community Development	<u>\$ 685,000</u>	<u>\$ 560,000</u>	<u>\$ 1,245,000</u>
	COMMUNITY SERVICES (5001)			
	<u>OTHER CHARGES & SERVICES</u>			
4620	R&M - Buildings	\$ 82,500	\$ 35,000	\$ 117,500
4854	Summer Recreation	300,000	50,000	350,000
	Total Community Services	<u>\$ 382,500</u>	<u>\$ 85,000</u>	<u>\$ 467,500</u>
	CAPITAL OUTLAY - (80XX)			
	<u>Public Safety - 20-521</u>			
6206	Police Training Room	\$ -	\$ 20,000	\$ 20,000
	<u>Community Services - 50-541</u>			
6307	Street Lighting Improv.	300,000	240,000	540,000
6341	Transportation System Improve.	-	43,000	43,000
	Total Capital Outlay	<u>\$ 300,000</u>	<u>\$ 303,000</u>	<u>\$ 603,000</u>
	TOTAL AMENDMENTS - EXPENDITURES		<u>\$ 1,230,000</u>	

CITY OF AVENTURA
 2012 (A) LOAN DEBT SERVICE FUND 250 (CURRENT NAME OF FUND)
 2002 LOAN DEBT SERVICE FUND 250 (FORMER NAME OF FUND)
 FY 2011/12 BUDGET AMENDMENT

REVENUES

OBJECT CODE NO.	CATEGORY	2011/12 ADOPTED AMOUNT	2011/12 AMENDED AMOUNT	2011/12 REVISED BUDGET
3850100	Debt Proceeds from Refunding	\$ -	\$ 4,671,190	\$ 4,671,190
	Total	\$ -	\$ 4,671,190	\$ 4,671,190
	TOTAL AMENDMENTS - REVENUE		\$ 4,671,190	

EXPENDITURES

OBJECT CODE NO.	CATEGORY	2011/12 ADOPTED AMOUNT	2011/12 AMENDED AMOUNT	2011/12 REVISED BUDGET
	<u>DEBT SERVICE</u>			
	<u>Refund Bond Escrow - 585</u>			
0100	Payment to Refund Bond Escrow	\$ -	\$ 4,635,749	\$ 4,635,749
	<u>Non-Departmental - 590</u>			
7330	Other Debt Service Costs	7,500	35,441	42,941
	Total	\$ 7,500	\$ 4,671,190	\$ 4,678,690
	TOTAL AMENDMENTS - EXPENDITURES		\$ 4,671,190	

CITY OF AVENTURA
 2012 (B) LOAN DEBT SERVICE FUND 290 (CURRENT NAME OF FUND)
 FIFC LOAN DEBT SERVICE FUND 290 (FORMER NAME OF FUND)
 FY 2011/12 BUDGET AMENDMENT

REVENUES

OBJECT CODE NO.	CATEGORY	2011/12 ADOPTED AMOUNT	2011/12 AMENDED AMOUNT	2011/12 REVISED BUDGET
3850100	Debt Proceeds from Refunding	\$ -	\$ 5,213,810	\$ 5,213,810
	Total	\$ -	\$ 5,213,810	\$ 5,213,810
	TOTAL AMENDMENTS - REVENUE		\$ 5,213,810	

EXPENDITURES

OBJECT CODE NO.	CATEGORY	2011/12 ADOPTED AMOUNT	2011/12 AMENDED AMOUNT	2011/12 REVISED BUDGET
	<u>DEBT SERVICE</u>			
	<u>Refund Bond Escrow - 585</u>			
0100	Payment to Refund Bond Escrow	\$ -	\$ 5,174,251	\$ 5,174,251
	<u>Non-Departmental - 590</u>			
7330	Other Debt Service Costs	3,500	39,559	43,059
	Total	\$ 3,500	\$ 5,213,810	\$ 5,217,310
	TOTAL AMENDMENTS - EXPENDITURES		\$ 5,213,810	